

**NLWJC - KAGAN**

**EMAILS CREATED**

**ARMS - BOX 002 - FOLDER 005**

**[4/14/1997 - 4/27/1997]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Bruce Reed. Subject: Manifest (5 pages)	04/14/1997	P6/b(6), b(7)(C), b(7)(E), b(7)(F)
002. email	Elena Kagan to Laura Emmett. Subject: Dennis' Farewell. (2 pages)	04/16/1997	Personal Misfile

**COLLECTION:**

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

**FOLDER TITLE:**

[04/14/1997 - 04/27/1997]

2009-1006-F

ab826

**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:14-APR-1997 12:04:43.00

SUBJECT: Re: Parent on Panel 2 of WH Conference

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

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

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

TEXT:  
sounds fine, but does this mean melanne knows something i don't about the  
dod stuff?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-APR-1997 11:59:56.00

SUBJECT: Re: Q&As for POTUS press conferences

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

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

TEXT:

Makes sense. Laura: could you get a copy from Julie Mason of the latest complete set of q&a for the President's press conference and copy it for everyone so that they know what they're making changes, additions, and subtractions off of. (Let everyone know that that's why you're circulating it.)

Cynthia A. Rice  
04/13/97 06:34:51 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: Q&As for POTUS press conferences

Here's an idea--when we submit q&as to you through Laura and you edit them or not before sending them in, could we get a copy of what actually goes in so we can start with the revised copy next time?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-APR-1997 12:11:24.00

SUBJECT: Re: Teacher of the Year

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

TEXT:

let's get in on this. thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 04/14/97 12:14  
PM -----

Maria Echaveste  
04/14/97 12:00:19 PM  
Record Type: Record

To: Daniel Wexler/WHO/EOP  
cc:  
Subject: Re: Teacher of the Year

Danny--the briefing memo is again I think a little too long. Also, there is some talk of announcing something policy wise and we need to check with Elena on this. So this is more than just a photo op--so I wouldbe doing the breifing along with Kitty. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-APR-1997 12:09:39.00

SUBJECT: Re: Mistatement by the President --can we correct it?

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

correcting written statements after the fact? sounds a bit orwellian  
methinks. and this is after only two months on the job! what next?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-APR-1997 16:14:49.00

SUBJECT: products talking points

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

TEXT:

A thousand apologies for the delay. Here they are.

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

TEXT:

WPCP

2BVTZ

#|x)?xxxX/Xx6X@DQX@HP LaserJet 4 Plus/4M PlusHL4PLPLU.WRSx□  
 @,,YX@2@PVb□Z#|xCourier New (TT)?xxxXaXx6X@DQX@HP LaserJet 4 Plus/4M PlusHL4PL  
 PLU.WRSx□

@,,YX@2

DRN

TALKING POINTS ON PRODUCT LIABILITY BILL

T

TPThe President will veto H.R. 956 because it intrudes on the  
 traditional prerogatives of the states and unfairly tilts the  
 legal playing field against consumers.

?<XxThe Administration supports products liability reform at the  
 federal level.

Any legislation, however, must respect the  
 important role of the states in our  
 federal system and must  
 fairly balance the interests of consumers with those  
 of  
 manufacturers and sellers. Congress could have passed  
 legislation, appropriately limited in scope and balanced in  
 application, meeting these tests. The President  
 would have been glad to sign such a bill. But this bill unfairly  
 burdens consumers and unduly infringes on the States. (#

?□<XxThe bill displaces many rules of state tort law and does  
 so in a way that  
 peculiarly disadvantages consumers. As a  
 rule, the bill displaces state law only  
 when that law is  
 more favorable to consumers; it allows state law to remain

in effect when that law is more helpful to manufacturers and  
 sellers. It is a  
 one-way street; anticonsumer and pro-business  
 street of federalism. (#

In particular, the President opposes the elimination of joint liability for non economic damages (such as pain and suffering)

gF=  
and  
gF=

the caps on punitive damages.

The elimination of joint liability for noneconomic damages would prevent many injured victims of defective products from receiving the full measure of their damages.

This provision would leave the innocent victim to suffer when one wrongdoer, in any case with multiple wrongdoers, goes bankrupt. Under traditional state law, if one wrongdoer goes bankrupt, the other wrongdoers pick up the

gF?  
tab  
gF?

This bill relieves the other wrongdoers of this obligation for any noneconomic damages. The innocent victim has to bear this part of the loss on his own.

(#

This is of real significance because companies sued for manufacturing or selling defective products stand a much higher than usual chance of going bankrupt; consider manufacturers of asbestos, breast implants or intrauterine devices. (#

This provision is all the more

gFJ  
troubling  
gFJ

because it disproportionately affects the most vulnerable members of society

gFL

gFL

the elderly, the poor, and nonworking women.

This is because the provision applies

only to noneconomic

damages, thus cutting most deeply into the damages of

damages of

victims who do not have large amounts of lost income. (#

gFO

C

gFO

apping punitive damages would encourage companies to engage in egregious misconduct, such as knowingly manufacturing and selling harmful products, and thereby endanger the safety of consumers."h)0\*0\*0\*1"  
 ?<XxThe cap invites potential defendants, deciding whether to manufacture or sell a clearly defective product, simply to weigh the costs of wrongdoing against the potential profits. Punitive awards deter such intentional misconduct by making deliberate wrongdoers pay more than the harm they cause. (#

?<XxThe provision of the bill allowing judges to exceed the cap in certain circumstances does not cure the problem, given the intent of Congress, expressed in the Statement of Managers, that "the occasion for additional awards will be very limited." (#

The President also objects to Congress's failure to exempt negligent suppliers from the provision of the bill limiting lawsuits against suppliers of materials used in devices implanted in the body. A supplier of materials who knew or should have known that the materials, as implanted, would cause injury should not receive any protection from suit.

