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**[01/25/1998 - 01/29/1998]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Christa Robinson to Donna Geisbert, et al; Re: Box. (5 pages)	01/26/1998	P6/b(6)
002. email	William Kincaid to Michael Cohen & Elena Kagan; RE: Admissions Standards/Magnet schools grant applications [Phone Number] (partial) (1 page)	01/28/1998	P6/b(6)

**COLLECTION:**

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

**FOLDER TITLE:**

[01/25/1998 - 01/29/1998]

2009-1006-F  
db1575

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

CREATION DATE/TIME:25-JAN-1998 16:40:16.00

SUBJECT: FMLA

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

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

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

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

TEXT:

The President said Sunday he wants to stick with doctor's appts and parent-teacher conferences, nothing else. Melanne agreed.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-JAN-1998 17:26:26.00

SUBJECT: Zones Paper

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

TEXT:

Attached are the following draft materials for the Education Opportunity Zones:

- Revised 2-pager (urb98pub.9)
- Examples (urb98ex.4)
- Internal Q's and A's (eozq&a.7)

It's especially important for you to review the two-pager. Mike and I recommend that we let the Department distribute the examples, which are fairly lengthy. Also, please note that these Q's and A's are fairly detailed and are designed to anticipate the kinds of questions that Education is likely to get.

Thanks.

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D74]MAIL49553642V.026 to ASCII,  
The following is a HEX DUMP:

FF57504396040000010A02010000000205000000465B0000000200001C85841B03A6250ACAB5DF

**EDUCATION OPPORTUNITY ZONES:  
STRENGTHENING URBAN AND RURAL SCHOOLS**  
REVISED DRAFT -- January 25, 1998

*I challenge every school district to adopt high standards, to abolish social promotion, to move aggressively to help all students make the grade through tutoring, and summer schools, and to hold schools accountable for results, giving them the tools and the leadership and the parental involvement to do the job.*

*-- President Bill Clinton, October 28, 1997*

**HELPING RAISE ACHIEVEMENT FOR STUDENTS IN HIGH POVERTY COMMUNITIES.** President Clinton's Education Opportunity Zones initiative will strengthen public schools and help students master the basic and advanced academic skills where the need is the greatest: in high poverty urban and rural communities where concentrated poverty, low expectations, too many poorly prepared teachers, and overwhelmed school systems create significant barriers to high achievement. The Education Department will select approximately fifty high poverty urban and rural school districts with: (1) a demonstrated commitment to use high standards and tests of student achievement as tools to identify and provide help to students, teachers and schools who need it; (2) a strategy to prevent students from falling behind by ensuring quality teaching, challenging curricula, and extended learning time; (3) programs to end social promotion and turn around failing schools; and (4) evidence of improved student achievement. Added investments in these communities will accelerate their progress and provide successful models of system-wide, standards-based reform for the nation. The President's initiative will invest \$200 million in FY99, and \$1.5 billion over 5 years, to raise achievement and share lessons learned with school districts around the country.

**A CLEAR FOCUS ON HIGH STANDARDS AND ACCOUNTABILITY FOR RESULTS.** To be selected as Education Opportunity Zones, school districts will have to demonstrate that they are using their existing funds effectively to raise student achievement and show how they will address some key aspects of strong local reform efforts: ■ holding schools accountable for helping students reach high academic standards, including rewarding schools that succeed and intervening in schools that fail to make progress; ■ holding teachers and principals accountable for quality, including rewarding outstanding teachers, providing help to teachers who need it, and fairly and quickly removing ineffective teachers; ■ ensuring students don't fall behind, by providing a rich curriculum, good teaching and extended learning opportunities; ■ ending social promotions and requiring students to meet academic standards at key transition points in their academic careers; and ■ providing students and parents with school report cards and expanded choice within public education.

**EXTRA RESOURCES TO IMPROVE TEACHING, LEARNING, AND LEADERSHIP.** School districts will use Education Opportunity Zone funds for key activities to support standards-based, district-wide reforms such as: ■ providing rewards to schools that make significant gains in student achievement; ■ turning around failing schools by implementing proven reform models, or closing them down and reconstituting them; ■ providing extra help to

students who need it to meet challenging standards, through after-school, Saturday, and/or summer school programs; ■ building stronger partnerships between schools and parents, businesses, and communities; ■ implementing sound management practices and accountability systems; ■ providing intensive professional development to teachers and principals; ■ helping outstanding teachers earn master teacher certification from the National Board for Professional Teacher Standards and giving them bonuses when they do; and ■ implementing programs to identify low performing teachers, assist them to improve, and remove them if they fail to do so.

**COMPETITIVE GRANTS TO SUPPORT PROMISING MODELS.** Districts will be selected as Education Opportunity Zones under a competitive, peer-review process. A mix of large and smaller urban areas will be selected to participate, as well as rural school districts and consortia. Each urban Education Opportunity Zone will receive a 3-year grant of \$10-25 million per year (depending upon size and proposed activities), and each rural Zone will receive from \$250,000 to \$3 million (for consortia). Zones will be selected in two rounds, the first in FY 1999, and the second in FY 2001. Successful applicants will have broad-based partnerships to support their reforms -- including parents, teachers, local government, business and civic groups, institutions of higher education and other key stakeholders. Successful applications will show how the district will use all available resources -- federal, state, and local, as well as any business or foundation funds -- to carry out its reform strategy and maintain it once these federal funds are no longer available. Eligible districts often have substantial numbers of disabled and limited English proficient children, and successful applications will address how these children will be assisted to meet high standards.

**REWARDS FOR DEMONSTRATED STUDENT ACHIEVEMENT GAINS.** Each Education Opportunity Zone, together with the Secretary of Education, will agree to specific, ambitious, benchmarks for improved student achievement, lower dropout rates and other indicators of success, for districtwide performance and specific student subgroups. Districts may receive further support in years 4 and 5 only if they have demonstrated success in reaching the agreed-upon benchmarks.

**GREATER FLEXIBILITY IN USING OTHER FEDERAL RESOURCES.** All schools in an Education Opportunity Zone school district -- regardless of poverty level -- will become eligible for schoolwide flexibility in the use of federal education funds. Requirements pertaining to school accountability, as well as special education, health, safety, and civil rights, will continue to be met.

**ASSISTANCE TO HELP DISTRICTS FIND AND SHARE WHAT WORKS.** The Department of Education will offer technical assistance, use technology to help districts consult with each other, and disseminate lessons learned to communities nationwide. Special attention will be given to helping school districts design and implement strategies for providing students who need it with early intervention and extra help to enable them to meet promotion standards. In addition, a national evaluation of the Education Opportunity Zones will be conducted, with the results helping to inform the next reauthorization of the Elementary and Secondary Education Act.

**BOLD ACTION TO HELP CHILDREN IN OUR CITIES AND RURAL AREAS.**

Education Opportunity Zones are part of a broader set of initiatives to help strengthen high-poverty urban and rural schools. President Clinton has also proposed new initiatives to reduce class size in the primary grades, modernize school buildings, recruit and prepare teachers for underserved urban and rural areas, and dramatically expand the availability and quality of child care and after-school learning opportunities. These and other proposals still to be announced will have a powerful impact on improving the prospects of children in some of our poorest communities.

**URBAN AND RURAL EDUCATION  
OPPORTUNITY ZONES -- EXAMPLES OF ACTIVITIES THAT COULD  
BE SUPPORTED UNDER THE PROPOSAL  
REVISED DRAFT -- January 25, 1998**

**Student Assistance and Accountability:**

- **In Chicago, many students participate in the district's Lighthouse after-school program, which features intense reading/math instruction, social, and other enrichment activities, and a meal. Students in the district who perform below minimum standards at key transition grades (3, 6, 8 and 9) are required to participate in a seven-week "SummerBridge" program and pass a test before moving on to the next grade. Over 45,000 students were served in the SummerBridge program in 1997, and over 144,000 students participated in some form of summer activity.**
- **The Long Beach school district required 1,600 third graders who had not attained reading proficiency by the end of the year to attend five-week tutorial sessions.**
- **In Cincinnati, student promotion is now based on specific standards that define what students must know and be able to do. The standards are designed to prepare students to pass the state's ninth-grade proficiency test.**
- **In the Halifax County, North Carolina School District, high school honor students are paid by the district to tutor younger students in reading one-and-a-half hours per day and the district hires retired teachers to work with struggling students.**
- **A before- and after-school tutoring program offered by the Fentress County school system in Jamestown, Tennessee provides approximately 300 students with long- or short-term assistance to address their instructional needs. The program is offered in all grades; mathematics and language arts are priorities for high school students.**
- **After determining that half of its middle grade students were reading below grade level, staff in the Wilkes County schools in Washington, Georgia made intensive reading instruction a priority. The district has worked to upgrade professional development in reading instruction and reduce class size, helping teachers work with individual students.**
- **In the Rogers and Holland school districts in Texas, students and teachers identify a project that utilizes technology as a primary research tool. Teachers create teams of 2 to 4 students, a mentor teacher-- and an expert who is linked via technology. The approach connects students to information sources beyond the rural communities and gets them actively engaged in learning.**

**Staff Effectiveness and Accountability:**

- **Charlotte-Mecklenburg's Benchmark Goals program gives cash awards of \$750 to**

\$1,000 to teachers in schools whose students meet a range of goals that reflect improvements from previous performance. The goals are structured so that schools have an incentive to raise the achievement of their lowest performing students. The program also focuses on goals for African American students, who historically have been under-achievers in the Charlotte school system, thus ensuring that schools work to close the achievement gap between African American and white students.

- **In Cincinnati, school district administrators' pay raises are now linked to job performance, with automatic cost-of-living adjustments and salary rates being replaced by new criteria, including performance on several measures such as student test scores and graduation rates. The district is also preparing a system for providing financial rewards to schools based on student achievement, to take effect in 1998-99.**
- **In St. Paul, the school district is collaborating with the teachers' union and the University of Minnesota on Project 20/20 to support teachers through the National Board for Professional Teaching Standards (NBPTS) certification process. The district pays the application fees and the university and other partners develop and conduct professional support programs for the candidates.**
- **School districts like Los Angeles, where teachers will get a raise of 15%, are providing significant salary increases to reward National Board Certified Master Teachers.**
- **Peer review and assistance programs help beginning teachers learn to teach and help veterans who are having difficulty improve their teaching or leave the classroom without union grievances or delays. In New York City, for example, low-performing teachers can be assigned to an intervention program where they gain assistance from colleagues and administrators, and if unable to improve, are counseled out of the profession or removed. In Cincinnati and Toledo, which also have such programs, while most teachers improve their performance, roughly one-third of the teachers referred to intervention have left teaching by the end of the year, through resignation, retirement or dismissal. Columbus and Seattle also have aggressive peer review programs.**
- **In Rochester, expert, experienced teachers can be selected through a rigorous evaluation process as "lead teachers" and given significant salary stipends to become involved with peer counseling, or to take on other reform-related priorities such as consulting with new teachers, accepting positions in "intervention" schools, and developing curricula.**
- **New York City's Community District 2 places an unusually strong emphasis on providing ongoing opportunities for teachers to build skills and learn from one another. For example, the district enables visiting teachers to observe and practice**

**with a highly accomplished teacher for three weeks while their classrooms are taught by another experienced teacher.** District 2 registered the second highest standardized test scores in math and reading in the city.

- Students in the **Penasco Independent Schools** in New Mexico benefit from a districtwide plan for student success that sets standards for all district staff. The plan specifies what administrators, teachers, and support staff must do to reach the district's targeted goals in a number of areas, including academic performance, attendance, and parent involvement. The plan also includes benchmarks to help staff assess their progress toward the goals. Student performance on the New Mexico High School Competency Exam and on the portfolio writing assessment have increased over the last three years.

#### **School Improvement and Accountability:**

- In 1994, the *San Francisco* Unified School District reconstituted Visitacion Valley Middle School because of its low performance on a number of measures. The school district hired a new principal, who then hand-picked a new staff that redesigned the school's structure and program, including a new commitment to a safe atmosphere and to fostering children's educational development. The school is now a "graduate" of the reconstitution process, having shown gains in student achievement since reconstitution.
- **The Charlotte-Mecklenburg school system distributes to parents easy-to-read student learning goals at the beginning of the school year. The district then follows up with school report cards on student attendance and performance that are distributed to parents and every household in the district, and are published in the newspaper, in part to help inform parents' decisions about the district's magnet schools.**
- **In Chicago, schools are placed on probation due to continuously low student achievement. These schools will be targeted for aggressive intervention strategies by the district, such as providing intensive help and training from expert teams of educators, or, where necessary, replacing ineffective principals and teachers. In the event of persistent failure, the district may shut down and reorganize the schools. Seven high schools were reconstituted between the 1996-97 and 1997-98 school years.**

**Chicago also recognizes a number of exemplary schools, providing financial rewards of \$5,000 and \$10,000 to the winners to become professional development centers for other schools. Seventeen schools were awarded exemplary status in the first year.**

- **New York City also has a union-district negotiated process for "redesigning" schools identified by the state as failing. Such schools can replace approximately half the incumbent teaching faculty. For example, at PS 154 in Harlem, test scores**

**have gone up significantly since the school was reopened in the fall of 1996.**

- **McCreary County, Kentucky** has taken advantage of the fact that one of its schools was designated as in need of assistance from one of Kentucky's Distinguished Educators. The Distinguished Educator introduced the school to a variety of effective instructional strategies, which the county then disseminated to other schools in the district. Teachers have been working to align the county's curriculum with the state's standards. Schools develop their own improvement plans based on student achievement data, and use the plans to determine teachers' professional development needs. McCreary County has met its 1998 state accountability target a year early.
- The **Los Fresnos Independent School District** in Texas supplements the state assessment with local assessments -- administered three times each year -- to provide teachers with data for monitoring students' progress, and to modify timelines and instructional practices. Students who consistently perform below expectations are tutored after school by certified teachers, who receive Title I-funded stipends. In 1997, 84 percent of students tested passed all portions of the state assessment -- up from 77 percent in 1996.

#### **Public School Choice:**

- In **Boston**, all parents choose their child's public school, and have a wide array of options ranging from neighborhood schools, magnet schools, and pilot and public charter schools which operate under performance contracts that provide them with greater autonomy and accountability for results.
- **The Houston Independent School District recently instituted an open choice program. Parents may send their children to any of the district's 258 schools provided the school is enrolled at 95 percent of capacity or below. The district is currently analyzing available space and plans to publish the information in the near future; parents will apply to the district transfer office to change schools.** In addition to this choice program, the district has launched an aggressive effort to support in-district charter schools.
- **Cambridge, Massachusetts** allows every family to choose a public school for their child. The school district provides information on every school and has created parent centers to help parents learn about and choose a public school for their child. More than 90% of parents get their first choice of kindergarten for their child, and most get one of their top picks at all grade levels.
- The **San Diego** school district has helped parents, teachers, and principals create more than a dozen public charter schools that stay open only as long as they do a good job. These are all schools of choice, publicly accountable and open to students from around the school district.

- The **Zuni Pueblo** Public School District in New Mexico has public school choice, enabling families to choose among local schools, BIA and BIA-supported boarding schools. Families are well connected with the schools, for example, school conferences draw 100 percent participation from parents.

