

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 002 - FOLDER 003

[3/25/1997 - 4/6/1997]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Anne F. Walker. Subject: Re: WH conf. on Early Childhood. (1 page)	03/26/1997	P6/b(6)
002. email	Elena Kagan to Laura Emmett. Subject: Re: First E-mail ever. [partial] (1 page)	04/02/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[03/25/1997 - 04/06/1997]

2009-1006-F

ab824

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 19:36:41.00

SUBJECT: Re: Gov's role

TO: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

aok.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 25-MAR-1997 15:22:24.00

SUBJECT:

TO: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP @ EOP [WHO])

READ: UNKNOWN

TEXT:

check this again? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 12:48:08.00

SUBJECT: FDR Memorial Mtg

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

READ:UNKNOWN

TEXT:

you can put this on my schedule, but I may not go -- especially if Diana can make it.

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/97 12:48 PM -----

Bruce N. Reed

03/25/97 10:34:10 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: FDR Memorial Mtg

----- Forwarded by Bruce N. Reed/OPD/EOP on 03/25/97 10:32 AM -----

Marjorie Tarmey

03/25/97 10:33:43 AM

Record Type: Record

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

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

Subject: FDR Memorial Mtg

We have a response to the FDR memo and we need to get together to decide how to move forward. Our next meeting will be on Wednesday, March 26 at 4:00 in Maria Echaveste's office. Please rsvp.

Message Sent

To:

Kathryn O. Higgins/WHO/EOP

Ann F. Lewis/WHO/EOP

John L. Hilley/WHO/EOP

Craig T. Smith/WHO/EOP

Bruce N. Reed/OPD/EOP

William H. White Jr./WHO/EOP

Angus S. King/WHO/EOP

Lucia A. Wyman/WHO/EOP

Diana Fortuna/OPD/EOP

Message Copied

To:

Elizabeth M. Toohey/WHO/EOP
Elisa Millsap/WHO/EOP
Cathy R. Mays/OPD/EOP
Kevin S. Moran/WHO/EOP
Christopher J. Lavery/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 09:47:42.00

SUBJECT: talking points

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

TEXT:

Have you guys given this up?

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/97 09:47
AM -----

William R. Kincaid
03/24/97 06:56:02 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: talking points

The last couple of days I have gotten calls from somebody at the DNC who wants to get copies of some of our (publicly released) talking points on education issues. She says she used to get daily talking points from our communications shop, but says that whoever used to handle that in communications no longer is doing this. She also says that she used to call someone with this office who could provide her with these kinds of materials (again, publicly released stuff). I want to be helpful, but I also want to a) follow the right channels on this kind of thing and b) get the right system re-established instead of spending a lot of our time sending stuff over to the DNC when communications or somebody else should be doing that.

Can we discuss this? Is this a topic for a staff meeting?

Thanks.

You have asked whether the so-called partial-birth procedure is ever necessary to save the life of a woman or avert serious harm to her health. Considerable medical uncertainty surrounds this question. The doctors of the women you met with believed the procedure was necessary for this reason, and other doctors agree that the procedure, in certain circumstances, is the safest one to use. Still other doctors dispute that health considerations ever demand use of the procedure.

Perhaps the most reliable opinion is from the American College of Obstetricians and Gynecologists (ACOG), which issued a statement in January addressing the procedure, which it calls intact dilatation and extraction (intact D&X). According to the statement, "A select panel convened by ACOG could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman." (Emphasis in original.) The statement then went on: "An intact D&X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision." In sum, doctors have other options, but those other options may be more risky or otherwise more undesirable from a medical standpoint.

Other groups of doctors, with a greater stake in the abortion controversy, have taken more definitive positions. The Society of Physicians for Reproductive Choice and Health issued a statement last month saying that "in complex obstetrical situations, dilatation and extraction is the safest procedure to use. It carries the least risk of bleeding, perforation, infection or trauma to the birth canal." On the other hand, a group of mostly pro-life physicians called PHACT has written that "there are absolutely no obstetrical situations requiring the destruction of a partially delivered fetus," and indeed that the procedure involves serious risks of maternal hemorrhage, uterine rupture, and infection.

Given the state of medical evidence on this subject, your longstanding position seems the appropriate one. That position would leave to doctors themselves the complex decision whether the procedure is medically necessary in a given set of circumstances. Allowing the medical community to make clearly medical decisions in this way is the only certain way to protect the health of women.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 15:20:40.00

SUBJECT: DPC Principals meeting Thursday re: Transportation

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

TEXT:

did you agree to do this?

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/97 03:20 PM -----

Cynthia A. Rice
03/25/97 02:30:17 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: DPC Principals meeting Thursday re: Transportation

Bruce -- Thursday at 10:00 you are scheduled to attend a DPC principals meeting re: outreach strategy for NEXTEA. I have met with DOT, HUD, DOL, HHS, NEC, and OMB staff about ways to promote the President's welfare to work transportation proposals. Here is a one page description of our proposal and some outreach ideas.

1) What do you think?

2) NEC staff would like me to share this with them so they can show Gene before Thursday's meeting -- is that okay with you?

Message Copied

To: _____
Paul J. Weinstein Jr./OPD/EOP
Lyn A. Hogan/OPD/EOP
Diana Fortuna/OPD/EOP
Christa Robinson/OPD/EOP
Cathy R. Mays/OPD/EOP

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D26]MAIL43825538E.016 to ASCII,
The following is a HEX DUMP:

FF57504344060000010A020100000002050000000219000000020000E0ACC44707333661593779
E2278A355792E15047654F2AD915035F433D5A90966E7EB4C07042A43DAF1F957BECBCA727C5FE
5D713DDA8942ABB8674C79D41DB9520B63570C1ED3441FE91884FEB198DA136F9F56E3A3DAFEDE
68302694913EEBB0CF9934EA41DF41399860BAC026D92B940FE54FF6CA857B51C88B3B8FB5B309
757192CD3C4D88E09EFE8BB1E328A7572C5189C235B01FB96C93694D8FF5ED70087A9F84E1EC87
4F3F84A56C83459EB9914F1BB59EE6242861628C0A47A5F22BE5DD0FB3F6DC84625A95B50EA124

Welfare to Work Transportation

Welfare to Work Transportation Proposals

The Administration has proposed two welfare-to-work transportation initiatives:

- NEXTEA includes a six-year, \$600 million grant program to help states, localities, and non-profit organizations develop transportation services to help welfare recipients and other low income workers get to jobs.
- The President's budget includes a \$10 million expansion of HUD's Bridges to Work demonstration project, which connects residents of five cities (Baltimore, Chicago, Denver, Milwaukee, and St. Louis) to suburban jobs and employment-related support services to help keep them in the workforce. The projects, developed by Philadelphia-based Public/Private Ventures, are supported by private foundations as well as HUD and are run by local public-private consortias.

There is at least one proposal in Congress:

- Senator Specter, Santorum, and others plan to introduce a bill which would authorize \$250 million a year for a "reverse commute pilot program" modeled after the Public/Private Ventures program.

Possible Outreach Activities/Events/Executive Actions

There are several types of activities we could consider:

- Administration officials could conduct a briefing for groups concerned about welfare reform to inform them of the Administration's NEXTEA and budget proposals.
- The President could hold a White House meeting to highlight the need for transportation assistance in the welfare-to-work effort. He could promote his proposal and possibly issue an executive order (suggested by a consortium of state transportation officials) which would require better coordination of existing federal human service transportation programs. Meeting invitees could include:
 - Business, nonprofit, and transportation executives involved in the Baltimore, Chicago, Denver, Milwaukee, and St. Louis Bridges to Work program;
 - National labor and business leaders interested in transportation issues;
 - Bipartisan Congressional sponsors of welfare to work transportation initiatives (i.e., Senators Specter and Santorum);
 - Researchers from Public/Private Ventures, who could possibly release a report on the Bridges to Work program. (The organization plans to release a report in the next month or so but since it examines only at the first six months of program operation, it is unlikely to contain news.)
- The President or Administration officials could visit a transportation site in Baltimore, Chicago, Denver, Milwaukee, or St. Louis.

Automated Records Management System

Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 09:49:21.00

SUBJECT: 1:00pm 0 to 3 mtg is cancelled

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

TEXT:

yippee

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/97 09:49 AM -----

Sara M. Latham

03/25/97 08:48:33 AM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP, Elena Kagan/OPD/EOP, Pauline M. Abernathy/OPD/EOP, Kevin S. Moran/WHO/EOP

cc:

Subject: 1:00pm 0 to 3 mtg is cancelled

John is out today - we will reschedule for later this week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 19:39:36.00

SUBJECT: ideas update

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

READ:UNKNOWN

TEXT:

could you send me any responses to your "idea update" request that I didn't get so I can update our ideas memo? I believe I got cc'ed on Dennis's, elizabth's, cynthia's, and paul's. Am i missing anyone's?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 09:46:25.00

SUBJECT: Re: US Consumer Product Safety Commission

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

READ:UNKNOWN

TEXT:

Pauline and Nicole can do.

You have asked whether the so-called partial-birth procedure is ever necessary to save the life of a woman or avert serious harm to her health. Considerable medical uncertainty surrounds this question. The doctors of the women you met with believed the procedure was necessary for this reason, and other doctors agree that the procedure, in certain circumstances, is the safest one to use. Still other doctors dispute that health considerations ever demand use of the procedure.

Perhaps the most reliable opinion is from the American College of Obstetricians and Gynecologists (ACOG), which issued a statement in January addressing the procedure, which it calls intact dilatation and extraction (intact D&X). According to the statement, "A select panel convened by ACOG could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman." (Emphasis in original.) The statement then went on: "An intact D&X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision." In sum, doctors have other options, but those other options may be more risky or otherwise more undesirable from a medical standpoint.

Other groups of doctors, with a greater stake in the abortion controversy, have taken more definitive positions. The Society of Physicians for Reproductive Choice and Health issued a statement last month saying that "in complex obstetrical situations, dilatation and extraction is the safest procedure to use. It carries the least risk of bleeding, perforation, infection or trauma to the birth canal." On the other hand, a group of mostly pro-life physicians called PHACT has written that "there are absolutely no obstetrical situations requiring the destruction of a partially delivered fetus," and indeed that the procedure involves serious risks of maternal hemorrhage, uterine rupture, and infection.

A recent article in the New York Times notes that the partial-birth procedure is only one of three procedures (all of them "pretty gruesome," as one doctor says) that can be used to end pregnancies after 20 weeks. The article reports that three of the twelve abortion specialists interviewed for the article generally prefer the procedure on the ground that it poses less risk of uterine perforation. The article also notes that one doctor who does not usually use the procedure has done so on occasion because "the woman's anatomy or the fetus's size demanded it."

