

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 002 - FOLDER 006

[4/27/1997 - 5/7/1997]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1997 16:22:44.00

SUBJECT: juv justice mark-up

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:
what happened at the mark-up last week?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1997 17:05:06.00

SUBJECT: New Product Liability Bill Unveiled; Thursday Markup Set

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

TEXT:

I just looked at the bill and it seems to me, notwithstanding the suggestion here, that the statute of repose provision continues to be one-way.

----- Forwarded by Elena Kagan/OPD/EOP on 04/27/97 05:08 PM -----

Ingrid M. Schroeder
04/27/97 03:57:51 PM

Record Type: Record

To: William P. Marshall/WHO/EOP, Ellen S. Seidman/OPD/EOP, John E. Thompson/OMB/EOP
cc: Elena Kagan/OPD/EOP, James J. Jukes/OMB/EOP
Subject: New Product Liability Bill Unveiled; Thursday Markup Set

The bill referenced below, S. 648 - Product Liability Reform Act of 1997 - is scheduled for Senate Commerce Committee markup on Thursday, May 1st. The text of the bill can be found in the 4/24/97 Congressional Record, pp.3676-3682.

----- Forwarded by Ingrid M. Schroeder/OMB/EOP on 04/27/97 03:57 PM -----

JUKES_J @ A1
04/25/97 07:09:00 PM

Record Type: Record

To: Ingrid M. Schroeder
cc:
Subject: New Product Liability Bill Unveiled; Thursday Markup Set

JUDICIARY

New Product Liability Bill Unveiled; Thursday Markup Set

Senate Commerce Chairman McCain -- along with Senate Majority Leader Lott and Sens. John Ashcroft, R-Mo., and Slade Gorton, R-Wash. -- late Thursday night introduced a new product liability bill that is scheduled to be marked up by the Commerce Committee next Thursday. In introducing the measure, S. 648, Gorton said his goal was to obtain bipartisan support for a product liability measure. "I cannot say the bill I am introducing tonight accomplishes that," Gorton said, but added, "it comes very close." The bill most notably lacks the support of Sen. Jay Rockefeller, D-W.Va., who worked with Gorton in the 104th Congress and again this year to craft legislation that President Clinton would sign. Gorton said he was introducing the new measure to "get the process started" and pledged to continue

working with Rockefeller to enact reform legislation this year.

Some industry sources complained today that the new bill makes only "cosmetic" changes to a product liability measure introduced earlier this year by Ashcroft that was virtually the same legislation Clinton vetoed last year. The latest proposal would expand the statute of repose or deadline for plaintiffs to sue manufacturers to 18 years and pre-empt all state statutes of repose; exempt silicon breast implants from liability limits for biomaterials manufacturers; explicitly prohibit protections for those who sell guns to convicted felons or alcohol to people who are intoxicated; and clarify that product liability protections apply to all goods, rather than just durable goods protected in last year's legislation.

The Congress Daily --- Thursday --- April 25, 1997

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1997 16:10:47.00

SUBJECT: New Product Liability Bill Unveiled; Thursday Markup Set

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

TEXT:

Have you seen this? Note the longer (18-year) statute of repose -- and that this provision seems to preempt in both directions (we should check this). In addition, they fixed the negligent entrustment problem. It's interesting that Rockefeller hasn't signed on yet. Also, have you seen the proposed sap on the volunteer liability bill? Are you comfortable with it?

----- Forwarded by Elena Kagan/OPD/EOP on 04/27/97 04:11 PM -----

Ingrid M. Schroeder
 04/27/97 03:57:51 PM

Record Type: Record

To: William P. Marshall/WHO/EOP, Ellen S. Seidman/OPD/EOP, John E. Thompson/OMB/EOP
 cc: Elena Kagan/OPD/EOP, James J. Jukes/OMB/EOP
 Subject: New Product Liability Bill Unveiled; Thursday Markup Set

The bill referenced below, S. 648 - Product Liability Reform Act of 1997 - is scheduled for Senate Commerce Committee markup on Thursday, May 1st. The text of the bill can be found in the 4/24/97 Congressional Record, pp.3676-3682.

----- Forwarded by Ingrid M. Schroeder/OMB/EOP on 04/27/97 03:57 PM -----

JUKES_J @ A1
 04/25/97 07:09:00 PM

Record Type: Record

To: Ingrid M. Schroeder
 cc:
 Subject: New Product Liability Bill Unveiled; Thursday Markup Set

JUDICIARY

New Product Liability Bill Unveiled; Thursday Markup Set

Senate Commerce Chairman McCain -- along with Senate Majority Leader Lott and Sens. John Ashcroft, R-Mo., and Slade Gorton, R-Wash. -- late Thursday night introduced a new product liability bill that is scheduled to be marked up by the Commerce Committee next Thursday. In introducing the measure, S. 648, Gorton said his goal was to obtain bipartisan support for a product liability measure. "I cannot say the bill I am introducing tonight accomplishes that," Gorton said, but added, "it comes very close." The bill most notably lacks the support of Sen. Jay Rockefeller, D-W.Va., who worked with Gorton in the 104th

Congress and again this year to craft legislation that President Clinton would sign. Gorton said he was introducing the new measure to "get the process started" and pledged to continue working with Rockefeller to enact reform legislation this year.

Some industry sources complained today that the new bill makes only "cosmetic" changes to a product liability measure introduced earlier this year by Ashcroft that was virtually the same legislation Clinton vetoed last year. The latest proposal would expand the statute of repose or deadline for plaintiffs to sue manufacturers to 18 years and pre-empt all state statutes of repose; exempt silicon breast implants from liability limits for biomaterials manufacturers; explicitly prohibit protections for those who sell guns to convicted felons or alcohol to people who are intoxicated; and clarify that product liability protections apply to all goods, rather than just durable goods protected in last year's legislation.

The Congress Daily --- Thursday --- April 25, 1997

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 09:49:17.00

SUBJECT: Re: gun running

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

READ:UNKNOWN

TEXT:

yes, i agree.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 17:29:20.00

SUBJECT: Re: defibrillation

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/28/97 05:33
PM -----

Elizabeth Drye

04/28/97 01:24:00 PM

Record Type: Record

To: Elena Kagan

cc:

Subject: Re: defibrillation

Message Creation Date was at 28-APR-1997 13:24:00

After your meeting Friday before last, Mary Beth Donahue (Deputy COS) decided this had to be run out of the Secretary's office, ordered Jerry NOT to talk to rest of HHS about it, and assigned the issue to a staff person at HHS "exec sec." Mary Beth promised a memo by tomorrow (thought that Corr had let you know last week they couldn't meet original deadline).