**EDUCATION OPPORTUNITY ZONES**  
**QUESTIONS AND ANSWERS**  
DRAFT for internal use only -- January 25, 1998

**Overall Questions**

**What is the purpose of the Education Opportunity Zones?**

This initiative will help accelerate and expand progress in high-poverty urban and rural school districts that are on the right track, and highlight models of success. Education Opportunity Zones will demonstrate how a serious approach to high standards benefits all students. Funds will be targeted to improve low performing schools, expand opportunities for student achievement, broaden choices for families, and hold schools, teachers, and students accountable for results.

**How does the Zone initiative relate to the President's other new initiatives?**

Education opportunity zones are part of a broader set of initiatives to help strengthen urban and rural schools. President Clinton has proposed a [\$10 billion] national campaign to modernize schools, a \$350 million initiative to recruit and prepare teachers for underserved urban and rural areas, and made a dramatic commitment to expanding the availability and quality of child care and after-school learning opportunities. These and additional proposals still to be announced will have a powerful impact on improving the prospects of children in some of our poorest communities.

**Are you proposing this initiative as an alternative to respond to Republican calls for vouchers?**

The President is committed to strengthening public schools, not abandoning them. Along with other new initiatives that will help raise achievement for urban and rural students, like school construction and teacher recruitment and preparation, we are proposing Education Opportunity Zones in response to the clear need for sharp improvements in the nation's poorest school districts and to encourage and expand promising school reform efforts that are taking a disciplined, effective approach centered on high standards. The fact is that 90% of our students attend public schools, and our primary responsibility, especially with limited federal resources, is to make sure that the public schools they attend are among the best in the world. This means concentrating our time and money on raising academic standards, improving teaching, providing schools with technology and other up-to-date learning tools, and creating charter schools and other forms of choice within the public school system. In contrast to vouchers, the Education Opportunity Zones will support effective local efforts to improve education for all students in participating districts, rather than just a few.

**This initiative clearly encourages districts to discontinue social promotion. How do you respond to criticisms of that approach?**

The President strongly believes that we shouldn't promote kids who are not ready because it will hurt them over the long term. This initiative is designed to hold teachers and schools

accountable, as well as students. Rather than punishing kids, this initiative attempts to create the conditions under which districts take steps to ensure that students are ready to meet standards the first time, rather than falling behind and needing remediation.

### **Qualified Applicants**

#### **What communities will be eligible for the Zone initiative?**

High-poverty urban and rural school districts will be targeted under this initiative. In order to be selected as Zones, districts will have to show that they have already begun to raise student achievement, or that they have begun to put into place credible and effective improvement policies.

#### **How many school districts will be eligible to participate?**

This initiative will target urban and rural school districts with a significant percentage or a large number of students in poverty. This means that well over a thousand districts will be eligible, including districts in every state.

#### **Are Zones entire school districts or smaller areas within school districts?**

Entire school districts, or consortia of districts, will be designated Education Opportunity Zones. Grant funds may be used for district-wide activities such as improving sound management and assessment systems, as well as to improve low-performing schools. Districts may choose to target their resources under the initiative to subsets of low-performing schools.

#### **Will large cities receive a preference for designation as Zones?**

Proposed legislation will direct the Secretary to seek to ensure that both large and smaller urban areas are selected to participate, as well as rural school districts. We expect that urban school districts will receive a substantial proportion of funding under the initiative.

#### **Can consortia of districts apply to be Zones?**

Yes, consortia of districts can apply. We anticipate that most consortia will be comprised of rural school districts.

#### **Can charter schools participate in the program?**

Under state law, public charter schools are generally either Local Educational Agencies (LEAs) or public schools within an LEA. Charter schools that are part of an urban or rural school district designated as an Education Opportunity Zone may benefit from this program. Charter schools that are considered an LEA themselves are eligible to apply only if they meet the eligibility criteria for all LEAs. That is, they must be high poverty and serve a small town or rural community or an urban area. While charter schools may be eligible to apply, the purpose of this initiative is to demonstrate that a district-wide, serious approach to high standards can help raise

achievement.

**Are private schools eligible for funding under this program?**

Private schools cannot be designated as Education Opportunity Zones, but students, teachers and administrators associated with private schools within an area served by a Zone will be eligible to participate, on an equitable basis, in training and extended learning programs supported by the initiative. Likewise, private school teachers and administrators will also be eligible to receive materials and information developed through the grants.

**Can schools serving Native American students apply for funds?**

Yes. Most BIA schools and schools that serve large concentrations of Native American students will qualify as eligible applicants under this program. Many of these schools are rural and have high percentages of students from low income families. Proposed legislation will direct the Secretary to seek to ensure that there is an equitable distribution of grants among geographic regions of the country and to rural schools serving large concentrations of Native American students.

**[Can territories and outlying areas apply for this program?]**

**Grant Size and Scope**

**How many grants are expected to be awarded and what will be their size?**

The Zone initiative would invest approximately \$200 million in FY 99, and \$1.5 billion over five years. We expect to fund over 50 grants to urban and rural communities. Urban school districts will receive grants of \$10-25 million per year (depending on the size and proposed activities). Rural communities will receive grants of \$250,000 to \$3 million (for consortia) per year.

The Zones will be selected in two rounds, the first in FY 1999, and the second in FY 2001.

**Are grants renewable?**

Grants will be awarded for 3 years. As part of their original grant award, districts will agree to a rigorous performance partnership that includes specific benchmarks for student success. Districts may receive further support in years 4 and 5 only if they have demonstrated success in reaching the agreed benchmarks.

**Will districts have to provide matching funds?**

No, districts will not have to provide an explicit match. However, a successful applicant will have to show how it will use all available resources, including the new funds sought under the Education Opportunity Zones program, in order to carry out its plan to raise student achievement. Moreover, each applicant must show how it will continue to carry out its strategies using other resources at the conclusion of Zones funding. Education Opportunity Zone funding will

be structured to phase out in latter years.

### **Application Process and Grant Activities**

#### **What will districts have to include in their applications for funds? Must they indicate which schools they will target for improvement?**

Districts will have to demonstrate in their applications that they are using their existing funds effectively and have already begun to raise student achievement, or, at a minimum, that they have begun to put into place credible and effective improvement policies. They will also need to explain how they will address key aspects of effective local reform such as: holding schools accountable for helping students reach high academic standards, including rewarding schools that succeed and intervening in schools that fail to make progress; holding teachers and principals accountable for quality, including rewarding outstanding teachers, providing help to those who need it, and fairly and quickly removing ineffective teachers; ensuring students don't fall behind, by providing a rich curriculum, good teaching and extended learning opportunities; ending social promotions and requiring students to meet academic standards at key transition points in their academic careers; and providing students and parents with expanded choice within public education.

Applicants must also demonstrate the support of all key stakeholders -- including parents and teachers. They must describe how they will use all available resources -- federal, state, local, and private -- to carry out their reform strategies and how they intend to maintain the reform effort once federal funds expire. Furthermore, successful applicants will need to describe how they will intervene in schools and how they will measure progress, including defining rigorous benchmarks for success.

#### **How will Zones be selected?**

Districts or consortia will be selected under a competitive, peer-review process. Reviewers will be looking for districts which best address the purposes of the program and which demonstrate the greatest likelihood of modeling successful approaches for raising achievement in high poverty urban and rural areas.

#### **What kinds of activities can the grant funds support?**

School districts will use Education Opportunity Zone funds for key activities such as: providing extra help to students who need it to meet challenging standards, through after-school, Saturday, and/or summer school programs; providing bonuses to schools that make significant gains in student achievement; turning around failing schools by implementing proven reform models, or closing them down and reconstituting them or reopening them as charter schools; building stronger partnerships between schools and parents, businesses, and communities; implementing sound management practices and accountability systems; providing intensive professional development to teachers and principals; helping outstanding teachers earn master teacher certification from the National Board for Professional Teacher Standards and giving them bonuses when they do; and implementing programs to identify low performing teachers, assist

them to improve, and remove them if they fail to do so.

**What flexibility will districts have in the use of other resources?**

All public schools within an Education Opportunity Zone -- regardless of poverty level -- will become eligible for schoolwide flexibility in the use of federal education funds. In other words, under the proposal, the 50% poverty threshold ordinarily required for a school to become a schoolwide project would not apply to Education Opportunity Zone schools. However, requirements pertaining to school accountability, as well as special education, health, safety, and civil rights, will continue to be met.

**What technical assistance will be available for Zones?**

The Department of Education will provide expert technical assistance to the Education Opportunity Zones through its technical assistance providers and by convening grantees to share information and ideas. It will also utilize technology to help districts consult with each other and disseminate lessons learned to urban and rural communities across the U.S.

**How will grantees be held accountable for results?**

During the negotiation of each grant award, each Zone will agree to a rigorous performance partnership with the Secretary of Education. The performance partnership must include specific, ambitious, disaggregated benchmarks in student achievement, dropout rates, and other indicators of success. Districts will receive additional financial support in years 4 and 5 only if they have demonstrated success in reaching their agreed upon benchmarks.

**Mr. Clay's legislation provides for the President to direct other agencies -- beyond Education -- to assist local schools with problems like school construction. Does the President's proposal include a similar feature?**

The White House and the Department of Education are beginning to consult with other federal agencies to determine what kinds of assistance could be offered and what sort of arrangements would be most appropriate.

**Connections to other initiatives**

**How do these new Zones differ from Empowerment Zones and Enterprise Communities?**

The Education Opportunity Zones initiative and the EZ/EC initiative support one another, but are distinct. Education Opportunity Zones will consist of entire school districts or consortia of school districts. Empowerment Zones and Enterprise Communities are specific neighborhoods or regions that may or may not be contiguous with school districts. While both are in the spirit of bringing the community together behind focused efforts to address local challenges, Education Opportunity Zones are especially designed to address the educational needs of their communities and school districts, whereas the EZ/EC initiative is aimed at broader community revitalization strategies, which can include education but also extend to economic development, community development, and job training. Communities with a strong EZ/EC effort with a significant focus on education will be well-positioned to rally the community together behind the kinds of

effective school reforms that will be supported by Education Opportunity Zones.

**Do Zone districts have to participate in the national tests?**

No. We are pleased that 15 major city school districts have already made a commitment to take part in the national tests of 4th grade reading and 8th grade math, but participation in these tests is voluntary. However, successful Education Opportunity Zone applicants must show that they have firmly integrated challenging standards and tests (which could include state, local, or national assessments) into their strategies for raising student achievement.

**How do Zones relate to the Comprehensive School Reform Program? Do Zones have to implement comprehensive school reform programs in their schools?**

These two programs are distinct, but complementary, and both are geared to help students reach high academic standards.

The Education Opportunity Zones initiative distributes comparatively large grants from the Department of Education to a fairly limited number of competitively selected, high-poverty districts. The purpose of this initiative is to demonstrate that a serious approach to high standards, entailing accountability for students, teachers, and schools, can help raise achievement across an entire district, or at least within a sizable portion of a district.

The Comprehensive School Reform program established during the last session of Congress provides formula funds to states which then distribute the funds competitively to a significant number of districts on behalf of individual schools. The purpose of the Comprehensive School Reform program is to get individual schools to successfully adopt tested reform models, or develop new, effective models based on research. CSR funds can help school in Education Opportunity Zones implement proven models of reform, and can help provide additional resources for Zones to use for turning around failing schools. The Education Department will encourage states to make sure these important resources are available to school districts eligible to be selected as EOZ's.

**Will Education Opportunity Zones receive a preference for other initiatives, such as school construction funding?**

At this time, there are no plans to provide additional incentives for participation beyond in the Education Opportunity Zones initiative beyond the added funding and flexibility that all Zones will receive. However, other new initiatives will include features targeting assistance on the kinds of high poverty communities that the Zones are designed to assist.

**Process Issues**

**What kind of support do you expect to receive in Congress?**

Improving public schools in our most disadvantaged communities should be a bipartisan national

priority. Lawmakers in both parties are keen on finding tough, effective ways to address low achievement in some of our largest cities, and we expect this proposal to gain strong bipartisan support. We have been working with Congressman Bill Clay of St. Louis, Ranking Democrat on the House Education and the Workforce Committee, who has submitted urban education renewal legislation which has helped to shape our own proposal.

**How will the Administration solicit input from outside groups?**

Last winter and spring the Department hosted five meetings with experts in urban education to discuss urban needs and effective strategies for improving urban education. Many of these groups have participated in meetings throughout the year to offer advice on addressing urban education issues. Thus, the Administration's proposal already reflects more than a year of input from key groups committed to strengthening urban schools. Going forward, there will be many other opportunities for additional input as the legislation and grant competition are designed.

**When will a bill go to Congress?**

Work is underway at the Department to prepare legislative specifications, but we plan to do additional consultations with Congress and stakeholders in the education community before transmitting our proposal to the Hill.

**Do you anticipate that all districts cited as examples in your materials will be selected for the program?**

No. Each district cited helps illustrate one or more of the kinds of policies and activities to be supported under the Zones initiative, but no single district -- urban or rural -- best addresses each of the purposes of the program or will automatically be selected.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-JAN-1998 16:28:16.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

sorry to bother you. can you call re: SoTU one pagers? kevin 6-2640

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JAN-1998 18:29:59.00

SUBJECT: Tobacco and possible to do items

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

TEXT:

1. SOTU. Blilely's folks say they have had trouble keeping the R caucus from thinking the President will exploit tobacco as a political issue. Tomorrow might be a good day to put in a courtesy call to him to explain the President's bipartisan message in the SOTU. I know you are talking to some members in our caucus, are you planning to talk tobacco in addition to other topics?

2. Internal meetings to do soon  
Farmers-- scheduling for this week  
International-- sent you e-mail of results  
Smuggling/blackmarket-- waiting for Gruber to get back from vacation

The others on our list are: state penalties, legal fees, documents, Medicare/VA/DOD, drugs/alcohol, asbestos, state spending, Liggett, excess profits tax, antitrust, class action, minorities/cessation, FDA bill. Any you want us to start this week?

3. Other

Tarplin says he's getting a budget roll-out plan together  
You have a draft response to McCain I sent over  
Meetings with Conrad, Harkin group for this week  
We're looking for a second hand smoke position that might make an exec. order, otherwise consider the international order State/Commerce want to send out formally ending Administration support for tobacco promotion overseas.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes ( CN=Julie A. Fernandes/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:26-JAN-1998 12:19:00.00

SUBJECT: H1B visas

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,

H1B visas are temporary work visas for specialty workers. They allow generally highly skilled immigrants to work in this country for up to six years. Under current law, the annual number of H1B visas that can be issued by the INS is capped at 65,000.

Historically, we have not used the full complement of H1B visas. However, the cap was reached last August for the first time. Thus, the issue has been presented whether the Administration would support raising the cap to accomodate more temporary foreign high-skilled workers. The Administration has never taken a position on raising the cap, though we have often spoken of the need to place a strong emphasis on training American workers to meet the demands of the high tech industry.