Given the state of medical evidence on this subject, your longstanding position seems the appropriate one. That position would leave to doctors themselves the complex decision whether the procedure is medically necessary in a given set of circumstances. Allowing the medical community to make clearly medical decisions in this way is the only certain way to protect the health of women.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 12:54:03.00

SUBJECT:

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

TEXT:

let's talk before

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/97 12:54
PM -----

Michelle Crisci

03/25/97 09:30:36 AM
Record Type: Record

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

The Kick Butts meeting has been changed from today at 3:00 in the Ward Room to-
this Friday, the 28th at 2:00 in the Ward Room. I am sorry for the change, please call if you have any questions or I have left someone off the list.

Barbara- could please notify the outside person you e-mailed me about/
Thanks.

Message Sent

To:
PALMIERI_J @ A1 @ CD @ LNGTWY
Barbara D. Woolley/WHO/EOP
Mary Morrison/WHO/EOP
Ann F. Lewis/WHO/EOP
Kevin S. Moran/WHO/EOP
Michael Waldman/WHO/EOP
Laura K. Capps/WHO/EOP
Bruce N. Reed/OPD/EOP
Cathy R. Mays/OPD/EOP
Christa Robinson/OPD/EOP
Elena Kagan/OPD/EOP
Laura Emmett/WHO/EOP
Christopher C. Jennings/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 12:55:28.00

SUBJECT: Re: talking points

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

READ:UNKNOWN

TEXT:

sounds great.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 19:50:19.00

SUBJECT: two subjects

TO: Dennis K. Burke (CN=Dennis K. Burke/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/97 07:50
PM -----

Kathleen M. Wallman
03/25/97 08:59:54 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Jonathan A. Kaplan/OPD/EOP, Emil E. Parker/OPD/EOP, Anne H.
Lewis/OPD/EOP
Subject: two subjects

1. Liquor letter
2. Welfare Privatization

1. Liquor letter -- I ran into Sylvia last night who expressed reservations about the liquor letter. She wondered whether it was defensible not to take on beer and wine as well as hard liquor. I went over the arguments, which part of the conversation I can recount to you if you want. She wanted to know whether anyone had checked with ATF, which apparently has been sort of thinking about whether it makes sense to treat beer and wine differently from other alcohol since you can now take a malt product, add fruit flavoring, and make it taste like a mixed drink. It's fine to check, but I emphasized that the letter was in no way, shape or form about substantive regulation -- only repeating the President's position that dropping the voluntary ban was an undesirable thing.

Sylvia was going to talk to Bruce. I don't know how strong her reservations are, but if this is going to happen next week, you might need to tack this down today. Let me or Jon know if you want any help.

2. Welfare Privatization -- I saw Andy Stern last night who said that there's a meeting with the President and union leaders on this subject on Friday.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 19:36:19.00

SUBJECT: Re: Memo to POTUS re: privatization

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

TEXT:

I think so -- which I take as a well-deserved reminder for me to focus on it.

You have asked whether the so-called partial-birth procedure is ever necessary to save the life of a woman or avert serious harm to her health. Considerable medical uncertainty surrounds this question. The doctors of the women you met with believed the procedure was necessary for this reason, and other doctors agree that the procedure, in certain circumstances, is the safest one to use. Still other doctors dispute that health considerations ever demand use of the procedure.

Perhaps the most reliable opinion is from the American College of Obstetricians and Gynecologists (ACOG), which issued a statement in January addressing the procedure, which it calls intact dilatation and extraction (intact D&X). According to the statement, "A select panel convened by ACOG could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman." (Emphasis in original.) The statement then went on: "An intact D&X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision." In sum, doctors have other options, but those other options may be more risky or otherwise more undesirable from a medical standpoint.

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A recent article in the New York Times notes that the partial-birth procedure is only one of three procedures (all of them "pretty gruesome," as one doctor says) that can be used to end pregnancies after 20 weeks. The article reports that three of the twelve abortion specialists interviewed for the article generally prefer the procedure on the ground that it poses less risk of uterine perforation. The article also notes that one doctor who does not usually use the procedure has done so on occasion because "the woman's anatomy or the fetus's size demanded it."

Given the state of medical evidence on this subject, your longstanding position seems the appropriate one. That position would leave to doctors themselves the complex decision whether the procedure is medically necessary in a given set of circumstances. Allowing the medical community to make clearly medical decisions in this way is the only certain way to protect the health of women.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 12:55:44.00

SUBJECT: Re: talking points

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

TEXT:

see attached. and thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/97 12:56
PM -----

Ann F. Lewis

03/25/97 11:55:48 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: talking points

We're re-instituting the process and want to ask people as we go along what is most helpful. So far the goal is :

Talking points 2x weekly (Monday and Thursday)

One pager (less rhetoric than previously) with this info:

: What the President is doing;

What policies/actions he initiates;

The talking points/message for the policy or action.

As for distribution: I am told that "Angus has the program on his computer " that got it out and we have been using that system. I hope to have more details about this soon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1997 09:48:49.00

SUBJECT: Re: Needles

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

READ:UNKNOWN

TEXT:

see the attached.

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/97 09:49 AM -----

Sylvia M. Mathews

03/24/97 09:00:17 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

CC:

Subject: Re: Needles

thanks Elena. Will you please make sure that Rahm gets a copy too. TY.

You have asked whether the so-called partial-birth procedure is ever necessary to save the life of a woman or avert serious harm to her health. Considerable medical uncertainty surrounds this question. The doctors of the women you met with believed the procedure was necessary for this reason, and other doctors agree that the procedure, in certain circumstances, is the safest one to use. Still other doctors dispute that health considerations ever demand use of the procedure.

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Withdrawal/Redaction Marker Clinton Library

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COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[03/25/1997 - 04/06/1997]

2009-1006-F
ab824

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

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-MAR-1997 15:37:58.00

SUBJECT: here is a draft memo to Pres. Steve Silverman is circulating on summit events fy

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

READ:UNKNOWN

TEXT:

would you print this for me? thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 03/26/97 03:39 PM -----

Diana Fortuna

03/26/97 02:04:49 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc: Christa Robinson/OPD/EOP, Cynthia A. Rice/OPD/EOP

Subject: here is a draft memo to Pres. Steve Silverman is circulating on summit events fyi

It looks basically OK to me but needs a bit of work; it will certainly go through several iterations with us, Don, before it gets sent to the President.

FYI, you will note that the VP /Elaine is interested in doing something the week of April 14th on Texas Comptroller John Sharp's commitment, which is to pair volunteers to 1,000 families trying to leave welfare. Sharp's commitment has already been announced. But we might use such an event to announce a federal commitment on welfare -- either something on afterschool programs, which a lot of community groups are interested in, or maybe something modeled on Sharp. I am talking to HHS and to Cynthia about options here.

----- Forwarded by Diana Fortuna/OPD/EOP on 03/26/97 01:54 PM -----

Stephen B. Silverman

03/26/97 01:49:48 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP, Eli G. Attie/WHO/EOP

cc:

Subject: Draft for Your Thoughts

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

Draft-Draft-Draft
March 26, 1997

Progress in the planning for the Summit for America's Future is being made. In order to ensure that you and the Administration are positioned properly when you arrive in Philadelphia, we have developed an aggressive communications/scheduling strategy to be implemented in the weeks leading up to Summit. You, Mrs. Clinton, the Vice President and Mrs. Gore, along with Members of your Cabinet, Harris Wofford, Henry Cisernos and Mark Gearan will play a vital role communicating your vision of service and the commitment you have made towards ensuring that service is a central part of a young person's development. Prof. Benjamin Barber, who we have met with, has played an important role in the development of our thinking as we prepared this strategy.

March 25: McCurry announced Clintons and Gores will participate in Germantown Road clean-up event and Summit.

March 29: Radio Address (POTUS). Announce Service Week. Announce Adopt-a-Schools from federal agencies. Announce other commitments (federal or private).

April 2: Teleconference with 140 Summit Communities. (FLOTUS Proposed). Live Video Conference. Powell, Wofford will participate in the conference. It is open to press.

April 4 or April 17: Second Bowles-Powell meeting to discuss Summit preparation. (VPOTUS drop-by proposed). Release photo.

April 4: Net Day kickoff. Vice President participates. Highlight service aspect.

Week of April 7: Mrs. Clinton participates in Learn and Serve program event in D.C. VPOTUS event to announce commitments at good local service project.

April 12: POTUS kicks off National Service and Volunteer week with Oval office radio address and meeting with current AmeriCorps participants and alumni, as well as Peace Corps alums. Harris Wofford and Mark Gearan participate. Announce Service scholarships. Thoughtful discussion of the importance of the "ethic" of service.

April 14-April 18: National Service and Volunteer week. Hundreds of service projects/events around the country. Mrs. Clinton visits Philadelphia to highlight literacy program in which 11th graders read to third graders. Philadelphia media. Vice President announces Texas Pathfinders program. Cabinet roll-out to excellent service sights around country. Regional media from Washington. Wofford and Gearan travel to large number of states.

April 15: Youth Service Day. Meet with AmeriCorps volunteers on tarmac in New York.

- April 19: Net Day. Volunteers throughout nation to wire schools.
- April 22: Earth Day. Service highlighted by principals.
- April 26: Radio Address on Service/Summit.
- April 26: Christmas in April. Four principals help rebuild home in D.C. White House staff helps on another project.
- April 27: Arrive Philadelphia. Germantown Road Clean-up kick-off event with Powell begins at 10:30 and 1:30. Four principals. Families have been requested.
- April 27: Award Presidential Service awards in private ceremony before Gala. Four principals (7pm). Service Gala (7:30). 2500 people at Music Hall. Live television, possible, not likely.
- April 28: Summit opens 9:00 a.m., chaired by General Powell. Seeking Vice Presidential speech in 9-10 slot. From 10-11, President Ford, President Carter (video), Mrs. Reagan, President Bush each speak for 10 minutes on heroes. POTUS gives main address for 12 minutes. All Presidents sign "Declaration of Commitments."
- April 28: CEO/Constituency Luncheon (12-2). Four Principals.
- April 29: Closing Ceremony. Powell signs "Declaration of Commitments" at conclusion, after charging the group to move forward with service implementation for the next 3 years. Mrs. Clinton should speak and sign.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-MAR-1997 17:41:00.00

SUBJECT: Re: Has HHS/Ag given us a privatization proposal yet?

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

TEXT:
on its way over.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-MAR-1997 12:32:22.00

SUBJECT: Re: atached

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

TEXT:
great. just let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-MAR-1997 10:12:31.00

SUBJECT: Re: legal immigrants

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

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

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

TEXT:

we're with you, as i said at the meeting this morning.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 27-MAR-1997 10:11:39.00

SUBJECT: Meeting re EPA issue

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

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

TEXT:

I've asked paul to go.

