

NLWJC - KAGAN

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TRP - BOX 101 - FOLDER -003

[05/26/1998-09/04/1998]

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ron Klain to Elena Kagan re: Personal (1 page)	07/02/1998	Personal Misfile
002. email	Christopher Edley, Jr. to Elena Kagan and Sidney Blumenthal re: Tuesday 15:29:55 (1 page)	07/19/1998	Personal Misfile
003. email	Christopher Edley, Jr. to Elena Kagan and Sidney Blumenthal re: Tuesday 16:14:12 (3 pages)	07/20/1998	Personal Misfile
004. email	Christopher Edley, Jr. to Elena Kagan and Sidney Blumenthal re: Personal (1 page)	07/28/1998	Personal Misfile
005. email	Christopher Edley, Jr. to Elena Kagan and Maria Echaveste re: Personal (1 page)	08/26/1998	Personal Misfile

COLLECTION:

Clinton Presidential Records
 Tape Restoration Project [Email]
 OPD ([Kagan])
 OA/Box Number: 250000

FOLDER TITLE:

[05/26/1998 - 09/04/1998]

2009-1006-F
ds286

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]
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- 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 (TRP NOTES MAIL)

CREATOR: Toby Donenfeld (CN=Toby Donenfeld/O=OVP [OVP])

CREATION DATE/TIME:26-MAY-1998 20:02:10.00

SUBJECT: Dr. Kessler

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

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

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

TEXT:

The Vice President spoke to Dr. Kessler today and reported that Dr.

Kessler wants the White House to issue a statement encouraging the Senate to keep working on the McCain bill and to pass it (even if it has flaws) and keep the ball moving. He said he felt like we needed to keep the momentum moving. The VP said he thought that was a good idea and would push for it.

Senator Gramm's Marriage Penalty Proposal

Proposal

The proposal would give a deduction of \$3,450 (in 1999) to married couples filing a joint return who have combined incomes below \$50,000. (This \$3,450 deduction is the difference between the sum of the standard deductions for a single filer and a head of household filer and the standard deduction for a joint filer.) The deduction would be available to all such couples, whether or not they itemized deductions (i.e., the deduction would be "above-the-line"). Since couples in this income range are in the 15 percent bracket, the deduction is worth \$518 as long as they have sufficient tax liability. The deduction also reduces income for purposes of the phaseout of the Earned Income Tax Credit (EITC), so couples with incomes in the phaseout range of the EITC will get a larger credit.

Example. For a couple with two children and \$30,000 of wage income, taxes would decline by \$1,244. The decline is larger than \$518 because this couple would receive a larger EITC. For couples with income above approximately \$32,000 (and below \$50,000), the tax cut would normally be \$518.

Pros

- o Gives a tax cut to 20.1 million filers which is quite progressive, since only couples with income below \$50,000 would benefit.
- o Would extend the EITC to additional low-income working families, and increase the EITC for many current recipients.

Cons

- o Would cost **\$46.4 billion through 2003**, and approximately **\$10.5 billion per year** after 2003. This would crowd out much of the proposed expenditures in the tobacco bill.
- o The proposal has little to do with marriage penalties (other than the fact that it is giving a significant tax cut only to married taxpayers).
 - For example, a one-earner childless couple with \$50,000 of income already has a marriage bonus of over \$3,000; the proposal would simply increase this bonus. The marriage penalty for a childless two-earner couple, each with \$25,000 of income, is only about \$200; the proposal would more than eliminate this penalty.
 - Only about **40 percent** of the revenue loss would actually reduce marriage penalties.
- o The provision would create a "cliff," whereby couples with \$50,000 of income would get a tax cut of \$518 while a couple with \$1 more of income would get nothing. This creates large disincentives to earn income or large incentives to misreport income for taxpayers with incomes above the cliff.

Alternative to Gramm Marriage Penalty Proposal: A "Mini-Gramm" Proposal

Proposal

The cost of the Gramm proposal could be substantially reduced by basing the deduction on the difference between the sum of the standard deductions for two single filers and the standard deduction for a joint filer (this would make the deduction \$1,450 in 1999). The deduction could also be phased in, 25 percent in 1999, 70 percent in 2000, and 100 percent beginning in 2001. In addition, the cliff would be removed by phasing out the deduction by \$0.10 for each \$1.00 of income above \$50,000. The \$50,000 income limit would be indexed after 1999, as in the Gramm proposal, but using a \$1,000 round down rule (rather than the \$5,000 round down rule in the Gramm proposal).

In 1999 the deduction would be $25\% \times \$1,450 = \362.50 , which would have a tax value at 15 percent of \$54. When fully phased in, the deduction (at the 1999 level of \$1,450) would have a tax value of \$218.

Example. Using the fully phased in value of the deduction at 1999 levels, for a couple with two children and \$30,000 of wage income, taxes would decline by \$523. The decline is larger than \$218 because this couple would receive a larger EITC. For couples with income above approximately \$32,000 (and below \$50,000), the tax cut would normally be \$218. Couples with incomes between \$50,000 and \$64,500 (where the phaseout of the deduction would end) would receive some tax cut.

Advantages Relative to the Gramm Proposal

- o The cost of this "Mini-Gramm" proposal would be **\$19.3 billion through 2003** and approximately **\$5.7 billion per year** after 2003, about half the cost of the full Gramm proposal.
- o This proposal would provide a tax cut to more couples (27.3 million versus 20.1 million), because of the phaseout of the deduction above \$50,000 of income.

Disadvantages Relative to the Gramm Proposal

- o Most of the revenue loss would still go to marriage bonuses.
- o This proposal is less progressive than the full Gramm proposal, although nearly all of the tax cut, over 83 percent, would still go to couples with incomes below \$50,000.

Alternative to Gramm Marriage Penalty Proposal: Increase Standard Deduction for Joint Filers to Double the Single Amount

Proposal

The standard deduction for joint filers would be increased to double the amount for single filers (this increase would be \$1,450 in 1999). The increase in the standard deduction would also reduce income for purposes of the phaseout of the EITC. The increase would be phased in, 25 percent in 1999, 50 percent in 2000, 75 percent in 2001 and 100 percent beginning in 2002.

In 1999 the increase in the standard deduction for joint filers would be $25\% \times \$1,450 = \362.50 , which would have a tax value for couples in the 15 percent bracket of \$54 and \$102 for couples in the 28 percent bracket. When fully phased in, the increase in the standard deduction (at the 1999 level of \$1,450) would have a tax value of \$218 for couples in the 15 percent bracket, and \$406 for couples in the 28 percent bracket.

Example. Using the fully phased in value of the increase in the standard deduction at 1999 levels, for a couple with two children who use the standard deduction and have \$30,000 of wage income, taxes would decline by \$523. The decline is larger than \$218 because this couple would receive a larger EITC. Couples who itemize deductions with incomes below roughly \$32,000 would have modest tax reductions because of the change in the EITC phaseout.

Advantages Relative to the Gramm Proposal

- o The cost of this proposal would be **\$20.0 billion through 2003** and approximately **\$6.8 billion per year** after 2003.
- o The proposal would simplify filing, reducing the number of filers who itemize deductions by 3.1 million (from 39.2 million to 36.1 million). (These counts, and those given below, are based on fully phased in levels of the increase in the standard deduction in 1999.)
 - The Gramm proposal would make tax returns and filing somewhat more complex.
- o This proposal is more efficiently targeted at reducing marriage penalties than the Gramm proposal, with more than 50 percent of the revenue loss directly reducing marriage penalties (the corresponding figure for the Gramm proposal is 40 percent).
- o More couples (26.1 million versus 20.1 million) would receive a tax cut under this proposal than under the Gramm proposal.

Disadvantages Relative to the Gramm Proposal

- o The proposal is less progressive than the full Gramm proposal, with **62 percent** of the benefits would go to couples with incomes below \$50,000, and over **95 percent** would go to couples with incomes below \$100,000.

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Ron Klain (CN=Ron Klain/O=OVP [OVP])

CREATION DATE/TIME: 2-JUN-1998 09:29:30.00

SUBJECT: Tobacco event for VP

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

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

TO: Patricia M. Ewing (CN=Patricia M. Ewing/O=OVP [OVP])
READ:UNKNOWN

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

CC: Kimberly H Tilley (CN=Kimberly H Tilley/O=OVP [OVP])
READ:UNKNOWN

CC: Lawrence J. Haas (CN=Lawrence J. Haas/O=OVP [OVP])
READ:UNKNOWN

TEXT:

Bruce: I want to make sure that the VP is doing something public to try to push the bill along (and so that there are no claims that he and POTUS were AWOL if the bill flags this week). I also, of course, do not want to do anything provocative for our efforts.

What do you think of bringing in some groups to meet with him in the Roosevelt Room on Thursday or Friday, and then having a pool spray at the top where the VP just says, 'I hope the Senate will work hard to make as much progress as soon as possible.'

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Toby Donenfeld (CN=Toby Donenfeld/O=OVP [OVP])

CREATION DATE/TIME: 4-JUN-1998 17:15:18.00

SUBJECT: VP's Tobacco Event on Friday

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

TO: Elena Kagan (CN=Elena Kagan/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:

Ron Klain requests that Bruce and/or Elena attend the VP's briefing before his tobacco event tomorrow (Friday). The briefing is scheduled from 12:45 - 1:00 in the VP's WW office and the event is on in the Roosevelt Room from 1 - 1:45 and will include the VP and 40 tobacco-free kids. Thanks very much.