Though the question of the H1B cap has not been squarely addressed, there have been some recent discussions of reforms to the temporary visa program. A couple of years ago, there was language in legislation that would consolidate the H1B and H2B programs (the H2B visas program is for temporary non-agricultural workers and are generally underutilized; approximately 30,000 of the 66,000 allotted are used every year). Such a consolidation would effect an increase in the number of available visas for H1B uses. According to the INS, at the time that this language was put forth, the Administration indicated that it was something that we could go along with. Also, the INS has given guidance to its adjudicators about how to best count the usage of H1B visas for purposes of determining whether the cap has been reached. Under this newer guidance, renewals of H1B visas are not counted as "new" visas for cap-counting purposes. Finally, the Department of Labor has advocated for a reduction in the length of stay for H1B visa-holders from an maximum of 6 years to a maximum of 3 years.

On January 12th of this year, Secretary Daley -- at a conference on the information-technology workforce shortage in the Silicon Valley -- stated in his remarks that the Administration was opposed to raising the cap on temporary visas for high-skilled workers. In an interview with the San Jose paper following his speech, he characterized the raising of the cap as "politically not feasible" and stressed that industry should concentrate on developing human capital within the U.S. According to the article, Silicon Valley business leaders have said that increasing the cap on visas for skilled high-tech immigrants has become one of their top legislative priorities this year.

The problem with over-use of H1B visas is related to a larger issue related to employment-based legal immigration programs. According to many

sources, it takes the Department of Labor much too long (approximately two years in many cases) to do a labor certification, which is a prerequisite for an employment-based non-temporary visa. Thus, employers use the H1B as a way around that process. If Labor's certification process were more efficient, there would likely be less of a demand for these temporary visas. To that end, the CIR recommended that Labor no longer be charged with the responsibility to do labor certifications and some (including Carnegie Foundation) have recommended that the task be contracted out. This position, however, is very controversial and strongly opposed by folks at the Department of Labor.

Leg. Affairs has been unable to locate Abraham's draft legislation on raising the cap. I am trying to track it down.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JAN-1998 09:54:47.00

SUBJECT: International Tobacco Updates

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: Sherman G. Boone ( CN=Sherman G. Boone/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TEXT:

Results from our meeting:

1. State/Commerce/USTR have agreed on draft language to send to US embassies to implement the Doggett Amendment: formalizing our "no promotion of tobacco" policy. It might make a decent leak. On the plus side it makes explicit our current rule (for instance an Ambassador could not go to a tobacco event in a foreign country under the new policy) on the other hand: (1) embassies have generally understood they shouldn't be promoting under our old policy; (2) some might say we were prompted by Doggett to do this; (3) tobacco companies can still get "routine facilitation services" such as "publicly available information." USTR is nervous about press as they say it will only raise the bar for what we should do. I still think its worth giving out, we say it formalizes our current policy, Doggett provides for continued giving out of services, and we are looking for a more comprehensive strategy to come out of the comprehensive legislation. I'd go ahead and check with groups to make sure we get validated if we were thinking of doing this.

I've dropped a copy of the document off for you.

2. The Hill (a group including Lautenberg, Durbin, Doggett, Waxman, Lugar, Harkin) have a variety of draft bills in the works:

\* An expanded Doggett that makes Doggett, which was attached to an Appropriations bill, permanent and includes all U.S. government agencies not just State/Commerce/USTR.

\* Smuggling labeling and tracking to ensure custody chain. (I've sent over a copy of their memo).

\* Fund creating \$150 million a year endowment to do media/education against smoking efforts internationally.

\* International labeling and advertising bill to make companies comply with federal domestic requirements.

These Hill groups are looking to move this stuff in the next two weeks with a media event on Feb. 11.

3. Framework Convention idea. HHS still wants to move the idea of a convention along. State is hesitant but not negative. State argues we don't have a policy yet to codify in a treaty.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes ( CN=Julie A. Fernandes/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:26-JAN-1998 10:41:52.00

SUBJECT: OMB mtg. this afternoon re: EEOC reg

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,

As you know, this afternoon at 2pm Sally Katzen is having a meeting (that will include Gen Counsel or Dpty Secy from various agencies) re: proposed EEOC federal sector complaint rule. Sally wants you to know that this will be a decision meeting.

There are several outstanding issues that Sally wants to resolve this afternoon. Her strategy is to try to reach middle-ground compromises on each. The following outlines the current rule, the proposed rule and where Sally wants to try to end up.

1. What happens after an AJ decision?

a. Current

Agency can adopt, modify or reject AJ decision. Either the agency or the complainant can then appeal within the EEOC (OFO).

b. Proposed

AJ decision is final. Agency or complainant can appeal within the EEOC (OFO).

c. Middle ground?

Sally will likely advocate for a change in the standard of review for EEOC appeals. Currently, there is de novo for facts and law. The EEOC wants to change it to clearly erroneous on the facts. Sally will likely propose substantial evidence for the facts.

2. Reconsideration

a. Current

Agencies can file a formal motion for reconsideration after an adverse decision by the EEOC appellate group.

b. Proposed

No formal process. Commission can reconsider when it believes there is a miscarriage of justice.

c. Middle ground?

Maintain the formal motion for reconsideration, but place a high standard on accepting. Commission will reconsider if they find the prior decision to have been arbitrary or capricious?

3. Pre-complaint attorneys' fees

a. Current

Attorneys fees cannot be awarded for pre-complaint work

b. Proposed

Fees would be permitted for pre-complaint work. EEOC would issue guidance to the AJs about what is reasonable and how to calculate.

c. Middle ground?

Not a lot. Push hard for agency involvement in developing guidance?

According to OMB, both OPM and Treasury have indicated that they intend to seek an OLC opinion on whether EEOC has the authority to take the agency out of the process of reviewing AJ decisions. According to Ellen Vargyas (EEOC Gen Counsel), the EEOC does not think that OLC has the authority to pass on regulations that EEOC promulgates. She has asked us (the WH) to try to intervene to stop the agencies from going to OLC.

The OMB General Counsel takes the position that since OMB has the authority to review the regs promulgated by the EEOC, these rules should not be considered exempt from OLC legal review. Under the OMB Executive Order, one of the parameters for their review is whether the rule is consistent with the applicable statute or law. Thus, the OMB GC is in favor of the OLC review (if the agencies want it) prior to OMB signing off. According to Ellen, the Commissioners may not want to press for this rule if doing so might open up the question of OLC review of their rules generally. Also, Ellen has stated that she is concerned that referral to OLC will delay the promulgation of the rule.

I would not recommend that we intervene to stop the agencies from going to OLC. Ellen's strongest argument for not doing so is rooted in her assertion that an OLC opinion is irrelevant to their authority. However, OMB seems clear on their authority (or that of the agencies) to seek OLC advise on the legality of the rule. Also, if Ellen is right on the substance (that EEOC has the authority to issue this rule) an opinion from OLC confirming that would be helpful (considering the agency opposition). However, if EEOC is without the legal authority, it would not be good for us to go forward.

If we intend on backing the EEOC on their desire to avoid an OLC referral, OMB would like to know before the 2pm meeting. Thanks.

Julie



**PRESIDENT CLINTON'S PROPOSALS:  
HEALTH CARE THAT STRENGTHENS AMERICA'S FAMILIES**

**Passing Comprehensive Bipartisan Tobacco Legislation That Reduces Teen Smoking and Changes the Way Tobacco Companies Do Business.** Every day 3,000 young people start smoking and 1,000 of them will die prematurely from a tobacco-related disease. Moreover, 90 percent of adults who smoke began before the age of 18. The President called on Congress to pass comprehensive national bipartisan legislation that includes five key principles: (1) it must mandate the development of a comprehensive plan to reduce teen smoking, including raising the cost of cigarettes by \$1.50 per pack if that is what it takes to stop children from smoking; (2) it must affirm the FDA's full authority to regulate tobacco products; (3) it must include measures to hold tobacco companies accountable, especially for marketing products to children; (4) it must include concrete measures to improve public health, from investing in research to reducing second hand smoke to expanding smoking cessation; and (5) it must protect the financial well-being of tobacco farmers and their communities from the loss of income caused by our efforts to reduce smoking.

**Protecting Patients Through a Consumer Bill of Rights and Genetic Screening Protections.**

The President called on Congress to pass Federally enforceable consumer health care protections before it adjourns this fall. This health care bill of rights should contain a range of protections, including guaranteed access to needed health care specialists **to ensure that patients are provided appropriate high quality care**, access to emergency room services when and where the need arises, an assurance that medical records are confidential, and access to a meaningful **internal and external appeals process for consumers to resolve their differences with their health plans and health care providers. The nation's health care system has changed dramatically, as more than 100 million Americans are now in managed care plans. This legislation will ensure that whether Americans have traditional health insurance or managed care, that they are assured quality care. Moreover, to ensure that new advances in genetics are used to improve health rather than to discriminate, the President has called for legislation that ensures that genetic screening is not used to discriminate in health insurance and employment.**

**Creating a Historic "21st Century Research Fund" With an Unprecedented 50 Percent Increase in Biomedical Research** at the National Institutes of Health (NIH) over five years, including an unprecedented \$1.15 billion increase in FY1999. Scientists are on the cusp of important new breakthroughs in biomedical research which could revolutionize the way medical experts understand, treat, and prevent some of our most devastating diseases. New imaging technologies are giving new insights into the structure of disease and revolutionary progress in genetics are charting new ways to conquer diseases, such as cancer, Alzheimer's, AIDS, and brain tumors. The President's budget contains a historic upfront investment in biomedical research and, for the first time, proposes a sustained investment in NIH over five years which results in a 50 percent increase. Under the President's proposal, over \$20 billion would be dedicated to biomedical research the NIH in 2003.

**Providing New Options for Americans Ages 55 to 65 to Access Health Insurance, Including Buying Into Medicare.** Americans ages 55 to 65 are one of the most difficult-to-insure populations: they have less access to and a greater risk of losing employer-based health insurance; and they are twice as likely to have health problems. The President's proposal gives this vulnerable population three new options to access health insurance by: (1) allowing Americans ages 62 to 65 to buy into Medicare, through a premium that ensures that this policy is self-financed; (2) providing vulnerable displaced workers 55 and over access to Medicare by offering those who have involuntarily lost their jobs and their health care coverage a similar Medicare buy-in option; and (3) giving Americans 55 and over who have lost their retiree benefits after they retire access to their former employers' health insurance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JAN-1998 17:06:45.00

SUBJECT: Friday's Event w/Mayors

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

BR/EK/Rahm:

While Lynn Cutler in IGA is pushing for us to announce our "education summit" at the Friday Mayors meeting (I've asked Mike whether this was actively being considered or not), I'm assuming this is still a crime event. As such, my recommendation is that instead of just talking about community prosecutors, we should talk about the next steps in our fight against crime and drugs. A potential speech outline could go something like this.

1. Unprecedented success in the war on crime. Several weeks ago I was in New York City, where only a few short years ago crime was at intolerable levels, and hope was at an all-time low. It seemed as if the fight against crime was over, and we had lost. Nothing could be further from the truth today (murders down 62%, 1,600 more cops for NYC, the fight against crime is as spirited as ever).

2. No time to let up. We must redouble our efforts and drive down the crime rates to their lowest points ever. Falling crime rates are no accident. In 1994, we took a stand for tough punishment, more police and better prevention. We fought for the tools we needed to begin to tip the scales of justice in favor of those who work hard and play by the rules. We need to build on this success.

3. Next steps. To keep cutting crime, here are the 3 things we need to do this year:

Finish the job of putting 100,000 more police on the street -- and bring prosecutors directly into the fight;  
Pass a tough, smart juvenile crime bill that let's every city crackdown on gangs, guns and drugs the way Boston has; and  
Attack the drug problem that fuels the majority of crime in our cities.

4. Actions we're taking today. Today, I'm pleased to announce that our FY 99 budget keeps up our unprecedented fight against crime -- and takes these crucial next steps. Specifically, our budget calls for:

-- Community prosecutors. A new \$50 million per year program to hire more prosecutors and have them join the 70,000 community police officers we've funded.

-- Youth Crime Gun Interdiction Initiative. \$28 million to help key cities trace the source of illegal guns, and to hire more than 150 new ATF agents to crackdown on the traffickers that are supply gangs with guns. This is a key piece of Boston's successful youth violence strategy.

-- The toughest, largest drug budget ever. In response to many of the issues raised at your Drug Summit last year, our budget will fund the most ambitious drug strategy ever -- nearly \$17 billion.

Also, I think we should think about leaking the ATF budget piece to one of the major papers -- or to one of the major cities that would be most impacted (Chicago, NYC, Philadelphia, etc.) In fact, Philly and Chicago recently ran a series of stories on guns and federal gun policy, and they may be particularly receptive.

Just some pre-event thoughts....

Jose'

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Christa Robinson to Donna Geisbert, et al; Re: Box. (5 pages)	01/26/1998	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[01/25/1998 - 01/29/1998]

2009-1006-F  
db1575

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

CREATION DATE/TIME:26-JAN-1998 09:50:38.00

SUBJECT: SOTU paragraphs

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:

As I understand it. we were given two assignments -- (1) the one pager you have for communications and (2) paragraphs for NEC/DPC. Attached are our paragraphs which, as you will note, are basically the same as our one pager with a little more detail. The only major difference is that in this version of the "21st century research fund", we discuss both NSF and NIH rather than just NIH. It may make sense to modify the other one to include NSF. What do you think?

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D46]MAIL48456352I.026 to ASCII,  
The following is a HEX DUMP:

FF5750439C060000010A020100000002050000000F2C000000020000F8B172F88297C18C67CF6D

### **Passing Comprehensive Bipartisan Tobacco Legislation That Reduces Teen Smoking and Changes the Way Tobacco Companies Do Business.**

Every day 3,000 young people start smoking and 1,000 of them will die prematurely from a tobacco-related disease. Moreover, 90 percent of adults who smoke began before the age of 18. The President called on Congress to pass comprehensive national bipartisan legislation that includes five key principles: (1) it must mandate the development of a comprehensive plan to reduce teen smoking, including raising the cost of cigarettes by \$1.50 per pack if that is what it takes to stop children from smoking; (2) it must affirm the FDA's full authority to regulate tobacco products; (3) it must include measures to hold tobacco companies accountable, especially for marketing products to children; (4) it must include concrete measures to improve public health, from investing in research to reducing second hand smoke to expanding smoking cessation; and (5) it must protect the financial well-being of tobacco farmers and their communities from the loss of income caused by our efforts to reduce smoking.