----- Forwarded by Elena Kagan/OPD/EOP on 03/27/97 10:14
AM -----

Jonathan Foster
03/27/97 09:05:05 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Meeting re EPA issue

Elena -

Following up on our conversation this morning, the meeting on the EPA issue will be at 10:30 am in the Roosevelt Room. The immediate issues to be discussed at the meeting are (1) how OIRA handled pre-decisional memos from OSTP and CEA, and (2) how OSTP and CEA should respond to document requests from Congress. The larger issue, however, is how the system will work down the road; how OIRA will handle policy council pre-decisional memos concerning proposed agency regulations. This is the portion of the meeting that I assume will be relevant to DPC. The meeting has been organized by Bill Marshall in the Counsel's office and will be led by Sylvia Mathews. I think Bob Damus and Sally Katzen will attend along with Michele Jolin, Shelley Fidler, and me. I left Bill a message this morning suggesting he invite DPC and NEC and got a message back saying he had invited NEC. Perhaps he merely forgot to include DPC, so even though it's not my meeting, I think I can feel safe in inviting you or a member of your staff to join the discussion. Please give me a call at 62735 if you have any questions.

Jon

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-MAR-1997 10:13:08.00

SUBJECT: Spoke to Yvette Jackson re: HHS privatization proposal

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

READ:UNKNOWN

TEXT:

note well the last line.

----- Forwarded by Elena Kagan/OPD/EOP on 03/27/97 10:16 AM -----

Cynthia A. Rice

03/27/97 10:01:03 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Diana Fortuna/OPD/EOP

cc: Laura Emmett/WHO/EOP

Subject: Spoke to Yvette Jackson re: HHS privatization proposal

Ag will complete this morning a document analogous to the HHS one, which lays out what Ag laws would have to be waived to achieve the same result as in the HHS draft. They will fax it around ASAP. Her general counsel is still concerned that Ag doesn't have the authority to waive these provisions, and would lose if sued, but that's not stopping Jackson et. al.

She also said labor leaders have a meeting w. Secretary Glickman on Monday, .

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-MAR-1997 10:12:40.00

SUBJECT: legal immigrants

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/27/97 10:16
AM -----

Emily Bromberg
03/27/97 10:08:39 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Diana Fortuna/OPD/EOP, Cynthia A. Rice/OPD/EOP
Subject: legal immigrants

Marcia tells me that she brought up our idea of a POTUS meeting with 4 or 5 mayors to talk about our legal immigrant package. We are thinking about NYC, LA, and 2 dems--Dallas or Houston and a Florida mayor. To allay Craig's concerns, I'm setting up a meeting early next week to hash it out. Marcia was going to talk to counsel about restriction re: NYC lawsuit. As you know I'm a big fan of this idea--so I want to push back on political a little.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-MAR-1997 15:18:38.00

SUBJECT: Re: Summit and Sylvia

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

READ:UNKNOWN

TEXT:

sounding enthusiastic.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-MAR-1997 08:57:08.00

SUBJECT: liquor letter

TO: Dennis K. Burke (CN=Dennis K. Burke/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

here it is

----- Forwarded by Elena Kagan/OPD/EOP on 03/28/97 08:58 AM -----

Kathleen M. Wallman
03/18/97 10:22:00 AM

Record Type: Record

To: Elena Kagan
cc:
Subject: liquor letter

Message Creation Date was at 18-MAR-1997 10:22:00

Here is the letter. Elena, Jon Kaplan can work with you and the Vice President's office on the release. Here is what has changed since the last time it was circulated. I leave it to your discretion and Jon's as to whether anyone needs to have a final poke at the letter in view of the changes and the passage of time.

1. I eliminated a sentence saying that if the FCC finds a link between the ads and children's attitudes about liquor that the FCC should consider time restrictions on the advertising. Dan Tate thought that was too strong. We don't really need to say it, so I struck it. I alerted Rahm to this change, but don't know if he focused on it at the time. I don't know whether this would be viewed by others as subtracting from the oomph of what we're doing, but I think the change Dan suggested is an improvement.

2. Kahlua is supposedly on the brink of a big advertising campaign. I don't know whether what they are planning, which may have a strong subliminal appeal to children that is obvious to adults, may tip the balance at the FCC and cause them to act regardless of whatever we say or don't say.

3. Interest in this issue seems to have quieted on the Hill. I can't tell whether this is an enduring or temporary phenomenon.

The previous version was circulated to Podesta, Echaveste, Hilley, Klain, Sperling, Reed, Ruff, Simon and Kalil.

The Honorable Reed E. Hundt
Chairman, Federal Communications Commission
1919 M Street, N.W., Suite 814
Washington, D.C. 20554

Dear Chairman Hundt:

I write to ask your assistance in addressing a new and emerging challenge to parents struggling to raise safe, healthy children: the decision by manufacturers of hard liquor to advertise on television.

For half a century, these companies voluntarily refrained from such advertising. They understood that advertising over the uniquely powerful and pervasive medium of broadcasting could reach children inappropriately, encouraging them to drink before it is even legal for them to do so. Until now, these companies have shown appropriate restraint. For as long as there has been television, they have known that a voluntary ban was right and they lived by it.

Now, some companies have broken ranks and started placing hard liquor ads on TV. I was greatly disappointed by their decision. I have previously expressed my dismay at this action and called on the industry to urge all its members to return to their long-standing policy and stand by the ban. I am gratified to learn that, according to one survey, the vast majority of television stations are declining to air these advertisements. I applaud that stand.

I firmly believe that we have a national obligation to act strongly to protect our children from threats to their health and safety. That's why I have fought so strongly to impose appropriate regulations on the sale and distribution of cigarettes and smokeless tobacco and tobacco advertising that appeals to adolescents, to ensure that our schools and children are safe and drug-free, and to combat gangs and violence afflicting our youth.

I applaud your public remarks calling on the industry and broadcasters to reactivate the voluntary ban. I also commend your comments that the Federal Communications Commission has an obligation to consider any and all actions that would protect the public interest in the use of the public airwaves.

I urge the Commission to take all appropriate actions to explore what effects might ensue in light of the decision by manufacturers of hard liquor to abandon their long-standing voluntary ban on television advertising, specifically the impact on underage drinking.

We have made tremendous progress in recent years reducing the incidence of deaths due to drunk driving among our youth. We have taken important steps including the increase in the 1980s in the drinking age to 21 and the passage of zero tolerance legislation for underage

drinking and driving. But there is more to be done. Too many of our young people are dying in car crashes, and too many young people are starting to drink at an early age, leading to alcohol and other substance abuse problems.

I would appreciate your help and the help of the Commission in exploring the possible actions you could take to support our parents and children in response to the manufacturers' decision to break with the long and honorable tradition of not advertising on the broadcast medium.

Sincerely,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-MAR-1997 08:23:15.00

SUBJECT: Re: weekly report reminder

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

READ:UNKNOWN

TEXT:

It would be really helpful for you to send something like this to me each week. It will remind me of what we did! Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-MAR-1997 16:24:30.00

SUBJECT: Re: Housing/Welfare Reform Meeting

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

READ:UNKNOWN

TEXT:

not unless they meet the standard criteria for including non-cash benefits
-- e.g., that the benefit is given to all similarly situated employees.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-MAR-1997 15:08:17.00

SUBJECT: Re: question on weekly

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

TEXT:

yes you should. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-MAR-1997 08:25:47.00

SUBJECT: Stenholm's guy

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

READ:UNKNOWN

TEXT:

see below.

----- Forwarded by Elena Kagan/OPD/EOP on 03/28/97 08:28 AM -----

Diana Fortuna

03/27/97 08:42:20 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Emily Bromberg/WHO/EOP

cc:

Subject: Stenholm's guy

Stenholm's guy Ed Lorenzen left me a message telling me where Lt Gov. Bullock is on privatization. He said Bullock is still very much in favor of letting the state go the next step of issuing the RFO, but that that shouldn't obligate anyone to finally let a contract. I was surprised how much he stressed the notion that it remain an active option for the state to do no contract at all, after it examines bids.

Emily, he also said that we should make sure that Bullock is notified by us rather than the Governor. I will reinforce with Monahan.

Monahan also left me a message saying he needs our comments because HHS needs to get back to state tomorrow -- but I thought it was Monday or Tuesday.... I will ask him why he said tomorrow.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-MAR-1997 13:51:36.00

SUBJECT: liquor letter

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/28/97 01:54
PM -----

Kathleen M. Wallman
03/18/97 10:22:00 AM

Record Type: Record

To: Elena Kagan
cc:
Subject: liquor letter

Message Creation Date was at 18-MAR-1997 10:22:00

Here is the letter. Elena, Jon Kaplan can work with you and the Vice President's office on the release. Here is what has changed since the last time it was circulated. I leave it to your discretion and Jon's as to whether anyone needs to have a final poke at the letter in view of the changes and the passage of time.

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3. Interest in this issue seems to have quieted on the Hill. I can't tell whether this is an enduring or temporary phenomenon.

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1919 M Street, N.W., Suite 814
Washington, D.C. 20554

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I firmly believe that we have a national obligation to act strongly to protect our children from threats to their health and safety. That's why I have fought so strongly to impose appropriate regulations on the sale and distribution of cigarettes and smokeless tobacco and tobacco advertising that appeals to adolescents, to ensure that our schools and children are safe and drug-free, and to combat gangs and violence afflicting our youth.

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drinking and driving. But there is more to be done. Too many of our young people are dying in car crashes, and too many young people are starting to drink at an early age, leading to alcohol and other substance abuse problems.

I would appreciate your help and the help of the Commission in exploring the possible actions you could take to support our parents and children in response to the manufacturers' decision to break with the long and honorable tradition of not advertising on the broadcast medium.

Sincerely,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-MAR-1997 08:24:25.00

SUBJECT: Re: weekly report reminder

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

READ:UNKNOWN

TEXT:

Mike -- could you write me up a paragraph for the weekly on the Calif event along the lines of what Christa has suggested, putting in whatever you think he should know we're doing? Many thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 03/28/97 08:26 AM -----

Christa Robinson
03/27/97 08:22:11 PM
Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP
cc: Elena Kagan/OPD/EOP
Subject: Re: weekly report reminder

I've thought about what I could say, and I don't know how I should contribute to the weekly report. I'm afraid that anything I have to offer is going to be/and should be covered by the policy person. For example, these are they types of things I could write in a weekly this week:

We had 3 successful health care events - Jennings
We are working w/ the VP's off. on the FCC announcement for Tues.
-Burke/Elena

We are preparing for a major endorsement from the state of CA endorsing our

standards and testing proposals on Wednesday. We are planning to have a roundtable discussion where you receive the endorsement of CA Schools Superintendent and from California high tech CEO's for national standards. 150 people will be invited, including educators and business representatives from California and from national associations. (Cohen) We have submitted a commencement strategy that includes a teachers college, a turnaround school, an urban high school, and an America Reads college that has direct lending.