Finally, the President opposes certain provisions snuck into the Conference Report that expand the scope of the bill and exacerbate its harmful consequences.

?<XxThe Conference Report, unlike the Senate version, makes the limitations on noneconomic and punitive damages applicable to negligent entrustment cases cases in which, for example, an injured person sues a gun dealer who knowingly sold a gun to a convicted felon or a bar owner who sold a drink to an obviously intoxicated customer. (#

?<XxThe Conference Report, unlike the Senate version, would prevent some injured persons from bringing suit against companies that are being reorganized in a bankruptcy court. It does this by eliminating a provision that stopped the statute of limitations from running when a bankruptcy court issues an automatic stay

ay preventing lawsuits from being  
brought during bankruptcy proceedings. (#

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-APR-1997 12:54:01.00

SUBJECT: products liability

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

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

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

TEXT:

Attached is a memo on products liability I drafted for submission to the President. Bruce Lindsey thinks it's what we need to (1) remind the President of where we are and (2) get some indication from the President of how much (if at all) he wants to give on the issue. I take it that NEC doesn't want the memo to go in; apparently, it wants to start some kind of interagency policy process. In any event, I thought you might want to see this draft memo; I'd of course appreciate any suggestions.

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Bruce Reed.Subject: Manifest (5 pages)	04/14/1997	P6/b(6), b(7)(C), b(7)(E), b(7)(F)

## COLLECTION:

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

## FOLDER TITLE:

[04/14/1997 - 04/27/1997]

2009-1006-F  
ab826

## RESTRICTION CODES

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

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RR. Document will be reviewed upon request.

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- b(1) National security classified information [(b)(1) of the FOIA]
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- 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:14-APR-1997 11:56:45.00

SUBJECT: Re: Have you had a chance to look at draft letter to Congresswoman Corrine Brown

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

READ:UNKNOWN

TEXT:

It must be on its way back to you. I thought it was great, but possibly too long -- so if you can find some things to cut, that would probably be good. thanks.



April 7, 1997

MEMORANDUM FOR THE PRESIDENT

FROM:

SUBJECT: PRODUCTS LIABILITY LEGISLATION

Congress may turn its attention to product liability legislation within the next month, and we need to know how to respond. As you recall, your veto message last year detailed a number of specific objections to the products bill. (The veto message is attached to this memo.) We presume that if Congress were to give you the same bill again, you would veto it for the same reasons. It is possible, however, that Congress will work to pass a bill that responds in part to your objections. This memo reviews those objections, outlines possible congressional responses to them, and solicits your views on how to proceed. We believe that we should send strong signals now about the kind of bill you would accept and the kind you would veto. We also think that knowing early where you stand on the products bill will enable the Administration to position itself correctly on other emerging law reform issues.

One-way preemption. Prior to enumerating your objections to specific provisions in the bill, your veto message noted the "general problem of displacing State authority in an unbalanced manner." You explained that problem as follows: "As a rule, this bill displaces State law only when that law is more favorable to consumers; it defers to State law when that law is more helpful to manufacturers and sellers." Under the bill, for example, the "national" 15-year statute of repose would have overridden the laws of states with longer or no statutes of repose, but would have left in place all shorter statutes of repose; similarly, the bill would have limited punitive damages in states that now allow unlimited punitive damages, but would not have imposed punitive damages on states that do not now have them. Your veto statement continued: "I cannot accept, absent compelling reasons, such a one-way street of federalism."

If you hold fast to this position, you probably will have to veto another product liability bill because Congress is unlikely to pass a bill that preempts, in identical fashion, both anti-consumer and pro-consumer state law. For its strongest supporters, this bill is not so much about achieving uniformity as about reducing liability burdens on manufacturers. Because a two-way preemption bill will not clearly achieve this goal, your insistence on a two-way bill will signal strongly that no compromise is possible.

The objection to one-way preemption, however, is strong on the merits. If the problem with the current tort system is a simple lack of uniformity, then two-way preemption is obviously desirable. If the problem is instead that state law often fails to balance appropriately the interests of manufacturers and consumers, then federal law should step in to strike that balance, negating

laws that tilt too much in either direction. One-way preemption is justified only if the goal is to reduce product actions to the greatest extent possible, by enabling states to “pile on” to federal limits.

Because this issue is not amenable to compromise, we need to know soon where you stand on it. We cannot develop a sound strategy before we know whether you could sign a bill containing one-way preemption. If you could sign such a bill, we will de-emphasize the one-way preemption concern and focus on the specific provisions of the statute discussed in the rest of this memo.

Eliminating joint liability for non-economic damages. Your veto message objected strongly to the provision of the bill that wholly eliminated joint liability for non-economic damages such as pain and suffering. You stated generally, in support of joint liability, that “when one wrongdoer cannot pay its portion of the judgment, the other wrongdoers, and not the innocent victim, should have to shoulder that part of the award.” You also expressed doubt about distinguishing economic from non-economic damages, noting that a provision limiting only non-economic damages falls most heavily on non-working women, the elderly, the poor, and children.

This issue, unlike the last, is amenable to compromise. The most likely compromise would be a proposal to eliminate joint liability for non-economic damages when, but only when, the wrongdoer is responsible for less than some specified percentage of the total judgment. Congress could say, for example, that joint liability for non-economic damages will not apply when a defendant’s actions have caused less than 25% of the total harm suffered. Congress might try to compensate for this weakening of the joint liability provision by applying it to both economic and non-economic damages (perhaps using your veto statement’s equation of the two kinds of damages to justify doing so), so that a “minor” wrongdoer would never have to shoulder any costs not his own.