### **Protecting Patients Through a Consumer Bill of Rights.**

A recent Kaiser report studying rapid changes in health care system found that 60 percent of Americans believe that managed care plans have made it harder for the sick to see specialists. It also reported that over three-fifths say they are very or somewhat worried that their health plan would be more concerned about saving money than about the best treatment for them if they were sick. The President called on Congress to pass Federally enforceable consumer health care protections before it adjourns this fall. This health care bill of rights should contain a range of protections, including guaranteed access to needed health care specialists **to ensure that patients are provided appropriate high quality care**, access to emergency room services when and where the need arises, an assurance that medical records are confidential, and access to a meaningful **internal and external appeals process for consumers to resolve their differences with their health plans and health care providers. The nation's health care system has changed dramatically, as more than 100 million Americans are now in managed care plans. This legislation will ensure that whether Americans have traditional health insurance or managed care, that they are assured quality care.**

### **Providing New Options for Americans Ages 55 to 65 to Access Health Insurance, Including Buying Into Medicare.**

There are currently three million Americans ages 55 to 65 that are uninsured. This number will likely increase as the number of Americans in this age groups is expected to rise by more than 50 percent [from the current 21 million to 35 million by 2010]. Americans ages 55 to 65 are one of the most difficult-to-insure populations: they have less access to and a greater risk of losing employer-based health insurance; and they are twice as likely to have health problems. Some lose their employer-based health insurance when their spouse (frequently the husband) becomes eligible for Medicare. Many lose their coverage because they lose their jobs due to company downsizing or plant closings. Still others lose insurance when their retiree health coverage is dropped unexpectedly. The President's proposal gives this vulnerable population three new options to access health insurance by: (1) allowing Americans ages 62 to 65 to buy into

Medicare, through a premium that ensures that this policy is self-financed; (2) providing vulnerable displaced workers 55 and over access to Medicare by offering those who have involuntarily lost their jobs and their health care coverage a similar Medicare buy-in option; and (3) giving Americans 55 and over who have lost their retiree benefits after they retire access to their former employers' health insurance.

### **Creating a Historic "21st Century Research Fund" With an Unprecedented 50 Percent Increase in Biomedical and Scientific Research.**

Scientists are on the cusp of important new breakthroughs in biomedical research which could revolutionize the way medical experts understand, treat, and prevent some of our most devastating diseases. New imaging technologies are giving new insights into the structure of disease and revolutionary progress in genetics are charting new ways to conquer diseases, such as cancer, Alzheimer's, AIDS, and brain tumors. **In addition, this fund could lead to new missions to explore the solar system, cleaner sources of energy, and the Next Generation Internet. New investments also strengthen America's scientific and technological leadership, boost productivity, and create high-wage jobs. The President proposed a historic initiative that contains unprecedented investments in biomedical and scientific research. In FY 1999 alone, the "21st Century Research Fund" would provide the largest increases in history for the National Institutes of Health (\$1.15 billion) and the National Science Foundation (\$344 million).** In addition to a historic up-front investment, for the first time, the President is proposing a sustained investment in biomedical and scientific research with **a 32 percent increase by 2003.** This includes a 50 percent increase in the NIH in the next five years, with over \$20 billion dedicated to biomedical research the NIH in 2003.

### **Eliminating Discrimination in Genetic Information in Health Insurance and Employment.**

**While advances in genetic research hold much promise for disease prevention and treatment, genetic information can also be used to discriminate against or stigmatize individuals. Nearly one-fifth of the individuals who have a family member with a genetic disorder reported they had been discriminated against, including discrimination by employers and insurers. To ensure that new advances in genetics are used to improve health rather than to discriminate, the President has called for legislation that ensures that genetic screening is not used by health insurers and employers to discriminate against Americans.**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1998 09:33:31.00

SUBJECT: Cloning

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

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

You asked for a quick one paragraph.===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D11]MAIL440553626.026 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000160900000002000087D4E8D16E22B00F9B6F61  
8DB987DAD5F477C19103EBD06A95DCD647E0C92481121E1EF314729AF9896FCD6B4B253E50DEBD

## **CLONING**

1/27/98

New technology raises the potential of enormous scientific breakthroughs, but the new technology also raises profound ethical issues, particularly with respect to its possible use to clone humans. President Clinton has proposed legislation banning the use of new technology to clone human beings. The President's legislative proposal prohibits for five years the use of somatic cell nuclear technology to create a human being. The legislation directs the National Bioethics Advisory Commission to report to the President in four and half years on whether to continue the ban. The proposal is carefully worded to ensure that it will not interfere with beneficial biomedical and agricultural activities. In March 1997, the President imposed a ban on the use of federal money for cloning human beings.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1998 08:57:14.00

SUBJECT: Tuesday SOTU Preps

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

TEXT:

Elena, you invited to attend the preps.

Thanks.

----- Forwarded by June G. Turner/WHO/EOP on 01/27/98  
08:56 AM -----

June G. Turner 01/26/98 06:58:04 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
Subject: Tuesday SOTU Preps

Prep times for Tuesday are from 11:30-1:30 and again from 3:30-5:30 in the Family Theater.

Erskine Bowles  
Sylvia Mathews  
John Podesta  
Paul Begala  
Rahm Emanuel  
Ann Lewis  
Sid Blumenthal  
Minyon Moore  
Bruce Reed  
Gene Sperling  
Michael Waldman  
Bob Shrum  
Mark Penn  
Tommy Caplan  
Michael Sheehan  
Ron Klain  
Melanne Verveer  
Mike McCurry  
Sandy Berger/Tony Blinken  
Maria Echaveste  
Bob Nash  
Doug Sosnik  
Craig Smith

June Shih  
Paul Tuchmann  
Lowell Weiss  
Jordan Tamagni

## Message Sent

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

Paul E. Begala/WHO/EOP  
Sidney Blumenthal/WHO/EOP  
Rahm I. Emanuel/WHO/EOP  
Ann F. Lewis/WHO/EOP  
Minyon Moore/WHO/EOP  
Bruce N. Reed/OPD/EOP  
Gene B. Sperling/OPD/EOP  
Michael Waldman/WHO/EOP  
CoolCatMat @ aol.com @ INET @ LNGTWY  
SDEV D @ aol.com @ INET @ LNGTWY  
John Podesta/WHO/EOP  
Antony J. Blinken/NSC/EOP  
Maria Echaveste/WHO/EOP  
Michael D. McCurry/WHO/EOP  
Bob J. Nash/WHO/EOP  
Douglas B. Sosnik/WHO/EOP  
Craig T. Smith/WHO/EOP  
June Shih/WHO/EOP  
Jordan Tamagni/WHO/EOP  
Paul A. Tuchmann/WHO/EOP  
Lowell A. Weiss/WHO/EOP  
Sylvia M. Mathews/WHO/EOP

## Message Copied

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

Andrew J. Mayock/WHO/EOP  
Nancy V. Hernreich/WHO/EOP  
Paul K. Engskov/WHO/EOP  
Eleanor S. Parker/WHO/EOP  
Carole A. Parmelee/WHO/EOP  
Demond T. Martin/WHO/EOP  
Jason S. Goldberg/WHO/EOP  
Ruby Shamir/WHO/EOP  
Michelle Crisci/WHO/EOP  
Rajiv Y. Mody/WHO/EOP  
Angelique Pirozzi/WHO/EOP  
Kevin S. Moran/WHO/EOP  
Dawn L. Smalls/WHO/EOP  
Sara M. Latham/WHO/EOP  
Scott R. Hynes/OVP @ OVP  
Katharine Button/WHO/EOP  
Miriam H. Vogel/WHO/EOP  
Marjorie Tarmey/WHO/EOP  
Laura K. Demeo/WHO/EOP  
Christopher J. Lavery/WHO/EOP  
Terri J. Tingen/WHO/EOP  
Lori L. Anderson/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1998 14:08:36.00

SUBJECT: CDF Meeting

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: 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:  
BR/EK:

Per Elena's suggestion I checked w/Jen Klein on the "sensitivity" of not doing the CDF meeting tomorrow morning. Jen wasn't concerned and didn't think it was a big deal not to do it. But as I was going to call CDF and regret, I heard from Michelle Crisci that Marian had continued to call EB's office and complained, and, thus, Michelle was going to set-up a meeting for tomorrow at about 11am. The meeting would be w/CDF, some 40-50 local civil rights and religious leaders, Rahm and Bruce, and EB making a stop-by.

Bruce, Cathy said you probably won't go, so I'll assume I should be there to help out Rahm on any matters of substance. EK, would you like to attend? I'll send you both the final time and place of the meeting as soon as I get confirmation from Michelle.

Jose'

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Laura A. Graham@EOP@LNKTWY@EOPMRX

CREATION DATE/TIME:27-JAN-1998 12:25:00.00

SUBJECT: SOTU Attendance Instructions

TO: FOLEY\_M ( FOLEY\_M@A1@CD ) (WHO)  
READ:27-JAN-1998 12:26:20.48

TO: John Podesta ( John Podesta@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Sylvia M. Mathews ( Sylvia M. Mathews@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Cheryl D. Mills ( Cheryl D. Mills@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Rahm I. Emanuel ( Rahm I. Emanuel@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Douglas B. Sosnik ( Douglas B. Sosnik@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Paul E. Begala ( Paul E. Begala@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Sidney Blumenthal ( Sidney Blumenthal@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Thurgood Marshall Jr ( Thurgood Marshall Jr@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Stephen B. Silverman ( Stephen B. Silverman@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Ann F. Lewis ( Ann F. Lewis@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Michael Waldman ( Michael Waldman@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Jordan Tamagni ( Jordan Tamagni@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Bruce R. Lindsey ( Bruce R. Lindsey@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Daniel K. Tarullo ( Daniel K. Tarullo@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Capricia P. Marshall ( Capricia P. Marshall@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Mickey Ibarra ( Mickey Ibarra@EOP@LNKTWY@EOPMRX )  
READ:NOT READ

TO: Virginia Apuzzo ( Virginia Apuzzo@EOP@LNKTWY@EOPMRX )

READ:NOT READ

TO: Craig T. Smith  
READ:NOT READ

( Craig T. Smith@EOP@LN GTWY@EOPMRX )

TO: Bob J. Nash  
READ:NOT READ

( Bob J. Nash@EOP@LN GTWY@EOPMRX )

TO: Michael D. McCurry  
READ:NOT READ

( Michael D. McCurry@EOP@LN GTWY@EOPMRX )

TO: Maria Echaveste  
READ:NOT READ

( Maria Echaveste@EOP@LN GTWY@EOPMRX )

TO: Stephanie S. Streett  
READ:NOT READ

( Stephanie S. Streett@EOP@LN GTWY@EOPMRX )

TO: Todd Stern  
READ:NOT READ

( Todd Stern@EOP@LN GTWY@EOPMRX )

TO: Kathleen A. McGinty  
READ:NOT READ

( Kathleen A. McGinty@EOP@LN GTWY@EOPMRX )

TO: John H. Gibbons  
READ:NOT READ

( John H. Gibbons@EOP@LN GTWY@EOPMRX )

TO: Nancy V. Hernreich  
READ:NOT READ

( Nancy V. Hernreich@EOP@LN GTWY@EOPMRX )

TO: Antony J. Blinken  
READ:NOT READ

( Antony J. Blinken@EOP@LN GTWY@EOPMRX )

TO: Charles F. Ruff  
READ:NOT READ

( Charles F. Ruff@EOP@LN GTWY@EOPMRX )

TO: Elena Kagan  
READ:NOT READ

( Elena Kagan@EOP@LN GTWY@EOPMRX )

TO: Barbara Chow  
READ:NOT READ

( Barbara Chow@EOP@LN GTWY@EOPMRX )

TO: Debra A. Schiff  
READ:NOT READ

( Debra A. Schiff@EOP@LN GTWY@EOPMRX )

TO: Betty W. Currie  
READ:NOT READ

( Betty W. Currie@EOP@LN GTWY@EOPMRX )

TO: Carolyn Huber  
READ:NOT READ

( Carolyn Huber@EOP@LN GTWY@EOPMRX )

TO: Victoria Radd  
READ:NOT READ

( Victoria Radd@EOP@LN GTWY@EOPMRX )

TO: Paul A. Tuchmann  
READ:NOT READ

( Paul A. Tuchmann@EOP@LN GTWY@EOPMRX )

TO: Janet Murguia  
READ:NOT READ

( Janet Murguia@EOP@LN GTWY@EOPMRX )

TO: Donald Goldberg

( Donald Goldberg@EOP@LN GTWY@EOPMRX )

READ:NOT READ

TO: Lucia A. Wyman  
READ:NOT READ

( Lucia A. Wyman@EOP@LNKTWY@EOPMRX )

TO: Alphonse J. Maldon  
READ:NOT READ

( Alphonse J. Maldon@EOP@LNKTWY@EOPMRX )

TO: Susan M. Liss  
READ:NOT READ

( Susan M. Liss@OVP@LNKTWY@EOPMRX )

TO: Jacob J. Lew  
READ:NOT READ

( Jacob J. Lew@EOP@LNKTWY@EOPMRX )

TO: Gene B. Sperling  
READ:NOT READ

( Gene B. Sperling@EOP@LNKTWY@EOPMRX )

CC: HILLIARD\_B  
READ:27-JAN-1998 12:37:30.26

( HILLIARD\_B@A1@CD ) (NSC)

CC: Sara M. Latham  
READ:NOT READ

( Sara M. Latham@EOP@LNKTWY@EOPMRX )

CC: June G. Turner  
READ:NOT READ

( June G. Turner@EOP@LNKTWY@EOPMRX )

CC: Michelle Crisci  
READ:NOT READ

( Michelle Crisci@EOP@LNKTWY@EOPMRX )

CC: Terri J. Tingen  
READ:NOT READ

( Terri J. Tingen@EOP@LNKTWY@EOPMRX )

CC: Eleanor S. Parker  
READ:NOT READ

( Eleanor S. Parker@EOP@LNKTWY@EOPMRX )

CC: Ruby Shamir  
READ:NOT READ

( Ruby Shamir@EOP@LNKTWY@EOPMRX )

CC: Kevin S. Moran  
READ:NOT READ

( Kevin S. Moran@EOP@LNKTWY@EOPMRX )

CC: Elisabeth Steele  
READ:NOT READ

( Elisabeth Steele@EOP@LNKTWY@EOPMRX )

CC: Dominique L. Cano  
READ:NOT READ

( Dominique L. Cano@EOP@LNKTWY@EOPMRX )

CC: Laura K. Demeo  
READ:NOT READ

( Laura K. Demeo@EOP@LNKTWY@EOPMRX )

CC: Marjorie Tarmey  
READ:NOT READ

( Marjorie Tarmey@EOP@LNKTWY@EOPMRX )

CC: Melissa M. Murray  
READ:NOT READ

( Melissa M. Murray@EOP@LNKTWY@EOPMRX )

CC: Kristen E. Panerali  
READ:NOT READ

( Kristen E. Panerali@EOP@LNKTWY@EOPMRX )

CC: Laura D. Schwartz

( Laura D. Schwartz@EOP@LNKTWY@EOPMRX )

READ:NOT READ

CC: Suzanne Dale ( Suzanne Dale@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Christopher J. Lavery ( Christopher J. Lavery@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Darby E. Stott ( Darby E. Stott@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Lori L. Anderson ( Lori L. Anderson@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Mary Morrison ( Mary Morrison@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Michael V. Terrell ( Michael V. Terrell@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Carolyn E. Cleveland ( Carolyn E. Cleveland@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Edward F. Hughes ( Edward F. Hughes@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Jennifer C. Poole ( Jennifer C. Poole@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Stacey L. Rubin ( Stacey L. Rubin@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Jeffrey A. Forbes ( Jeffrey A. Forbes@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Rebecca A. Cameron ( Rebecca A. Cameron@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Peter A. Weissman ( Peter A. Weissman@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Cathy R. Mays ( Cathy R. Mays@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

CC: Katharine Button ( Katharine Button@EOP@LNGETWY@EOPMRX )  
READ:NOT READ

TEXT:

Message Creation Date was at 27-JAN-1998 12:11:00

The following staff members have been approved to attend the SOTU speech and will be receiving floor passes this afternoon by the Office of Legislative Affairs. Please make sure that your principals follow these specific instructions for tonight to ensure that the evening runs smoothly. If you do not receive your ticket and are on the below list please let me know asap. If you have any other questions please do not hesitate to call me at x62349. Thanks for your help!