We are working on policy announcements for Kick Butts day on the 15th and for the Early Learning Conference. We are also working on announcements associated with the service summit that highlight Americorps and encouraging youth to participate in service.

What do you think I should do? Should I just send these to you so you can check to make sure they are covered by other staff? Please advise.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-MAR-1997 13:48:22.00

SUBJECT: Re: FCC Liquor Letter

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

TEXT:

I think we did send the letter, but I'll ask my assistant to send another. But NO ONE can be contacted because the President hasn't given the final sign-off yet. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-MAR-1997 14:31:11.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Could you email me the latest version of the ideas memo so I can update?
thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-MAR-1997 14:26:34.00

SUBJECT: weekly

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

TEXT:

I didn't use the Jerri Martin thing for the weekly because i thought it would be best to know what the hhs regional people have to say first. could you remember to give this to me again next week if we have an answer? thanks.

April 15, 2009

MEMORANDUM FOR THE CHIEFS OF STAFF

FROM: Elena Kagan

Kathleen Wallman

Katie McGinty

SUBJECT: Children's Health Executive Order

We are providing for your review a revised version of the proposed executive order on children's health. This version reflects a consensus among White House offices about how best to balance the goals of the initiative and the concerns about implementation that have been raised among federal agencies.

In order to identify any remaining agency concerns that should be considered in deciding whether to move forward with this version of the executive order, CEQ, DPC and NEC will convene a deputies meeting on Wednesday, April 2, at 4:00 p.m. Please contact Laura Emett at 456-5584 to arrange clearance into the meeting.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-MAR-1997 13:48:44.00

SUBJECT: FCC Liquor Letter

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

TEXT:

could you make sure they get a copy of the letter? thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 03/29/97 01:51
PM -----

Marjorie Tarmey
03/29/97 12:36:26 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Barbara D. Woolley/WHO/EOP, Jay K. Footlik/WHO/EOP
cc: Robert B. Johnson/WHO/EOP, Marjorie Tarmey/WHO/EOP, Cheryl M.
Carter/WHO/EOP
Subject: FCC Liquor Letter

This is from Maria (because my computer is under plastic because of painting) --Elena-- If someone on your staff would please provide a copy of the FCC liquor letter to Marjorie/Ben Johnson ASAP--so our folks in OPL can give the appropriate heads up, before the event on Tuesday. For example, Edgar Bronfman (Seagram's) is a very important leader in the Jewish community--other business leaders may also appreciate a heads up. Jay, Barbara, Cheri and Ben--I don't know who else has constituencies that need to be touched right before the event on Tuesday. Please handle and please advise me of results of outreach.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-MAR-1997 14:01:27.00 .

SUBJECT: Re: Housing/Welfare Reform Meeting

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

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

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

TEXT:
Agree on the first.

On the second: Re Bruce's question: states will only be able to count housing if the normal FLSA criteria are satisfied -- including that the state provide the benefit to all employees doing the job. More generally: what's really the question here? does omb/hud want to consider legislative changes prohibiting this practice?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-MAR-1997 13:43:21.00

SUBJECT: Re: HHS

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

READ:UNKNOWN

TEXT:

she's something else. we'll swap stories next time we see ach other.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-MAR-1997 13:49:59.00

SUBJECT: Re: AutoChoice Insurance

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

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

TEXT:

Yes, please do. As I said yesterday, I know Ellen has written a memo on this issue, and we should certainly check to see whether we're in the same place.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-MAR-1997 14:24:31.00

SUBJECT: weekly

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

READ:UNKNOWN

TEXT:

I didn't use the testing one. Give it to me again when there's a bit more to say about it (or when I'm desperate and i ask you for it.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1997 14:26:12.00

SUBJECT: Re: Youth Corps proposal

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

It looks to me as if this idea might fit well with the latest conception of the federal commitment. If the idea is for agencies to forge partnerships with service organizations to advance the President's core priorities, why not include state and local youth conservation corps in this effort?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1997 13:16:16.00

SUBJECT: child well-being indicators

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

TEXT:

Did you ever look at these? Don't spend too much time on it, but give me a call when you have a chance.

March 31, 1997

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED
ELENA KAGAN

SUBJECT: IDEAS

Health and Safety

1. Children's Health EO: The DPC and other White House offices are working on an executive order designed to ensure that the federal government considers the special needs of children when taking regulatory action. The executive order requires every agency to determine whether a regulation may impose disproportionate risks on children and, if so, to evaluate the specific effects of the regulation on children. Several agencies have raised last-minute objections, but we are hoping that we can work these out in the next few weeks, in time for the Conference on Early Childhood Development.

2. Medical Privacy: We are working with HHS on a bill relating to the disclosure and use of genetic screening information. This idea is both good and timely, and we may be ready to make an announcement within the month. We also are working with HHS to develop a broader piece of legislation ensuring appropriate privacy protections for all medical records. This proposal is proving extremely complex, and it will probably take several months to work out all the issues.

3. Rural Health Regulations: HHS will issue much-needed regulations focusing on rural health care within the next few months. We can use these regulations as the core of an event focusing on the special health needs of rural communities.

4. Business Endorsement of Kids' Coverage: We can put together an event, for as early as this month, at which important representatives of the business community endorse our proposal to extend health care coverage for children.

5. Executive Order on Unemployed Workers: We are exploring whether we have legal authority to issue an executive order granting six months of health care coverage to unemployed federal workers (thus mirroring our budget proposal). We should know within a week or so whether this action is doable.

6. Tobacco Advertising: We are reviewing ideas for the President to take action responding to tobacco companies' use of the internet and other fora to get around our tobacco regulation. We might want to focus on this issue on "Kick Butts" day. We are also working on a response in

case the federal judge in North Carolina rules against our tobacco regulation. That ruling is expected within the next week or so. One possibility is to bring suit against the tobacco companies for Medicare costs, but HHS earlier decided not to take this route and is probably still against it.

7. Seat Belt Use: The Department of Transportation is ready to give the President a report on ways to increase seat belt use. DOT's report will set new national goals for seat belt use and will include ideas for presidential challenges to states and business groups to advance those goals. At the same time, the President can announce that we are submitting legislation requiring states to implement primary seatbelt laws or divert 1% of their highway funds to safety uses. He also can update an out-of-date Executive Order relating to seatbelt use on federal lands and by federal employees. We can announce these actions just after the President meets with Big 3 automobile executives, at an event that also includes safety advocates.

8. Aggressive drivers/driver emergency number: DOT is working on a package of proposals to deal with aggressive drivers; we expect to get the package within 10 days. But DOT thinks the package will seem skimpy and that it may provoke safety advocates to say that the real problem is the speed limit. DOT has suggested as an alternative action creating a uniform emergency number for cellular phones. DOT thinks such an action can be ready by May. We are continuing to work on these ideas.

9. Conquering Disease: We are working with our scientists on steps the President could take to advance the search for an AIDS vaccine. We are also working with them on the possibility of an initiative to combat emerging infections like ebola and malaria around the world, or an initiative to combat diabetes. No one knows it, but our budget includes \$20 million for the World Health Organization and other groups like Rotary International to wipe out smallpox worldwide.

Education

1. "California in the White House" Education Event. We are preparing for a major endorsement of the President's national testing initiative on Wednesday, April 2. At a roundtable discussion, Delaine Eastin, California Superintendent of Schools, will announce that California will participate in the initiative. This commitment, when added to those from Maryland, Michigan, and North Carolina, means that about 20 percent of the nation's 4th and 8th grade students will take our tests. In addition, John Doerr, managing partner of the venture capital firm Kleiner, Perkins, Caulfield & Byers, will announce that more than 100 high-tech CEOs are endorsing the testing initiative and will urge every governor and state education official to sign on to the tests.

2. Advisory Panel for Education Tests: The Education Department is thinking about the appropriate structure and composition of a panel of teachers and other trusted educators to advise on the development of our 4th and 8th grade tests. (The Department may decide to use an existing, non-governmental group to perform this advisory function -- or, alternatively, to assume

complete responsibility for developing the test.) Congressional consultations on this issue may begin next week. We expect a decision in a few weeks.

3. Teacher of the Year: The President will meet with the Teacher of the Year and other outstanding teachers at the White House on April 18. The overall message will be about excellence in teaching. The President should highlight his proposal to enable more teachers to seek certification from the National Board for Professional Teaching Standards. (The person chosen as National Teacher of the Year is Board-certified.) In addition, we are working on a proposal to support the development of standards and assessments for people just starting a teaching career.

4. Roundtable/Town Hall on Standards: The President could participate in a session with teachers, students, parents, and others to explain the standards associated with his 4th and 8th grade tests. The roundtable would demonstrate with concrete examples the kind of student work -- and the kind of teaching -- that reflects high standards.

5. Agency sponsorship of charter schools: We can set a process in motion for federal agencies -- for example, NASA or the NSF -- to sponsor charter schools in partnership with teams of teachers. We should keep this project small at the start and focus it on DC. It will probably take us three or four months to be ready to announce the first sponsorship.

6. Incentives for engineering: We are currently exploring whether we can take executive action (or should propose legislation) providing monetary incentives for students to take engineering courses. We will know more within a week.

Welfare

1. Child Support: We can announce new child support enforcement numbers, along with the submission of a new HHS report on child support enforcement and our submission of legislation (previously announced) to make it a felony to cross state lines to evade child support obligations. The President has indicated that he would like to do a radio address on this subject.

2. Welfare Cabinet Meeting: The President will convene a Cabinet meeting on April 10 to discuss agency plans to hire welfare recipients. We specifically announced in last month's directive on governmental hiring of welfare recipients that this meeting would take place.

3. Statutory Rape/Teen Pregnancy Prevention: DOJ should be ready sometime in April to release a report on statutory rape and its relation to teen pregnancy rates. We could do a radio address timed to coincide with the release of this report, discussing strategies to enforce statutory rape laws and decrease teen pregnancies.

4. Internet in welfare offices: We are currently exploring ways to increase the access of welfare offices around the country to the internet, with its wide range of job databanks and other

informational services. Eli Segal's organization will probably play some role in this effort. Speaker Gingrich is also interested. We will have a proposal within a week or two, after we do some spadework on ensuring adequate private sector commitments and checking with certain agencies about their role in the project.