I will let you know if the time changes.

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Toby Donenfeld (CN=Toby Donenfeld/O=OVP [OVP])

CREATION DATE/TIME: 8-JUN-1998 10:04:39.00

SUBJECT: VP Interview w/ New York Times

TO: Bruce N. Reed (CN=Bruce N. Reed/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: Elena Kagan (CN=Elena Kagan/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:

The VP is scheduled to do an interview this afternoon w/ Jeff Goldberg of the New York Times Magazine re: the tobacco industry. After speaking to Cynthia on Friday, Larry and I came up w/ the attached draft Q & A. (Goldberg told Larry these are the questions he'll ask the VP).

Could you please review the attached document and let me know if you have any changes. Thank you.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D99]ARMSZZ000N1DE.000 to ASCII,
The following is a HEX DUMP:

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Q AND A

INTERVIEW WITH JEFF GOLDBERG, *NEW YORK TIMES* MAGAZINE

Q: How do you explain the shifting moral climate with regard to cigarettes and the tobacco industry?

A: I would point to a few things:

- 1. The release of the company documents, showing that the tobacco industry has been targeting their addictive and deadly product to our children.**
- 2. The aggressive advertising campaigns, such as the one around Joe Camel, which so obviously was geared toward children.**
- 3. The growing consciousness of Americans of the need to care for their own health and that of their children.**

Q: How do you explain the fact that the companies have lost all their friends in Congress?

A: Well, they clearly have lost some friends in Congress.

I would point to a few things:

- 1. The release of the company documents, showing that the tobacco industry has been targeting their addictive and deadly product to our children.**
- 2. The aggressive advertising campaigns, such as the one around Joe Camel, which so obviously was geared toward children.**
- 3. The growing consciousness of Americans of the need to care for their own health and that of their children.**

But I'm not sure they have lost all of their friends in Congress.

There are many in Congress who do not believe we need legislation to reduce youth smoking and have spent weeks trying to defeat it.

Otherwise, we would already have a bill in place.

I think the tobacco industry is still very powerful.

In fact, they have spent more than \$50 million in the last couple of months on advertising on television to try to kill the tobacco legislation.

Q: What do you think was wrong with the original settlement?

A: The main problems are that:

- 1. It did not raise the price of cigarettes enough to result in a real and dramatic reduction in youth smoking (the settlement would only raise the cigarette price by 62 cents a pack),**
- 2. It weakened the FDA's authority to regulate tobacco products, and**
- 3. It did nothing to protect tobacco farmers and their communities.**

Q: What do you think the country will look like, in terms of smoking, in 10-15 years?

A: We expect that tough legislation will be enacted this year and will result in a dramatic downturn in smoking, especially among young people.

With a significant per pack price increase, tobacco advertising restrictions, and further efforts to enforce youth access to tobacco products, we expect to cut youth smoking nearly in half in five years.

Therefore, I expect there will be far fewer smokers, especially young smokers in 10-15 years.

I hope that as a result of the advertising restrictions, and a new sense of activism among young people, there will be a shift in attitudes among young people away from the idea that smoking is cool and toward the position that smoking is an addictive and deadly habit.

Q: What impact do you think the Administration had on the debate?

A: I think we have had an enormous impact.

President Clinton was the first President to take on the powerful tobacco industry and take a tough stand to protect our nation's young people from the dangers of tobacco.

In 1995, the President announced a new FDA rule to restrict advertising, promotion, distribution and marketing of cigarettes to teenagers.

Last year, the first phase of this rule went into effect, making it the law of the land that no one under 18 can buy tobacco products and that retailers must check the ID of anyone under 27.

Following the release of the tobacco settlement, the Administration pointed out the flaws in that settlement (see above), and the President outlined the five guiding principals that must be present in any tobacco legislation.

It was these principals that formed the framework for the debate in Congress.

Now, the President is calling for comprehensive tobacco legislation that will reduce youth smoking by nearly half over the next five years --stopping almost 3 million young people from smoking and preventing almost 1 million premature deaths by 2003.

This Administration continues to work closely with Congress.

Following the Senate Commerce Committee vote of 19-1 on the McCain bill, we sought the following improvements to the bill:

- 1. Strengthen the penalties, by including a company-specific component and increasing the industry-wide surcharge cap above \$3.5 billion.**
- 2. Eliminate the "opt-out" provision that allows states to adopt weaker environmental tobacco smoke ("second-hand smoke") laws.**
- 3. Eliminate or narrow the antitrust exemption.**
- 4. Ensure spending on research, public health, and farmers, and press for spending on child care and education (or at least a menu including these programs).**

Due to this Administration's leadership and commitment to reducing youth smoking, we are on the brink of improving the health and well-being of a generation of children and reversing the dangerous practices of the tobacco

Automated Records Management System
Hex-Dump Conversion

industry.

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Toby Donenfeld (CN=Toby Donenfeld/O=OVP [OVP])

CREATION DATE/TIME: 8-JUN-1998 15:23:53.00

SUBJECT: VP Call to the NY Times

TO: Bruce N. Reed (CN=Bruce N. Reed/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: Elena Kagan (CN=Elena Kagan/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:

The VP's interview w/ Jeff Goldberg at the New York Times went fine.

Goldberg didn't really ask any of the questions we were expecting. He

asked the VP about the lack of momentum on the bill...where the

Administration is....if he thinks Stephen Goldstone and the other tobacco

executives are evil ... how he responds to their charges that this

legislation is all a big lie...

I think the VP did a good job in answering these questions. He strongly talked about how the Administration has been pushing this for years and that the issue is really about children (a pediatric disease). He said he would not get personal about his disagreements w/ Larry Tisch or Goldstone. He said the tide shifted on this issue as people saw the documents and realized this is about children. He said that we are in no way trying to limit tobacco companies from marketing and selling to adults.

Thanks for all of your help again.

DRAFT

**STATEMENT ON TOBACCO DOCUMENTS
FOR THE VICE PRESIDENT
JUNE 30, 1998**

*Automated Records Management System
Hex-Dump Conversion*

But before we begin, I want to comment on a recent development, by using some of the plainest language I know: Smoking Kills. Just this past weekend we found even more evidence to prove that the tobacco companies have been targeting our children for decades -- a Lorillard document from 1978 state bluntly: the "base of our business is the high school student."

Let me say on behalf of President Clinton that the base of our business is protecting Americas children. That is why the President and have been working so hard to pass comprehensive tobacco legislation to reduce youth smoking and save one million precious lives.

The tobacco company documents revealed over the weekend only reinforce what we have seen in hundreds of other documents released in the past several months which confirm that for decades: the tobacco industry did intense research on the smoking habits of children as young as 12, the tobacco companies knew their product was addictive and deadly, tobacco companies knew a price increase would drive down the number of young people smoking and that tobacco companies have continued to market their products to young people.

In one 1984 RJR document entitled "Younger Adult Smokers: Strategies and Opportunities" they say young adult smokers are "the only source of replacement smokers." A 1987 Philip Morris memo states "It is clear that price has a pronounced effect on the smoking prevalence of teenagers." Another RJR document from 1973 states that "many manufacturers have "studied" the 14-20 year-old market in hopes of uncovering the "secret" of the instant popularity some brands enjoy."

These outrageous and immoral actions by the tobacco industry aimed at our kids is why the President and I have worked so hard to reduce youth smoking. The President and I worked with Congress to pass comprehensive legislation to: raise the price of cigarettes, stop tobacco companies from marketing to kids, invest in anti-smoking programs and research and give kids a healthy future.

The President and I strongly believe that high school students should not be the base of business for the tobacco industry and neither should Congress. The President and I will continue to expose the deceptions and lies of the tobacco industry through these documents and not stop until comprehensive legislation is passed by Congress and signed into law by the President.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ron Klain to Elena Kagan re: Personal (1 page)	07/02/1998	Personal Misfile

COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[05/26/1998 - 09/04/1998]

2009-1006-F
ds286

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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RR. Document will be reviewed upon request.

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

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RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Christopher Edley, Jr. ("Christopher Edley, Jr." <edley@law.harvard.edu> [

CREATION DATE/TIME:14-JUL-1998 11:28:18.00

SUBJECT: Vice President's NAACP speech

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

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

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

TEXT:

Below, and attached, are text of memo I gave, at request of VP's staff, to Maria yesterday concerning a proposed education insert for the VP's NAACP address on Thursday. The problem is that the speech is a rather content-free, and this is a proposed solution, complementing the usual laundry list of accomplishments and such. It suggests four "principles" in an effort to me modestly visionary.

1. Standards/excellence,VNT (yes, I choked)
2. Opportunity to learn - but note how mild, watered down, non-federal and bully-pulitish
3. Cut attainment gap in half -- modeled after the health disparities initiative, but state-focused and hortatory
4. Integration, based on POTUS sentiments on the subject, voiced most recently at the PBS roundtable.

The question is whether it is possible to clear something along these lines for the Vice President to use, even though we haven't consulted governors

and the Organization of American States.

I sent this to Mike Cohen yesterday because Maria was going to call him, but you ought to have it because now she says she may call you, sometime this morning.

Eli Attie is working on the speech.

Ciao.

PS: Thanks for your counsel yesterday.

7/13/98

To: Maria Echaveste

From: Christopher Edley, Jr.