1) You must have a floor pass to attend. If you have not been approved and do not have a floor pass than you will not be allowed inside the Capital, so

please do not get into the motorcade.

2) For those who have passes, please report to the Diplomatic Reception Room NO LATER THAN 8:10 PM to meet the motorcade. Upon request from the Hill, you must travel to the speech in the President's motorcade.

3) Upon arrival at the Capital, staff members will meet you and escort you to the appropriate area inside.

4) Upon completion of the President's speech, you are welcome to return to the White House in the motorcade. Again, staff will be available to direct you.

#### Staff List

John Podesta  
Sylvia Mathews  
Sandy Berger  
Gene Sperling  
Melanne Verveer  
Bruce Reed  
Jack Lew  
Susan Liss  
Cheryl Mills  
Kris Engskov  
Rahm Emanuel  
Doug Sosnik  
Paul Begala  
Sidney Blumenthal  
Goody Marshall  
Stephen Silverman  
Ann Lewis  
Michael Waldman  
Jordan Tamagni  
Bruce Lindsey  
Dan Tarullo  
Capricia Marshall  
Mickey Ibarra  
Virginia Apuzzo  
Craig Smith  
Bob Nash  
Michael McCurry  
Maria Echaveste  
Stephanie Streett  
Todd Stern  
Katie McGinty  
Jack Gibbons  
Nancy Hernreich  
Lanny Bruer  
Jim Steinberg  
Tony Blinken  
Charles Ruff  
Janis Kearny  
Elena Kagan  
Barbara Chow  
Debi Schiff  
Betty Currie  
Carolyn Huber  
Vicki Radd  
Paul Tuchman  
Janet Murguia  
Don Goldberg

Martha Foley  
Lucia Wyman  
Al Maldon

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1998 18:02:58.00

SUBJECT: Food Safety Budget Release

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:

Cabinet Affairs called asking if it is okay for Glickman to release the specific numbers on our food safety budget tomorrow in Seattle. I said I'd ask you. They were also going to call Rahm.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1998 18:03:58.00

SUBJECT: Free TV Letter

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Jim Kohlenberger ( CN=Jim Kohlenberger/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D13]MAIL43760762T.026 to ASCII,

The following is a HEX DUMP:

FF57504370040000010A020100000002050000005010000000200001DF457F8D010901F6CCEDD  
307E7DF3F6EED6080A07A9DC15C7115B9128D75602061A3D5FE6B1F0807C7693E64566AF2D312A

January 28, 1998

Chairman William E. Kennard  
Commissioner Susan Ness  
Commissioner Harold Furchtgott-Roth  
Commissioner Gloria Tristani  
Commissioner Michael Powell  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Dear Chairman Kennard and Commissioners:

Last night in the State of the Union Address I called upon the Federal Communications Commission (FCC) to act to require media outlets to provide candidates with free and discounted airtime for campaign advertising. Free and discounted time will reduce the need for more campaign money, and will allow candidates to spend less time fundraising and more time addressing the concerns of our country.

Spending in congressional campaigns has risen sixfold in the last two decades, more than three times the rate of inflation, and spending on television is the primary reason. In 1972, candidates spent \$25 million for political ads; in 1996, they spent \$400 million. The evidence at the beginning of this election year is that the cost of media spending by candidates for public office will continue to spiral upwards. The time has come to free our democracy from the grip of big money.

The dawning of the digital age of broadcasting makes now the right time to update broadcasters' public interest obligation. Broadcasters have been loaned an additional channel worth tens of billions of dollars for free. The FCC must ensure that broadcasters, given the opportunity to benefit from their use of a valuable public resource, use this public resource to strengthen our democracy.

The Advisory Committee on the Public Interest Responsibilities of Digital Broadcasters has already begun to examine how broadcasters' public interest obligations can be revitalized in the digital age. I hope that the Advisory Committee's findings will help the FCC decide how broadcasters can use the public's airways to improve our democracy.

Free and discounted television time can make our most powerfully effective medium a powerful force for expanding democracy in the information age. I call upon the Commission to develop policies which ensure that broadcasters provide free and discounted airtime for candidates to educate voters.

Sincerely,

Automated Records Management System  
Hex-Dump Conversion

William Jefferson Clinton

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1998 18:04:01.00

SUBJECT: draft tobacco 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: 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:

I thought it might be useful to have a tobacco update plan memo for Bowles, particularly as he's calling a meeting tomorrow. This might be a start... ===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D73]MAIL48315762R.026 to ASCII,

The following is a HEX DUMP:

FF5750434C050000010A02010000000205000000112B000000020000F9FB2690F6BC3197E7849D

January 28, 1998 (Draft)

**MEMORANDUM FOR THE CHIEF OF STAFF**

**FROM:           BRUCE REED  
                  ELENA KAGAN  
                  TOM FREEDMAN**

**RE:               Tobacco Strategy Update**

This memo updates the status of our strategy for the enactment of comprehensive tobacco legislation as called for by the President on September 17th and reaffirmed in his 1998 State of the Union address.

**I.     BACKGROUND**

The Administration is in a good position, despite some obstacles, to push tobacco legislation through Congress over the next year. When the President announced the five key elements in his plan for comprehensive tobacco legislation on September 17, 1997, he brought together support from the public health community, attorneys general, and many members of Congress. The President placed himself in a solid strategic position to aid Congress without having a specific Administration legislative product that would be a target for diversionary tactics by opponents.

For a number of reasons, the Administration continues to have strong leverage in shaping and enacting tobacco legislation. First, there continues to be bipartisan political recognition that the American public wants tough action to limit smoking. Second, the President continues to be the most powerful and popular voice against the tobacco industry and in support of the public health community. Finally, a number of legislative proposals and players are competing with each other in Congress, suggesting that the Administration has the ability to negotiate among the proposals to create a compromise we support. The legislation currently underway includes a Democratic leadership bill being formulated by Senator Conrad, a Republican leadership process under the direction of Senator Nickles, specific tobacco bills already introduced by Senators Kennedy, Ford, and Hatch among others, and hearings set by many committee chairs.

Since September, we have maintained contact with parties on all sides of the issue, including members of Congress, industry representatives, and representatives of the health community, assuring them of the Administration's commitment to passing bipartisan, effective, legislation. In addition, the Administration has provided technical support for drafting legislation to any member of Congress who has requested it.

As Congress comes back into session, attention will shift to the upcoming congressional agenda and the Administration will face several emerging obstacles and opportunities. Challenges to the Administration's position will likely come from factions on both the right and left: the right (Lott and McCain) will argue that the Administration has failed to provide a complete proposal, the left will suggest either there should be no legislation because documents reveal the industry's moral turpitude or that legislation shouldn't contain any liability protections for industry-- likely killing the possibility of passing a bill.

Nonetheless, we believe chances for passage of an effective bill remain good. The Administration can quiet criticism that it is not doing enough to promote passage of legislation by upgrading the President's visibility on the issue and engaging in serious negotiations with Senate Republicans (many of whom are allies of Lott and genuinely want a bill). Arguments against a bill from the left will eventually be defeated by the health rationale of the legislation-- this is a unique opportunity to help lengthen the lives of over 300,000 children a year. Ultimately, opinion leaders in the field such as Dr. Koop and Dr. Kessler, who stood with the President in his call for legislation on September 17th, recognize the great value and need for effective comprehensive legislation.

There will soon be an opportunity to move to more active participation in the legislative process and improve the chances for passage of effective legislation. Legislation by Senate Democrats and Republicans is beginning to take shape, and Senator McCain will be holding hearings and raising questions about relevant Administration positions. In order to answer these questions, take advantage of the competition among congressional bills, and maintain Presidential momentum we recommend the following strategic steps.

## **II. NEXT STEPS**

### **A. Presidential Events**

To maintain his leverage as the key advocate for change, it is important the President take a visible role highlighting newsworthy tobacco issues. The President's comments and radio address on the release of tobacco documents, as well as his State of the Union speech, were noted by health groups, the news media, and Congress. We recommend three events over the next two months to demonstrate continued Presidential leadership on the issue. **[Insert three ideas here]** First, a town hall meeting on tobacco issues including children, researchers, health advocates like Dr. Koop, and farmers. Second, a Presidential endorsement of legislation that has tobacco-related effects-- such as provisions regarding international cooperation on the issue or indoor air quality legislation. Finally, a Presidential invitation to Congressional leaders to return to the White House to update him on progress that has been made on the issue since their last meeting.

### **B. Congressional Strategy**

We have been following a four-stage legislative strategy: (1) laying out the President's principles; (2) reassuring congressional leadership of our interest in bipartisan legislation and providing technical assistance; (3) helping to shape legislation and working to form bipartisan consensus; and finally (4) openly intervening on behalf of certain bills and provisions and working for enough votes for passage.

We believe that it is now appropriate to begin to move from providing the technical assistance of stage two into the more active role of stage three working with leaders on the issue to form bipartisan consensus. To accomplish this we will be meeting separately this week with the staff of Senators Conrad and Nickles. In each case, we hope to encourage them to create legislation that meets the tough goals of the President's plan, but does not rule out liability protections or raise the cost of legislation so as to make passage impossible. Senator Conrad is circulating specific plans for legislation already and several Republican Senators in addition to Nickles (Hatch, McCain, Chafee) are pushing for movement. We believe sometime in the next month it would be appropriate for the President to invite congressional leaders back to the White House to put increased pressure on this process, demonstrate his own commitment to this issue, and create a public timetable for Congress to consider legislation.

In late February and early March it seems likely that there will be a need for the White House to become more directly involved in negotiations, perhaps forming a working group with appropriate Hill leadership and inviting them to working meetings in the White House.

**C. Internal Structure**

Currently, the primary tobacco planning process is via the Tobacco Strategy Group. Bruce Reed chairs the regular Thursday meetings which include representatives from HHS, VPOTUS, OPL, CEA, Legislative Affairs, Treasury, USDA, and DOJ. The function of the group is to coordinate planning including resolution of policy issues such as Medicaid funds for states, Hill briefings and testimony by agencies, and press and event opportunities. The DPC also holds bi-weekly meetings with the Vice-President's staff for event scheduling and strategy. In addition there are regular meetings with Mike Moore's group including Moore, Scruggs, Myers, and Coale.

Beginning next month, we plan to broaden the Tobacco Working Group to include representatives of Legislative Affairs and the Communications' offices.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1998 18:56:14.00

SUBJECT: Revised TV Letter

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

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

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

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

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

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

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

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

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

CC: Jim Kohlenberger ( CN=Jim Kohlenberger/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D57]MAIL403587620.026 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A020100000002050000004B11000000020000F39FB09E81F6F85F9AE223  
9442F649391266A903C93C0487F0EE6CBE3D270845E1B0159928F88D9726D4D3CE7AE7E9FD4FCA

January 28, 1998

Chairman William E. Kennard  
Commissioner Susan Ness  
Commissioner Harold Furchtgott-Roth  
Commissioner Gloria Tristani  
Commissioner Michael Powell  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Dear Chairman Kennard and Commissioners:

Last night in the State of the Union Address I called upon the Federal Communications Commission (FCC) to act to require media outlets to provide candidates with free and discounted airtime for campaign advertising. Free and discounted time will reduce the need for more campaign money, and will allow candidates to spend less time fundraising and more time addressing the concerns of our country.

Spending in congressional campaigns has risen sixfold in the last two decades, more than three times the rate of inflation, and spending on television is the primary reason. In 1972, candidates spent \$25 million for political ads; in 1996, they spent \$400 million. The evidence at the beginning of this election year is that the cost of media spending by candidates for public office will continue to spiral upwards. The time has come to free our democracy from the grip of big money.

The dawning of the digital age of broadcasting makes now the right time to update broadcasters' public interest obligation. Broadcasters have been loaned an additional channel worth tens of billions of dollars for free. The FCC must ensure that broadcasters, given the opportunity to benefit from their use of a valuable public resource, use this public resource to strengthen our democracy.

Free and discounted television time can make our most powerfully effective medium a powerful force for expanding democracy in the information age. I call upon the Commission to develop policies, as soon as possible, which ensure that broadcasters provide free and discounted airtime for candidates to educate voters.

Sincerely,

William Jefferson Clinton

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jason S. Goldberg ( CN=Jason S. Goldberg/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:27-JAN-1998 11:39:24.00

SUBJECT: Tobacco Meeting Wednesday, 1/28/98

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

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

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

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

TO: Elena Kagan ( CN=Elena Kagan/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: Virginia N. Rustique ( CN=Virginia N. Rustique/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

TEXT:

2:00 p.m. Tobacco meeting Wednesday in Erskine's Office.

Participants:

Erskine Bowles  
Sylvia Mathews  
John Podesta  
Bruce Reed  
Elena Kagen

Chris Jennings  
Larry Stein  
Frank Raines  
Ron Klain  
Gene Sperling  
Bruce Lindsey

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ruby Shamir ( CN=Ruby Shamir/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:28-JAN-1998 19:54:52.00

SUBJECT: Women's Mtg

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

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

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

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

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

TO: Karen E. Skelton ( CN=Karen E. Skelton/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: Maria Echaveste ( CN=Maria Echaveste/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: Lucia F. Gilliland ( CN=Lucia F. Gilliland/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Rebecca M. Blank ( CN=Rebecca M. Blank/OU=CEA/O=EOP @ EOP [ CEA ] )  
READ:UNKNOWN

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

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

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

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

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

READ:UNKNOWN

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

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

CC: Miriam H. Vogel ( CN=Miriam H. Vogel/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Francine P. Obermiller ( CN=Francine P. Obermiller/OU=CEA/O=EOP @ EOP [ CEA ] )  
READ:UNKNOWN

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

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

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

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

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

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

TEXT:

There will be a Women's Mtg on Thursday at 9am in room 100. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Leslie\_Thornton@ed.gov@INET@LNGTWY ( Leslie\_Thornton@ed.gov@INET@LNGTWY [ U

CREATION DATE/TIME:28-JAN-1998 21:30:07.00

SUBJECT: Re: Minority Enrollment Meeting

TO: Timothy A. Rosado@EOP ( Timothy A. Rosado@EOP [ OMB ] )  
READ:UNKNOWN

TO: Tanya E. Martin@EOP ( Tanya E. Martin@EOP [ OPD ] )  
READ:UNKNOWN

TO: Mary L. Smith@EOP ( Mary L. Smith@EOP [ OPD ] )  
READ:UNKNOWN

TO: Kathryn B. Stack@EOP ( Kathryn B. Stack@EOP [ OMB ] )  
READ:UNKNOWN

TO: Essence P. Washington@EOP ( Essence P. Washington@EOP [ OPD ] )  
READ:UNKNOWN

TO: William R. Kincaid@EOP ( William R. Kincaid@EOP [ OPD ] )  
READ:UNKNOWN

TO: Thomas L. Freedman@EOP ( Thomas L. Freedman@EOP [ OPD ] )  
READ:UNKNOWN

TO: Mickey Ibarra@EOP ( Mickey Ibarra@EOP [ WHO ] )  
READ:UNKNOWN

TO: Laura Emmett@EOP ( Laura Emmett@EOP [ WHO ] )  
READ:UNKNOWN

TO: Jose Cerda III@EOP ( Jose Cerda III@EOP [ OPD ] )  
READ:UNKNOWN

TO: Elena Kagan@EOP ( Elena Kagan@EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

There is a White House Race Initiative Data collection meeting at  
2:00  
Thursday called by Judy Winston. We've already committed to that.