I am doing what I can w/out HHS. Jerry is following up with a police organization Dennis Burke put us in touch with, and I am trading phone calls with NHTSA. I'll have time to move the ball forward this week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 13:56:18.00

SUBJECT: Sentencing Commission

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:

----- Forwarded by Elena Kagan/OPD/EOP on 04/28/97 02:00
PM -----

Maria Echaveste
04/28/97 11:45:46 AM
Record Type: Record

To: Minyon Moore/WHO/EOP, Robert B. Johnson/WHO/EOP, Richard L. Hayes/WHO/EOP
cc: Elena Kagan/OPD/EOP, Rahm I. Emanuel/WHO/EOP, Dawn M. Chirwa/WHO/EOP
Subject: Sentencing Commission

Minyon and Ben--In further discussions with Elena, it is clear that our calls to various folks that need heads up must be carefully timed. The Commission sends its report and recommendations to Congress with courtesy copy to us. We should call folks tomorrow am and alert them that the report has been sent to the Hill and use that fact as a way of talking about this. Elena will make sure we have talking points and the President's statement to guide our conversations. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 09:49:17.00

SUBJECT: Re: sexual predators

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

TEXT:

I actually think doing two sexual predators events close together is a bit wierd. I'd either combine or wait a while on the second.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 08:11:23.00

SUBJECT: Re: gun running

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/28/97 08:15
AM -----

Dennis K. Burke
04/27/97 10:12:19 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Leanne A. Shimabukuro/OPD/EOP
Subject: Re: gun running

What he showed me was a report that Schumer put out on ATF stats showing how guns bought in states w/ weak gun laws were showing-up in states with strong gun control. It is a good report. Schumer also introduced legislation creating a separate federal offense for gun trafficking from state-to-state - - Schumer calls his bill, the "Gun King-pin" bill.

Tom is right, this is a great issue. And we thought the best way to get some traction on this issue was to have Treasury give the President a one-year report on our Gun Trafficking Initiative from last summer. Since that time, in 17 cities, Treasury has been tracing every gun used in a crime to pinpoint sources of crime guns and find crime gun trafficking patterns. Then, we can also state we are going to expand it to more cities, push for the Schumer Bill, etc.

At the last couple of crime meetings, Rahm has asked Treasury to get us a draft. I think they are supposed to give us a draft this week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 17:31:16.00

SUBJECT: Re: advisory board eo

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

READ:UNKNOWN

TEXT:

hmm... let me talk with him. I take it that the long and short of this is that we're just not sure that we're going forward with this in the next month?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 18:23:19.00

SUBJECT: Re: defibrillation

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

TEXT:

It means that hhs was afraid we might get something done.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 08:09:34.00

SUBJECT: Re: sexual predators

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

TEXT:
sounds good. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 17:27:37.00

SUBJECT: Party for John Hart on Thursday

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

TEXT:

i'd like to go to this.

----- Forwarded by Elena Kagan/OPD/EOP on 04/28/97 05:31 PM -----

Suzanne Dale 04/28/97 01:14:39 PM

Record Type: Non-Record

To: See the distribution list at the bottom of this message
cc:
Subject: Party for John Hart on Thursday

The FOJ Committee* Invites You. . .

As you may already know, John Hart will be leaving the White House after nearly five years of service to the Administration. The FOJ Committee* will be hosting a farewell reception this Thursday, May 1, in the Indian Treaty Room from 3:00 - 5:00pm, and they invite you to attend. If you will be coming, please RSVP to the Office of Intergovernmental Affairs at 6-2896 by Wednesday, April 30, at noon.

* Friends of John Committee

Message Sent

- To: _____
- Elizabeth A. Bailey/WHO/EOP
 - Kris M Balderston/WHO/EOP
 - Melinda N. Bates/WHO/EOP
 - Erskine B. Bowles/WHO/EOP
 - Alison E. Bracewell/WHO/EOP
 - Emily Bromberg/WHO/EOP
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 - Phillip Caplan/WHO/EOP
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 - Suzanne Dale/WHO/EOP
 - Lanny J. Davis/WHO/EOP

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Marilyn DiGiacobbe/WHO/EOP
James A. Dorskind/WHO/EOP
Mark J. Doyle/WHO/EOP
Elizabeth Drye/OPD/EOP
Jennifer D. Dudley/WHO/EOP
Charles N. Duncan/WHO/EOP
Maria Echaveste/WHO/EOP
James T. Edmonds/WHO/EOP
Anne M. Edwards/WHO/EOP
Nicole Elkon/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Sarah Farnsworth/WHO/EOP
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William A. Halter/OMB/EOP
Wendy A. Heistad/WHO/EOP
Nancy V. Hernreich/WHO/EOP
Kathryn O. Higgins/WHO/EOP
John L. Hilley/WHO/EOP
Helenann Hirsch/WHO/EOP
Elwood J. Holstein/OPD/EOP
Helen P. Howell/WHO/EOP
Christopher C. Jennings/OPD/EOP
Thomas C. Jensen/CEQ/EOP
Brian J. Johnson/CEQ/EOP
Leanne I. Johnson/WHO/EOP
Thomas A. Kalil/OPD/EOP
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Angus S. King/WHO/EOP
Jennifer L. Klein/OPD/EOP
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Linda L. Moore/WHO/EOP
Minyon Moore/WHO/EOP
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Janet Murguia/WHO/EOP
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Wendy Smith/WHO/EOP
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Todd Stern/WHO/EOP
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John O. Sutton/WHO/EOP
Jordan Tamagni/WHO/EOP
Daniel K. Tarullo/OPD/EOP
Virginia M. Terzano/OVP @ OVP
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Tracey E. Thornton/WHO/EOP
Terri J. Tingen/WHO/EOP
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Chantale Y. Wong/OMB/EOP
Lynn G. Cutler/WHO/EOP
Donald A. Baer/WHO/EOP
David S. Beaubaire/WHO/EOP
Sarah A. Bianchi/OMB/EOP
Dennis K. Burke/OPD/EOP
Katharine Button/WHO/EOP
Pamela Cicetti/OPD/EOP
Steven A. Cohen/WHO/EOP
Brenda B. Costello/WHO/EOP
Michelle Crisci/WHO/EOP
Rebecca R. Culberson/OMB/EOP
Elena Kagan/OPD/EOP
Lisa M. Kountoupes/OMB/EOP
Maureen A. Hudson/WHO/EOP
Patricia F. Lewis/WHO/EOP
Gordon Li/WHO/EOP
William P. Marshall/WHO/EOP
Capricia P. Marshall/WHO/EOP
Cathy R. Mays/OPD/EOP
Nicole R. Rabner/WHO/EOP
Evan Ryan/WHO/EOP
Jennifer L. Klein/OPD/EOP
Christa Robinson/OPD/EOP
Lisa O. Ross/WHO/EOP
Marjorie Tarmey/WHO/EOP
WHITE_W @ A1 @ CD @ LNGTWY
SINGH_A @ A1 @ CD @ LNGTWY
Lisa J. Levin/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 08:09:52.00

SUBJECT: Re: sexual predators

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/28/97 08:14 AM -----

Leanne A. Shimabukuro 04/27/97 05:41:01 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Dennis K. Burke/OPD/EOP
bcc:
Subject: Re: sexual predators

I'm working with Justice OPD on this idea. I have them reviewing the Arizona statute and getting ready to prepare options on what aspects of lifetime parole/ supervised release are the most viable for sexual predators.