A compromise of this kind has the apparent benefit of relieving small-scale wrongdoers (how small depends on the percentage specified) of the obligation to pay the entirety of potentially mammoth judgments. But by virtue of doing so, this compromise leaves innocent victims to bear the damage themselves when primary wrongdoers have gone bankrupt or are otherwise unable to satisfy judgments. You should consider whether you are comfortable with this kind of compromise and, if so, approximately where (10 percent?; 25 percent?; 50 percent?) you would draw the line.

Capping punitive damages. You also objected in your veto statement to imposing caps on punitive damage awards, on the ground that caps undermine the ability of punitive awards to deter and punish egregious misconduct. You noted the provision of the bill allowing judges to exceed the caps in specified circumstances, but stated that this protection was insufficient “given the clear intent of Congress, as expressed in the Statement of Managers, that judges should use this authority only in the most unusual cases.”

A compromise on this issue is also possible; indeed, it may be hard to avoid given the Administration's prior statements on the subject. The judicial override provision is essentially the brainchild of the Justice Department, which offered it as a way to alleviate our concerns about caps on punitives. If Congress deletes the legislative history to which you objected -- and especially if it also softens some of the language in the override provision -- you will have little basis for continuing to object to the bill's punitive damage ceilings.

Limiting liability of biomaterials suppliers. You expressed a "concern" in your veto statement about a provision in the bill limiting actions against suppliers of materials used in devices implanted in the body. You generally recognized this provision to be a "laudable attempt to ensure the supply of materials needed to make lifesaving medical devices." But you said that this limitation should apply only to non-negligent suppliers -- and not to suppliers who know or should know that the materials they make, when implanted in the human body, will cause injury.

The current version of the biomaterials provision contains an exception for manufacturers of the silicone gel used in breast implants, but not an exception (of the kind you requested) for all negligent suppliers. Industry engaged in good-faith negotiations with Rep. Howard Berman last year to develop such an exception, but could not find a way to exempt negligent suppliers, while adequately protecting non-negligent suppliers from the high litigation costs associated with disproving negligence. Industry is currently looking into other ways to satisfy our concern -- for example, by limiting liability for biomaterials suppliers only when the FDA has reviewed and approved the implanted device -- and may well succeed in doing so. Indeed, we may wish to send a signal that Congress should remove this provision from the products bill, so that we can sign it separately.

Other provisions. Your veto statement contained a number of objections to more minor provisions of the bill relating to the statute of repose, statutes of limitations, and negligent entrustment actions. With the possible exception of the statute of repose provision, compromise on these issues should be easy; members of Congress already have indicated a willingness to delete the offending language. On the statute of repose, the current bill precludes any suit alleging a defect in a product that is more than 15 years old; we could urge an 18-year statute of repose, as we accepted in the aviation liability bill you signed; alternatively, we could press for some kind of exception from the statute of repose for products, such as farm equipment, intended to have a useful life of longer than 15 years.

Other legislation. In the event you choose to reiterate your concerns and veto another products liability bill, you may have other opportunities to signal support for appropriate reform of the legal system. Senator Breaux plans to offer product liability legislation for people who do not like product liability legislation. This legislation would (1) strengthen pleading requirements for punitive damage claims and impose automatic sanctions for frivolous claims; (2) require states to adopt alternative dispute resolution programs and establish certain "offer of judgment" rules meant to promote settlements; (3) impose a nationwide standard for punitive damage awards (similar to the standard most states use now); (4) provide a uniform two-year statute of

limitations; and (5) commission a Department of Justice study on the product liability system.

In another area of law reform, Sens. Lieberman, Moynihan, and McConnell have proposed a so-called "auto-choice" bill, which would allow a driver to select a no-frills auto policy that would reimburse him for all economic costs, but eliminate his option to sue for non-economic losses such as pain and suffering. Trial lawyers are certain to oppose this proposal, but unlike the products liability bill, it probably would benefit consumers. Some experts say that the savings for low-income drivers could reach 45 percent of their current insurance premiums -- and that the nationwide savings over two years could exceed \$80 billion.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 19:17:01.00

SUBJECT: Re: draft letter on securities litigation

TO: Kathleen M. Wallman ( Kathleen M. Wallman @ EOP @ LNGTWY [ WHO ] )  
READ:UNKNOWN

TEXT:

You bet. I'll take it home with me tonight.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 12:51:29.00

SUBJECT: computer crime mapping demo

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/15/97 12:54  
PM -----

From: Leanne A. Shimabukuro on 04/15/97 11:38:11 AM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Thomas L. Freedman/OPD/EOP  
CC:  
Subject: computer crime mapping demo

While I was originally trying to hold this for Jose, I have set up the demo for Wednesday, April 23 at 1:15pm in room 211. Some folks from NIJ and the Criminal Division will be attending. I hope Jose can forgive me.

Please let me know if you think you can make it. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 12:52:12.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/15/97 12:56  
PM -----

Jennifer L. Klein  
04/15/97 12:48:33 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP, Pauline M. Abernathy/OPD/EOP, Nicole R.  
Rabner/WHO/EOP  
cc:  
Subject:

I think we should get together for a few minutes before the "walk through"  
meeting with HRC tomorrow at 5. How about 4:30?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 09:42:47.00

SUBJECT: Re: FLSA Meeting

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

TEXT:  
and feel free to have laura set this up.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 19:31:23.00

SUBJECT: Re: Departure News

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

READ:UNKNOWN

TEXT:

Congratulations! That's a wonderful opportunity, and you're the perfect person for it. And it will be great having someone we can all trust over there, just to make sure great things get done.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 12:58:07.00