5. Welfare business group announcement: Eli Segal is planning a formal announcement of his organization in late April, perhaps in Milwaukee -- where he would line up the support of a few hundred businesses, Mayor Norquist, Governor Thompson, and Mitch Fromstein, head of Manpower. This announcement has been postponed several times, so it is hard to know whether Eli will meet his new timetable. Sometime after the rollout of his organization, Eli would like to put together a welfare-to-work conference involving CEOs, the NGA, the DLC, and the White House.

6. Welfare-to-Work Transportation Plan: We recently announced our Access to Jobs proposal, which would allocate \$600 million of NEXTEA funding to improve transportation systems so that welfare recipients and other low-income workers can get to work more easily. We are currently exploring whether we can take an executive action that would call further attention to these efforts. We should know in a week or two.

7. Training for Child Care: The President has expressed interest in programs that train welfare recipients to become child care providers. Kentucky, Massachusetts, and Minnesota are all experimenting with such programs. We are just beginning to look into what the federal government can do to support programs of this kind.

Crime, Drugs, Alcohol

1. Hard Liquor Advertising: For years, the hard liquor industry voluntarily agreed not to show liquor ads on TV. Some companies have now broken that agreement. Working with other White House offices, we have prepared a letter for the President to sign requesting the FCC to investigate the effects of liquor advertising and take appropriate action. The President is currently scheduled to sign the letter on Tuesday.

2. Sex Offender Registry: The President can announce at any time that the interim National Sex Offender Registration system -- which he directed the Attorney General to develop in a radio address last summer -- is now up and running. He also can announce right now that he is signing an Executive Order instructing the Attorney General and Secretary of Defense to ensure that sex offenders released from federal and military prisons are listed in the national registry. Finally, he can announce that the Justice Department is issuing guidelines to states on Megan's law, which requires community notification of sex offenders.

3. National Anti-Drug Media Campaign: The President's FY 98 Budget Submission includes \$175 million for a national anti-drug media campaign directed at youth. We will not be able to expend any funds on this initiative until we enact the appropriation bill, but ONDCP can expend

discretionary funds in its FY 97 budget to begin producing anti-drug ads. At a Rose Garden event, the President can kick off the campaign with one of the celebrities who has agreed to appear in an ad. The President also can release a letter he is sending to every network challenging them to match our contribution by dedicating more air time to anti-drug ads. ONDCP is currently reaching out to celebrities and sports figures such as Michael Jordan, Grant Hill, and Tiger Woods to tape anti-drug ads. This event should be ready sometime in April.

4. Anti-Gang Prosecutor Event: The cornerstone of the President's Anti-Gang and Youth Violence Strategy is a \$200 million anti-gang prosecution grant program. The President can meet with prosecutors from across the country in the Oval Office where they will thank him for his strong support in fighting gangs. The prosecutors -- Republican and Democrat -- would urge Congress to move quickly to pass the President's bill. We recommend May for this event.

5. After-school Initiative Event: To highlight his new after-schools initiatives in the Anti-Gang Bill, the President could visit a successful after-school program and meet with the kids helped by the program. That day, he also would announce that HHS is providing several million dollars in grants from its FY 97 appropriation for new after-school programs across the country. This event should occur after the anti-gang event described above.

6. Victims Constitutional Amendment: In June 1996, the President announced his support for a constitutional amendment for victims rights. At a White House event, the President could: (1) urge Congress to pass the Amendment quickly; (2) receive a report from the Attorney General -- in response to his June Directive -- outlining measures taken by the Justice Department to increase and improve Federal services and protections for victims of crime; (3) announce the creation of a Federal victim notification system; and (4) announce additional funding from the Victims Crime Fund -- which is larger than ever before -- to go to victims services and shelters across the country. We could take these actions during the week of April 14-18, which is National Crime Victims Week, or at some later date.

7. Smart Guns. The National Institute of Justice is about three weeks away from announcing that it has chosen a prototype "smart gun" for testing in the field. The gun will have an "Action Radio Frequency Tag" that permits the gun to be fired only when it is within three feet of a wristband that the police officer will wear. The gun will also have a "laser-aiming element" that makes a red dot appear on the person at whom the gun is pointing. This feature apparently serves as an effective warning to the culprit that he should surrender. NIJ will provide a \$500,000 grant to a consortium of companies to demonstrate the gun and train police officers in its use. We can prepare an event to highlight this announcement, which we can also tie in to our juvenile justice bill.

8. Report on Bomb-Making: The Justice Department has prepared a report, as required by Congress, on the public availability of information on how to construct bombs. The report concludes that such information is widely available, especially on the internet, and that some legislation would be appropriate. The DOJ legislative proposal is narrower than one previously

offered by Sen. Feinstein, and we are looking into whether Sens. Feinstein and Biden would embrace it or criticize it for not going far enough. We should know more within the week.

9. Ban on Importation of Ammunition Clips: We are looking into the possibility of endorsing Sen. Feinstein's bill to close a loophole in the assault weapons ban by prohibiting the importation of large-capacity ammunition feeding devices that now can come into the country. Our decision about whether to proceed with this endorsement is complicated by prior agreements with Rep. Dingell. We will have a recommendation soon.

10. Nanny Checks: We could introduce legislation prepared by the Justice Department that would facilitate criminal checks for non-criminal purposes -- for example, a check on a potential nanny or schoolbus driver. But we oversold the Oprah bill a couple of years ago as a solution to this problem; if we do another big event, we will have to admit that our purported solution didn't do much of anything.

11. Brady Law Reaction: The Supreme Court should rule soon on the constitutionality of the Brady law, and most experts think the Court will invalidate the law. We are developing a multi-pronged strategy to respond to the decision. The Attorney General and Secretary Rubin will send a letter to every police chief and sheriff urging them to continue to enforce the Brady Law voluntarily; the AG and Secretary also will announce pledges from numerous sheriffs and police chiefs to do so. Finally, the Administration will send to Congress new legislation, less subject to constitutional challenge, ensuring continued background checks.

12. Internet Porn Case: The Supreme Court probably will strike down the Communications Decency Act this spring. We must begin to consider our response to this decision, including the desirability of new legislation.

13. Crack Cocaine Sentencing: The Sentencing Commission will propose amendments to the sentencing guidelines on May 1 to reduce the disparity between crack and powder cocaine sentences. We must begin to consider what position to take on these new recommendations.

Family

1. Family leave executive order: We have legal authority to issue an executive order granting federal employees the additional family leave provided in our legislative proposal. We can be ready to go on this proposal in a matter of days. We recommend announcing it in a radio address just preceding the Early Childhood Development Conference.

Service Summit

1. Scholars' Program: We announced last year a \$1,000 scholarship for high school students who have performed outstanding service, with the federal government putting up \$500 and a community or service organization (e.g., Lions, Elks, Kiwanis, Moose) putting up the rest. We

are working with CNS to put together an event or radio address highlighting this program, which might include an announcement of matching funds obtained so far, a call for applications, and perhaps an award of the very first scholarships.

2. Commitments/Adopt-a-School: We will soon be ready to announce "commitments" from the federal government to the service summit. One commitment would expand agencies' existing adopt-a-school programs: a realistic goal is 2,000 schools by the year 2000. Other commitments would lead agencies to forge partnerships with service organizations (possibly including state and local youth conservation corps) to achieve some of the President's core priorities -- in education, health care, the environment, and so forth. We need to have a package ready by the time of the summit, but we may be ready with this package in as little as two weeks.

3. EO on Federal Employees' Service: We are reviewing whether to expand an Executive Order issued by President Bush to make service and volunteer work easier for federal employees. We will know in a couple of weeks whether to proceed with this idea.

4. Week of Service. Some or all of the above ideas can be combined with the Week of Service, starting on April 14. We are exploring ways to involve a wide range of federal officials, as well as AmeriCorps members, AmeriCorps alumni, and returned Peace Corps volunteers, in the numerous activities celebrating service that will occur during this week around the country.

5. College Loan Relief for Service. We are exploring the idea of giving young people engaged in service some kind of relief from payments due on college loans. We will know in a couple of weeks what kind of proposal would make sense.

Environment

1. Brownfields: The EPA wants to roll out an expansion of the existing Brownfields pilot program in about two months. A number of other agencies can announce actions at this time to encourage Brownfields cleanup and redevelopment. The Administration will also resubmit legislation creating a new tax incentive and grant program to encourage the redevelopment of Brownfields.

2. Right-to-know law: EPA should be ready in one to two months to issue a rule extending disclosure obligations under the right-to-know law to a number of additional industries -- probably including mining, hazardous waste handlers, and utilities.

3. Safe water regulations: EPA will propose regulations to require water utilities to provide information to consumers about what is in tap water. The proposal will not be ready until September or so.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1997 16:30:59.00

SUBJECT: Re: DPC Principals meeting Thursday re: Transportation

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

READ:UNKNOWN

TEXT:

sounds pretty weak to me...

----- Forwarded by Elena Kagan/OPD/EOP on 03/30/97 04:34 PM -----

Bruce N. Reed

03/26/97 10:08:05 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: Elena Kagan/OPD/EOP

Subject: Re: DPC Principals meeting Thursday re: Transportation

Good start. But there must be more action we can take with the federal transportation system. Let me know how your mtg with Jano went.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1997 15:43:18.00

SUBJECT: NEW IMMIG LAW

TO: Stephen C. Warnath (CN=Stephen C. Warnath/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TEXT:

A while ago, you showed me a memo you did for the vp's office on new provisions in the immig law going into effect April 1. Am I remembering this right? Can you prepare a similar memo from Bruce to the President and show it to me? Apparently, the President wants to know what's going on. Many thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1997 10:52:38.00

SUBJECT: Re: Draft agenda for tomorrow's 4:00 meeting

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

READ:UNKNOWN

TEXT:

I'm not sure I want to do privatization and FLSA so prominently with this group. I can't think of anything we would gain from a real discussion. Can we put these items last, put them together, and label them "status report" or something? Or am I wrong on this?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1997 20:53:09.00

SUBJECT: notification calls

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

TEXT:

see attached. Kaplan has wallman's list.

----- Forwarded by Elena Kagan/OPD/EOP on 03/31/97 08:55
PM -----

Kathleen M. Wallman
03/31/97 07:15:00 PM

Record Type: Record

To: Elena Kagan

cc:

Subject: notification calls

Message Creation Date was at 31-MAR-1997 19:15:00

Among the calls that I put on the list, the calls to industry people are pretty important -- broadcast and liquor.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1997 20:52:33.00

SUBJECT: Re: satellite conferences

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

TEXT:

actually, i promised no such thing -- but what else is new?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1997 20:50:44.00

SUBJECT: Meeting Tommorrow: Early Childhood Dev./Regional Conferences

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

READ:UNKNOWN

TEXT:

find out from nicole or pauline whether it's ok that i'm missing this meeting. thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 03/31/97 08:52 PM -----

Suzanne Dale

03/31/97 04:41:19 PM

Record Type: Record

To: Emily Bromberg/WHO/EOP, Kris M Balderston/WHO/EOP, Nicole R. Rabner/WHO/EOP, Laura D. Schwartz/WHO/EOP

cc: Elena Kagan/OPD/EOP, Anne E. McGuire/WHO/EOP, Alice J. Pushkar/WHO/EOP

Subject: Meeting Tommorrow: Early Childhood Dev./Regional Conferences

The meeting regarding the regional conferences on early childhood development will be held tomorrow, April 1, at 1:00 pm in OEOB Room 100.