If we are going to do anything on this, it should be a part of the sexual offenders announcement we were originally preparing to release: 1) announcement that national sexual offender registry is up and running; and 2) directive to include sex offenders in federal and military prisoners in the national registry database (right now, national registry is only including the state prisoner info submitted by states).

I will be working with Christa to figure out a date for a sex offenders event that Rahm approves. Once we have a firm date, I think it will help me get Justice energized on it. I will keep you updated.

Elena Kagan
04/27/97 03:20:37 PM
Record Type: Record

To: Dennis K. Burke/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP
cc:
Subject: sexual predators

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:28-APR-1997 09:49:02.00

SUBJECT: Sentencing Guidelines

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:

fyi. I assume we're making progress on a statement, one-pager, and q&a?
thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 04/28/97 09:06
AM -----

Maria Echaveste
04/28/97 08:25:31 AM
Record Type: Record

To: Dawn M. Chirwa/WHO/EOP, Richard L. Hayes/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject: Sentencing Guidelines

Folks--Minyon and I were discussing how we tell interested parties (especially certain members of the Congressional Black Caucus) about the sentencing commission's recommendations and realized that we don't know very much about the commission, its makeup and its processes. Would one of you please give us a short fact sheet on the commission? Our plan would be for phone calls to be made this afternoon to give folks a heads up--we need talking points and agreement to go ahead. Thanks.

Message Copied

To: _____
Rahm I. Emanuel/WHO/EOP
Elena Kagan/OPD/EOP
Robert B. Johnson/WHO/EOP
Minyon Moore/WHO/EOP
Janet Murguia/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 17:29:54.00

SUBJECT: Re: defibrillation

TO: Elizabeth Drye (Elizabeth Drye @ EOP @ LNGTWY [OPD])

READ:UNKNOWN

TEXT:

set it up, with jen klein.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 09:48:35.00

SUBJECT: defibrillation

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

READ:UNKNOWN

TEXT:

where is our memo???

also what's going on with pediatric drug labeling? is it time for another
phone call or meeting?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 08:11:10.00

SUBJECT: Re: gun running

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

TEXT:

when is the one-year anniversary?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 17:34:55.00

SUBJECT: states

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

READ:UNKNOWN

TEXT:

For scheduling office purposes, I need to know (a) our definite new states (b) our probable new states (i.e., within the next few weeks) and (c) in which of all these states, the legislature will still be in session on May 19. Thanks much.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:26:42.00

SUBJECT: Re: adoptions

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

READ:UNKNOWN

TEXT:

on another matter, we seem to have run into a bit of a problem on our education eo; on further thought, we decided it might interfere with our efforts to round up support in congress. we will be looking for an alternative for you to pitch to usa today. there doesn't seem to be anything imminent.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 12:05:53.00

SUBJECT: Re: State Legislatures

TO: PALMIERI_J (PALMIERI_J @ A1 @ CD @ LNGTWY [EOP]) (WHO)
READ:UNKNOWN

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

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

TEXT:

New information. New states definitely endorsing our tests are:

West Virginia
Kentucky
Vermont
Massachusetts
Missouri

New states possibly endorsing our tests are:

New York
New Jersey

We believe that all these states, other than West Virginia and Kentucky, will be in session on May 19. But we should check with intergovernmental. Emily??

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 11:10:28.00

SUBJECT: Re: Sentencing Commission

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

TEXT:

I guess we should send them everything. Phew... And thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 04/29/97 11:14 AM -----

Robert B. Johnson
04/29/97 09:18:51 AM

Record Type: Record

To: Maria Echaveste/WHO/EOP
cc: Minyon Moore/WHO/EOP, Elena Kagan/OPD/EOP, Dawn M. Chirwa/WHO/EOP
Subject: Re: Sentencing Commission

Minyon and I met to discuss the calls and have agreed on who should receive them. Do you or Elena have the latest talking points on the issue? If so send them to me. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:24:48.00

SUBJECT: Re: adoptions

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

READ:UNKNOWN

TEXT:

jen klein should be calling you on this. yes, it is essentially our proposal. we are sending up a sap strongly supporting it tomorrow. and yes, we should get all the press we can for it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:26:42.00

SUBJECT: Re: adoptions

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

READ:UNKNOWN

TEXT:

on another matter, we seem to have run into a bit of a problem on our education eo; on further thought, we decided it might interfere with our efforts to round up support in congress. we will be looking for an alternative for you to pitch to usa today. there doesn't seem to be anything imminent.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:27:18.00

SUBJECT: Re: Are you looking for someone with a disability, to do domestic policy/disabil

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

READ:UNKNOWN

TEXT:

i don't think we have any slots. sorry.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 29-APR-1997 11:12:07.00

SUBJECT: Re: crack attachments

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

TEXT:

do these get the last changes Dennis is putting in? I'll bet not. If not, send all three again -- and to public liaison folks too. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 11:11:06.00

SUBJECT: Re: Sentencing Commission

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

READ:UNKNOWN

TEXT:

Leanne is getting ready to send everything. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:24:48.00

SUBJECT: Re: adoptions

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

READ:UNKNOWN

TEXT:

jen klein should be calling you on this. yes, it is essentially our proposal. we are sending up a sap strongly supporting it tomorrow. and yes, we should get all the press we can for it.

Announcement

May marks both teen pregnancy prevention month and the first anniversary of the National Campaign to Prevent Teen Pregnancy. Today, in recognition of both these events, The First Lady recognizes the National Campaign to Prevent Teen Pregnancy's first 12 honorees -- individuals from around the country whose community-based efforts to prevent teen pregnancy are making a difference. The First Lady also discusses two new teen pregnancy prevention grant programs and findings from a new study of childbearing and family planning to be released later this month by the Department of Health and Human Services, both announced yesterday in California by Sec. Shalala.

Background

The National Campaign to Prevent Teen Pregnancy is a private nonprofit organization dedicated to preventing teen pregnancy by supporting values and stimulating actions that are consistent with a pregnancy-free adolescence. The "Campaign" was stimulated by President Clinton's challenge issued in his 1995 State of the Union address that "parents and leaders across the country ... join together in a national campaign against teen pregnancy to make a difference." May 1997 marks the first anniversary of the National Campaign to Prevent Teen Pregnancy.