SUBJECT: Re: Lobbying

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

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

TEXT:

i guess everyone's ganging up on me. but i still think i'd be really really careful -- which doesn't mean not to do anything, but does mean lining up our ducks super-well -- before we become the lead office in something that involves two particular people at USTR on a matter that NEC and NSC will consider far more in their ballpark than in ours.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997.12:49:45.00

SUBJECT: Re: PTA's

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

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

TEXT:

sorry mike. I think she has to/has to/has to be African-American.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 13:03:44.00

SUBJECT: Re: Lobbying

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

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

TEXT:

along the same lines, it's not clear to me that this is a major (or even a minor) conflict of interest. Presumably, they're arguing with the chinese to open up trade to american companies. that's exactly what their future american clients will want them to be doing. so the broad interests here are not adverse, as the conflict of interest rules proscribe.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 19:22:30.00

SUBJECT: Re: Lobbying

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:  
moi?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 15:42:53.00

SUBJECT:

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:  
Where is my paper?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 09:42:46.00

SUBJECT: Re: FLSA Meeting

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

TEXT:

No problem. This looks right, but check with Diana. Also, ask Diana and/or Ken whether they think we need all the other agency people in a meeting devoted to fica/eitc. My sense is that we do, but I wish we didn't. Many thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 14:35:02.00

SUBJECT: cea white paper

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

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

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

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

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

TEXT:

I told Janet Yellin that I would work hard to make sure that the First Lady mentioned the CEA white paper some time during the day. Nothing more than a single sentence is necessary -- something to the effect that the cea is releasing a report today demonstrating the returns from investing in young children. Is that OK with everyone? Let me know if it's a problem. Thanks.

(PS: we're not issuing the ostp

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 12:09:44.00

SUBJECT: Re: Q & A on SEC Report

TO: Jake Siewert ( CN=Jake Siewert/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

CC: Kathleen M. Wallman ( CN=Kathleen M. Wallman/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

looks ok to me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 16:21:29.00

SUBJECT: Re: cea white paper

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

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

TEXT:  
exactly.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 14:38:57.00

SUBJECT: 'Re: Monday's release

TO: Clifford J. Gabriel ( CN=Clifford J. Gabriel/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

TEXT:

I think it would be extremely confusing to issue two documents on one day with recommendations to form two different but obviously overlapping entities. I'd have to argue for not releasing the ostp report on monday if that were the case.

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Laura Emmett. Subject: Dennis' Farewell. (2 pages)	04/16/1997	Personal Misfile

## COLLECTION:

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

## FOLDER TITLE:

[04/14/1997 - 04/27/1997]

2009-1006-F  
ab826

## 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:16-APR-1997 10:49:32.00

SUBJECT: Re: PTA participation in early learning conference

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

READ:UNKNOWN

TEXT:

great work. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 10:48:43.00

SUBJECT: Re: Directive on Child Care

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

READ:UNKNOWN

TEXT:

It's one of the initiatives we're announcing at tomorrow's conference

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 10:01:10.00

SUBJECT: Re: Is the children  
's health EO now scheduled for Monday?

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

READ:UNKNOWN

TEXT:

yes

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 10:49:32.00

SUBJECT: Re: PTA participation in early learning conference

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

READ:UNKNOWN

TEXT:

great work. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 11:07:43.00

SUBJECT: Re: pta participation set

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

TEXT:  
c'mon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 14:39:39.00

SUBJECT: Re: Children's EO

TO: Bradley M. Campbell ( CN=Bradley M. Campbell/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
READ:UNKNOWN

TEXT:

brad -- my comments are on their way. they're pretty minor, but i think important. great job.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 22:04:18.00

SUBJECT: Re: Safe Start one-pager

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

TEXT:

i take it pauline has told you about my (few) comments. Great job!!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 10:38:59.00

SUBJECT: Follow up material

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

TEXT:

find 15 minutes today for this and tell him. thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 04/16/97 10:42  
AM -----

Thomas L. Freedman  
04/16/97 09:32:54 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: Follow up material

I have the support material on the three issues being staffed. Is there a good time to stop by and give you a speedy briefing on what's in the material and where the issues stand? Tom

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 16-APR-1997 16:20:49.00

SUBJECT: Re: POTUS remarks for tomorrow

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

READ: UNKNOWN

TEXT:

did you have any?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 16-APR-1997 10:39:40.00

SUBJECT: Re: Follow up material

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

TEXT:

laura's going to call you with a time. you've been notably generous this morning in nit saying, 'I told you so.'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 14:37:00.00

SUBJECT: Re: SSA benefits and Nazi War Criminals

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

READ:UNKNOWN

TEXT:

when do we need a decision by?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 16:20:15.00

SUBJECT: Re: Monday's release

TO: Clifford J. Gabriel ( CN=Clifford J. Gabriel/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

TEXT:

I'll have to look at this more closely. Frankly, I'm skeptical.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-APR-1997 08:07:18.00

SUBJECT: Re: staff manifest

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

READ: UNKNOWN

TEXT:

absolutely. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-APR-1997 08:31:20.00

SUBJECT: bifurcation

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

TEXT:

I'm not going to have much time today. Could you and Diana look over the specs very very carefully and keep pressing for legislative language? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-APR-1997 15:05:26.00

SUBJECT: Re: FDA Reform

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

TEXT:  
don't know yet. remind me again tomorrow.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-APR-1997 12:25:25.00

SUBJECT: Re: Tobacco Q&A

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

TEXT:  
you didn't attach anything.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-APR-1997 15:54:20.00

SUBJECT: Reconciliation Meeting - Monday @4:00pm

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

TEXT:

they're still not over.