Re: Vice President's Gore's NAACP Speech - Clearance of Education
Issues

Attached is a series paragraphs containing some education ideas I would

like the Vice President to consider for his NAACP speech on Thursday. I know time is short. The question is, can something like this get clearance? The VP's office is interested, but we have not shared it with the Vice President yet. Everyone's concern is that the policy process just moves too slowly to get this done. Is that true?

I apologize for my tardiness. I should have proposed this weeks ago. I was wasting my time on other matters.

Cc:

Mike Cohen, DPC

Eli Attie, OVP

[insert follows . . .]

I believe we can do better. I believe we can hold ourselves to a higher standard. I believe that if we give them the opportunity, every child in America can learn. And I believe it's time to stop pointing fingers and start joining hands to fix our schools -- because we don't have a child to waste.

Today, I want to suggest four clear principles to guide us, four core values to guide us as we move forward in the struggle: excellence, opportunity, achievement, and integration.

First, we will not get excellence from our children until we demand it - demand it from students, parents, teachers and administrators. - from

everyone. That is why President Clinton has called for voluntary national tests in the basics: 4th grade reading, and 8th grade math. excellence from all requires accountability for all. When it comes to education, the era of excuses must be over.

Second, I believe that every state and school district should define a basic level of opportunity for our children -- including the right resources and the right climate for learning -- and then measure whether classrooms and schools are meeting that goal. if kids don't get a chance to take algebra, or learn English; should we be surprised by low sat scores or high drop out rates? every child deserves a basic opportunity to learn, and the NAACP can play a role in holding local schools and officials accountable.

Third, I believe that every state and school district should set a goal of cutting in half the achievement gap between the richest and the poorest students, and among different racial and ethnic groups, over the next decade. And fourth, at time when America is becoming more diverse, too many of our schools are becoming less diverse. I believe we must reverse this trend, and recommit ourselves to integration and diversity in our schools using voluntary tools such as public school choice, charter schools and magnet schools. the best education is one which prepares students for the diversity in America. we must break down the walls between us, to understand our neighbors, and since everyone can't be in the army, our best hope for doing that is through the experiences we give our children in school.

These four principles are not some distant dream -- they are the foundation for the education battles we are fighting right now -- battles we must wage for our children's future.

Let's start by passing President Clinton's plan to hire 100,000 highly trained teachers to reduce class size in the early grades from an average of 22 to 18.

Then let's hire another 35,000 teachers in our poorest schools, and improve the quality of their teaching.

Let's pass Senator Carol Moseley-Braun's \$22 billion plan to rebuild and modernize our schools -- because we can't lift our children up in schools that are falling down.

Let's pass Congressman Chaka Fattah's High Hopes program -- to tell children as early as elementary school: if you work hard and stay in school, we'll give you mentoring, we'll give you tutoring, and we will guarantee you the help you need to pay for college.

And in this new economy and Information Age, let us close the digital divide that throws up new barriers to opportunity, and to the high-paying jobs of the future.

Think about it: if we put computers and the Internet in every classroom and school library in America, along with trained teachers, we'll never again have to worry that schools lack the latest textbooks, or good library collections. Every child in every community -- from the most remote rural district to the poorest inner city school -- will have access to the same vast universe of information.

And now we need the E-Rate -- so Internet connections will be greatly discounted for 30,000 schools, and almost free for the poorest schools.

7/13/98

To: Maria Echaveste

From: Christopher Edley, Jr.

Re: Vice President's Gore's NAACP Speech – Clearance of Education Issues

Attached is a series paragraphs containing some education ideas I would like the Vice President to consider for his NAACP speech on Thursday. I know time is short. The question is, can something like this get clearance? The VP's office is interested, but we have not shared it with the Vice President yet. Everyone's concern is that the policy process just moves too slowly to get this done. Is that true?

I apologize for my tardiness. I should have proposed this weeks ago. I was wasting my time on other matters.

Cc:

Mike Cohen, DPC
Eli Attie, OVP

[insert follows . . .]

I believe we can do better. I believe we can hold ourselves to a higher standard. I believe that if we give them the opportunity, every child in America can learn. And I believe it's time to stop pointing fingers and start joining hands to fix our schools -- because we don't have a child to waste.

Today, I want to suggest four clear principles to guide us, four core values to guide us as we move forward in the struggle: excellence, opportunity, achievement, and integration.

First, we will not get excellence from our children until we demand it -- demand it from students, parents, teachers and administrators. -- from everyone. That is why President Clinton has called for voluntary national tests in the basics: 4th grade reading, and 8th grade math. excellence from all requires accountability for all. When it comes to education, the era of excuses must be over.

Second, I believe that every state and school district should define a basic level of opportunity for our children -- including the right resources and the right climate for learning -- and then measure whether classrooms and schools are meeting that goal. if kids don't get a chance to take algebra, or learn English; should we be surprised by low sat scores or high drop out rates? every child deserves a basic opportunity to learn, and the NAACP can play a role in holding local schools and officials accountable.

Third, I believe that every state and school district should set a goal of cutting in half the achievement gap between the richest and the poorest students, and among different racial and ethnic groups, over the next decade. And fourth, at time when America is becoming more diverse, too many of our schools are becoming less diverse. I believe we must reverse this trend, and recommit ourselves to integration and diversity in our schools using voluntary tools such as public school choice, charter schools and magnet schools. the best education is one which prepares students for the diversity in America. we must break down the walls between us, to understand our neighbors, and since everyone can't be in the army, our best hope for doing that is through the experiences we give our children in school.

These four principles are not some distant dream -- they are the foundation for the education battles we are fighting right now -- battles we must wage for our children's future.

Let's start by passing President Clinton's plan to hire 100,000 highly trained teachers to reduce class size in the early grades from an average of 22 to 18.

Then let's hire another 35,000 teachers in our poorest schools, and improve the quality of their teaching.

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Let's pass Congressman Chaka Fattah's High Hopes program -- to tell children as early as elementary school: if you work hard and stay in school, we'll give you mentoring, we'll give you tutoring, and we will guarantee you the help you need to pay for college.

And in this new economy and Information Age, let us close the digital divide that throws up new barriers to opportunity, and to the high-paying jobs of the future.

Think about it: if we put computers and the Internet in every classroom and school library in America, along with trained teachers, we'll never again have to worry that schools lack the latest textbooks, or good library collections. Every child in every community -- from the most remote rural district to the poorest inner city school -- will have access to the same vast universe of information.

And now we need the E-Rate -- so Internet connections will be greatly discounted for 30,000 schools, and almost free for the poorest schools.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Christopher Edley, Jr. to Elena Kagan and Sidney Blumenthal re: Tuesday 15:29:55 (1 page)	07/19/1998	Personal Misfile

COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[05/26/1998 - 09/04/1998]

2009-1006-F
ds286

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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Christopher Edley, Jr. to Elena Kagan and Sidney Blumenthal re: Tuesday 16:14:12 (3 pages)	07/20/1998	Personal Misfile

COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[05/26/1998 - 09/04/1998]

2009-1006-F
ds286

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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Christopher Edley, Jr. to Elena Kagan and Sidney Blumenthal re: Personal (1 page)	07/28/1998	Personal Misfile

COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[05/26/1998 - 09/04/1998]

2009-1006-F
ds286

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

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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]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Christopher Edley, Jr. ("Christopher Edley, Jr." <edley@law.harvard.edu> [

CREATION DATE/TIME:30-JUL-1998 17:48:14.00

SUBJECT: POTUS Race Book "Accomplishments" chapter

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

READ:UNKNOWN

CC: Michele Cavataio (CN=Michele Cavataio/OU=PIR/O=EOP [PIR])

READ:UNKNOWN

TEXT:

I have a team of PIR staff helping me with the book, and Michele Cavataio has agreed to be the "project manager" for this little part of the exercise. But DPC, NEC and OMB are, obviously, the real contributors here.

What I envision is that Michele will help me make sure that the help we need from those offices doesn't fall through the cracks in the press of ordinary business. I'm looking to you, however, as the senior person to be most involved in ensuring that the White House story is developed. Make sense?

If so, then the question is, with whom in your shop should Michele work as a point of contact? (And will you instruct that person accordingly, if it isn't you.) Can you also please identify an appropriate person at NEC? -- But I'd really rather just work with you on this.

As a first step, Michele is going to (a) put together a couple of options for how the accomplishments chapter might be structured, and (b) build a file of existing Administration Accomplishments documents. When she's completed the options (in a couple of days), perhaps the three of us should have a conference call to discuss the right structure, and then strategize about a production process?

Also -- how would you feel about involving my dear friend Josh? He has lots of horses at his disposal, and might be feeling a bit underutilized.

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Christopher Edley, Jr. ("Christopher Edley, Jr." <edley@law.harvard.edu> [

CREATION DATE/TIME: 5-AUG-1998 23:42:35.00

SUBJECT: Re: next steps

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

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

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

CC: Charles F. Ruff (CN=Charles F. Ruff/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

TEXT:
Fabulous notes. Geez.