Following his 1995 State of the Union comments, the President held a meeting at the White House with a group of prominent teen pregnancy prevention experts and advocates to discuss what might be done to combat the problem. From that meeting emerged a serious private sector planning effort that led to the creation of the National Campaign. The Campaign is chaired by former New Jersey Governor Thomas Kean and has a distinguished Board of Director including Katherine Graham, Whoopi Goldberg, The Hon. Nancy Kassebaum, The Hon. Warren B. Rudman, William A. Galston, and others. Isabel Sawhill, President of the Campaign, was President Clinton's former Director of the Office of Management and Budget.

To commemorate the anniversary of the National Campaign, the First Lady is recognizing 12 honorees whom the Campaign chose for their outstanding leadership in the area of teen pregnancy prevention. Each of these people represent community-based prevention approaches that are making the incidences of teen pregnancy more rare and are, at the same time, strengthening the surrounding communities.

The honorees' work embodies several key themes that are essential to preventing teen pregnancy: emphasizing values and self-esteem in working with adolescents; forging partnerships with the corporate sector; encouraging adult-child communication; involving youth in the discussion; emphasizing the importance of male involvement in prevention; and involving the media. Honorees from Elayne Bennett, President of the Best Friends Foundation to Wade Horn, Director of the National Fatherhood Initiative, Sheila Johnson of Black Entertainment Television, Inc. and the other honorees represent the diverse approaches needed to tackle the problem of teen pregnancy.

Secretary Shalala's Announcements

Just yesterday, the Secretary of Health and Human Services, Donna Shalala, announced two new community grant programs to prevent teen pregnancy and promote responsible behavior. One program will be aimed at teenage girls and the other at teenage boys. Both grants grow out of Secretary Donna Shalala's new Girl Power! Campaign which is aimed at enhancing self-esteem, promoting good health, and preventing unhealthy behaviors among girls 9 to 14 years old. Each of the grant programs will total about \$1 million per year and involve public-private partnerships organized by individual communities.

The Secretary also discussed a new study, to be released later this month by HHS, that shows the percentage of teenagers who have had sex declined in the 1990s after increasing steadily for more than two decades. The decline is small -- 5 percent -- but is significant because it shows that the long-term increase in teenage sexual activity may finally be over. This data is part of a new study of child bearing and family planning covering all women 15-44.

BACKGROUND AND ACCOMPLISHMENTS FACT SHEET

Administration Accomplishments

May marks both teen pregnancy prevention month and the first anniversary of the National Campaign to Prevent Teen Pregnancy. Over the past five years, this Administration has made progress toward reducing teen pregnancy rates, and continues to work to tackle this problem. However, it is important to note that, despite our progress, there is still much work to do. Teen pregnancy is a tough problem that demands everyone's involvement from the community level on up.

- Just yesterday, the Secretary of Health and Human Services, Donna Shalala, announced two new community grant programs to prevent teen pregnancy and promote responsible behavior. One program will be aimed at teenage girls and the other at teenage boys. Both grants grow out of Secretary Donna Shalala's new Girl Power! Campaign which is aimed at enhancing self-esteem, promoting good health, and preventing unhealthy behaviors among girls 9 to 14 years old. Each of the grant programs will total about \$1 million per year and involve public-private partnerships organized by individual communities.
- The Secretary also discussed a new study, to be released later this month by HHS, that shows the percentage of teenagers who have had sex declined in the 1990s after increasing steadily for more than two decades. The decline is small -- 5 percent -- but is significant because it shows that the long-term increase in teenage sexual activity may finally be over. This data is part of a new study of child bearing and family planning covering all women 15-44.
- This past January, President Clinton launched a comprehensive effort by his Administration to prevent teen pregnancy in this country. The initiative, led by the Department of Health and Human Services, responded to a call from the President and Congress as part of the new welfare reform legislation and builds upon work already underway in the Administration.
- HHS last October released data showing an 8 percent drop in teen birth rates from 1991 to 1995, and the latest data available though June 1996 indicates that the decline has continued. The birth rate for teenagers as of June 1996 stood at 55.6 births per 1,000 women aged 15-19 years, compared to 62.1 in 1991.
- The new welfare law signed by the President on August 22, 1996 contains several provisions addressing teen pregnancy prevention: unmarried minor parents are required to stay in school and live at home, or in an adult-supervised setting in order to receive assistance; Second Chance Homes" -- adult supervised residential homes designed to provide teen parents with the skills and supports they need to finish school, become good role models, and providers for their children -- are allowed and encouraged; \$50 million a year in new funding for state abstinence education activities is provided starting FY 1998; finally, the new law includes tough child support measurements that send the strongest possible message to young boys and girls that they should not have children until they are ready to provide for those children.

- In his 1995 State of the Union address, President Clinton challenged “parents and leaders across the country ... to join together in a national campaign against teen pregnancy to make a difference.” In response to his challenge, last may The National Campaign to Prevent Teen Pregnancy was formed. The National Campaign is a private nonprofit organization dedicated to preventing teen pregnancy by supporting values and stimulating actions that are consistent with a pregnancy-free adolescence. May 1997 marks the first anniversary of the National Campaign to Prevent Teen Pregnancy.
- Since 1993, the Administration has supported innovative and promising teen pregnancy prevention strategies tailored to the unique needs of communities. HHS-supported programs already reach about **30 percent or 1,410 communities** in the United States.
- The Administration Strategy is also building partnerships among national, state and local organizations, including the National Campaign to Prevent Teen Pregnancy; schools, businesses; religious institutions; federal, state and local governments; tribes and tribal organizations; parents; and teenagers, uniting efforts to send a strong message of abstinence and personal responsibility to young people and provide them with opportunities for the future.
- Finally, the Administration is committed to improving data collection, research and evaluation to further our understanding of the magnitude, trends, and causes of teen pregnancies and births. To develop targeted prevention strategies, and to assess how well these strategies work.

The Challenge

- However, as much as we have done and as much progress as we have seen, there is much more work to do. Teen pregnancy remains a major social problem for this country and one that none of us can ignore.
- Every year in this country, over 1 million teenagers become pregnant and four in 10 girls become pregnant as least once before turning 20.
- The encouraging recent decline in the U.S. teen birth rate is counterbalanced by a negative trend: today, nearly three-quarters of teen births are to unmarried teens, while as recently as 1960, only 50 percent were. Today, teen mothers make up the largest group (48 percent) of all first births to unmarried women.
- Early parenting limits a young mother’s likelihood of completing high school -- less than one-third of teens who begin their families before age 18 ever complete high school -- and increases the likelihood that that young mother will end up in poverty.
- We should be especially concerned about the children of teen parents. When compared to children of older mothers, children of teen mothers have more health problems, do much worse in school, live in home environments of lower quality, suffer higher rates of abuse and neglect, and are more likely to become teen mothers themselves.