----- Forwarded by Elena Kagan/OPD/EOP on 04/18/97 03:58 PM -----

June G. Turner

04/18/97 03:34:06 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Debra A. Schiff/WHO/EOP  
Subject: Reconciliation Meeting - Monday @4:00pm

The next Reconciliation Working Group Meeting will be on Monday, April 21 at 4:00 pm in the Roosevelt Room week.

Thanks.

Message Sent

- To: \_\_\_\_\_
- Betty W. Currie/WHO/EOP
  - 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
  - Minyon Moore/WHO/EOP
  - 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  
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  
Brian A. Reich/WHO/EOP  
Floydetta McAfee/WHO/EOP  
Alison E. Bracewell/WHO/EOP  
Mary Morrison/WHO/EOP  
Mary E. Glynn/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1997 10:24:25.00

SUBJECT: Re: Brady Checks

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

TEXT:

great. for what it's worth, i think it's a pretty good idea too.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1997 10:17:50.00

SUBJECT: Re: Kleiman meetings

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

TEXT:

sorry it's taken me so long to respond to this. whatever you want.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1997 10:19:34.00

SUBJECT: Re: Brady Checks

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

TEXT:  
you can see i'm catching up on old e-mails. did this ever happen?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1997 10:13:25.00

SUBJECT: Re: For Rahm -- Drug Testing

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

TEXT:

this sounds like a great idea. are we going forward?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1997 10:16:21.00

SUBJECT: Re: NSF workshop

TO: JOLIN\_M ( JOLIN\_M @ A1 @ CD @ LNGTWY [ EOP ] ) (WHO)

READ:UNKNOWN

TEXT:

This sounds interesting. It would be great if you would keep me informed. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 22-APR-1997 10:19:59.00

SUBJECT: Re: Munitz letter

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

TEXT:  
looks fine.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1997 17:32:51.00

SUBJECT: Re: TOBACCO COURT DECISION WILL BE RELEASED FRIDAY, APRIL 25, 11:00 am

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

READ:UNKNOWN

TEXT:

this is getting boring.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1997 17:33:17.00

SUBJECT: Re: Decision to Appeal Draft

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

READ:UNKNOWN

TEXT:

no attachment.



6\*

Elena Kagan is Deputy Director of the Domestic Policy Council and Deputy Assistant to the President for Domestic Policy. She is currently on leave from the University of Chicago, where she is a Professor of Law, specializing in constitutional law and labor law.

Kagan received her A.B. summa cum laude from Princeton University. She spent two years at Worcester College, Oxford University, as a Daniel M. Sachs Scholar and received an M. Phil in Politics in 1983. In 1986, she graduated magna cum laude from Harvard Law School, where she was Supervising Editor of the Harvard Law Review. She clerked for Judge Abner J. Mikva of the U.S. Court of Appeals for the D.C. Circuit and Justice Thurgood Marshall of the U.S. Supreme Court. From 1989 to 1991, Kagan was in private practice at the Washington, D.C. law firm of Williams & Connolly.

Kagan joined the faculty of the University of Chicago Law School in 1991 and became a full professor in 1995. Kagan served as Special Counsel to the Senate Judiciary Committee in the summer of 1993 for the confirmation hearings of Ruth Bader Ginsburg. In July 1995, Kagan took a leave from the University of Chicago Law School to serve as Associate Counsel to the President. In January 1997, she moved from the Counsel's Office to her current position in the Domestic Policy Council.

Kagan also has served as a member of the Board of Governors of the Chicago Council of Lawyers and a public member of the Administrative Conference of the United States.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 22-APR-1997 11:07:35.00

SUBJECT: Re: Brady Checks

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

READ: UNKNOWN

TEXT:

oh well. let's forget then.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1997 10:12:50.00

SUBJECT: Re: Welfare to work conference

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

READ:UNKNOWN

TEXT:

have you sent around a copy of the outline? i haven't gotten it. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1997 10:15:29.00

SUBJECT: family conference

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

READ:UNKNOWN

TEXT:

I assume you know that we'll be glad to do anything we can to help you with your June family conference. Just let us know what would be helpful. Or perhaps we should get some folks together some time to discuss plans. Whatever you want.



## Questions and Answers on Service Summit:

Q: What will the Summit accomplish?

A: The Summit is a great opportunity for all Americans to make a commitment to citizen service, and a chance for all sectors of our society to come together around what matters most -- our obligation to one another, especially our children.

Government has a critical role in solving our nation's problems and I am proud to lead the efforts of the federal government. But clearly we can accomplish more if all our citizens pull together to solve our problems. Already the Summit has prompted an outpouring of commitments by corporations and non-profits across the country to help in our mutual endeavor. And I know General Powell is committed to making sure that all this good work doesn't end at the Summit, but that it continues in communities across our country.

Q: Isn't the Summit one big photo opportunity?

A: I think it's both exciting and tremendously encouraging that the Summit has captured the public imagination the way it has. Starting with the inspiration of the late Gov. George Romney, continuing with the enthusiastic support of all the former Presidents, and with the dynamic contributions of Gen. Colin Powell, this endeavor has really sparked the interest of the American people. The media, which is so often accused of cynicism, has responded so positively to this event. We would be foolish not to take advantage of this great opportunity to focus the attention of the American people on citizen service and the goals of the Summit.

In addition, the real work to be done at the Summit is probably the least glamorous part -- the work by the 140 communities attending the Summit. They are working on plans to bring the Summit's goals to life in their own communities.

Q: Isn't this Summit really the first round of the Presidential race in the year 2000, between Powell's involvement and reports that the White House insisted that the Summit drop Bill Bradley?

A: One of the things I like most about the way General Powell talks about this Summit is his emphasis that it's not bipartisan -- it's non-partisan. These themes of service and children transcend politics. That's why you see all the former Presidents coming together, people from all walks of life and political persuasion, agreeing that citizen action can make a difference.