Small comments, in no particular order:

a. I would say that MAYBE these need elevation to POTUS. I favor developing the memo (with all the work that entails) and dropping out or adding as that process indicates. In other words, this shouldn't be viewed as a final list.

b. We really are killing four birds with one stone, and it makes sense to bear that in mind. The birds are: (1) updating POTUS on a few items; (2) plotting Administration priorities for the next two years and getting the needed policy signals to accomplish that; (3) flagging anything that has budget implications for FY 2000; (4) getting some bold thinking in front of POTUS for his race book.

c. In regard to the last item, b(4), we need a mini-working group not only to help process the memo, but also to think about ideas that may not be federal, or that may be longer range, or whatever. And, I dunno, maybe there's something about Native Americans. Maybe discrimination in the context of immigration enforcement. Anyway, I'd like a little working group, with charter not only to assist with Eddie's POTUS memo, but the broader brainstorming I need for the book.

d. I don't want any of this morning's discussion to leave the impression that I am anything but wildly enthusiastic about biting the bullet on 8(a) and SDB programs -- or at least putting before POTUS the option of doing so. I believe Maria agrees. BUT I DID NOT LEAVE THE DISCUSSION WITH A SENSE OF WHO HAS THE LEAD IN DRIVING 8(a) REFORMS FORWARD. If not WH COUNSEL, then who? Would be nice to get something signed off on by the time of the book. Erskine and Cassandra designed a package of changes that are sitting on the shelf to consider.

e. I just want to reiterate that there is serious intellectual work involved in many of these issues. There is hard conceptual stuff that ought to be framed in a way with the general way POTUS will discuss racial and ethnic justice, etc. Obvious point, but when the lawyers in the basement start arguing about everything, we'll have to remind folks to keep the big picture in mind. (Once we paint it.)

f. This is a large agenda. I urge Eddie to make use of Jacinta Ma, an attorney with a strong civil rights background, from the PIR staff. In addition, Maria will have a White House Fellow starting in September, who is an attorney with some civil rights experience and interest.

At 04:52 PM 8/5/1998 -0400, Edward_W._Correia@who.eop.gov wrote:

> Chris asked me to summarize my notes of our meeting this morning in
> order to review the civil rights enforcement issues we identified as
> particularly significant. I list these below, as well as my recollection
of

> the remainder of our discussion. Please let me know if you have
corrections
> or additions.

>

> We identified the following "frontier" civil rights enforcement
issues

> as significant enough to warrant review by the President:

> 1) higher education admissions, including the use of standardized
> tests and the way we choose to articulate and support the Bakke decision;

> 2) high stakes testing in other settings, such as elementary and
> secondary schools;

> 3) single sex schools;

> 4) magnet and charter schools, including the appropriate use of race
> by these schools in creating a diverse student body and our enforcement
> strategy if schools exclude groups in violation of the civil rights laws;

> 5) the importance of testers in civil rights enforcement, as used by
> the EEOC and other enforcement agencies;

> 6) achieving diversity in employment and ownership in the
broadcasting

> industry, including the status of the challenge to the FCC's employment
> rules and strategies to diversify ownership;

> 7) our efforts to achieve "environmental justice," i.e., challenging
>decisions of local government or other recipients of federal funds in land
>use planning decisions that have a discriminatory impact.

>

> In addition to these issues, we may, after further review, want to
>include language discrimination by employers and religious discrimination.
>Also, the question of reforms in the 8(a) program may warrant review, both
>as a legal matter based on our need to comply with Adarand and as a policy
>matter, based on the desire to make the program more effective.

>

> In regard to policy issues that Chuck and I contemplated including in
>a memo to the President, particularly pipeline strategies for higher
>education, there was a strong recommendation to include these as a part of
>the regular budget process. I will convey this recommendation to Chuck and
>discuss with Elena and Mike Cohen how that would be done. Finally, there
>was a consensus that we need some kind of regular White House review of
>civil rights enforcement policy and strategies. One possibility is a
>meeting every month (perhaps 6 weeks) involving DPC, Counsel's Office,
>other White House staff where appropriate, the heads of the enforcement
>agencies and some agency staff.

>

>

>

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Christopher Edley, Jr. ("Christopher Edley, Jr." <edley@law.harvard.edu> [

CREATION DATE/TIME: 6-AUG-1998 20:57:30.00

SUBJECT: Race Book working groups

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

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

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

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

CC: John M. Goering (CN=John M. Goering/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

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

CC: Scott R. Palmer (CN=Scott R. Palmer/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

TEXT:

Elena, Mike, Josh:

Here's where we are and where I'd like to go.

1. Working groups in Education, Criminal Justice, Economic Development and, sort of, Civil Rights Enforcement. My partners on each topic are, respectively, Elena/Mike, Elena, Josh and Eddie.

2. For the time being, at least, working with me as staff are: Michele Cavataio (K-12); Scott Palmer (higher ed and criminal justice); John Goering (economic dev); and Jacinta Ma (civil rights).

3. I'd like to have initial meetings of these working groups ASAP. Eddie is trying to arrange Civil Rights for Monday around 3 pm; Jacinta is working

4. (a)

with him on a

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Christopher Edley, Jr. ("Christopher Edley, Jr." <edley@law.harvard.edu> [

CREATION DATE/TIME: 9-AUG-1998 20:22:51.00

SUBJECT: book working groups -- RETRANSMIT

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

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

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

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

CC: Jane T. Price-Smith (CN=Jane T. Price-Smith/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

CC: John M. Goering (CN=John M. Goering/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

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

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

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

CC: Scott R. Palmer (CN=Scott R. Palmer/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

TEXT:
Sorry -- hit the send button before I was done.

Maria, Elena, Mike, Joshua:

Here's where we are and where I'd like to go w.r.t. bold idea working
groups for the workplan chapter of the book.

[[MARIA: After reading this, I'd like you to send an email to all addresses

conveying your sense of the process, the priority you want DPC, NEC and OMB to assign to this, and what you want me to do if and when those offices decide [as seems inevitable, in my experience] they are too busy to engage. I'd like everyone on the same page process-wise. Thanks.]]

1. Working groups in Education, Criminal Justice, Economic Development and, sort of, Civil Rights Enforcement. [perhaps additional topics later] My partners on each topic are, respectively, Elena/Mike on education, Elena on crime, Josh on economic development, and Eddie on enforcement.

2. For the time being, at least, working with me as staff are: Michele Cavataio (K-12); Scott Palmer (higher ed, and criminal justice); John Goering (economic dev); and Jacinta Ma (civil rights).

3. Near-term goal is an abbreviated piece of Think Paper with four headings: (a) major Administration accomplishments; (b) pending hot/important policy problems that may need to be addressed before or in the book; (c) ideas or problems in addition to the above that are "out there" that are candidates for discussion in the book, even if there is no policy exigency or, even, policy decision -- the so-called "hard-questions"; (d) bold ideas, including state, local and private measures.

4. CIVIL RIGHTS: I'd like to have initial meetings of these working groups ASAP. Eddie is trying to arrange Civil RIGHTS for Monday around 3:30 pm; Jacinta is working with him on the Think Paper. I suggest that Mike Cohen attend that meeting because of education overlaps.

5. EDUCATION: Mike Cohen agreed to organize the Education meeting this coming week. [Not Wednesday. I suggest Thursday, any time other than 2pm,

when Maria has another race mtng scheduled. Mike, please invite Eddie, as well as Shireman. Invite Josh, but because Josh and Barbara Chow are scheduled to be on vacation, Josh wants you to invite Barbara's career dputy, Barry White. I concur. I've known him for 20 years. I've asked Scott Palmer and Michele Cavataio, working with Mike or his designee, to start on the Think Paper.

6. ECONOMIC DEVELOPMENT: On economic development, Josh is away, but I'll work with OMB staff to get the thing started, along with John Goering, so that when Josh returns that work group can get going in high gear. I will also ask Sperling who he wants involved.

7. CRIMIINAL JUSTICE, ETC.: Elena, will you please take the lead in convening a group? I've asked Scott Palmer to start on a THink Paper, but it needs DPC input ASAP. Who is Scott's cotact? Jose? Can you please set something up this coming week? Again, not Wednesday (I must be in Boston).

MY GOAL: is to get some preliminary thinking to POTUS [and VPOTUS] within a couple of weeks, for his quick reaction, to calibrate our boldness, and to help us set priorities in further, detailed idea development. Also, remember that those few ideas that may have budgetary implications will have to feed into that process.

Thanks one and all.

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Christopher Edley, Jr. ("Christopher Edley, Jr." <edley@law.harvard.edu> [

CREATION DATE/TIME:11-AUG-1998 12:22:18.00

SUBJECT: hi there

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I'm anxious about getting the brainstorming efforts on crime and education

going this week. I'm in Boston on Wednesday, back Wednesday evening.

We don't have tons of time, but DPC has the lead on these issues, so . . .

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Christopher Edley, Jr. ("Christopher Edley, Jr." <edley@law.harvard.edu> [

CREATION DATE/TIME:19-AUG-1998 13:58:40.00

SUBJECT: book

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Elena:

1. My understanding is that you and Maria have spoken again about DPC engagement on ideas for the workplan chapter. Mike Cohen is fully engaged, and I'm really pleased at how that effort is moving along thus far.

2. CRIME: I've suggested that Scott Palmer contact Jose Cerda directly to get the criminal justice piece moving, because we are running out of time. Scott has drafted something to help get the juices flowing.

3. HEALTH: On Health, it seems to me we have to do something, but the question in my mind is whether there anything to be said in the workplan chapter beyond recapitulation of the Health Disparities initiative announced a couple of months ago. I've suggested that David Camppt of PIR raise this with Chris Jennings before reaching out to HHS and outside experts for their thoughts. Unless people feel there are substantial possibilities on this front, it doesn't seem like it deserves a workgroup effort comparable to education, economic development, crime, or even civil rights.