Summary
Whatever Happened to Childhood?
Published by the National Campaign to Prevent Teen Pregnancy

Following is a brief summary of the key findings from the National Campaign To Prevent Teen Pregnancy draft report, "Whatever Happened to Childhood,?" to be published in two to four weeks.

The report aptly illustrates teen pregnancy as a social crisis that continues to break down family, community and common culture. The message the report sends is twofold: 1) although we are making some progress, there is much more work to do and we must not let our attention stray from this critical national issue and, 2) despite consistent community-based efforts, the evidence has not born out a simple solution to the problem so we must continue to be creative, innovative and persistent in our efforts.

Of the many community experiments around the country, the report states, most have exhibited mixed outcomes, and no one program stands out as having produced clear, replicable results. Community approaches include sex education aimed at delaying sexual activity and reducing the number of sexual partners and using birth control; abstinence only programs; support for community-based family planning services; comprehensive approaches stresses components from each approach and; programs dedicated to nurturing and guiding young people.

In addition to these conclusions, the report also presents some interesting observations that may have future policy implications.

First, the vast majority (85 percent) of pregnancies among teens are not fully planned *or* unintended. Rather they result from teens' ambivalence about pregnancy, accidents, their confusion about preventing pregnancy, and sometimes their failure to make any clear decision about sexual activity.

Second, many communities do not address the problem at all because the conflict over which approach to use can become so intense and destructive to the community that a community decides to do nothing at all. Therefore, the report states, a new and emerging approach to teen pregnancy prevention is community conflict resolution. The report lays out an excellent example of this approach at work. In 1990, the rural community of Tillamook County, Oregon had the highest teen pregnancy rate in the state but fought bitterly over a solution, including the Board of Education voting down several proposals. Finally, the County decided to embrace a new ethic of "unity of purpose, diversity of means," allowing various segments of the community to develop their own intensive initiatives, from creating a church-based abstinence program to improving access to family planning programs. By 1994, the county teen pregnancy rate had dropped by 70 percent, becoming the lowest in the state. *This story bares out research by Dr. Kristen Moore that says teen pregnancy programs that send mixed messages to teens actually work because the teen will be exposed to all messages and will take what works for her or him, whether it be abstinence, birth control, or self-esteem raising.*

Third, although the teen birth rate has decreased in the past few years, the number of births to teens increased in 1993 and 1994, reflecting an overall increase in the U.S. teen population. Because the number of teens is expected to increase further, so will the number of pregnancies

and births, perhaps increasing by 26 percent by the year 2010 unless rates are reduced.

The report tells its story using mostly previously released data that remain relevant. Following are facts from the report worth reviewing.

- Every year in this country, over 1 million teenagers become pregnant and four in 10 girls become pregnant at least once before turning 20.
- The pregnancy rate increased among all girls age 15-19 by 23 percent between 1972 and 1990 from 95 to 117 pregnancies per 1,000 women, and then declined to 112 per 1,000 women in 1992 (the year for which the most recent data is available). At the same time, the pregnancy rate among sexually experienced girls decreased 19 percent, largely due to increased use of contraception.
- By 1991, the teen birth rate had reached 62 births per 1,000 women aged 15-19, its highest point in the past two decades. Since then, that rate has fallen slowly to 57 births per 1,000 women in 1995.
- The encouraging recent decline in the U.S. teen birth rate is counterbalanced by a negative trend: today, nearly three-quarters of teen births are to unmarried teens, while as recently as 1960, only 50 percent were. Today, teen mothers make up the largest group (48 percent) of all first births to unmarried women.
- Birth rates are higher among African-American and Hispanic teens than among white teens
- While most pregnant teens are 18 or 19 years old, about 40 percent are 17 or younger and about half of all pregnant teens ages 15-19 are white.
- Many of the fathers of children born to teen mothers are older -- nearly 40 percent of those young men who impregnate a minor teen (under 18) are 20 years old or older.
- More than half of the teen pregnancies result in a birth (1/3 end in abortion and 14 percent in miscarriage) and of those who give birth most keep their child rather than put it up for adoption.
- Early parenting limits a young mother's likelihood of completing high school -- less than one-third of teens who begin their families before age 18 ever complete high school.
- When compared to children of older mothers, children of teen mothers have more health problems, do much worse in school, live in home environments of lower quality, suffer higher rates of abuse and neglect, and are more likely to become teen mothers themselves.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:38:56.00

SUBJECT: McCaffrey's & Reno's line is in this story. They suck.

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

READ:UNKNOWN

TEXT:

I want you to know that i sent the last message before i read this story, which confirms just what i said.

----- Forwarded by Elena Kagan/OPD/EOP on 04/29/97 06:42 PM -----

BURKE_D @ A1

04/29/97 06:32:00 PM

Record Type: Record

To: Michelle Crisci, Elena Kagan, Leanne A. Shimabukuro

cc:

Subject: McCaffrey's & Reno's line is in this story. They suck.

Date: 04/29/97 Time: 17:53

CCrack, powder cocaine sentences should be balanced, panel

WASHINGTON (AP) A sentencing panel recommended narrowing the wide disparity in federal sentencing laws that treat trafficking in crack cocaine more harshly than selling the powdered variety.

``Although research and public policy may support somewhat higher penalties for crack than for powder cocaine, a 100-to-1 quantity ratio cannot be justified,'' the U.S. Sentencing Commission said in a report to Congress Tuesday.

Federal law requires a five-year minimum sentence for people caught selling 5 or more grams of crack. However, someone convicted of trafficking powder cocaine would get the same sentence only if 500 grams or more were involved.

Noting that blacks make up almost 90 percent of those convicted in federal court of distributing crack, the commission said, ``The current penalty structure results in a perception of unfairness and inconsistency.''

In 1995, President Clinton and Congress rejected the sentencing commission's recommendation to equalize penalties for trafficking in crack and powder cocaine.

But Clinton said Tuesday his administration will give the new recommendation ``very serious consideration.''

``The sentencing laws must continue to reflect that crack cocaine is a more harmful form of cocaine,'' the president said in a statement issued by the White House. ``However, some adjustment to the cocaine penalty structure is warranted as a matter of sound criminal justice policy.''

Clinton said federal prosecutors should target mid- and high-level drug traffickers instead of low-level dealers. He said he has asked Attorney General Janet Reno and drug policy adviser Barry McCaffrey to review the proposal and report to him within 60 days.

Reno and McCaffrey said in a joint statement the proposal ``moves us in the right direction.''

They said the current policy does not adequately target federal prosecutions toward mid- and

high-level cocaine sellers and also ``appears to have a disproportionate racial impact.''

The sentencing commission recommended that for crack cocaine, Congress raise the 5-gram trigger for a five-year mandatory sentence to somewhere between 25 and 75 grams. For powder cocaine, the 500-gram threshold for the same sentence should be lowered to a level between 125 and 375 grams, the panel said.