\_\_\_\_\_ Reply Separator

Subject: Minority Enrollment Meeting  
Author: Essence\_P.\_Washington@oa.eop.gov at Internet  
Date: 8/19/97 5:52 PM

Message Creation Date was at 19-AUG-1997 17:52:00

On Thursday, August 21 at 2:00 p.m. in Room 211 of the Old Executive  
Building,

we will hold the Minority Enrollment Meeting.

Thanks

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)  
id <01IMMSWMFVA8007HGV@PMDF.EOP.GOV>; Tue, 19 Aug 1997 18:10:45 -0400 (EDT)

Received: from storm.eop.gov (storm.eop.gov)  
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IMMSWJVFQO008KA5@PMDF.EOP.GOV>; Tue,

19 Aug 1997 18:10:41 -0400 (EDT)

Received: from vader.ed.gov ([165.224.216.253])  
by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTTP id <01IMMSW8ZUVK002CLB@STORM.EOP.GOV>; Tue,  
19 Aug 1997 18:10:28 -0400 (EDT)

Received: from smtpgwyl.ed.gov (smtpgwyl.ed.gov [165.224.216.37])  
by vader.ed.gov (8.8.5/8.8.4) with SMTP id SAA26962; Tue,

19 Aug 1997 18:08:17 -0400 (EDT)

Received: from ccMail by smtpgwyl.ed.gov  
(IMA Internet Exchange 2.11 Enterprise) id 0001022E; Tue,  
19 Aug 1997 18:10:40 -0400

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Carol\_Rasco@ed.gov@INET@LNGTWY ( Carol\_Rasco@ed.gov@INET@LNGTWY [ UNKNOWN ]

CREATION DATE/TIME:28-JAN-1998 19:49:17.00

SUBJECT: Early Childhood Research

TO: Bruce N. Reed@EOP ( Bruce N. Reed@EOP [ OPD ] )  
READ:UNKNOWN

TO: Elena Kagan@eop ( Elena Kagan@eop [ OPD ] )  
READ:UNKNOWN

TO: Nicole R. Rabner@eop ( Nicole R. Rabner@eop [ WHO ] )  
READ:UNKNOWN

TO: Michael Cohen@EOP ( Michael Cohen@EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

First, congrats on a terrific meeting today!

Two items on the early childhood brain development front:

a. Secretary Riley asked that I re-emphacize to you the research group he referenced that is working on early childhood work. It is housed in the Department of Education Office of Educational Research and Improvement (OERI) and within OERI it is specifically the

National

Institute on Early Childhood Development and Education which is chaired by Naomi Karp...Jeannine Smartt has worked with Naomi, I believe.

I have learned that in 1995 Naomi established an Early Childhood Research Working Group which brings together the early childhood staff

in 8 Federal departments and the GAO. It is about 80 people who are involved in research, data collection, and ;or service delivery programs that affect children from birth through 8 years of age and their families. The group meets four times a year, produces a quarterly newsletter, and has served as a mechanism that encourages partnerships across agencies. The next meeting is 1:30 p.m. to 3:30 p.m. on February 5th in Room 326 of 555 Capital Place and I will be attending that meeting. I know they would welcome White House participation if you all wish to send someone or even more than one person. This particular quarterly meeting will focus on how the country's collective knowledge bases about young children and

families

a=have benefited from the Federal investment in research and what issues are Federal agencies now struggling to answer. Let me know if anyone/several people wish to go and I'll alert Naomi. I have asked her to send me some newsletters and previous reports, and I know she would be willing to send you a packet as well.

They plan to have their next meeting on reading and early childhood, but I am sure they would speed up their research on this issue if you wish to use them as a resource. It may be that this group has on it the very people who were suggested today to have around the table for a briefing for the White House.

2. On February 19 I will be meeting in my office at 11 a.m. with Stephen Herb who is the President of the Association of Library Services for Children which is a division of the American Library Association. He is the head of the Education Library at Penn State University and his President is one of the 20 on our college work study steering committee. He is an expert in children's literature, has a great deal of experience on outreach programs to parents, and has written a book on reading development for young children. Coming with him will be Susan Roman, exec. director of ALSC. She has directed programs like the ones we envision in the Parents as First Teachers Grants, including the Head Start Museum project and the "Born to Read" project which the First Lady spoke of at the Children's Hospital just before Christmas. I would welcome White House participation at this meeting as well. It will be 30 minutes to an hour.===== ATTACHMENT 1 =====

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

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)  
 by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IESM26Z4MO00PY0N@PMDF.EOP.GOV>; Wed,

29 Jan 1997 18:11:01 -0400 (EDT)

Received: from oeri.ed.gov (oeri.ed.gov) by STORM.EOP.GOV (PMDF V5.0-7 #6879)  
 id <01IESM226ZXU007IO2@STORM.EOP.GOV>; Wed, 29 Jan 1997 18:10:57 -0700 (MST)

Received: from smtpgw1.ed.gov (smtpgw1.ed.gov [165.224.217.37])  
 by oeri.ed.gov (8.7.5/8.7.3) with SMTP id SAA26212; Wed,

29 Jan 1997 18:12:40 -0500 (EST)

Received: from ccMail by smtpgw1.ed.gov (IMA Internet Exchange 1.04b)  
 id 2efd8790; Wed, 29 Jan 1997 18:08:41 -0500

Content-description: cc:Mail note part

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JAN-1998 18:29:05.00

SUBJECT: Weekly Health Care 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: Miriam H. Vogel ( CN=Miriam H. Vogel/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: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

READ:UNKNOWN

CC: Donna L. Geisbert ( CN=Donna L. Geisbert/OU=OPD/O=EOP @ EOP [ OPD ] )  
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: Suzanne Dale ( CN=Suzanne Dale/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TEXT:

We will be having the weekly Health Care Strategy Meeting tomorrow,  
Thursday, January 29, at 4:00 p.m. in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JAN-1998 12:33:00.00

SUBJECT: Tobacco Farmers Meeting

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

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

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

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

TO: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
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: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TEXT:

This confirms that we are having a meeting on tobacco farmers on Friday, January 30, at 11:00 a.m. in Room 211, OEOB. If you are unable to attend, please let me know. Thanks.

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D32]MAIL47189472B.026 to ASCII,  
The following is a HEX DUMP:

FF5750439A040000010A02010000000205000000B907000000020000A18FC032EFC8A1E653183D  
53535074CE4419878539B8F0DED63605F8EFE77C4F8486294EB95A3A87BCDEB6455D7D60A9F7AE

**Tobacco Farmers Meeting**  
**Friday, January 30, 1997**  
**11:00 a.m.**  
**Room 211, OEOB**

White House

Bruce Reed  
Bruce Lindsey  
Elena Kagan  
Don Gips  
Josh Gotbaum  
Barbara Woolley  
Toby Donenfeld  
Jerry Mande  
Tom Freedman

USDA

David Carlin  
Dallas Smith  
Charlie Rawls

Treasury

John Kitchen (for Gruber)

HHS

Jim O'Hara

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JAN-1998 18:30:18.00

SUBJECT: Re: Admissions standards/Magnet schools grant applications

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Mike and Elena--

I spoke with Dawn about this again today. She is satisfied that the analysis of ED and DOJ that the reducing/preventing/eliminating racial isolation aspect of the program meets the compelling interests test under Adarand is consistent with the way the Administration has approached similar issues, in light of the Magnet Schools program's statutory grounding and history. Therefore, she will be clearing this notice to go forward.

The issue of how this applies in the 5th Circuit is not directly addressed by the notice and Dawn feels it isn't necessary to resolve that prior to allowing the notice to go out. She wants to let ED and DOJ sort this out some more before we weigh in.

Thanks.

-- Bill

William R. Kincaid

01/24/98 01:18:19 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP

cc: Julie A. Fernandes/OPD/EOP, Tanya E. Martin/OPD/EOP, Laura Emmett/WHO/EOP

Subject: Admissions standards/Magnet schools grant applications

Art Coleman in OCR called the other night to give us a heads-up about

this, which involves breaking some new legal ground. Dawn Chirwa left me a message Friday that she was reviewing the application. Do you have any gut reactions/concerns on this issue? Art's summary of the issues and status follows. Thanks.

----- Forwarded by William R. Kincaid/OPD/EOP on 01/24/98  
01:11 PM -----

William R. Kincaid  
01/22/98 10:12:02 PM  
Record Type: Record

To: William R. Kincaid/OPD/EOP  
cc:  
Subject: Magnet schools grant applications

----- Forwarded by William R. Kincaid/OPD/EOP on 01/22/98  
10:12 PM -----

Arthur\_Coleman @ ed.gov  
01/22/98 09:07:00 AM  
Record Type: Record

To: William R. Kincaid  
cc:  
Subject: Magnet schools grant applications

Bill, it was good to talk with you last night, and as we discussed, I'm forwarding a recap of the overview of where the Department is re the magnet school application process.

#### WHAT'S NEW

The federal register notice announcing this cycle of grant applications (which occurs every three years) will for the first time include a discussion of strict scrutiny (compelling interest/narrow tailoring) standards that must be satisfied in the event that race is a factor in the admissions of the proposed grantees. This requirement stems from the Adarand case. The last such notice, three years ago, pre-dated Adarand.

In addition to the remedial and diversity interests that are identified as compelling, we are setting forth the interest of "reducing, preventing, or eliminating" minority group isolation as a compelling interest. Based on desegregation law as well as specific language from the authorizing legislation, this represents a new position by the federal government.

#### PROCESS

We have been in conversations with the Department of Justice for months regarding these issues, and have complete agreement regarding the standards and application of those standards with Civil Rights

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	William Kincaid to Michael Cohen & Elena Kagan; RE: Admissions Standards/Magnet schools grant applications [Phone Number] (partial) (1 page)	01/28/1998	P6/b(6)

---

**COLLECTION:**

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

---

**FOLDER TITLE:**

[01/25/1998 - 01/29/1998]

2009-1006-F  
db1575

---

**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]

Division, OLC, and the Associate Atty General's office. We are awaiting a final word from the SG before proceeding with the publication of the notice. Our best read at this point is that the basics outlined above will be approved, with the question of whether this comprehensive standard will apply in the Hopwood states. (Although the notice doesn't address this level of specificity, it's important that we see this the same way. Thus far, there is

agreement

in ED and DoJ that Hopwood, for a host of reasons, is distinguishable and would not control our analysis here.) Also, the Department has discussed this, in general terms, with legal counsel in the WH--Dawn and Rob. Dawn has a copy of the draft notice. (If you want the

paper

on this, let me know.)

There is real urgency in getting closure around these issues, as we need to get the notices out so that the reviews and awards can be

made

by mid-summer. The Department has been criticized in the past regarding delays here, and all are working earnestly to ensure that

we

build in enough time for the (increasingly) complex legal reviews of the applications that will be required.

At the briefing with the Secretary yesterday, he underscored his support for the positions we are taking, and urged expedition in our move forward.

#### REACTION

We can expect some critics to complain that any use of race in this context is unwarranted/uncalled for--in the post-Adarand/Hopwood world. We can certainly expect some reaction on the new point regarding the compelling interest of eliminating racial isolation. Some may also question the "new" strict scrutiny requirements.

Don't hesitate to call any of the unusual suspects if you have additional questions or need more information.

Thanks.

Art

P6/(b)(6)

[001]

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

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22 Jan 1998 09:07:29 -0500 (EST)

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Kincaid\_W@a1.eop.gov; Thu, 22 Jan 1998 09:07:25 -0500 (EST)

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Thu, 22 Jan 1998 09:06:56 -0500 (EST)

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by vader.ed.gov (8.8.7/8.8.4) with SMTP id JAA14536 for  
<Kincaid\_W@a1.eop.gov>; Thu, 22 Jan 1998 09:03:11 -0500 (EST)

Received: from ccMail by smtpgwyl.ed.gov  
(IMA Internet Exchange 2.12 Enterprise) id 000D103A; Thu,  
22 Jan 1998 09:06:56 -0500

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JAN-1998 12:15:35.00

SUBJECT: 1-28-97 Cabinet Memo

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

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: Andrea Kane ( CN=Andrea Kane/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:  
CABINET MEMO

EDUCATION - Traveling w/ potus

ENERGY - Sec. is in Albany. Will do local radio.  
Will participate in class taught by a nobel laureate at the Academy of  
Science  
media availability this afternoon.  
Ed. Bd meeting w/ Albany Times.

EPA  
Today - Browner is in Cincinnati  
Tomorrow - media calls to Miami and Ohio

ONDCP  
Tomorrow McCaffrey will address US conference of mayors

HUD  
Today - Sec. in Baltimore for homeless event  
conf call w/ editorial writers  
Tomorrow - address the US conference of mayors

OMB  
Tomorrow - GPO printing press photo op

OPM  
Today - Director in Cincinnati

USIA  
Today - Radio interviews with starions in western MA.

Veterans  
Today - West will testify before a House committee re: Arlington burial  
waivers.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 17:04:06.00

SUBJECT: Q&A for review

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

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

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

TEXT:

Attached are Q&A just on crime and drug-related announcements for tomorrow's event with the Mayors. I'm not sure I want to draw attention to this fact, but this may be the earliest we've ever turned in paper....

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D79]MAIL41700782P.026 to ASCII,  
The following is a HEX DUMP:

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**Meeting with U.S. Conference of Mayors  
Questions and Answers  
January 30, 1998**

**Q. What did the President announce at today's meeting with mayors?**

A. Today, the President talked to Mayors about an urban agenda to help lead our cities into the 21st Century and announced the Administration's next steps to help communities keep up the fight against crime and drugs. Specifically, the President highlighted that his FY 1999 budget will include:

(1) \$50 million for a new community prosecutors initiative. Similar to the President's COPS program, the main purpose of the Community Prosecutors initiative is to increase the number of local prosecutors working with members of the community and community police officers. This initiative will allow hundreds of prosecutors offices to hire "community prosecutors" or "neighborhood DAs" and will continue to help local criminal justice systems be more responsive to their citizens' needs.

(2) \$28 million to crack down on illegal gun traffickers. The President's FY 1999 budget includes \$28 million to boost his Youth Crime Gun Interdiction Initiative (YCGII), to crack down on illegal gun markets that supply firearms to juveniles and criminals. The funding will be used by the Bureau of Alcohol, Tobacco, and Firearms (ATF) in 27 target cities to trace all firearms recovered from crime scenes, determine local gun trafficking patterns, and hire 162 new ATF agents to investigate and arrest illegal gun traffickers.