The particular wrinkle I suggested to David Camppt, as he studies the documents and chats with Jennings, is whether the Health Disparities

initiative contains a comprehensive set of non-federal elements. It probably does. Just a question to explore.

PLEASE SAY SOMETHING TO JENNINGS SO HE HAS CONTEXT FOR THIS.

Thanks.

4. SOCIAL SERVICES: I haven't given much thought to this general programmatic area. [I assume that we will handle job training stuff either in the economic opportunity working group or the education working group -- which ever makes sense to you and Sperling.] Unless you have feel otherwise, let's not attempt any serious work on this front for now. Child care can be handled as an adjunct of job strategies.

5. DEADLINE: Maria has, I hope, said something about the 9/10 deadline for my memorandum to POTUS. Getting that written, vetted, cleared and submitted by 9/10 will be tough.

So, tell me honestly: Are you on board, or are you "actively skeptical"?

ciao

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Christopher Edley, Jr. ("Christopher Edley, Jr." <edley@law.harvard.edu> [

CREATION DATE/TIME:25-AUG-1998 12:59:58.00

SUBJECT: Re: Chapter on Accomplishments

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Maria, Elena, Sidney:

This (accomplishments chapter) is one of the topics for dinner tonight.

At 03:58 PM 8/24/1998 -0400, Michele_Cavataio@pir.eop.gov wrote:

>Chris and I were hoping to get some feedback from you on the attached memo

>which proposes a format for the accomplishments chapter in the President's

>book on race. We hope that our next step will be to meet with Michael

>Waldman and others to flesh out the themes. (See attached file:

>ACCOMPS2.WPD)

>Thanks.

>

>Attachment Converted: "c:\Documents\Attachments\ACCOMPS21.WPD"

>

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Christopher Edley, Jr. to Elena Kagan and Maria Echaveste re: Personal (1 page)	08/26/1998	Personal Misfile

COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[05/26/1998 - 09/04/1998]

2009-1006-F
ds286

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 (TRP NOTES MAIL)

CREATOR: Christopher Edley, Jr. ("Christopher Edley, Jr." <edley@law.harvard.edu> [

CREATION DATE/TIME:28-AUG-1998 12:14:17.00

SUBJECT: I-200 and loose nukes

TO: Charles F. Ruff (CN=Charles F. Ruff/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

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

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

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

TO: Maureen T. Shea (CN=Maureen T. Shea/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Mona G. Mohib (CN=Mona G. Mohib/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Lisa M. Brown (Lisa M. Brown@OVP [UNKNOWN])
READ:UNKNOWN

CC: Leslie Bernstein (CN=Leslie Bernstein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

CC: Scott R. Palmer (CN=Scott R. Palmer/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

TEXT:

In advance of Maria's 11:30 meeting on I-200, I offer one substantive observation on the level of principle. My sense is that some, probably most, WH staff believe that the fate of I-200 is basically a local concern, and that the Administration's posture should be one of "support", rather than "responsibility." From that, it follows that you should just monitor, and be reactive and responsive.

The alternative principle is that if I-200 passes it will ignite a

firestorm of Prop 209-like activity, and in combination with adverse lower court rulings, broaden and deepen the risks to affirmative action policies the President and Vice President strongly support. This is no more a "local" problem than loose nukes in the Former Soviet Union.

What I hear is that "No-200" is in serious financial trouble, relative to the need; that the battle is winnable (as Prop 209 probably was); and that the local folks are pretty good (which was only half true on Prop 209).

So the first question is, What's our principle? If you agree with me, then the second question is, What would the Administration have to do to maximize the chances of defeating I-200, and how much of that are we actually willing to undertake, given everything else?

Finally, I'll play the WW parlor game: I'll bet that if the issues and arguments were put before the President, he would say that he does not want to preside over the dismantling of affirmative action; that he wants an aggressive (not reactive) strategy to defend his mend-it-don't-end-it policy; and that he would make these points with an edge of impatience.

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Christopher Edley, Jr. ("Christopher Edley, Jr." <edley@law.harvard.edu> [

CREATION DATE/TIME: 4-SEP-1998 21:19:45.00

SUBJECT: Draft POTUS memo on race book

TO: aedmonds1 (aedmonds1@home.com [UNKNOWN])
READ:UNKNOWN

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

TO: Charles F. Ruff (CN=Charles F. Ruff/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

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

TO: Francis S. Redburn (CN=Francis S. Redburn/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

TO: Terry.Edmonds (terry.edmonds@ssa.gov [UNKNOWN])
READ:UNKNOWN

CC: David Campt (CN=David Campt/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

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

CC: Jane T. Price-Smith (CN=Jane T. Price-Smith/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

CC: John M. Goering (CN=John M. Goering/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

CC: Lin Liu (CN=Lin Liu/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

CC: Michael Wenger (CN=Michael Wenger/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

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

CC: Scott R. Palmer (CN=Scott R. Palmer/OU=PIR/O=EOP [PIR])
READ:UNKNOWN

TEXT:
Comrades:

Have a good weekend. You will enjoy it more if you take a look at the attached draft memorandum, which has been sent to the Staff Secretary for clearance. Maria is holding a clearance meeting on Tuesday afternoon at 4 pm, but comments are welcome before or after that. The memo is due in to POTUS mid-week. Sorry I couldn't finish this earlier in the day.

- Memo-v6.wpd===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D56]ARMSZZ000SF4R.000 to ASCII,
The following is a HEX DUMP:

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Draft v6

September 9, 1998

MEMORANDUM FOR THE PRESIDENT

From: Christopher Edley, Jr.
Professor of Law

Through: Maria Echaveste
Deputy Chief of Staff

Re: Progress Report on the Race Book, and Request for Interim Guidance

This memorandum is organized in the following sections:

- I. Introduction, process and organization of the effort
- II. The Vision (book chapter 2), and basic themes
- III. The Workplan (chapter 6)
- IV. Leadership (chapter 7)
- V. Next steps, and summary of decisions requested

I. INTRODUCTION, PROCESS AND ORGANIZATION OF THE EFFORT

The purpose of this memorandum is to review our progress, confirm our general direction, and solicit interim guidance on a few substantive matters. Most important, Part II is a first attempt to sketch your "vision" of One America with racial justice and equal opportunity in the 21st century. Then, Part III adds some flesh to key portions of the "workplan" chapter outline you have already seen, offering a partial menu of ideas.¹ We want to know if this conceptual

¹The current detailed (and daunting) outline of the book is at Tab A. The chapter outline is:

Introduction: One America in the 21st Century

Chapter I: Where Is America On Race, And Where Are We Going?

framework makes sense, and if we are heading for the right mix of bold and pedestrian, thematic and programmatic. White House policy staff are fully engaged and have both contributed to this workplan material and reviewed this memorandum. Important disagreements and special concurrences are noted in this document or accompanying memoranda.

We hope to complete the workplan menu within two weeks and, based on your tentative approval of several ideas, proceed with more detailed policy development between now and early November. This is key: I want these first stages of developing the workplan to emphasize thoughtfulness and boldness in the selection of the challenges, goals, themes and general strategies, connecting those to the vision. The next step, for greater detail over the next two months, is to figure out more concretely what ought to be done by whom (federal government? parents?). Throughout, Maria Echaveste will ensure that the interests of the policy councils are well regarded, that the formal clearance process is used when appropriate, and that I can appeal to you with any conflicts we cannot resolve in a timely way.

We have four working groups to help prepare the policy, or “workplan” chapter. These are co-led by the appropriate NEC or DPC staff and me. As yet, they do not span the entire range of subjects you may want to cover, but they are a good start:

- Education
- Economic Development and Employment Opportunity
- Criminal Justice and Community Security
- Civil Rights Enforcement

We also have less elaborate collaborative discussions moving forward on: Health, Strengthening Families, Native Americans, and Democracy/Civic Engagement. The “book team” includes a handful of PIR staff, and the addition soon of Terry Edmonds. I’m confident that several White House and OMB staff will also play critical roles, as they have in preparation of this document.

Outreach: Finally, Maria has assigned Minyon Moore and OPL the overall responsibility for coordinating external consultations by the outreach offices and, through Cabinet Affairs, conversations with key appointees in the agencies. Throughout September, many members of your staff will be making calls or conducting meetings with some 400 individuals, asking about

Chapter 2:	More Than A Dream: Racial And Ethnic Justice In The 21 st Century
Chapter 3:	Wrestling Lessons: Honest, Constructive Engagement Of Our Vexing Differences
Chapter 4:	Promising Practices: How To Build Bridges That Connect People Across Lines Of Class And Color, Creating Community And Opportunity
Chapter 5:	The Record Of The Clinton-Gore Administration
Chapter 6:	A Workplan For Our Nation
Chapter 7:	Leadership For One America
Chapter 8:	Conclusion

the proposed framework for your report, the most important actions you should take after the Advisory Board's work, and any elements they think it is especially important for you to communicate in your report. We will share some of the substantive responses with you, but all of them will be weighed by the book team.

**

II. THE VISION CHAPTER, AND BASIC THEMES

This section summarizes my best sense of your central vision for the book -- chapter 2 in the current outline. It builds on earlier material sent to you by Sidney Blumenthal and by me, as well as previous statements by you. In the book, the vision discussion will be preceded by an introduction and by the chapter describing where America has been and is on race, including demographics, discrimination, disparities, and intergroup relations. While not yet in your language, what follows is an effort to capture the key ideas and their interrelationships. At the end of the section, we also want to engage you on some cross-cutting questions, such as the role of government.