Penalties for selling other amounts of crack and powder should be similarly adjusted, the panel said.

And, it recommended reducing the penalty for simple possession of crack to the level now in effect for powder cocaine. Currently, a five-year sentence is required for possession of 5 or more grams of crack, while possession of powder in any amount is punishable by no more than one year in prison.

``All of these drugs cause great harm to individuals and to society at large,''' the commission said, but it added that violent street crime and addiction are more often associated with crack distribution.

Raising the amount of crack required for a five-year minimum sentence will focus federal prosecutions more on mid- and high-level sellers, the panel said. Sentences still can be increased for dealers who use guns or are involved in violence, it added.

The commission said federal prosecutions should target ``serious dealers'' while leaving other prosecutions to the states. The vast majority of drug prosecutions now occur in state courts.

Commission Chairman Richard P. Conaboy said in an interview, ``We want to target those defendants that are the most culpable and the most violent with the longest sentences. We think this will do that.''

The proposal was criticized by a group called Families Against Mandatory Minimums, whose president, Julie Stewart, said the disparity between crack and powder cocaine sentences should be eliminated as the commission recommended in 1995.

APNP-04-29-97 1805EDT

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:33:59.00

SUBJECT: US Conf of Mayors

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/29/97 06:38 PM -----

PALMIERI_J @ A1
04/29/97 04:49:00 PM

Record Type: Record

To: Douglas B. Sosnik, Elena Kagan, ROBINSON_C @ A1@CD@LNGTWY
cc: Douglas B. Sosnik
Subject: US Conf of Mayors

Drug We are going to have a meeting on the US Conference of Mayors Summit with Marcia and Rahm tomorrow at 4:00 pm in Rahm's office.
Love to have you all there.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:33:42.00

SUBJECT: US Conf of Mayors

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

READ:UNKNOWN

TEXT:

fyi.

----- Forwarded by Elena Kagan/OPD/EOP on 04/29/97 06:38 PM -----

PALMIERI_J @ A1

04/29/97 04:49:00 PM

Record Type: Record

To: Douglas B. Sosnik, Elena Kagan, ROBINSON_C @ A1@CD@LNGTWY

cc: Douglas B. Sosnik

Subject: US Conf of Mayors

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 19:00:20.00

SUBJECT: Re: What did you end up giving the VP as talking points for AFSME tomorrow?

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

TEXT:

telepathic. i was just e-mailing it to you. let me know if you have suggestions.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D39]MAIL448486811.116 to ASCII,
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TALKING POINTS ON APPLICATION OF MINIMUM WAGE

- This Administration is committed to moving people from welfare to work. But this Administration is also committed to making sure that workers get paid at least the minimum wage for their efforts.
- That means all workers -- whether or not they come off the welfare rolls. No one doing real work should be paid a subminimum wage.
- You know as well as I that there are complicated legal questions here, involving who counts as a “worker” and who as a “trainee” under the minimum wage law.
- But you should know that we will apply the law consistent with its intent -- to protect American workers and to make sure that no employer can take advantage of people’s need.

TALKING POINTS ON TEXAS PRIVATIZATION

- You know that we are considering Texas’s proposal to privatize substantial parts of its Medicaid and food stamp operations.
- We have talked with AFSCME leaders often on this issue, and I know Administration officials will talk with you again this week,
- No final decisions have been made. But I can assure you that this Administration will do what is best for recipients of public assistance, and that this Administration will look out for the interests of the workers who devote their lives to helping those recipients. If the Texas scheme is inconsistent with those goals, then we will not permit the State to proceed.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:54:10.00

SUBJECT: Re: adoptions

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

READ:UNKNOWN

TEXT:

It's not as central to our agenda and (to tell the truth) not all that substantive. On the other hand, its guaranteed to be popular and we don't have anything else ready right now. If the reporter's antsy to do this story now, I guess I'd go with it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:36:04.00

SUBJECT: CRACK, COCAINE SENTENCES SHOULD BE BALANCED, PANEL ...

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

READ:UNKNOWN

TEXT:

this is excellent. too bad it's going to get fucked up in all later stories.

----- Forwarded by Elena Kagan/OPD/EOP on 04/29/97 06:40 PM -----

SHIMABUKUR_L @ A1

04/29/97 05:36:00 PM

Record Type: Record

To: Elena Kagan, Dennis Burke

cc:

Subject: CRACK, COCAINE SENTENCES SHOULD BE BALANCED, PANEL ...

Date: 04/29/97 Time: 16:29

CCrack, cocaine sentences should be balanced, panel recommends

WASHINGTON (AP) A sentencing panel recommended keeping harsher federal penalties for selling crack cocaine but said the wide disparity in current sentencing laws should be reduced.

``Although research and public policy may support somewhat higher penalties for crack than for powder cocaine, a 100-to-1 quantity ratio cannot be justified,'' the U.S. Sentencing Commission said in a report to Congress Tuesday.

Federal law requires a five-year minimum sentence for people caught selling 5 or more grams of crack. However, someone convicted of trafficking powder cocaine would get the same sentence only if 500 grams or more were involved.

Noting that blacks make up almost 90 percent of those convicted in federal court of distributing crack, the commission said, ``The current penalty structure results in a perception of unfairness and inconsistency.''

In 1995, President Clinton and Congress rejected the sentencing commission's recommendation to equalize penalties for trafficking in crack and powder cocaine.

But Clinton said Tuesday his administration will give the new recommendation ``very serious consideration.''

``The sentencing laws must continue to reflect that crack cocaine is a more harmful form of cocaine,'' the president said in a statement issued by the White House. ``However, some adjustment to the cocaine penalty structure is warranted as a matter of sound criminal justice policy.''

Clinton said federal prosecutors should target mid- and high-level drug traffickers instead of low-level dealers. He said he has asked Attorney General Janet Reno and drug policy adviser Barry McCaffrey to review the proposal and report to him within 60 days.

The sentencing commission recommended that for crack cocaine, Congress raise the 5-gram trigger for a five-year mandatory sentence to somewhere between 25 and 75 grams. For powder cocaine,

the 500-gram threshold for the same sentence should be lowered to a level between 125 and 375 grams, the panel said.

Penalties for selling other amounts of crack and powder should be similarly adjusted, the panel said.

And, it recommended reducing the penalty for simple possession of crack to the level now in effect for powder cocaine. Currently, a five-year sentence is required for possession of 5 or more grams of crack, while possession of powder in any amount is punishable by no more than one year in prison.

``All of these drugs cause great harm to individuals and to society at large,' ' the commission said, but it added that violent street crime and addiction are more often associated with crack distribution.

Raising the amount of crack required for a five-year minimum sentence will focus federal prosecutions more on mid- and high-level sellers, the panel said. Sentences still can be increased for dealers who use guns or are involved in violence, it added.