(3) Over \$17 billion to fund the most comprehensive National Drug Control Strategy ever. Key provisions include: funding for 1,000 new Border Patrol agents and new resources for sophisticated new technologies to close the door on drugs at our borders; \$195 million to continue our commitment for a paid anti-drug media campaign; new funds to enhance the Safe and Drug-Free Schools program; increased resources for the DEA to enhance its domestic anti-heroin and anti-methamphetamine efforts; and heightened resources for more treatment and better prevention programs.

**Community Prosecutors Initiative**

**Q. Can you explain the President's community prosecutors initiative? Is this linked to your community policing initiative?**

A. Community prosecution is the natural next step to community policing. As thousands of police departments have moved from reactive policing to putting more police on the streets to work with citizens to cut crime, communities are looking to local prosecutors to play a more active role. Increasingly, prosecutors are being asked to spend time in their

neighborhoods, help solve local crime problems, and prevent crimes from happening in the first place.

The President's FY 1999 budget proposes \$50 million to launch an innovative community prosecution initiative to increase the number of local prosecutors working with members of the community and community police officers.

This initiative will allow hundreds of prosecutors' offices to hire "community prosecutors" or "neighborhood DAs" to help make our communities safer. And just as the COPS program has helped bring community policing methods to thousands of police departments across the country, the community prosecutor initiative will promote greater responsiveness on the part of criminal justice systems to the needs of their citizens.

The President's initiative will provide direct grants to local prosecutors' offices, with the vast majority funds to be used to hire or reassign prosecutors to work directly with police and community residents. Remaining funds could be used flexibly for other costs such as the development of innovative programs to further link prosecutors to community anti-crime activities.

**Q. Is community prosecution being done anywhere?**

A. Yes it is. One of the best examples of a community prosecution initiative is Portland (Multnomah County), Oregon. In Portland, local businesses and community residents from one neighborhood demanded that the District Attorney dedicate a prosecutor to work in their neighborhood. As a result of this successful effort, Portland has now established "Neighborhood DAs" throughout the county.

Others cities that have started to implement community prosecution methods include: Boston, MA; Chicago, IL; Denver, CO; Indianapolis, IN; Kansas City, MO; New York City, NY; Milwaukee, WI; Austin, TX; and Washington, DC.

**Q. Your community policing initiative -- the COPS Program -- was a \$9 billion initiative. Assuming that prosecutors are more expensive to hire than police officers, do you really think that \$50 million will have any impact?**

A. We believe it can make a significant difference. It's important to keep in mind that many of the nation's local prosecutors' offices are fairly small with modest budgets. Based on the most recent data collected by the Justice Department, nearly one-third (683) of all state court prosecutors' offices (2,343) are part-time offices; the median annual office budget was \$226,000 and total staff size was eight.

The program we are proposing is \$50 million in FY 99 -- \$250 million over 5 years. This would provide a significant, new funding stream for local prosecutors' offices,

whose budgets are frequently limited solely to county funds. Similar to the COPS Program, the vast majority of new resources would be used to hire or reassign prosecutors to work directly with police and community residents. Remaining funds could be used flexibly for other costs such as the development of innovative programs to further link prosecutors to community anti-crime activities.

### Youth Gun Tracing Initiative

**Q. What is the President's gun tracing initiative?**

- A. The Youth Crime Gun Interdiction Initiative (YCGII) is a joint effort between federal and local law enforcement to disrupt the illegal firearms market, with a special focus on traffickers who supply guns to juveniles and criminals. While the Brady Law stops felons and other prohibited purchasers from buying handguns legally, our anti-trafficking initiative works to disrupt the illegal gun market.

Under the President's initiative, ATF and local police departments are working together in 27 targeted cities to develop comprehensive gun tracing systems to trace all firearms recovered at crime scenes. By tracing these crime guns to their original, lawful source, law enforcement can determine gun trafficking patterns and begin to identify the illegal suppliers. The YCGII has already traced approximately 93,477 guns from 27 communities, providing law enforcement with crucial investigative leads about the sources of these guns.

We started this comprehensive gun tracing effort in July 1996 in 17 cities: Atlanta, GA; Baltimore, MD; Birmingham, AL; Boston, MA; Bridgeport, CT; Cleveland, OH; Inglewood, CA; Jersey City, NJ; Memphis, TN; Milwaukee, WI; New York City, NY; Richmond, VA; St. Louis, MO; Salinas, CA; San Antonio, TX; Seattle, WA; and Washington, DC.

Last summer the President announced that 10 additional cities would be added: Miami, FL; Houston, TX; Los Angeles, CA; Chicago, IL; Detroit, MI; Philadelphia, PA; Cincinnati, OH; Minneapolis, MN; Tucson, AZ; and Geary, IN.

And today, the President announced that his FY 1999 budget includes \$28 million to expand the initiative even further: \$12 million for gun tracing and \$16 million to hire 162 new ATF agents. Six new ATF agents will be deployed in each of the target cities to follow up on the trace information, and investigate and arrest traffickers who are supplying guns to gangs and juveniles.

Expanding the YCGII is part of an overall strategy that also includes: \$100 million for communities to hire more prosecutors and expand anti-gang task forces; \$60 million for probation officers and youth gun and drug courts; \$95 million for innovative prevention,

anti-truancy and curfew initiatives; and \$160 million in Department of Education-sponsored after school programs.

**Q. How much of an increase in funding is this? Is this going to make a difference?**

A. When we first kicked off the YCGII in July 1996, we allocated just over \$1.1 million to begin comprehensive tracing in our original 17 cities. Since then, the program has been supported primarily through the use of Treasury's forfeiture funds. In FY 99, the President's budget proposal request increases funding to \$28 million and makes it a permanent part of ATF's budget. Specifically, it provides \$12 million for tracing efforts and \$16 million to hire 162 new ATF agents to help investigate and arrest identified gun traffickers.

**Q: If gun tracing and trace analysis lead to cracking down on gun traffickers, how many have you prosecuted as a result of this effort?**

A: When we began this initiative a year and half ago-- establishing the tracing infrastructure (i.e., trained officers, computers, software, etc.) and producing the national and local reports were our initial goals. The YCGII is a special component of ATF's overall firearms trafficking strategy that has generated thousands of investigations involving tens of thousands of illegally trafficked firearms. And over time, we expect the YCGII to contribute many important cases to this workload.

Having said that, to date, ATF estimates that there area already more than 100 cases involving gun trafficking to juveniles and youths underway in the original participating cities and some of the new cities.

### **Drug Budget**

**Q. What can you tell us about funding for next year's drug budget?**

A. The President's budget provides over \$17 billion -- an increase of more than \$1 billion from FY 98 -- to fund the most comprehensive National Drug Control Strategy ever. While the specifics will be released next week when the full budget is released, key provisions include funding for:

- **Southwest Border.** 1,000 new Border Patrol agents and resources for sophisticated new technologies to close the door on drugs at our borders;
- **Kids.** \$195 million to continue our commitment for a paid anti-drug media campaign and new funds to enhance the Safe and Drug-Free Schools program;
- **Law Enforcement.** Increased funding for the DEA to enhance its domestic anti-heroin and anti-methamphetamine efforts; and

- **Treatment.** Additional resources are provided for more drug treatment and better prevention programs.

Many increases in the FY 99 drug budget directly reflect proposals the President received at last year's White House Drug Summit with the Mayors.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 19:05:50.00

SUBJECT: FYI: we are meeting with HHS Friday at 9:30

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

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

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

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

TEXT:

to ask them questions about the Secretary's memo. You are of course welcome to join us (in the conference room in room 100) but I assumed you would not.

Are there any questions you want us to ask them?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 12:07:06.00

SUBJECT: 1.75-pager

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

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

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

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

CC: June Shih ( CN=June Shih/OU=WHO/O=EOP @ EOP [ WHO ] )  
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:  
BR/EK:

Here's a draft 1.75- pager that attempts to string a 3 crime pieces together. Let me know what you think. If necessary, we could a bullet or two on key urban initiatives.

MC: Can you check where Rahm is on this?

Jose'

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

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## **PRESIDENT CLINTON: KEEPING UP THE FIGHT AGAINST CRIME**

### **January 30, 1998**

#### **Announcement:**

Today, the President talked to Mayors about an urban agenda to help lead our cities into the 21st Century and announced the Administration's next steps to help communities keep up the fight against crime and drugs. Specifically, the President highlighted that his FY 1999 budget will include: (1) \$50 million for a new community prosecutors initiative; (2) \$28 million to crack down on illegal gun traffickers; and (3) over \$17 billion to fund the most comprehensive National Drug Control Strategy ever.

#### **Helping Local Prosecutors Join with Community Police.**

Community prosecution is the natural next step to community policing. As thousands of police departments have moved from reactive policing to putting more police on the streets to work with citizens to cut crime, communities are looking to local prosecutors to play a more active role. Increasingly, prosecutors are being asked to spend time in their neighborhoods, help solve local crime problems and prevent crimes from happening in the first place. The President's FY 1999 budget proposes a new \$50 million initiative for these purposes.

- **Increasing Neighborhood Presence.** Similar to the President's COPS program, the main purpose of the Community Prosecutors initiative is to increase the number of local prosecutors working with members of the community and community police officers. This initiative will allow hundreds of prosecutors offices to hire "community prosecutors" or "neighborhood DAs" to continue to cut crime.
- **Building on the President's COPS Initiative.** By helping communities hire or redeploy more than 70,000 police officers to date, the COPS program has helped bring community policing methods to thousands of police departments across the country. New funds for community prosecutors will continue to help local criminal justice systems be more responsive to their citizens' needs.

#### **Cracking Down on Illegal Gun Trafficking.**

As part of the Administration's overall effort to reduce gun violence, in 1996 the President launched the Youth Crime Gun Interdiction Initiative (YCGII) to crack down on the illegal gun markets that supply firearms to juveniles and criminals. The President's FY 1999 budget includes \$28 million to boost these efforts.

- **Tracing Illegal Firearms to Their Source.** The budget includes \$12 million for the Bureau of Alcohol, Tobacco, and Firearms (ATF) to work with local police departments in 27 target cities to trace all firearms recovered from crime scenes

and help determine local gun trafficking patterns.

- Putting More ATF agents on the Job. The President's budget also provides \$16 million to hire 162 new ATF agents to investigate and arrest the illegal gun traffickers who are supplying guns to gangs and juveniles.
- Passing the President's Anti-Gang and Youth Violence Strategy. Expanding the YCGII is part of an overall strategy that also includes: \$100 million for communities to hire more prosecutors and expand anti-gang task forces; \$60 million for probation officers and youth gun and drug courts; \$95 million for innovative prevention, anti-truancy and curfew initiatives; and \$160 million in Department of Education-sponsored after school programs.

### **Funding the Most Comprehensive Nation Drug Strategy Ever.**

Last year, the U.S. Conference of Mayors held a special drug summit and recommended that the federal government launch an unprecedented, no-nonsense campaign against illegal drugs. Today, the President announced to Mayors that next week he will unveil a more than \$17 billion drug budget and strategy that responds to their concerns. Key provisions will be:

- Stopping Drugs at the Border. The President's new Drug Strategy will fund 1,000 new Border Patrol agents and provide new resources to deploy the most sophisticated new technologies to close the door on drugs at our borders.
- Getting the Message to Our Youth. A continued commitment to the \$195 million paid anti-drug media campaign recently launched by the President, and new funds to enhance the Safe and Drug Free Schools program;
- Targeting Heroin and Methamphetamine. Increased resources for the DEA to enhance its domestic anti-heroin and anti-methamphetamine efforts; and
- Treating and Preventing Drug Abuse. Increased resources for more treatment and better prevention programs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 14:22:49.00

SUBJECT: Mayors

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

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

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

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

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

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

TEXT:

FYI -- since we apparently do see the need or value in getting a focused message out tomorrow. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 01/29/98  
02:21 PM -----

Anne E. McGuire  
01/29/98 02:19:57 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Sylvia M. Mathews/WHO/EOP  
Subject: Mayors

FYI

Per Sylvia, HUD's Community Empowerment Fund announcement will be in the speech tomorrow. It is my understanding that the message of the event remains Crime.

Message Sent

To: \_\_\_\_\_  
Mickey Ibarra/WHO/EOP  
Jose Cerda III/OPD/EOP  
Jonathan Orszag/OPD/EOP  
Stacie Spector/WHO/EOP  
Jonathan Murchinson/WHO/EOP  
Emily Bromberg/WHO/EOP  
Lynn G. Cutler/WHO/EOP

Michelle Crisci/WHO/EOP  
Lawrence J. Haas/OMB/EOP  
June Shih/WHO/EOP  
Jennifer M. Palmieri/WHO/EOP  
Laura D. Schwartz/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 19:55:32.00

SUBJECT: Tobacco item

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:

Paragraph you requested on when states passed laws prohibiting sales of  
cigarettes to minors that Mary has gathered. [It might be worth pointing  
out this data doesn't necessarily mean tobacco companies are liable, if  
that's what the President wanted to say-- the evidence wouldn't  
necessarily show they were selling only making marketing plans]. =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D8]MAIL48137782N.026 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A020100000002050000005A0B000000020000F8125486510A429960ED74  
9001879260DFE246148356D89C94757B9507B0B624D250657882FC68FF03AEED1499DEFE17539A

**DRAFT WEEKLY ITEM**  
**1/29/98**

**RJR Documents and State Prohibitions Against Sales to Children**

In light of documents released by Rep. Waxman showing R.J. Reynolds Tobacco Company had plans for targeting children, you asked us to find how many states had laws prohibiting sales of cigarettes to persons 18 or younger at the time the documents were written. The 81 documents, spanning from 1973 to 1990, provide evidence of the company marketing to children as young as age 14. In both 1974 and 1975, documents discuss the need to market to the 14-24 age group because they "represent tomorrow's cigarette business." According to data gathered by the National Cancer Institute, as of 1974, 27 states had passed legislation prohibiting the sale of cigarettes or other tobacco products to those 18 and under. Starting around 1980, RJR officials stopped specifically referring, even internally, to marketing to anyone younger than 18. However, beginning in around 1987, RJR started its Joe Camel advertising campaign. As of 1987, at least 35 states had passed legislation prohibiting the sale of cigarettes or tobacco products to those 18 and under. Today, all 50 states, including the District of Columbia, have laws prohibiting the sale of cigarettes or tobacco products to those 18 or under.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 17:47:02.00

SUBJECT: attachment

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:

Attached is OSTP's update to Leg Affairs about the status of cloning for a memo to Larry: do you have advice on which of the options (at the bottom of the memo) you want to pass on to him?

----- Forwarded by Thomas L. Freedman/OPD/EOP on 01/29/98  
05:43 PM -----

Rachel E. Levinson

01/29/98 05:34:17 PM

Record Type: Record

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

cc:

Subject: attachment

Cloning Update

It appears that the Republicans will introduce a bill in the Senate next week to prohibit cloning human beings in the public and private sectors. Although the language has not been finalized, it is likely that the bill would seek to ban the creation of a zygote (a one-cell embryo) using somatic cell nuclear transfer cloning technology. This differs from our bill in that it would preclude research on the embryo prior to implantation, while our ban would start at introduction of the embryo into a woman's uterus. Currently, such research is allowed using private funds. It is not certain whether or not a sunset provision would be included. The plan is for the bill to go directly to the floor with the blessing of Senate leadership and others (Lott, Gregg, Bond, and Frist). Kennedy and Feinstein are poised to introduce a bill today that is close to the President's (draft attached).