(a) *Why is this subject so important for us to tackle?*

Renewing America for the new century: For six years, I have worked to prepare America for the challenges of the 21st century. We have put our fiscal house in order, taken important steps to strengthen the international economic system, worked at home and abroad to create a post-cold war national security framework, launched an investment program in vital areas of education, training, new technologies and environmental protection. One additional area, without which we cannot succeed in the decades ahead, is overcoming the divisions of race and ethnicity so that we can be One America, united in a web of mutuality that gives us the strength to be our best as individuals, as communities and as a nation.

Global and historical context: The difficulty of the problem is evident not only from our own national history, but from events around the world – even today. The conflict is commonplace, as differences give rise to hatreds and then bloodshed. As President, I've seen it over and over again, and struggled to find ways that, through our actions and example, this nation could help troubled societies see their shared humanity and find peace. But make no mistake: This struggle to build peace and strength out of differences is a struggle against deep failings and sinfulness that seem inherent in the human spirit. In

my own religious tradition, sin can be overcome through struggle and faith, and it is a never-ending struggle. We should expect no easier a task when it comes to dealing with our differences here in America.

The stakes: On a more practical plane, making diversity a source of strength rather than division promises great rewards in social peace and home and economic success globally.

New complexity: The civil rights movement of three and four decades ago was largely framed in black and white, but led to bursts of energy and progress for other minorities and for women. Today's diversity gives us great opportunities, but also more complex challenges.

Cause for confidence: There is cause for confidence, because our ideals and values are far more than words locked behind glass in the National Archives. They are an incandescent beacon for peoples worldwide, and the lodestar by which we chart our own course and criticize our missteps. Our noblest moments and wisest leaders are marked not by the exploitation of difference, but by recalling us to the commitments of equality, tolerance, opportunity and justice. In my life, I have seen this most profoundly in the struggle against racial segregation and bigotry. No nation matches our capacity for moral greatness.

- (b) *What would it mean to have a full measure of racial justice and opportunity in America? What would our relationships be like, and what would society look like?*

Vision of community: [Celebration of our diversity, not mere tolerance of our differences; building inclusive communities and organizations to take advantage of the benefits and strengths that flow from diversity. (Examples from forums, correspondence, etc.)]

“One America” does not mean that we lose our ethnic identities, becoming some homogenized undifferentiated mass. We can be proud of our cultural identities and distinctiveness, and at the same time be proud of and loyal to America – indeed, that is one of the most important elements of our nation's greatness.

In religion, for example, scholars tell us that we are the most observant of developed nations, and that freedom of religion and separation of church and state are important parts of the explanation. We are a nation full of religious individuals, yet we do not all worship in the same way. Indeed, our civic values are that we tolerate and respect different religious traditions, and celebrate the legal and civic values that make diversity

possible. We are proud of that diversity, and together with tolerance, recognize it as a defining greatness of America. And much of the rest of the world recognizes this too.

So, too, with our racial and ethnic diversity. Our greatness in the decades ahead depends not merely on overcoming prejudice and bigotry rooted in our differences, and not only in tolerating differences. We must instead celebrate those differences as a source of richness and strength. Our personal lives are enriched by this diversity, and our society and economy are strengthened by it.

In the community of America, the things that connect us must be stronger than those that divide us. A "community" means shared interests. But we must also have a shared concern for our collective advancement, and mutual concern for each other. Transcending differences, while respecting them, is part of creating such a community.

So there is a delicate balance, because we have far too much to lose if we retreat into ethnic enclaves – walled off from one another by prejudice, stereotypes or even simple ignorance and misunderstanding. We sacrifice greatness and goodness, richness and riches, if by circumstance or choice we separate ourselves into subcommunities along the very fracture lines that have traced our national racial tragedies since Europeans arrived on these shores.

Vision of opportunity: [Opportunity enjoyed so equally that there is no discernable legacy of slavery, colonization or conquest; of Jim Crow or internment. (Examples from forums, correspondence etc.)]

We have legacies of slavery, conquest and colonialism; of Jim Crow and racist immigration quotas. The inheritance is evident in the patterns of our lives: the racially isolated communities, the gaping disparities in educational achievement, employment, criminal victimization and wealth; the still too-rare close friendships across lines of race. This inheritance is a burden to our spirits and a tax on our prosperity. Perhaps most tragically, for too many of our fellow citizens, the legacy has shackled dreams that are every American's inalienable right. This is wrong, and we can do better.

One way our children and grandchildren will know when we have achieved racial justice and opportunity is that the evidence of America's legacy of inequality will be found only in history books, and not in brutal social and economic disparities surrounding them.

Vision of responsibility: Responsibilities of citizenship; responsibility to reach out to others; responsibility of each of to combat whatever stereotypes and fears we may have;

and responsibility to take advantage of opportunities. (Examples from forums, letters, etc.)

We must do this for our children and their children. We must do this to honor those who have sacrificed over the generations in earlier battles, including civil rights battles, to put our sacred civic values into practice. And I believe we must do this to honor the God who has created us all equal, and blessed our nation in so many countless ways.

(c) *Why is this vision preferable to alternative, competing visions?*

Why embracing “equal opportunity” is necessary, but insufficient alone to produce a full measure of justice and fairness in One America.

Why color blindness makes sense, and why it doesn’t.

Why assimilation as Americans is important, but not an assimilation that seeks to erase our diverse identities. Is tolerance of differences sufficient, or must there be more?

**

III. THE WORKPLAN CHAPTER

The purpose of this chapter is to explain the most important steps the nation must take over the next decade in pursuit of your vision of racial justice and opportunity, as described earlier in the book. As with the promising practices chapter, you want to provide inspiring “news you can use” to people in communities and organizations across the nation who are looking for ideas. The workplan is organized by policy sectors, and within each sector it will contain federal, state, local, private and personal elements. This is *not* just about the federal government, or government generally. Few items will have FY 2000 budget impacts, although several will have “down payments” in Administration accomplishments and earlier proposals. (The ideas which follow reflect substantial contributions from DPC, NEC and OMB; this memorandum has been through an accelerated clearance process. Comments from your advisors are noted in this document or in appended memoranda.)

The book should be highly thematic, avoiding an exhaustive and mind-numbing recitation of comprehensive programmatic details. But it must contain just enough pointed recommendations to leave the reader with a sense that you have provided concrete direction, not just rhetoric. This also entails being very selective – not *every* good idea for addressing *every* important problem. In areas where thoughtfulness or clarity requires more program detail, the final document can use

textual boxes set apart from the flow of the narrative.

Two final points. The boldness you have requested in policy ideas seems in some cases to come in the statement of a national goal (“close disparities in education achievement by X percent”), and in other cases may not be evident until we offer specific public or private interventions to advance the goal. Relatedly, in the stating the goals we have repeatedly between brave aspirations and statements that are more cautious and achievable. We need your general guidance on this.

*

§ 6.2 THE EDUCATION SECTION OF THE WORKPLAN

Apart from the economy, I assume that education will be the clear first-among-equals in your workplan for the nation, receiving disproportionate emphasis throughout the book. Despite improvements over the last several decades, racial disparities in opportunity and achievement persist throughout the education pipeline, and these disparities are powerful obstacles to achieving your vision. We’ve tolerated it for too long. It is wrong. Therefore, the workplan focuses on areas of significant disparity that have the greatest impact on educational outcomes. It also emphasizes the instrumental and ethical necessity of heightened responsibility and accountability.

In addition, racial isolation, often in combination with poverty concentration, remains a problem both among and within our schools, presenting barriers to achievement, excellence, and to your vision of mutual understanding and community. This is the third pillar of the education workplan.

-- Outline of the section

Introduction/Context

- Education is primary [only central?] to achieving my vision. This requires:
 - (1) eliminating racial disparities in educational opportunity and achievement;
 - (2) reinforcing responsibility and strengthening accountability for administrators, teachers and students, as well as for the political institutions governing education; and
 - (3) promoting racial and economic integration in education.

- These problems have long gone unsolved because they are difficult and because race has divided us, but also because we need to reassess the roles of the different levels of government and of the family in education. The old formulas need revision, the old problems need new thinking, and the old values need new life.
- We need to provide every family, regardless of race or zip code, with an Education Bill of Rights.²

- (a) **Close the racial gap in opportunity and achievement.** Notwithstanding important progress, significant racial disparities in achievement persist. We must close these gaps and raise the bar for everyone. This means overcoming racial disparities in the educational opportunity available to every child – including both resources and expectations – and simultaneously insisting on high standards for achievement. Beyond this, we must improve our ability to make targeted, individualized efforts to ensure that every child succeeds to his or her full potential. Among the key elements of an education bill of rights for equal opportunity and achievement:

Parenting and early childhood: Ensure that every child has a parent or other adult actively engaged in that child’s learning, and that every young child has access to early learning opportunities.

Teaching: Improve the quality of teacher training, ensure that high-quality teachers are equitably distributed, and ensure that teachers promote high expectations for students of all races.