Please let me know if you will not be able to attend. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1997 08:25:53.00

SUBJECT: today's meeting

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

READ:UNKNOWN

TEXT:

1. Tomorrow's 8:30 meeting with Erskine will cover our 3-page mission memos, the 0-3 conference, and the service summit.
2. Don griped about the CNS and our service plans generally and called for a meeting, which Sylvia said she would put together. Haven't you missed him these past few days? By the by, he told me that the job he really wants is Harris Wofford's.
3. Sylvia asked how Gov. Wilson would respond to our education event. Not really knowing the answer to this question, I said that he wasn't likely to embrace it with open arms. She asked whether he would blast us. I sort of shrugged. What is the answer?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1997 20:55:47.00

SUBJECT: Re: mtg tomorrow

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

READ:UNKNOWN

TEXT:

yes -- make sure this is on the schedule; it's different from the rice meeting. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1997 19:19:46.00

SUBJECT: Cabinet Affairs/Policy Council Coordination Meeting

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/01/97 07:22
PM -----

Stefanie Sanford
04/01/97 04:42:25 PM
Record Type: Record

To: Shelley N. Fidler/CEQ/EOP, Elena Kagan/OPD/EOP, Kathy_Wallman @
oa.eop.gov @ inet
cc: See the distribution list at the bottom of this message
Subject: Cabinet Affairs/Policy Council Coordination Meeting

To follow up last week's meeting and memo, we would like to schedule the
first coordination meeting for Thursday at 4:30pm in OEOB 160 to discuss
upcoming events. Please RSVP. Thanks. ss

Message Copied

To: _____
Stephen B. Silverman/WHO/EOP
Anne E. McGuire/WHO/EOP
Kris M Balderston/WHO/EOP
Elizabeth M. Toohey/WHO/EOP
Kathryn O. Higgins/WHO/EOP

March 27, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
ELENA KAGAN

SUBJECT: WELFARE REFORM -- PRIVATIZATION AND MINIMUM WAGE

We must soon provide guidance on two welfare reform issues of importance both to States and labor unions: (1) whether states can privatize certain administrative functions of the Food Stamp and Medicaid programs and (2) whether worker protection laws -- particularly the minimum wage (Fair Labor Standards Act) -- apply to work programs under the new welfare law. This memorandum outlines recommended approaches to dealing with these issues. The recommendation on privatization will give states part of what they want while angering unions; the recommendation on worker protection laws will please the unions while angering states.

Privatizing Food Stamp and Medicaid Administration

The new welfare law explicitly allows states to contract with private entities to administer Temporary Assistance to Needy Families (TANF). The Administration now must decide how to respond to two requests to privatize administration of other federally funded benefit programs. Texas wants to contract out, on a statewide basis, administration of both the Food Stamps and Medicaid programs; Wisconsin wants to privatize administration of the Food Stamps program in a number of counties, though the need for an administrative decision on this plan is not as pressing. Federal approval of these requests will establish a policy for other states as well.

States that want to privatize believe that a competitive contracting process will result in greater program efficiencies while adequately protecting program recipients. (Because Medicaid and Food Stamps remain federal entitlements, private contractors determining eligibility for the programs would have to follow federal eligibility rules.) Organized labor is concerned that privatizing government functions will displace state and local government workers (with a resulting loss of union membership). They also charge that privatization will harm recipients because contractors will "cut corners" in determining eligibility for benefits.

All the relevant agencies and White House offices (HHS, USDA, OMB, DPC, and NEC) believe that allowing some privatization makes sense: the question is how much. Below, after some additional background information, we outline a consensus recommendation.

Background

Federal agencies and the state of Texas have been negotiating since June 1996 over the state's proposal to privatize the administration of TANF, Medicaid, Food Stamps, and certain other federally-funded nutrition programs. The state legislature passed the plan with bipartisan support, with endorsements from Lt. Gov. Bob Bullock and other leading Democrats. Under the Texas plan, private contractors would collect information about applicants (including by conducting interviews) and make eligibility determinations. The State would retain control over the appeals and quality control processes. An estimated 15,000 state jobs would be eliminated or transferred to the private sector. The state would require bidders to comment on whether they plan to hire displaced government workers. Such companies as Lockheed, EDS, and Arthur Anderson have indicated an interest in bidding.

Texas has argued that it cannot proceed with plans to contract out TANF (as allowed by the welfare law) unless the Administration allows private contracting for Food Stamps and Medicaid, because maintaining separate eligibility systems for these programs creates administrative difficulties. To take the most obvious problem, a dual system would require many individuals to go to one location to apply for TANF and another location to apply for Food Stamps and Medicaid. Texas wants a one-stop eligibility center.

Texas state officials are becoming increasingly impatient with HHS and USDA for not having ruled on their proposal. In a recent letter to HHS, state officials threatened to proceed with the project without Federal approval. State officials also point out that they have pledged to reinvest the savings from their plan in additional health and human services programs, and that these savings could provide health coverage for 150,000 Texas children. Rep. Charlie Stenholm, one of the Administration's strongest welfare reform allies, complained about the delay to Frank Raines in a February 24th letter, saying the state of Texas is "willing to make accommodations to address administration concerns." Secretary Shalala has promised Texas an answer by early April. Most recently, we heard from Rep. Stenholm's office and from Gary Mauro that Texas would accept modifications of its proposal as long as we allow the State to go forward with releasing a "request for offers" ("RFO") to potential bidders.

Labor leaders would like us to refuse the Texas request entirely. They see even limited privatization as a dangerous precedent and have made clear that they view this decision as critically important to public employee unions.

Recommendation

All the relevant agencies and White House offices agree that the Administration should draw the line on the basis of our existing Medicaid policy, which allows privatization of some but not all administrative functions. Under this approach, the application, interview, and other information-gathering can be done by private employees; the eligibility determination itself, as well as appeals and quality control, must remain in the hands of public employees. In addition, the Administration should ensure that contracts protect against the possibility that private firms

will use procedures that lead to inappropriate denials -- or, as OMB notes, inappropriate grants -- of program benefits.

This general approach has both strong precedent and good sense behind it. The Medicaid program already allows private hospital workers to do intake and eligibility work, up to the point of actually determining eligibility. Allowing privatization of these functions, conditioned on appropriate contract incentives and safeguards, strikes the right balance between allowing states to explore innovative ways to deliver public services and ensuring that beneficiaries' rights are protected. There is little doubt that this approach will displace some state workers and displease public employee unions. But we have crossed this bridge already in Medicaid and other contexts; for example, the Department of Labor has granted a waiver to Massachusetts to contract out all employment services and is prepared to do the same for other states as well.

In line with this view, we recommend that we inform Texas of the principles we will apply in reviewing any privatization scheme and give formal permission to the State to issue its RFO. Once the State accepts a bid, we will review whether the contract appropriately accords with our principles. This approach gives Texas less than it asked for, but allows the State to proceed with some reforms. It preserves a role for public employees, but will still anger the unions.

II. Application of Labor Laws

As states begin to redesign their work programs to meet the work participation rates in the new welfare law, a critical question for both the labor movement and the states is whether worker protection laws -- particularly the minimum wage law (Fair Labor Standards Act) -- protect welfare recipients who take part in workfare or subsidized employment programs. The answer the Administration is ready to announce on this issue - that as a matter of law, worker protections apply to welfare recipients as they do to other employees -- will mostly please the unions and displease the States.

Recommended Administration Position

A review conducted by the White House and relevant agencies has concluded that current law requires applying the minimum wage law and other worker protections to welfare recipients engaged in work activities. The new welfare law contains no exemptions from worker protection statutes for these individuals, leaving these protective statutes to operate as they would for any other worker. States therefore cannot, as they partly could before, set up and run work programs independent of labor laws. (The Family Support Act exempted workfare programs from the FLSA, but required work hours to be based on the minimum wage.)

The FLSA, when applied to people in workfare and wage supplementation programs, usually will require payment of the minimum wage. As long as participants in such programs count as "employees" under the Act, they will qualify for the minimum wage. A State could try to structure its program so that participants will count instead as "trainees" under the Act, because "trainees" are not entitled to the minimum wage. It will

be extremely difficult, however, for states to construct programs in which participants will count as “trainees” under the FLSA and also count as performing work activities (and therefore counting toward work participation rates) under the new welfare law. As a result, application of the FLSA will usually mean that the State must pay the minimum wage to individuals in workfare programs.

The food stamp law gives states the ability to count food stamps as part of the minimum wage for some individuals engaged in workfare programs. Specifically, the state can count food stamps toward the minimum wage for welfare recipients without a child under the age of six, but not for welfare recipients with such a child. (We are checking now whether there is a legal way to allow states to count food stamps toward the minimum wage in all cases, but suspect we will not find any.) The state will be able to count the value of other benefits (child care, housing, or transportation) toward the minimum wage only when the FLSA allows the counting of such benefits for workers generally -- which is only in unusual circumstances.

In addition to the minimum wage law, the Occupational Safety and Health Act, unemployment insurance laws, and anti-discrimination laws usually will protect welfare workers; in addition, the NLRA usually will give them organizing rights. More uncertain is how the tax code will apply to individuals in workfare and wage supplementation programs. The Treasury Department is still considering whether monies paid to welfare recipients will be subject to FICA and other taxes or would qualify for the EITC. Our 1994 and 1996 welfare bills prohibited recipients from receiving the EITC or being subject to FICA.

Anticipated State and Congressional Response

We should expect the announcement of Administration policy to provoke strong criticism from the states and Congress. On March 3rd, Governor Whitman wrote in a letter to you that applying minimum wage laws to workfare participants would “end welfare reform as we know it” by placing states in the position of either failing to meet the law’s work requirements or incurring large new costs. Even The New York Times editorial board, in discussing union plans to organize workfare participants, has opined that “what they are doing does not amount to a job” -- a view consistent with what many States and members of Congress will be saying.