Q: Doesn't the Summit downplay the role of government in solving our problems, and argue that volunteers can do it alone?

A: Government has a critical role in solving our nation's problems, and I am proud of

what we have accomplished for this nation's young people, in education, health care, making our communities safer, and offering young people a chance to serve. But as I have said many times, the era of big government may be over, but the era of big challenges for our nation is not. Clearly we can accomplish more if all our citizens pull together to solve our problems. That's why it is so important for us to harness the power of citizen service to accomplish our goals. And it's the theory behind AmeriCorps, a program of which I am especially proud.

Members of my Cabinet along with other federal officials are attending the Summit to lend their expertise to this effort, along with scores of officials from state and local government. What you will see at the summit is communities, non-profits, corporations, government, and many others working side by side to solve problems.

I am also proud that federal agencies have made over 40 commitments to the Summit -- to tutor and mentor students, to create afterschool programs, and to create opportunities for young people to serve. For example, the Department of the Navy has committed to tutor or mentor 700,000 young people. Federal agencies have agreed to expand from 1,500 to 2,000 the number of schools they have adopted or have partnerships with.

Q: Isn't the Summit is an effort to paper over the government's withdrawal of assistance from needy children and families, exemplified by the new welfare law?

A: I am proud to have signed the welfare law and given millions of families throughout this country a chance to move from welfare to work. Communities, governments, churches, business, and welfare recipients themselves are now working together to make this law a success. The Summit complements our efforts to create partnerships between government and the private and nonprofit sectors to accomplish our goals.

Q: Doesn't the Summit reveal a rift between your approach of service and AmeriCorps and the volunteer approach championed by former President Bush through his Points of Light program?

A: Voluntary action is a vibrant part of American landscape. It is something we should all take pride in. Showing that the service model and the voluntarism model actually work well together is what this Summit is all about.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1997 08:10:18.00

SUBJECT: Re: Electoral Reform

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

TEXT:  
thanks a ton.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1997 11:06:21.00

SUBJECT: Re: Message events/announcements for May/June

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

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

TEXT:  
We'll have it a bit later in the day. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1997 18:52:44.00

SUBJECT: tobacco call

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/23/97 06:57  
PM -----

Bruce N. Reed  
04/23/97 04:44:35 PM  
Record Type: Record

To: Elizabeth Drye/OPD/EOP, Elena Kagan/OPD/EOP  
cc: Cathy R. Mays/OPD/EOP  
Subject: tobacco call

Should we schedule a conference call for tomorrow afternoon to review our  
game plan for Friday? With:

Us  
Rahm  
Melissa  
Jim O'Hara, FDA  
George Phillips, DOJ  
Bruce Lindsey if he wants  
VP's office  
Barry Toiv or other WH press

Does that make sense? Anyone else to include?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 14:55:18.00

SUBJECT: Re: Nazis & benefits

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

TEXT:

yes, i did, but i'll let him know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 11:59:35.00

SUBJECT: Re: Message event/announcement memo

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

READ:UNKNOWN

TEXT:

It's with Bruce now. When did NEC give you theirs?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 14:10:22.00

SUBJECT: Re: FYI: welfare technicals bill is apparently scheduled for House floor vote ne

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

TEXT:

preferably as a pander to labor.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 24-APR-1997 12:04:02.00

SUBJECT: More info on interest free service

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

READ: UNKNOWN

TEXT:

Bruce -- note well that (as I understand it) this proposal is not to defer, but to forgive the year's worth of interest.

----- Forwarded by Elena Kagan/OPD/EOP on 04/24/97 12:07 PM -----

Diana Fortuna

04/24/97 11:17:06 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP, Jonathan Prince/WHO/EOP

cc:

Subject: More info on interest free service

On student loans and service, here's the story. There are 4 types of breaks on student loans you can offer people who serve.

1. Income contingency -- We did this in 1993. It says that if you can take a low-paying service job, your loan payments will be only a limited percentage of your income, and ultimately forgiven after 25 years.
2. Loan deferment -- This predates us. It is used when (1) someone wants to take time off during school but doesn't want to have to start paying back loans during that time; or (2) someone finishes school, but argues they have a good reason they don't want to start paying back their loans. You can get a deferment for up to 3 years. You are eligible if you are unemployed, or if it would create an "economic hardship," which includes service. There is no separate service deferment. There used to be, but the system got so complex that it was simplified in 1992.
3. Subsidize all loan deferments for service-- This is our new idea. This means that no interest accumulates on loans during the period of service. We already do this for subsidized loans, which are about 2/3 of the volume, so this would fix unsubsidized loans and make it universal.

The \$7 million cost over five years would allow 12,000 borrowers with unsubsidized loans to get this benefit during their deferment. The average benefit would be \$600. This estimate assumes that no one is induced to serve. If the program cost doubled to \$14 million because the subsidized deferment would be more attractive, the number of beneficiaries would increase to 24,000, each receiving \$600.

In answer to your question as to whether we could do this for more than one year of service: This cost estimate already assumes that this could be for up to 3 years. The estimate simply reflects historical data on people who request a deferment due to economic hardship for "service-related" reasons, so it is a mix of people requesting 1, 2, and 3 years of deferments. I don't think we would want to go past the 3 year

point.

4. Tax Incentives for Student Loan Forgiveness - This is our existing legislative proposal. It says loan forgiveness for service reasons by non-profit charitable or educational institutions should not be taxable. Loan forgiveness by public institutions is already not taxable if it is for service reasons.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 12:13:04.00

SUBJECT: Re: Medicare Trust Fund Report Talking Points

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

TEXT:  
could you also send these to Beverly Barnes? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 14:56:20.00

SUBJECT: Nazis & benefits

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

READ:UNKNOWN

TEXT:

fyi. i'll send you a couple of long e-mails steve w. wrote me on the issue, just in case the Commissioner calls.