Curriculum and standards: Ensure that every child has access to challenging curricula tied to high standards, and that tracking does not prevent any child from achieving his or

² Such a Bill of Rights might include the following:

- (1) Every child shall have a parent or other adult actively engaged in his/her learning and have access to support services to help that child achieve to his/her full potential.
- (2) Every child shall have access to early learning opportunities.
- (3) All parents have the right to send their children to equitably funded schools that are accountable for their child’s learning.
- (4) Every child shall have access to high-quality teachers.
- (5) Every child shall be held to high expectations and standards and have access to challenging curricula.
- (6) Every child shall have access to adequate facilities and modern technology.
- (7) Every LEP child shall have access to the tools necessary to help him/her learn English within three years.
- (8) Every child shall learn in a safe environment.
- (9) All parents and children shall have the right to choose to attend racially and ethnically integrated schools.
- (10) Every high school graduate shall have the financial support and opportunity to go to college.

her full potential. Students of color are often tracked into special education and out of honors courses.

English acquisition: Guarantee each LEP child an effective opportunity to master English, and hold students and educators accountable for success.

Infrastructure: Close the racial disparity in full access to adequate facilities and modern technology.

Post-secondary attainment: Overcome racial disparities in high school graduation rates, and in college participation, retention and graduation rates.

- (b) Institute greater accountability and heightened responsibility for administrators, teachers, students and public officials.** Without much stronger mechanisms for accountability, the goals of closing disparities in opportunity and achievement are mere aspirations, not commitments. Moreover, to break the back of inertia and complacency we will have to design interventions that target the political, bureaucratic and jurisdictional impediments to sustained reform. The Voluntary National Test is such an intervention, as is public school choice, and we must build on such approaches while providing needed safeguards against abuses.

Tests and accountability: Use the best assessment methods, including national tests, to build broader and deeper systems that will hold administrators, teachers, and students accountable for educational achievement. The accountability should flow “up” from parents and “down” from Federal taxpayers and presidential leadership. The range of tools, both carrots and sticks, should stretch from more effective parental action, to political mobilization, to school reconstitution or receivership, to fiscal incentives – and everything in between.

Governance and leadership: If eliminating the disparities in opportunity and achievement require modifications of our traditional structure of roles and authority, so be it. We need new ways to think about old problems.

- (c) Promote integration and diversity in education to enrich the learning experience for all students.** We also care about integration, so that students have the opportunity to learn together in ways that dissolve stereotypes and improve race relations. Parents and students should have a right to choose an integrated education. But, after a burst of progress in the late 1960s and early 1970s, segregation in K-12 education is worsening. For example, a recent study reports that one-third of black and Hispanic students attend schools with more than 90 percent minority enrollment, and almost nine in 10 of those

schools are predominantly poor. High-quality integrated schools provide a more complete educational experience for all students than high-quality segregated schools. Conversely, ineffective, racially isolated schools in high-poverty areas present our greatest obstacle to closing the disparities in opportunity and achievement.

Educate the public on the value of inclusion, diversity and integration -- reviving that ideal: An inclusive community of students and educators can: improve teaching and learning by enriching the learning environment with diverse perspectives; strengthen students' critical-thinking skills by challenging their existing perspectives; teach students how to interact comfortably with people different from themselves and thereby how to function as good neighbors, colleagues and citizens in our diverse democratic society; improve students' preparation for employment by teaching them the value of diverse perspectives, how to function in diverse business settings, and how to communicate effectively in our increasingly diverse domestic marketplace and the expanding global marketplace; and foster the advancement of knowledge by spurring study in new areas of concern.

Reduce racial segregation and isolation among schools: This is not a call for massive, federally mandated strategies where there is no constitutional violation demanding court-supervised remedies. Instead, parents and educators should make use of a range of measures such as magnet schools, multidistrict transfer programs, and so forth. Most important, we must better appreciate the important stake we have in making diversity work in the world of our children. Schools of unquestioned excellence are the easiest to make and keep diverse.

Reduce segregation within schools: Even in diverse schools, evidence shows that students are often resegregated into racially homogenous classes through tracking and other mechanisms, thereby reducing their opportunities to learn together and have positive cross-racial interactions.

Inclusion in higher education: Promote access and diversity in higher education, and foster the educational benefits of diversity. Mend, don't end, affirmative action. And wherever possible, use creative race-neutral mechanisms in admissions and in the K-12 pipeline. Ensure that in sustaining the crucial role of HBCUs, HSIs, and Tribal colleges (which are integrated) we don't "excuse" historically white institutions from the principle of excellence-through-inclusion.

-- Discussion issues on the education workplan

Are you comfortable with the three major pillars: closing the race gap in opportunity and achievement; accountability and governance; attacking racial isolation?

Do the bulleted items capture your personal priorities? Are any high priorities missing?
Can any of them be demoted for attention in textual boxes rather than in your narrative?

Can we explore some rethinking of the federal role in order to tackle these disparities?

*

§ 6.4 CRIMINAL JUSTICE AND COMMUNITY SECURITY

From hate crimes to crack houses, from police misconduct to police hiring, from disparate incarceration rates to racial profiling -- barely a week goes by without some aspect of crime and criminal justice standing as a lightning rod for racial and ethnic tensions. No area is more freighted with divisive stereotypes and misunderstanding. Yet it must be tackled with vigor because victimization and criminality destroy communities and families, just as they fuel alienation and division.

– Outline of the section

Introduction/Context

- Racial disparities exist in both the realities and perceptions of crime and the administration of justice: communities of color disproportionately bear the social, economic, and personal costs of crime, and, according to polls, have less confidence in the fairness of the criminal justice system than do whites.
 - Building One America requires building a criminal justice system that serves and treats Americans of all races fully and fairly, and thereby closes the trust gap while making community security a right enjoyed equally.
- (a) **Community Security: Eliminate racial disparities in victimization.** The right to be secure cannot be discounted by race. Every American is entitled to live in a safe community, and the race of residents shouldn't tell us the crime rate. From 1992 to 1997, rates of violent crime in America have decreased, but disparate victimization rates persist. Tackling this problem directly is part of the opportunity agenda, as well as a matter of decent fairness. The Administration's record has numerous elements, which we can build upon and target to close the disparities.
- (b) **Keep young people out of the criminal justice system, and for those who have contact with it, make it their last.** Racial minorities, especially young, black males, are more likely than whites to be both the offenders and victims of certain crimes, including

violent crimes. Furthermore, one third of young, black men are presently under the supervision of the criminal justice system (on probation, in prison, or on parole), and the chance that a young, black male will go to prison during his lifetime is nearly 30%. The realities are flatly inconsistent an American vision of racial justice and equal opportunity.

- (c) **Build greater fairness and trust in the criminal system.** Several past and present factors contribute to mistrust in our criminal justice system among persons of color, including negative interactions, disparities in the administration of justice (incarceration, sentencing, death penalty), and lagging diversity in law enforcement (police, prosecutors, judges, juries). Without more trust, creating safe communities is impossible, because legitimacy, support and cooperation don't come free.

- Prohibit the use of racial profiling:*³ No American should be subject to disparate application of the state's policing power because of his/her race. Statistically efficient allocation of resources, some claim, justifies impositions on innocent persons, while perpetuating stereotypes and contributing to tensions. Targeting based on color, without individualized evidence, is rarely if ever fair and just.

- Pursue zero tolerance for racially suspect police misconduct and brutality:* While the vast majority of police are dedicated public servants who deserve our respect and support, several high-profile cases illustrate that incidents of police misconduct and brutality motivated by racial animus still occur. We are deeply divided in perceptions of the magnitude of the problem.

- Eliminate racial discrimination and unjustified disparities in incarceration, sentencing, and imposition of the death penalty.*

- Increase diversity and representation in the criminal justice system.*

– *Discussion issues on the criminal justice workplan*

- Can we speak of community safety as a “right”, and the racial disparities in victimization as flatly inconsistent with your vision? If so, are disparities a fair index of this aspect of racial justice and opportunity?

- Should we “prohibit” racial profiling, or “restrict” it?

³Profiling will also be considered in the “Wrestling Lessons” chapter, as one of the hard questions that forces us to think about differences in values and perceptions.

· Similarly, should we tackle disparities in rates of incarceration, presumably with targeted attention to prevention, diversion and post-incarceration?

· Can we assume that the primary public sector role is state and local, or do you envision continued growth in the federal role?

*

§ 6.7 THE CIVIL RIGHTS ENFORCEMENT SECTION OF THE WORKPLAN

We have considered distributing the civil rights law enforcement issues in several sectoral subsections – as components of the education or jobs strategies, for example. But for now, I want to press ahead as sketched below because the audience will appropriately expect some attention to the traditional antidiscrimination enforcement agenda. This also permits you to teach about this unfinished work. Moreover, the best opportunities for boldness are in cross cutting issues, among them: policy judgments about the lawfulness under Title VI of persistent resource disparities; retooling agency enforcement strategies to emphasize proactive technical assistance and voluntary action; and rethinking the legal framework and enforcement priorities to reflect our 21st century diversity.

We are joined at the hip with Chuck Ruff, and will cooperate in his effort to put before you suggested civil rights enforcement priorities for the next two years.

– Outline of the section

Introduction/Context

- Persistence of discrimination, and of enforcement backlogs.
 - We have opportunities to strengthen and more aggressively enforce civil rights principles, and also support appropriate voluntary actions that promote equal opportunity and access. This includes defending disparate impact doctrine, and defending affirmative action.
 - The traditional agenda needs renovation to (i) increase its efficiency at handling the retail problem of discrimination; (ii) contribute more directly to the opportunity agenda in education, jobs and community economics; (iii) reflect our 21st century diversity.
- (a) **Overcome racial disparities in opportunity by expanding the use of civil rights enforcement.** Civil rights enforcement can play an especially important role in

overcoming barriers to educational and economic opportunity, and we should strengthen and focus civil rights enforcement to complement the opportunity agenda.