The reason states will protest is obvious: applying minimum wage laws will increase the cost of running workfare programs. (Of course, requiring the minimum wage will not make it more expensive for states to help welfare recipients find unsubsidized private sector jobs or to subsidize private sector jobs.) In 36 states, the current cash welfare benefit for a family of three will fall short of a minimum wage salary even for a 20-hour work week. As the work requirement in the law increases to 25 and then to 30 hours, and as the minimum wage also increases, 48 states (all but Hawaii and Alaska) will discover that their welfare grants are insufficient. (See attached document.)

Counting the value of food stamps will ease this difficulty, to the extent that states

can do so. (As noted above, states may not be able to count food stamps for individuals with children under six.) But even if both TANF and food stamp benefits are counted toward the minimum wage, Mississippi will immediately come up short. As the minimum wage increases and the work requirements increase to 30 hours, a total of twenty states will find themselves in this position.

This policy is a mixed blessing for recipients. The increased expense of public employment will encourage state efforts to find private sector jobs for welfare recipients -- a policy we believe is desirable. But that same expense also may encourage states to cut recipients from the welfare rolls sooner, rather than place them in public sector jobs.

There is little doubt that once we announce our reading of the law, efforts will begin in Congress to exempt workfare programs from worker protection laws entirely or to enact more limited "fixes." We will have to track these efforts carefully and decide, as we gain more information, how to respond to them.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1997 08:22:34.00

SUBJECT: Re: HHS Technicals

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

TEXT:
also, I agree with you on the agency letters.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1997 15:38:34.00

SUBJECT:

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

TEXT:

if i can.

----- Forwarded by Elena Kagan/OPD/EOP on 04/01/97 03:41
PM -----

Richard Socarides
04/01/97 02:48:40 PM
Record Type: Record

To: Peter G. Jacoby/WHO/EOP, Elena Kagan/OPD/EOP, Dawn M. Chirwa/WHO/EOP,
William P. Marshall/WHO/EOP
cc: Tracey E. Thornton/WHO/EOP
Subject:

On Thursday afternoon, April 3 at 3:00pm (room 472) we are having a meeting with a group of gay and lesbian anti-violence (hate crimes) advocates from around the country. They will also be meeting with the Acting Assistant Attorney General for Civil Rights and the AAG for Policy at DOJ earlier in the day. These meetings come at their request to discuss the recent rise in hate crimes directed at gay and lesbian Americans. I'd appreciate it if you were able to attend. Please let me know. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1997 08:22:16.00

SUBJECT: Re: HHS Technicals

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

TEXT:

No need to write anything. Ask laura to set up a time when we can talk in the next couple of days. We'll talk about the family indicators too. (No need to call Sally until then.) Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1997 19:19:07.00

SUBJECT: Re: Letter from Mary Francis Berry

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

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

TEXT:
sounds good to me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1997 08:18:19.00

SUBJECT: Re: Melissa Scoffield

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

TEXT:
many thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1997 15:39:09.00

SUBJECT: Re: DOJ statement

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

TEXT:
yes, go ahead, but without the addition.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1997 15:32:59.00

SUBJECT: crime meeting

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/01/97 03:35
PM -----

Leanne A. Shimabukuro 04/01/97 12:19:06 PM

Record Type: Record

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

cc:

Subject: crime meeting

MEMORANDUM TO DISTRIBUTION LIST

FROM: Bruce Reed

Assistant to the President for Domestic Policy

SUBJECT: APRIL 2 CRIME MEETING

On Wednesday, April 2 at 10:00 a.m. in Room 211 of the Old
Executive Office Building, we will hold the weekly crime meeting.

Thank you.

Message Sent

To:

Bruce N. Reed/OPD/EOP
Rahm I. Emanuel/WHO/EOP
Dennis K. Burke/OPD/EOP
Tracey E. Thornton/WHO/EOP
Leanne A. Shimabukuro/OPD/EOP
Elena Kagan/OPD/EOP
Christa Robinson/OPD/EOP
Cathy R. Mays/OPD/EOP
Cheryl D. Mills/WHO/EOP
Alison E. Bracewell/WHO/EOP
James Boden/OMB/EOP
Teresa L. Collins/OMB/EOP
David J. Haun/OMB/EOP
Marcia L. Hale/WHO/EOP
Peter G. Jacoby/WHO/EOP
Michelle Crisci/WHO/EOP
Anne E. McGuire/WHO/EOP
Karen A. Popp/WHO/EOP
Odetta S. Walker/WHO/EOP
BROWN_J @ A1 @ CD @ LNGTWY
ATKIN_T @ A1 @ CD @ LNGTWY
VERVILLE_E @ A1 @ CD @ LNGTWY
Elizabeth A. Hyman/OVP @ OVP

NELSON_J @ A1 @ CD @ LNGTWY
Stefanie Sanford/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1997 15:36:52.00

SUBJECT: Reconciliation/Unity Meeting

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/01/97 03:39
PM -----

June G. Turner

04/01/97 02:04:35 PM

Record Type: Record

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

cc:

Subject: Reconciliation/Unity Meeting

REMINDER: Tomorrow's (Wednesday) Reconciliation/Unity meeting will be in the Roosevelt Room. Attendees should be limited to the list below - - no substitutes please. THANKS.

Attendees

Don Baer
Beverly Barnes
Dawn Chirwa
Carolyn Curiel
Michael Deich
Maria Echaveste
Terry Edmonds
Rahm Emanuel
Richard Hayes
Alexis Herman
John Hilley
Ben Johnson
Elena Kagan
Ann Lewis
Susan Liss
Ellen Lovell
Sylvia Mathews
Doris Matsui
Andrew Mayock
Cheryl Mills
Minyon Moore
Janet Murguia
Bob Nash
John Podesta
Vicki Radd
Frank Raines
Bruce Reed
Chuck Ruff
Richard Socarides

Doug Sosnik
Tracey Thornton
Melanne Verveer
Michael Waldman
Ann Walker
Kathy Wallman
Rob Weiner
Kitty Higgins
Marcia Hale
Stephanie Streett
Flo McAfee

Message Sent

To:

Donald A. Baer/WHO/EOP
Kevin S. Moran/WHO/EOP
Dawn M. Chirwa/WHO/EOP
Maria Echaveste/WHO/EOP
Marjorie Tarmey/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Michelle Crisci/WHO/EOP
Richard L. Hayes/WHO/EOP
Elena Kagan/OPD/EOP
Laura Emmett/WHO/EOP
Ann F. Lewis/WHO/EOP
Cheryl D. Mills/WHO/EOP
Bob J. Nash/WHO/EOP
Laura K. Demeo/WHO/EOP
Janet Murguia/WHO/EOP
John Podesta/WHO/EOP
Sara M. Latham/WHO/EOP
Bruce N. Reed/OPD/EOP
Cathy R. Mays/OPD/EOP
Richard Socarides/WHO/EOP
Tracey E. Thornton/WHO/EOP
MOORE_M @ A1 @ CD @ LNGTWY
Robert N. Weiner/WHO/EOP
Robert B. Johnson/WHO/EOP
Andrew J. Mayock/WHO/EOP
Ruby G. Moy/WHO/EOP
John L. Hilley/WHO/EOP
Doris O. Matsui/WHO/EOP
Elisa Millsap/WHO/EOP
Douglas B. Sosnik/WHO/EOP
John O. Sutton/WHO/EOP
Carolyn Curiel/WHO/EOP
James T. Edmonds/WHO/EOP
Patricia E. Romani/OMB/EOP
Ann F. Walker/WHO/EOP
Michael Waldman/WHO/EOP
Franklin D. Raines/OMB/EOP
Rebecca R. Culberson/OMB/EOP
Charles F. Ruff/WHO/EOP
Ora Theard/WHO/EOP
Katharine Button/WHO/EOP
Beverly J. Barnes/WHO/EOP
Susan M. Liss/OVP @ OVP
Elizabeth R. Newman/WHO/EOP
Ellen M. Lovell/WHO/EOP

Virginia N. Rustique/WHO/EOP
Elizabeth M. Toohy/WHO/EOP
Mary Morrison/WHO/EOP
Brian A. Reich/WHO/EOP
Floydetta McAfee/WHO/EOP
Alison E. Bracewell/WHO/EOP

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Laura Emmett. Subject: Re: First E-mail ever. [partial] (1 page)	04/02/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[03/25/1997 - 04/06/1997]

2009-1006-F
ab824

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1997 14:24:34.00

SUBJECT: Re: First E-Mail Ever

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

TEXT:

please make sure I can do this meeting.

----- Forwarded by Elena Kagan/OPD/EOP on 04/02/97 02:27
PM -----

Bruce N. Reed
04/02/97 01:53:56 PM
Record Type: Record

To: Thomas L. Freedman/OPD/EOP
cc: Elena Kagan/OPD/EOP
Subject: Re: First E-Mail Ever

Excellent first e-mail. You're a natural.

I'm happy to meet with you Friday. Ask Cathy to set it up. Down the road, we should have those mtgs. earlier, so that we can put new ideas into the weekly which is due Friday.

P6/(b)(6)

Thanks for being so understanding.

You're doing a great job.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1997 14:23:16.00

SUBJECT: 3:30 Thu -- CAS/Policy Council coordination.

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/02/97 02:26
PM -----

Stefanie Sanford

04/02/97 01:57:55 PM

Record Type: Record

To: Kathleen M. Wallman/WHO/EOP, Elena Kagan/OPD/EOP, Shelley N.
Fidler/CEQ/EOP, Jonathan Foster/OSTP/EOP

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

Subject: 3:30 Thu -- CAS/Policy Council coordination.

After RSVP's -- it seems that people could do the meeting from 3:30 - 4pm
tomorrow. OEOP 160. Is that ok with everyone? Thanks. ss.

Message Copied

To:

Kathryn O. Higgins/WHO/EOP

Elizabeth M. Toohey/WHO/EOP

Kris M Balderston/WHO/EOP

Stephen B. Silverman/WHO/EOP

Anne E. McGuire/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1997 14:25:06.00

SUBJECT: Late Term Meeting

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/02/97 02:28
PM -----

Elisa Millsap
04/02/97 11:06:17 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Late Term Meeting

There will be a Late Term meeting on Friday, April 4, at 1pm in John Hilley's office. Please let me know if you will be unable to attend. Thanks!