We have at least five options: (1) try to work with the Senate majority on drafting a bill; (2) declare our support for the Kennedy/Feinstein bill; (3) issue a statement reiterating the principles in our bill in order to influence the drafting process; (4) wait until the Senate bill goes to the floor and then issue a SAP; or (5) do nothing and let the biotech industry and patient advocacy groups continue to fight against overly restrictive legislation. Should we choose to act prior to the floor debate, we will have to move quickly.

Message Sent

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

Lucia A. Wyman/WHO/EOP

Jeffrey M. Smith/OSTP/EOP

Jerold R. Mande/OSTP/EOP

Thomas L. Freedman/OPD/EOP

Clifford J. Gabriel/OSTP/EOP

Arthur Bienenstock/OSTP/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes ( CN=Julie A. Fernandes/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:29-JAN-1998 18:13:46.00

SUBJECT: INS reform and H1B visas

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Elena,

Any reform that we recommend to the H1B program will likely cause employers to raise other issues related to immigration and the Labor Department. The following are a couple of policy issues that we may have to confront as part of this process.

#### 1. Labor Certification

As the Labor folks indicated yesterday, employers use the H1B program as a way to get foreign workers into the country fast -- short application and no labor certification process (as there generally is with the permanent employment-based visa program). Thus, any changes that limit or more closely subscribe the use of the H1B may cause employers to focus on what they believe is wrong with the labor certification process, as presently performed by the Labor Department.

The CIR recommended that the Labor Department no longer perform labor certification prior to the issuance of a permanent employment-based visa, largely because it takes them too long and because the tools that they use do not fairly reflect the dynamics of the labor market. The CIR did not suggest an alternative method for testing the labor market to determine if workers are needed in a particular job category, but suggested, as part of their overall proposal, that State somehow take care of it. The Carnegie folks suggested, informally, that the function could be contracted out to a private entity who could do the labor market tests more quickly and maybe better.

This is an issue that we likely need to focus on as part of the overall INS reform package and as it relates to the H1B program. As you would imagine, any proposal to change the labor certification process is very controversial -- particularly any proposal to eliminate Labor's role in performing a market-test as a predicate to an employment-based permanent visa.

#### 2. Employer Sanctions

The CIR recommended that Labor should be empowered to sanction employers for failure to verify whether their employees are authorized to work. Under the current system, if a Labor Department inspector discovers that an employer is not verifying authorization to work (as demonstrated by their not filling out the I-9 forms), they refer the case to the INS --

Labor has no authority to sanction the employer for this violation. The CIR and others have suggested that Labor have this sanction authority, in part b/c referrals to the INS for this are almost never followed up on.

In preliminary discussions about this, Labor expressed some concern that their increased role in enforcing the immigration laws might chill the reporting of other labor violations by undocumented workers. However, Labor already has a role (by checking for I-9 violations and reporting them to INS) and this increased authority could be understood as enforcing labor laws (that relate to the labor market), not immigration laws. The chief opponents to this change would likely be Republicans on the Hill who are concerned with businesses not being penalized for hiring illegals at all. This opposition could be significant, but the concept of sanctioning employers for failing to take steps designed to ensure that they hire legal workers is a strong one. Also, this is a good companion to our successful push last year to launch an employer verification pilot program, to improve the system of verifying whether employees are authorized to work.

Aside from the concerns that relate to the Labor Department, there are two areas of policy decision-making that we may want to resolve in conjunction with the INS reform. These are both less pressing, but are likely important to keep an eye on.

1. State Department and Visa Issuance

For employment-based visas issued overseas, there are three players: INS, State and Labor. Many (including the CIR, State and INS) have commented that this current process is duplicative. One suggested reform would be to remove State from doing a separate analysis of the application, and limiting their role to checking to ensure that there were no international or foreign policy restrictions on the applicant (checks with Interpol, etc.). Under the current system, State often readjudicates the visa petition rather than perform a more limited check. State has also identified a need for greater clarity regarding ultimate responsibility for certain decisions (like this one) where more than one agency plays a role.

We may, as part of our proposed reform, want to better clarify State's role as limited to international/foreign policy concerns only.

2. Immigration appeals

Under the current system, administrative review of immigration decisions is conducted by numerous entities located at the various agencies (State, Labor and Justice). In addition, the Bureau of Immigration Appeals (BIA) -- a 15 member panel appointed by the AG -- has nationwide jurisdiction over a wide range of cases, including decisions of Immigration Judges in exclusion, deportation, and removal decisions. Decisions of the Bureau of Immigration Appeals are reviewed by the Attorney General. The CIR recommended the creation of an independent body within the Executive Branch to hear all appeals of immigration-related administrative decisions, including deportation hearings. Decisions by this entity would be binding on the Executive Branch.

We have not yet fully explored whether the existing immigration appeals system needs dramatic reform or, if so, whether we would recommend a solution along the lines of that proposed by the CIR. It is not clear that this question has to be answered in the short term, but we may want

to keep it within our sites.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 17:43:03.00

SUBJECT: Good Manufacturing and Good Agricultural Practices 90-day Report

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

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

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

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

TEXT:

OMB would like to know if you think the guidance due date should be moved to December from the already announced date of October 2. OMB and USDA have concerns that the guidance will not be ready in October because it is a complicated process. OMB is also concerned about releasing guidance that may be controversial before the election. OMB would like to know whether we want the guidance due date to be October as promised or December to give the agencies more time.

In addition there are two other issue that OMB is trying to resolve with the agencies in a meeting that they are going to hold tomorrow:

- 1) Risk assessment. USDA wants risk assessment procedures (a cost-benefit analysis) to be incorporated into the guidance process and OMB agrees. However, they still need to finalize the specific way that this will be incorporated in the report.
- 3) Also FDA wants an entire section on establishing commodity-specific guidance. USDA, OMB, and the groups believe this would be very controversial, and furthermore, we never promised commodity-specific guidance.

What is your reaction to the due date for the guidance? Thanks, Mary

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes ( CN=Julie A. Fernandes/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:29-JAN-1998 10:02:15.00

SUBJECT: Feb. Advisory Board Agenda

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:

Attached is the most recent version of the agenda for the Feb. meeting in San Jose.

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D27]MAIL47913482L.026 to ASCII,

The following is a HEX DUMP:

FF57504361070000010A02010000000205000000024440000000200002D771CAA4DE6DE22AF3207  
23F058A3E7230D9AACA3E405A794A88D46777F5BAB5BF3D77205CA8C9276C39F3AA16C4FFE7BF7

**DRAFT** (as of March 18, 2010, 1:44PM)  
**Agenda**  
**President's Advisory Board On Race**  
**Northern California, February 10-11, 1998**

**Theme:** *Race and Poverty in America*

The purpose of this meeting is to examine the relationship between race, poverty, and public policy in both urban and rural America. While whites are over 45% of the poverty population in the United States, larger percentages of the minority population are poor. We will examine the racial characteristics of the poor, the persistence of poverty, its causes including the role of discrimination, and we will assess the nature of concentrated poverty in "ghettos" or "barrios."

Further, we will examine the need for and effectiveness of public and private sector responses to the persistence and concentration of race-based poverty, including breaking the well-documented cycle of poverty. Recommendations made thirty years ago by the Kerner Commission in addressing race will be reviewed for their relevance. We will identify some promising practices aimed at reducing poverty in minority communities including SBA, housing and community development projects.

**Key Questions:**

- To what extent are poverty and race related? Is there a link between race and concentrated poverty?
- What are the main causes of continuing and concentrated poverty among whites and minorities? Does discrimination continue to affect opportunities for minorities to move out of poor, segregated neighborhoods? What are the connections between racial isolation and poverty and how can we alter the negative aspects of these connections?
- What governmental and non-governmental programs and policies are most effective in addressing minority group poverty and racial segregation? Should such policies and programs differ in order to address the distinctive position and needs of different racial/ethnic groups? How should they do this?

**Day 1 (San Francisco/Oakland/East Palo Alto):**

The day will be devoted to having Board members visit Promising Practices sites in the San Francisco, Oakland, and East Palo Alto communities. The day will end with a community forum held in San Jose.

HUD Secretary Andrew Cuomo has been invited to attend.

San Francisco:

10:30 am - 12:30 pm: Board members visit local Promising Practices. Secretary Andrew Cuomo will be invited to attend.

Oakland:

10:30 am - 12:30 pm: Board members visit local Promising Practices.

East Palo Alto:

10:30 am - 12:30 pm: Board members visit local Promising Practices.

San Jose:

**Community Forum: 6:00-7:30 pm**

The day will conclude with a community forum in which Board members listen and learn about issues related to race in the San Jose area.

Possible Welcoming Speakers: Mike Honda, State Assemblyman

Possible Moderators: Local San Jose Moderator.

**Day 2 San Jose**

9:00 am - 9:10 am Welcome and review of agenda by Chairman Franklin.

9:10 am - 9:15 am Welcoming remarks from local official.

Possible speaker: San Jose Mayor Hammer

9:15 am - 9:35 am Keynote/Opening Address [HUD Secretary Andrew Cuomo -- invited] and possible Overview on Poverty and Race in America

**9:35 am - 11:45 am: Poverty and Race: Facts, Causes, and National Issues**

HUD Secretary Andrew Cuomo has been invited to participate in the morning panel with the Advisory Board. This round table discussion will bring together national experts to discuss if there is a link between race and poverty, as well as the status and causes of continuous and concentrated poverty in urban and rural communities. Economic inequality and race will be assessed as will the role of housing discrimination and how it limits opportunities to move out of "ghetto" neighborhoods. The key controversies have been the extent to which the causes are racial or non-racial and the extent to which the poor themselves bear responsibility for the continued impoverishment. The focus will be on national policies, programs, and legislative issues.

Possible panelists:

Professor William Julius Wilson, Harvard [available]; author of *The Declining Significance of Race*, and *When Work Disappears* and a nationally recognized expert on race and the urban "underclass."

Professor Douglas Massey, University of Pennsylvania [available]; Author of the book

*American Apartheid: Segregation and the Making of the Underclass*, and a long-term analysts of differences between whites, blacks, Hispanics and Asians in their spatial and economic progress and isolation. He is also a major analyst of immigration and race issues.

Professor Matthew Snipp, Stanford University [available]; A nationally know Native American demographic expert on the socio-economic condition of American Indians, including analyses of their poverty, housing conditions, ands cultural situation. He is author of a forthcoming book, *American Indians and Economic Dependency*, and author of the 1989 book, *American Indians: The First of the Land*.

Jack Kemp, Empower America [invited]. Former HUD Secretary and co-director of Empower America.

Professor Min Zhou, Department of Sociology and Asian American Studies, UCLA. She is the author of a forthcoming Russell Sage Foundation book on Vietnamese poverty, *Growing Up American*. Her research focusses on how the “social capital” these groups bring to their lives helps overcome the problems of poverty and ghettoization.

Professor Tarry Hum, New York University. She conducted recent research on Asian poverty and community economic development, as well as research on immigration, economic development and residential segregation. She has argued that ethnic niche economies serve to “protect” Asians against discrimination and economic instability. Prior to receiving her doctorate in urban planning, she was the executive director of the Asian Community Development Corporation as well as the Chinatown-South Cove neighborhood Council in Boston, Ma.

Professor Vilma Ortiz, UCLA, Department of Sociology. She has written extensive on Latino poverty issues.

Professor Raquel Rivera Pinder-Hughes, Urban Studies Program, SF. State University. Expert on Latino poverty issues in California and nationally. Has used census data to compare white, Black, Asian, and Latino poverty from 1970 to the present.

This session would conclude with 45 minutes of Q&A.

Moderator possibilities: Professor Manuel Pastor, Director of Latin American Studies, University of California at Santa Cruz; Dr. Laura Tyson, University of California at Berkeley.

11:45 am - 12:45 pm Lunch Break

1:00 pm - 3:00 pm **Poverty and Race: Local Policy Issues and Solutions**

This panel discussion will focus on the main State and local options for addressing the causes of poverty and possible programs and policies to address race-based poverty. The panel will consist largely of local state and area program experts. The discussion will likely include a focus on welfare-to-work as well as community and housing deconcentration and “integration” efforts from HUD, including Enterprise Zones/Community Development banks as they are being implemented at the local level. The panel could include:

Denise Fairchild, Community Development Technologies Center in LA; suggested by Angela Oh; worked extensively with the Rebuild LA Project; currently heading up an anti-poverty organization in Los Angeles; can speak to solutions for California

Gordon Chin, Executive Director of the Chinatown Community Development Center; the organization has been in existence for 20 years and mainly dealt with the Asian American community; the organization is now being faced with not only serving that community but the growing Russian immigrant and African-American communities; one of the largest affordable housing developers and is now moving into larger economic development issues; San Francisco

Jose Padilla, California Rural Legal Services; Los Angeles; an advocate for rural and farm worker issues;

Angelo Ancheta, the Asian Law Caucus; challenges racial discrimination in employment, housing and public institutions; organization has begun confronting the challenges associated with the new welfare-to-work program

Robert Woodson, Neighborhood Development; proponent of African Americans developing their own communities; critic of welfare programs.

Amy Dean, CEO of the South Bay AFL-CIO Labor Council which represents workers in the area; linked to the non-profit organization, Working Partnerships USA which is working on regional economic development and minority group issues in the San Jose area.

Rose Amador is President of the Center for Training and Careers in San Jose. The center works heavily with families on AFDC/welfare and is beginning a welfare to work program.

This session would conclude with 45 minutes of Q&A from the audience.

Moderator possibilities:

Eva Patterson, Executive Director for the Lawyer's Committee on Civil Rights in San Francisco

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1998 17:08:38.00

SUBJECT: Soft Money Petition

TO: Morley A. Winograd ( CN=Morley A. Winograd/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

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

TEXT:

According to an article in BNA, Joan Aikens, the FEC's new Republican chairman did not rule out making changes to the FEC's regulations on soft money and even suggested she could support more consistent rules and better disclosure for state and local party committees.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Claire Gonzales ( CN=Claire Gonzales/OU=PIR/O=EOP [ PIR ] )

CREATION DATE/TIME:29-JAN-1998 12:47:21.00

SUBJECT: EEOC Funding: Positive Response

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

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

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

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

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

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

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

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

TEXT:

I wanted to let y'all know that I just had a very encouraging meeting Tom Freedman and Julie Fernandes about the concerns I raised in my earlier e-mail about the public argument for increased EEOC funding. Tom and Julie responded immediately and were eager to discuss all aspects of this issue. Together we came up with a short term plan to develop external and internal strategies for addressing this issue in an effective, accurate, and coordinated way. I am sure that Tom and/or Julie will be sharing this information with you soon. Please feel free to call me at ext. 5-1025 if you have any questions. thanks