- *Strengthen antidiscrimination laws and enforcement procedures:* For example, we could amend Title II, which prohibits discrimination in public accommodations, to include businesses that provide goods and services. At present, racial discrimination in retail sales (e.g., the Eddie Bauer case in which a black teenager was ordered by a security guard to strip off his shirt because he did not have a sales receipt) does not raise a strong federal cause of action. We nearly abandoned pattern and practice investigations during the 1980s. That was wrong.
 - *Use Title VI to address racial disparities:* No federal money should be spent in a manner that supports unjustified racial disparities in opportunity. For example, in education, Title VI prohibits policies and practices that have an unjustified disparate impact on select racial groups in terms of access to educational resources, tracking into challenging courses, the use of unvalidated high stakes tests, and more. We should strengthen Title VI enforcement.
 - *How much discrimination is there?* We should expand research on the extent of racial discrimination, using the best available methodologies (testers where appropriate), in such areas as employment, housing, and access to capital. The results of such testing should be published in an annual report card.
- (b) **Fully address all forms of discrimination affecting our increasingly diverse population by strengthening civil rights laws and enforcement.** We must retool our civil rights laws and refocus enforcement efforts to fully address civil rights issues affecting our diverse citizenry.
- *New immigrants:* Strengthen laws and enforcement to promote the rights of new immigrants. For example, in immigration and employment, we could expand enforcement against labor abuses in “sweatshops,” the victims of which are often new immigrants of Hispanic or Asian origin, and amend present laws to stabilize the immigration status of persons who report labor abuses so those persons do not fear reprisal, official or private.
 - *Language acquisition:* Promote the rights of LEP populations. For example, in education, we could develop regulations to clarify the *Lau* standard concerning what legal requirements schools must meet in educating LEP students.
 - *Learning your rights:* Educate immigrant and LEP populations about civil rights laws and mechanisms. We should promote outreach to immigrant and LEP populations whose rights are protected but who are underutilizing civil rights laws.

- (c) **Address discrimination and disparities by promoting voluntary efforts in conjunction with enforcement of civil rights laws.** In addition to reacting to civil rights complaints, civil rights enforcement agencies should act proactively to encourage and support voluntary compliance with civil rights laws and values.
- Expand civil rights consultations and clarify legal standards:* There are civil rights areas where both the law and policy are unclear and where people of good will may be managing inappropriate programs. We should act to clarify legal standards and to encourage actors to seek guidance concerning their civil rights obligations. We could promote laws or regulations encouraging voluntary consultations with civil rights agencies. If an actor voluntarily submits his/her practice for civil rights review, he/she is safe harbored and/or any agreement approved by the civil rights agency following that review would be defended by the federal government if later challenged by a third party.
- Expand proactive enforcement:* Absent a formal complaint, where potential civil rights violations are discovered, civil rights agencies should follow up with the party to correct the injustice. If discussions are not fruitful, the enforcement agency reserves the right to launch a more formal civil rights enforcement examination. For example, in education, the Department of Education's Office of Civil Rights (OCR) recently learned of a Georgia education policy that placed students into gifted and talent programs based solely on IQ test scores, despite the fact that the IQ test was not validated for that purpose nor validated to be the *sole* factor for any purpose. This policy led to a disproportionately low number of minority students being admitted to gifted and talented programs. OCR consulted with Georgia officials, and the policy was properly amended.
- (d) **Mend, don't end, affirmative action as enforcement remedy and voluntary measure to promote access and inclusion**
- (e) **[Hate crimes.]**

-- *Discussion issues on the civil rights workplan*

After further interagency discussion, we will need policy guidance about a number of Title VI issues.

Should we develop a package addressing "the new diversity"?

How much technical assistance should be done proactively to implement “mend don’t end” in various sectors?

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IV. THE LEADERSHIP CHAPTER

Following the workplan chapter, you can challenge leaders in a range of sectors to do their part, and combine this with a vision of locally-based efforts to use the promising practices and devise locally-oriented workplans. Finally, in this chapter you should describe the ongoing mechanism within the White House to help support the sectoral leadership, community-based leadership, and the Federal government elements of your workplan.

(a) *Challenges for sectoral leadership*

We expect, by the publication date, to have worked successfully with leadership groups in a few sectors, prompting them to develop a list of action steps tailored to their sector, and a practical strategy for implementation. A brief status report on what we have initiated follows.

Higher Education: With staff support from the American Council on Education, a core group of college and university presidents is working to establish a broader coalition that will lead a coordinated campaign to educate the public about the value of diversity in higher education and to share campus practices that promote diversity. We expect them to launch the effort, designed with Frank Greer as lead consultant, sometime this fall. (There is a possibility of using a White House event to bless the undertaking.)

Faith Community: Sandy Cloud of the National Conference for Community and Justice has agreed to lead a steering committee in convening, on October 22 and October 23, an implementation summit at which a group of faith leaders will write and commit to a practical work plan for both national and community-based action, and devise a coalition mechanism for follow through. This will include special efforts to reach those faith communities that have not traditionally been leaders in racial justice. In addition, at your September 11 breakfast for religious leaders, you will have an opportunity to mention Sandy Cloud’s leadership, and encourage those in the room to respond positively to the effort.

Corporate: Secretary Daley will informally convene a group of CEOs in October to identify the most appropriate elements of a corporate sector initiative, and strategies for enlisting support from key executives. In preparation for that session, White House and agency staff will brainstorm with some current and former Administration officials in corporate leadership.

Youth: We are organizing a team of White House staff and representatives from national youth-oriented organizations to prepare a workplan intended for widespread endorsement and dissemination. (The outside collaborators will include USSA, Young Democrats, Young Republicans, the youth divisions of the NAACP, Urban League, La Raza and the Congress of Asian Pacific American Youth.) Tentatively, we think the plan's three major components will be: (i) a national campaign to educate the youth sector about the intricacies and history of race and racism; (ii) an initiative to improve race-related curriculum and teaching in grades K-16; and (iii) a mechanism to ensure youth sector involvement.

(b) Options for an ongoing structure to carry out your work plan

While the work plan is not yet completed, we know that there will be some general components which will require continuity and should compose the major responsibilities of the new entity:

- Policy making (including research and data collection)
- Outreach and leadership development (including technical assistance to communities)
- Communication campaign (including an awards program)
- Support for promising practices (such as a clearinghouse, conferences, grant funding)

The work plan lays out an ambitious agenda that will require the involvement of several players. With such an extensive scope of work, a coordinating body for the federal sector, and for liaison with non-federal actors is needed to ensure continued momentum and follow up from outside efforts. Non-federal leaders engaged on the workplan will expect a central point of contact and technical assistance.

Option A: President's Council for One America

AI: President's Council for One America Plus an External Advisory Committee

The continuing effort could take a form similar to the Council for Environmental Quality or the Office of Science and Technology Policy. This arrangement would be short of the ONDCP model which has a large staff, a significant budget, and substantial operating

authority. The council, created by Executive Order, would be run by an Assistant to the President (as Executive Director) with a small staff and a blue ribbon advisory committee.

A council staff should include a policy component, which would work with existing White House policy offices and federal agencies to promote data collection and research and to develop and monitor policies to overcome disparities and eliminate discrimination.

It would also have a communications component, which would help lead a public education campaign, support a promising practices clearinghouse, and conduct outreach to help improve race relations.

- Pros:
- Location places the Presidency squarely behind racial reconciliation effort
 - Relatively stable structure
 - Staff appointed by you ensures White House control
 - Advisory committee offers opportunity for showcasing diverse leadership, provides credibility in building partnerships

- Cons:
- Location and staffing make the stakes high
 - Advisory committee requires support and nurturing; the familiar headaches

A2: *President's Council for One America, No Advisory Committee*

This option would be the same as option A1 but it would not include an Advisory Committee.

- Pros:
- Staff would not be distracted by the day-to-day demands of managing an Advisory Committee

- Cons:
- Lacks the outside validation that an Advisory Committee can provide

Option B: Dedicated Staff reporting to the Office of the Chief of Staff

An Assistant to the President with a small staff, reporting to the Chief of Staff's office, could take responsibility for managing Administration efforts.

- Pros:
- Closely linked to you and the White House
 - At the center of activity

- Cons:
- Not a formal structure, may not be stable
 - May not be viewed publicly as a significant enough commitment

Option C: Private Foundation Model

C1: *One America Foundation*

The structure could take the form of a private foundation, established at your urging and supported to varying degrees by the federal government, similar to the Points of Light Foundation. The goals of the foundation could include promoting research on issues of race, promoting a public education campaign to support racial reconciliation, and supporting community efforts to improve race relations. Such a foundation could perhaps best complement a separate policy-making effort within the federal government.

- Pros:
- Serves as umbrella to coordinate several areas of activity
 - Independence
 - Ability to raise money

- Cons:
- May not be viewed as closely connected to the White House
 - Requires someone's time and attention to pull together

C2: *Clinton Library Model*

This option is similar to the Foundation model above except that it would be an endeavor for you after your final term ends, possibly as part of the Clinton library. Staff could begin immediately to design the structure.

- Pros:
- More time to put together the funding and structure
 - You will have more time to devote to it

- Cons:
- Delays significant Presidential involvement for a few more years
 - May be partisan resistance to participating in activities because of close alignment with this Administration

V. *NEXT STEPS*

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Attachments:

Current book outline.

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NEC memorandum on employment issues
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