Message Sent

To: _____
Pauline M. Abernathy/OPD/EOP
Peter G. Jacoby/WHO/EOP
Elena Kagan/OPD/EOP
John P. Hart/WHO/EOP
FOLEY_M @ A1 @ CD @ LNGTWY
Ann F. Lewis/WHO/EOP
Janet Murguia/WHO/EOP
William P. Marshall/WHO/EOP
Elizabeth A. Myers/WHO/EOP
Sylvia M. Mathews/WHO/EOP
Nicole R. Rabner/WHO/EOP
Virginia N. Rustique/WHO/EOP
Todd Stern/WHO/EOP
Tracey E. Thornton/WHO/EOP
June G. Turner/WHO/EOP
Barbara D. Woolley/WHO/EOP
Ora Theard/WHO/EOP
Michael B. Feldman/OVP @ OVP

April __, 1997

Dear Members of The Federal Elections Commission:

The rules governing our system of financing federal election campaigns are sorely out of date. Enacted more than two decades ago when election campaigns were much less expensive, they have been overtaken by events, by dramatic changes in the nature and cost of campaigns and the flood of money that has followed them. Today, money is raised and spent in ways that simply could not have been imagined when Congress last overhauled our campaign finance laws. We must bring the rules up to date to reflect the changes in elections and campaigning that have overtaken our political system.

An important step in this process would be to change the rules governing the use and solicitation of funds not subject to the restrictions, contribution limits, and reporting requirements of the 1974 Federal Election Campaign Act ('soft money'). Currently FEC regulations (11 CFR 106.5) allow political parties to raise and spend 'soft money' in elections involving state and federal candidates by providing an allocation formula between federal and non-federal expenses incurred by party committees. These regulations, and limited additional guidance provided through advisory opinions, are the basis upon which party committees make expenditures and raise funds with respect to federal and state candidates today. The use of so-called soft money by party committees today are largely based on the direction provided in these regulations.

Whatever the merit of those regulations at the time they were adopted, it has become abundantly clear today that they are no longer adequate to the task of regulating current campaigns. The role of "soft money" has grown dramatically in the past several elections so that by the 1996 elections the two parties raised nearly \$300 million; \$154 million by the Republican Party and \$124 by the Democratic Party, more than [triple] the total of four years before.

The current allocation system, in short, is simply outmoded. Accordingly, I propose that the FEC adopt new rules requiring that candidates for federal office and national parties only be permitted to raise and spend "hard money" -- funds subject to the restrictions, contribution limits, and reporting requirements of the 1974 Federal Election Campaign Act (FECA).

Specifically, I am requesting that the Commission consider new rulemaking to accomplish the following:

- Prohibit national political parties (and their congressional campaign committees or agents) from soliciting or receiving any funds not subject to the limitations or prohibitions of the Federal Election Campaign Act. (This would preclude, for example, contributions directly from corporate or union treasuries, or contributions from individuals in excess of the amount an individual can give to a federal party.)

- Prohibit any federal officeholder or candidate (and their agents) from soliciting or receiving any funds not subject to the limitations or prohibitions of FECA.
- Provide that any amount of funds expended by a political party during a federal election year for any activity that influences a federal election (including any voter registration or get-out-the-vote drive, generic advertising or any communication that refers to a federal candidate) must be paid for from funds subject to FECA. (This would end the allocation system, currently authorized by the FEC, under which 'hard' and 'soft' money are mixed for campaign activities that affect both state and federal elections.)

Sincerely,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-APR-1997 19:25:12.00

SUBJECT: Re: I looked at the "data collection" draft by HHS--looks fine to me

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

READ:UNKNOWN

TEXT:

OK. I'm not looking at it then.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-APR-1997 19:24:40.00

SUBJECT: Re: Question re: description of our work proposal in HHS letter to Hill

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

READ:UNKNOWN

TEXT:

What did we say in the testimony and guidance?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-APR-1997 19:12:08.00

SUBJECT: Gerry Terrozi

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

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

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/03/97 07:15
PM -----

Carol_Rasco @ ed.gov
04/02/97 07:12:00 PM

Record Type: Record

To: Elena Kagan
cc:
Subject: Gerry Terrozi

In checking here I am told he would probably be glad to go if asked
to
a regional meeting but folks here feel it is more appropriate that he
be invited to the White House. Let me know if we need to talk about
it further. Many thanks!

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

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01IH8ORZTVF40177LH@PMDF.EOP.GOV> for kagan_e@a1.eop.gov; Wed,
02 Apr 1997 19:18:48 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IH8ORX106800H8P1@PMDF.EOP.GOV> for
kagan_e@a1.eop.gov; Wed, 02 Apr 1997 19:18:44 -0500 (EST)

Received: from r2d2.ed.gov by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTMP id <01IH8ORUAK3A002E36@STORM.EOP.GOV> for kagan_e@a1.eop.gov; Wed,

02 Apr 1997 19:18:40 -0500 (EST)

Received: from smtpgw1.ed.gov (smtpgw1.ed.gov [165.224.217.37])
by r2d2.ed.gov (8.8.5/8.8.4) with SMTP id TAA07399 for <kagan_e@a1.eop.gov>;
Wed, 02 Apr 1997 19:18:36 -0500 (EST)

Received: from ccMail by smtpgw1.ed.gov (IMA Internet Exchange 1.04b)
id 342f6e70; Wed, 02 Apr 1997 19:16:39 -0500

Content-description: cc:Mail note part

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-APR-1997 19:17:09.00

SUBJECT: Briefing Book

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

TEXT:

Paul-- could you coordinate this, giving me some time to review? thanks.
----- Forwarded by Elena Kagan/OPD/EOP on 04/03/97 07:19
PM -----

Julie E. Mason

04/03/97 11:14:50 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Briefing Book

For the Tuesday press conference (with Chretien) we are putting domestic Q&A in the briefing book alongside the foreign policy Q&A.

Please e-mail me the top Q&A on your issues by noon on Monday, at the latest (Staff Secretary asked to have them by 2pm, and Mike wants to review them first...).

Thanks. Please call me with questions x62712.

Message Sent

To:

WOZNIAK_N @ A1 @ CD @ LNGTWY
Elena Kagan/OPD/EOP
Elisa Millsap/WHO/EOP
Russell W. Horwitz/OPD/EOP
Cheryl D. Mills/WHO/EOP
Lanny J. Davis/WHO/EOP
Virginia M. Terzano/OVP @ OVP
Kristen E. Panerali/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-APR-1997 16:24:16.00

SUBJECT: Re: Bill Corr/Tobacco

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

TEXT:
yes, do.

DOT is ready to deliver to the White House a report you requested on measures to increase seat belt use. I am seeking your clearance of a key proposal in the report. The report will set an ambitious national goal for belt use (85% by 2000). To reach the goal, DOT is proposing, among other things, that the Administration send legislation to Congress giving states a stonger incentive to pass primary seat belt laws (i.e. laws that allow for ticketing soley for failure to use a seat belt). The NEXTEA bill you announced March 12 includes financial incentives (grants) for states to adopt primary seat belt laws. The new porposal would add a "soft sanction" -- states that do not pass primary laws or achieve 85% belt use by October, 2002, would have 1.5% of their federal highway funds (3% in subsequent years) transferred into their highway safety programs.

The proposal is likely to be effective, since primary belt laws significantly increase belt use and sanctions have effectively moved states to enact safety laws (e.g. zero tolerance laws). Eleven states and DC already have primary seat belt laws, covering a third of all Americans. Belt use in these states is 15% higher than in states with secondary enforcement laws. NHTSA estimates that enactment of a primary law by the remaining 39 states would save 1,800 lives in the first year alone.

The NGA and the governors' safety offices oppose the proposal (Governors Voinovich and Bob Miller sent a letter to Frank Raines) as they have opposed other sanctions. The National Mortorists Association, individual liberties groupus, and conservative and western Members of Congress who allied to repeal sanctions in 1995 are also expected to oppose it. A broad coalition will support the proposal, including auto maufacturers, insurance companies, safety advocates, health groups, law enforcement officials, and the National Urban League. DOT believes the proposal has a very good chance of getting congressional approval, particularly because the air bag issue has focused public attention on the importance of seat belts.

Given your and Secretary Slater's commitment to improving auto safety and the expected benefits of the proposal, I recommend you support it.

Approve Disapprove

Federal Judge William Osteen has indicated he will not issue a decision on FDA's tobacco rule before April 14, but we expect him to issue his decision that day or shortly thereafter. Three general outcomes are possible: 1) the court upholds the rule; 2) the court rules that FDA has jurisdiction, but that portions or all of the rule are invalid (still a major victory); or 3) the court rules against FDA jurisdiction and the rule. We have worked with HHS, DoJ and other WH offices to prepare statements for each of these scenarios so you and others will be able to respond quickly to the decision. The Justice Department will review the decision immediately. If the court decision is made available in the morning and is not completely favorable, we expect to be prepared to announce later that same day the Administration's intent to appeal. We are also working with the departments to prepare new policies you could announce within days or weeks after the decision to ensure further progress on tobacco as the FDA rule moves through the appeals process.

You have asked whether the so-called partial-birth procedure is ever necessary to save the life of a woman or avert serious harm to her health. Considerable medical uncertainty surrounds this question. The doctors of the women you met with believed the procedure was necessary to prevent serious injury, and other doctors have said that the procedure, in certain circumstances, is or may be the safest one to use. Still other doctors have disputed that health considerations ever demand use of the procedure.

Perhaps the most reliable opinion is from the American College of Obstetricians and Gynecologists (ACOG), which issued a statement in January addressing the procedure. (ACOG, like most other medical groups, calls the procedure an intact dilatation and extraction or intact D&X.) According to the statement, "A select panel convened by ACOG could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman." (Emphasis in original.) The statement then went on: "An intact D&X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision." In sum, doctors have other options, but those other options may be more risky or otherwise more undesirable from a medical standpoint.

Other groups of doctors, with a greater stake in the abortion controversy, have taken more definitive positions. The Society of Physicians for Reproductive Choice and Health issued a statement last month saying that "in complex obstetrical situations, dilatation and extraction is the safest procedure to use. It carries the least risk of bleeding, perforation, infection or trauma to the birth canal." On the other hand, a group of mostly pro-life physicians called PHACT has written that "there are absolutely no obstetrical situations requiring the destruction of a partially delivered fetus," and indeed that the procedure involves serious risks of maternal hemorrhage, uterine rupture, and infection.

A recent article in the New York Times noted that the partial-birth procedure is only one of three procedures (all of them "pretty gruesome," as one doctor quoted in the article said) that can be used to end pregnancies after 20 weeks. The article reported that three of the twelve abortion specialists interviewed generally prefer the procedure on the ground that it poses less risk of uterine perforation. The article also noted that one doctor who does not usually use the procedure has done so on particular occasions because "the woman's anatomy or the fetus's size demanded it."

Given the state of medical evidence on this subject, you can and should continue to demand that any legislation contain an exception for women who need the procedure to prevent serious harm. Such an exception would enable the attending doctor -- surely the person with the most relevant knowledge -- to make the complex decision whether the procedure is in fact medically necessary in a given set of circumstances. The uncertainties surrounding this issue, however, caution against your making any estimates of the number of women whose health, without this procedure, would be at risk of serious harm. Any such estimates would be difficult to support.