----- Forwarded by Elena Kagan/OPD/EOP on 04/24/97 02:59 PM -----

Stephen C. Warnath  
04/24/97 02:49:18 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: Nazis & benefits

FYI -- I spoke with Judy Chesser at SSA. She said that it is possible that after the Acting Commissioner hears of the decision, he may call Bruce. I assume that you got a chance to discuss this with Bruce, but if not, I wanted to give you a heads-up.

thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 24-APR-1997 14:09:36.00

SUBJECT: Re:

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

TEXT:

i'm missing something. combine what?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 11:53:59.00

SUBJECT: Re: Tobacco

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

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

TEXT:

Of course no problem. Jim Kohlenberg has come to all our meetings on getting ready for the NC decision. If there's someone else who should be there, just let me know. And whenever we figure out how to play a role in the settlement issue, we will most assuredly let you know! (Bruce R. and I are meeting today with Bruce L to discuss the need to set up a process.) We want to work closely with you guys on this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 14:11:37.00

SUBJECT: Re: Late Term Qs&As

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

TEXT:

same ones as before, I think.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 12:11:08.00

SUBJECT: Re: Message event/announcement memo

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

READ:UNKNOWN

TEXT:

oh well.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 12:14:11.00

SUBJECT: Re: Message event/announcement memo

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

READ:UNKNOWN

TEXT:

but how many events do they each have?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 11:57:31.00

SUBJECT: Re: FLSA and Food Stamps: Paper from Dept of Ag

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

TEXT:  
could you send over the paper? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 12:09:21.00

SUBJECT: Re: Radio Address 5/10

As we know, the 5/3 address will be about the trip to Mexico. The 5/10 address will also  
I agree that it would be preferable to do a domestic issue for this date, but wonder if c

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

READ:UNKNOWN

TEXT:

Oh, I don't know. Child support is, for the most part, about helping  
mothers. Maybe not the mothers of the families featured in Hallmark  
cards, but mothers nonetheless -- and lots of them. You're the message  
guru and perhaps Bruce will disagree, but I don't mind this; in fact, I  
think it's kind of a good fit.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 15:26:58.00

SUBJECT: Re: attcahed

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

READ:UNKNOWN

TEXT:

style? what about substance?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 15:25:45.00

SUBJECT: Re: Policy/announcement memo

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

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

TEXT:

No, really, it's my fault. Bruce: I'm ashamed to say that Eli tells me we even were later than nec.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 17:37:29.00

SUBJECT: Re: Thank you

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

TEXT:

Oh, take a little credit yourself. Or a lot. You did great work.



April 23, 1997

MEMORANDUM FOR ERSKINE BOWLES

CC: SYLVIA MATHEWS, JOHN PODESTA,  
DON BAER, ANN LEWIS

FROM: BRUCE REED  
ELENA KAGAN

SUBJECT: POTENTIAL MAY AND JUNE EVENTS

This memo contains a brief description of policy announcements that we expect will be ready in May and June, along with suggested dates for making them. A number of other ideas also may be ready for announcement in this timeframe, but we are sufficiently uncertain as not to include them on this list.

**Prior to Mexico Trip**

**GTO Announcement**

The President can announce a crackdown on narcotics money laundering by expanding the Geographic Targeting Order -- a highly successful program requiring financial institutions in New York to report information about certain cash transmissions to Columbia. The President would take action to apply these reporting requirements to money transmitters across the nation.

**Prior to Mexico Trip**

**Food Safety Report**

The President can discuss a report issued by the Secretaries of HHS, USDA, and EPA, in response to a directive he issued three months ago, proposing steps to improve the safety of the food supply. The report will announce the creation of a new public-private partnership to educate consumers on food safety. It also will announce a host of new regulatory and research initiatives, including one to improve methods of detecting hepatitis.

**Week of May 5**

**CEA Report on Welfare Caseloads**

Janet Yellen and Bruce can announce, while the President is in Mexico, the issuance of a new CEA report on the decline of welfare caseloads. The report attributes a substantial portion of the decline to the Administration's waiver policies. At the same time, the Administration can announce \$7.5 million in HHS grants to the states to evaluate their waivers.

**May 10 Radio Address**

**Child Support Announcement**

The President can announce (1) the transmittal to Congress of an HHS report showing that child support collections have increased by 50% in the last four years; (2) Treasury Department action, in response to a prior Executive Order, seizing certain federal payments that otherwise would have gone to delinquent parents; and (3) the transmittal to Congress of legislation making 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.

**May 15**

**Law Enforcement Event**

At a Peace Officers Memorial event, the President can announce \$1.2 million in new money for scholarships to the children of federal (and perhaps also state and local) law enforcement officers slain in the line of duty. He also can announce the completion by the National Institute of Justice of a prototype "smart gun" -- a gun that can be fired only within a certain distance of a wristband worn by the owner. The gun should protect police officers from being shot by their own guns.

**May 17 Radio Address**

**State Sign-Ons to Education Tests**

The President should be able to announce that a number of new states have signed up for his 4th and 8th grade testing initiative. We are hoping for a package including Massachusetts, West Virginia, Missouri, Vermont, and (the grand prize -- but probably the least likely in this timeframe) New York.

**May 18**

**Commencement Address on Science**

The President can deliver a major address exploring the ethical questions raised by new scientific breakthroughs. In addition to anticipating release of the National Bioethics Committee's cloning report (due the next week), the President should be able to announce new proposed legislation on genetic screening that would place limits on the use of genetic information by insurance companies for underwriting purposes.