The commission said federal prosecutions should target ``serious dealers' ' while leaving other prosecutions to the states. The vast majority of drug prosecutions now occur in state courts.

Commission Chairman Richard P. Conaboy said in an interview, ``We want to target those defendants that are the most culpable and the most violent with the longest sentences. We think this will do that.' '

The proposal was criticized by a group called Families Against Mandatory Minimums, whose president, Julie Stewart, said the disparity between crack and powder cocaine sentences should be eliminated as the commission recommended in 1995.

APNP-04-29-97 1642EDT

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-APR-1997 10:54:08.00

SUBJECT: Re: Service Memo & Comp Time Legislation

TO: Anne H. Lewis (CN=Anne H. Lewis/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Thanks. Let me look at it again.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-APR-1997 10:53:00.00

SUBJECT: Service Memo & Comp Time Legislation

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

TEXT:

OK, I feel uninformed (though I'm sure you've informed me) -- what memo is she talking about?

----- Forwarded by Elena Kagan/OPD/EOP on 04/30/97 10:56 AM -----

Anne H. Lewis
04/30/97 10:06:24 AM
Record Type: Record

To: Diana Fortuna/OPD/EOP, Elena Kagan/OPD/EOP
cc:
Subject: Service Memo & Comp Time Legislation

I think there is a small, but very important problem with the memo to heads of agencies encouraging service. We should not be explicitly encouraging flexible credit hours at the same time that we are adamantly opposing extending an equivalent provision to the private sector.

As you know we are headed toward a legislative battle over comp time and flexibility. There is a strong possibility that the Republican bill (S.4) could come to the floor early next week. Our position on S.4 has been that alternative work schedules and the 80 hour biweekly schedule are the most extreme elements in the bill and that we won't sign a bill that includes those provisions. To give you an idea how extreme the flexible credit hours provision is considered, several House Republicans, when voting on their bill, stated very clearly that their bill does not include the flexible credit hours provisions and that they would not support them. The problem with flexible credit hours is that employees who work more than 40 hours/wk do not get paid time and a half for their "overtime." Flexible credit hours would be money out of employees' pockets. Under current law, under the Ballenger/House Repub bill and under our proposal they would get time and a half.

It seems that a few simple changes to the draft memo could fix this problem. Can we drop the specific references to flexible credit hours and use general language about flexibility instead?

Please let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-APR-1997 10:46:26.00

SUBJECT: Re: US Conference of Mayors

TO: PALMIERI_J (PALMIERI_J @ A1 @ CD @ LNWTWY [EOP]) (WHO)

READ:UNKNOWN

TEXT:

it is for me. but that 's ok if it's the only time. just let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-APR-1997 14:35:03.00

SUBJECT: gq

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

TEXT:

I've decide to subject myself to this. Let me know what I have to. And give me lots of advice! Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 11:05:18.00

SUBJECT: Re: cocaine subgroup-- follow up

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

TEXT:

Looks just right. Work with Laura to set up a meeting. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 10:54:02.00

SUBJECT: Re: Surgeon General Candidate

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

TEXT:

Chris Jennings and Sarah Bianchi are our two health people. Call Chris; he'll probably assign Sarah. Let me know if you have any problems.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 10:54:49.00

SUBJECT: Friday Reconciliation Meeting - Message #1

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 05/01/97 10:58 AM -----

June G. Turner
05/01/97 09:45:22 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Debra A. Schiff/WHO/EOP, Virginia N. Rustique/WHO/EOP
Subject: Friday Reconciliation Meeting - Message #1

There will be a Reconciliation Working Group on Friday, May 2 at 10:30 am in the Roosevelt Room.

NOTE: I will call and confirm the attendance of OMB & Scheduling

Attendees:

- Betty Currie
- Don Baer
- Dawn Chirwa
- Maria Echaveste
- Rahm Emanuel
- Richard Hayes
- Elena Kagan
- Ann Lewis
- Cheryl Mills
- Bob Nash
- Janet Murguia
- John Podesta
- Bruce Reed
- Richard Socarides
- Tracey Thornton
- Minyon Moore
- Andrew Mayock
- Rob Weiner
- Robert Johnson
- John Hilley
- Alexis Herman
- Doris Matsui
- Doug Sosnik
- Carolyn Curiel
- James Edmonds
- Ann Walker
- Michael Waldman
- Frank Raines

Beverly Barnes
Susan Liss
Ellen Lovell
Kitty Higgins
Flo McAfee
Marcia Hale
Mary Ellen Glynn
Stephanie Streett
Michael Diech
Rose Ochi (Justice)
Isabel Pinzler (Justice)

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
Trooper Sanders/OVP @ OVP
Kim B. Widdess/WHO/EOP
Angelique Pirozzi/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 17:00:08.00

SUBJECT: Re: Jerry Jasnowski Meeting

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

TEXT:

I used to talk with Victor Schwartz regularly. He will offer to work towards a compromise bill -- i.e., a bill going part way in the direction of our veto message -- but will want some definite idea of what we can live with.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 19:49:24.00

SUBJECT: Re: Teen Pregnancy Docs

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

READ:UNKNOWN

TEXT:

shouldn't brenda also get the press materials? I don't know, but please check.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 08:55:02.00

SUBJECT: Re: LRM RJN63 - DOD report on HR411 Freedom of Choice for Women in the Uniformed

TO: Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TEXT:

fine with me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 17:01:44.00

SUBJECT: Re: family leave

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

TEXT:
ann lewis at nec is the best person.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 11:00:36.00

SUBJECT: Re: Volunteer/Products Liability

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

TEXT:

I haven't seen the Leahy alternative. Could you send it to me? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-MAY-1997 18:54:23.00

SUBJECT: congrats

TO: Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

I somehow managed not to congratulate you when we just spoke.
Congratulations. You did great.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-MAY-1997 17:06:55.00

SUBJECT: Re: immigration talking points

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

TEXT:

I asked Cynthia to do it up and get it over to me. I'll send it on to Rob once I've looked at it. Don't worry about the other: I would never have known if you hadn't told me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAY-1997 10:23:16.00

SUBJECT: Re: Saturday Night

TO: Debbie B Bengtson (CN=Debbie B Bengtson/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TEXT:
you bet.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1997 08:09:39.00

SUBJECT: Dredging Event

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

READ:UNKNOWN

TEXT:

I assume you don't want to go -- though maybe if the vice president does, you should.