**May 19**

**Education Town Hall**

The President can 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. Alternatively, the President can go to one of the states that has endorsed our testing proposal to speak to the legislature. In either case, the President also can sign an Executive Order designating an advisory council for the testing initiative.

**May 20**

**Welfare-to-Work Announcement**

The President will meet with Eli Segal and the CEOs of about 25 companies to launch the Welfare-to-Work Foundation and announce new corporate commitments to hire welfare recipients.

**May 21**

**Mayor's Drug Conference**

If we have not announced the GTO expansion prior to this time, we can do it when the President speaks at this event. Otherwise, the President can announce the issuance of a DOJ/ONDCP report marking the one-year anniversary of his methamphetamine strategy and calling for follow-up initiatives. The President also can release a report on his pilot program for drug testing in the federal criminal justice system, which will describe the success of the program and may call for its expansion.

**May 22**

**Meeting with Mayors on Immigrant Benefits**

The President can meet with a group of bipartisan mayors, including Mayors Giuliani and Riordan, to discuss the effect of the welfare law on legal immigrants and the Administration's proposal to restore certain benefits. Immigrants affected by the bill also could attend this meeting, as the President suggested at last week's Hispanic Caucus meeting. This event is, of course, contingent on the absence of a budget deal.

**May 24 Radio Address**

**Sex Offender Registry Announcement**

The President can announce 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. At the same time, he can announce 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.

**May 25**

**Receipt of Cloning Report**

As noted above, the National Bioethics Advisory Committee is due to release its report on cloning on this day. We are currently unsure whether the report will conform to the President's own views regarding this issue. We may want the President to receive the report officially, or at least to respond to its release.

**Sometime in June**

**Child Care Announcement**

The President can announce that HHS is proposing a regulation on the welfare law's child care provisions, which includes extending basic health and safety standards to nearly all federally funded child care.

**Sometime in June**

**Welfare-to-Work Transportation Event**

At an event focusing on the "to" in welfare-to-work, the President can announce pilot grants to 25 states to develop welfare-to-work transportation grants. At the same time, he can promote his proposal,, contained in his NEXTEA bill, to provide \$600 million for this purpose.

**June 30**

**Turnaround School Event**

We are currently exploring whether DeWitt Clinton High School in Brooklyn will postpone its graduation so the President can address the graduating class of this "turnaround school" on his education initiatives. The President may be ready to announce a program to help resuscitate failing schools by providing the funding and assistance necessary to turn them into charter schools.

**July 1**

**Education Standards Event**

The President can announce the release of a Department of Education study that will allow, for the first time, comparisons in math and science achievement between most U.S. states and the 41 countries participating in TIMSS testing. At the same time, the President can report (if he has not done so already, on June 10, at a proposed event for the National Math and Science Teachers

of the Year ) on the response to his directive to the Department of Education, NSF, and other agencies to mobilize resources to improve math and science education.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 13:48:45.00

SUBJECT: Re: Teach for America

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

TEXT:

thanks. and is my one-pager anywhere in sight?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 13:44:33.00

SUBJECT: Re: flsa

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: 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

TEXT:

what good can come of that? he shouldn't go.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 13:43:48.00

SUBJECT: Re: flsa

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

TEXT:  
can't imagine how.  
congratulations!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 15:26:21.00

SUBJECT: Re: Did you ever get the memo Kevin Thurm promised on Texas?

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

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

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

TEXT:  
on its way. call me and i'll fill you in.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 13:41:47.00

SUBJECT: Re: Miscellani

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

TEXT:

1. i haven't. But I've exchanged lots of calls with HHS.
2. Good.
3. Je ne parle pas francais.

Thomas L. Freedman  
04/25/97 10:27:58 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: Miscellani

1. Have you heard back on heart attacks?
2. I've talked a little more to Cohen about School Takeovers and he is ready to meet anytime. I dropped Bruce R. a note suggesting we do a meeting as soon as today.
3. It looks to be a beautiful day, n'est-pas?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 15:22:31.00

SUBJECT: Re: Line on "blanket immunity"

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

fine.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1997 17:05:59.00

SUBJECT: tobacco litigation

TO: DRYE\_E ( DRYE\_E @ A1 @ CD @ LNGTWY [ EOP ] ) (OPD)

READ:UNKNOWN

TEXT:

could you remember to get me the other side's briefs? many thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1997 16:24:52.00

SUBJECT: hackney ideas

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

READ:UNKNOWN

TEXT:

Thanks(??) for the Hackney memos. Todd showed me the lecture series memo a while ago with handwritten notes by the President indicating that he quite liked it. What happened?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1997 15:22:02.00

SUBJECT: sexual predators

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

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

TEXT:

whatever happened to Tom Freedman's idea about lifetime parole for sexual predators? Is someone still looking into that? or has it died?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1997 15:40:44.00

SUBJECT: advisory board eo

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

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

TEXT:

Mike-- could you talk with Barry Toiv about the advisory board eo? Susan Page of USAToday wants to do a story about how we use our executive powers, focusing on one particular executive action, and your eo seems the right one to highlight. (I believe Burce gave Barry a couple of other choices, but yours is clearly the best.) I told Barry a bit about the idea, but said that you'd provide him with more detail. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 27-APR-1997 15:25:29.00

SUBJECT: gun running

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

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

TEXT:

Ditto for Freedman's gun running idea --i.e., where are we on that?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 27-APR-1997 14:23:41.00

SUBJECT: crack

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

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

TEXT:

In the draft memo you gave me, there's a handwritten note referring to a Breaux proposal on crack sentencing. What is this?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1997 12:43:30.00

SUBJECT: hate conference memo

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

TEXT:  
whatever happened to it?