----- Forwarded by Elena Kagan/OPD/EOP on 05/05/97 08:13 AM -----

Bradley M. Campbell
05/02/97 02:25:54 PM
Record Type: Record

To: Kris M Balderston/WHO/EOP, Anne E. McGuire/WHO/EOP
cc: Elena Kagan/OPD/EOP, Brian J. Johnson/CEQ/EOP, Beth A. Viola/CEQ/EOP
Subject: Dredging Event

We are planning an event the morning of next Wednesday, May 7, to announce some critical pieces of the VP's dredging plan for NY-NJ harbor. The event would be with Congressmen Pallone and Menendez and Senator Torricelli, and is calculated to make sure the Administration (and especially the VP) gets credit for progress up there rather than Governor Whitman, who is doing a press event the next day. The VP's plan was memorialized last year in a letter from Carol Browner, Togo West and Federica Pena, so we'd like to have Browner, Slater (or Downey) and Togo West. Katie and Bruce Reed (DPC worked on the agreement as well) also may attend. The VP may do but at this point, given the short notice, something else would have to come off his schedule (which now seems unlikely). Enviro groups, Port companies, and longshoremen would attend in support as well.

I am contacting the individual cabinet offices to give them notice, but wanted you to be aware of the plan, and also wanted to enlist your help in getting the cabinet secretaries there (I understand Slater may be out of the country, so we may have to make do with Downey) by emphasizing to the COSs that we want them to do it.

Once again, your good offices are much appreciated.

Elena: Could you give me a sense of whether Bruce has any interest (Diane put a lot of work into the VPs plan).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1997 08:20:12.00

SUBJECT: medical research

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

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

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

TEXT:

There is something in the cabinet weekly this week about Public Citizen charging that HHS-supported clinical trials in developing countries, designed to test HIV treatments, are not ethically sound. What's the story here, and are we likely to hear about this when we do our Tuskegee apology?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1997 18:11:56.00

SUBJECT: Re: Q&A on jury's decision

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

READ:UNKNOWN

TEXT:

Instead of the second sentence, I'd say something like "It has no effect on FDA jurisdiction or the rule we're defending."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1997 14:00:04.00

SUBJECT: Re: Spirits Council

TO: James A. Dorskind (CN=James A. Dorskind/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

still thinking...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1997 19:00:48.00

SUBJECT: Re: Change of plans: Texas contingent will ask for mtg NEXT week with Bowles

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

READ:UNKNOWN

TEXT:

Thanks. Here's what else I need to know for tomorrow's meeting:

1. latest word on whether Gramm/Hutchison will introduce an amendment --
and on whether hhs will be fine with sending up a letter threatening a veto

2. best information on whether OMB circulated the sap to anyone before
sending

3. latest word on what's going on in the Texas legislature

feel free to call me at home: 332-1763

by the way, how are our talking points/q&a coming?

thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1997 08:11:58.00

SUBJECT: Re: Crime/Drugs Memo

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

READ:UNKNOWN

TEXT:

aw gee. am i ever going to miss you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 17:12:44.00

SUBJECT: TitleIX

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 05/06/97 05:17
PM -----

Marjorie Tarmey
05/06/97 04:27:28 PM

Record Type: Record

To: Ann F. Lewis/WHO/EOP, Susan M. Liss/OVP @ OVP, Elena Kagan/OPD/EOP,
Lynn G. Cutler/WHO/EOP

cc: Katharine Button/WHO/EOP, Kevin S. Moran/WHO/EOP, Suzanne
Dale/WHO/EOP, Trooper Sanders/OVP @ OVP

Subject: TitleIX

On Monday or Tuesday of next week, Maria Echaveste would like to meet on
the event and other issues re Title IX anniversary. Please let me know
what works best for your schedule.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 15:56:40.00

SUBJECT: Re: religious expression

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

READ:UNKNOWN

TEXT:

so it was a false compliment!!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 14:31:36.00

SUBJECT: Re: volunteers and liability

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

READ:UNKNOWN

TEXT:

we never had to say what we thought of the new version. There are still some provisions in the bill which may undermine our position on product liability, but I think we may be able to get rid of these at the same time as we support the broader bill.

Additional Q&As on Texas
5/6/97

Question: What exactly did Texas ask for?

Answer: Texas wants to create a state-wide system of offices, run by a private contractor, where residents would apply for Medicaid, food stamps, welfare, and other public assistance. The exact nature of this system would depend on the terms of the agreement between Texas and the contractor.

To proceed with this plan, the state of Texas wants to release a Request for Offers (RFO) to ask bidders to propose a specific system to meet these goals. Texas' initial request to federal agencies was for permission to proceed with the RFO process.

Question: Has the Administration provided Texas with any response?

Answer: On Friday, HHS and USDA officials met with the Texas Health and Human Services Commissioner. They told him that the state could release an RFO subject to written guidelines that will be provided by the agencies later this week. These guidelines will make clear what federal statutes and regulations allow -- and what they prohibit -- with respect to privatization.

[In general, Texas will not be allowed to privatize eligibility determination or information gathering functions. The state, however, will be able to contract with a private party to do outreach and to revamp computer and other automation systems.]

We have never stated publicly the bracketed information, but this was the line taken by the agencies in this meeting with Commissioner McKinney. This distinction does not apply to Temporary Assistance to Needy Families, i.e., cash welfare, which the new welfare law explicitly allows to be privatized.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 18:12:30.00

SUBJECT: Re: TitleIX

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

READ:UNKNOWN

TEXT:

make sure jen klein knows when this meeting is. thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 05/06/97 06:16

PM -----

Jennifer L. Klein

05/06/97 06:00:57 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: TitleIX

Sure. Just ask Laura to let us know when.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 17:13:03.00

SUBJECT: Re: TitleIX

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

TEXT:
do we have an event?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 14:29:40.00

SUBJECT: Re: religious expression

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

READ:UNKNOWN

TEXT:

Nice of you to say so: I wrote it.

One possibility is to do this, as you say, in response to a bad RFRA decision (though there's a chance that the RFRA decision will be fine). Another is to do it in response to Republican efforts to pass a religious liberty constitutional amendment. Supposedly, the Republicans have agreed on Amendment language (last year, there were two competing versions) and are ready to start pushing it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 15:56:40.00

SUBJECT: Re: religious expression

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

READ:UNKNOWN

TEXT:

so it was a false compliment!!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 17:31:00.00

SUBJECT: Re: Budget Rollout

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

TEXT:

does telling hhs people to make calls count? i think not.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 11:13:21.00

SUBJECT: Re: Updated Q&A for Florida jury ruling on tobacco

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

TEXT:
focused "on," not "in.."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 17:28:49.00

SUBJECT: Re: TitleIX

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

READ:UNKNOWN

TEXT:

could you send me the request? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 17:30:07.00

SUBJECT: TitleIX

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

TEXT:

could you or nicole come to this?

----- Forwarded by Elena Kagan/OPD/EOP on 05/06/97 05:34
PM -----

Marjorie Tarmey
05/06/97 04:27:28 PM

Record Type: Record

To: Ann F. Lewis/WHO/EOP, Susan M. Liss/OVP @ OVP, Elena Kagan/OPD/EOP,
Lynn G. Cutler/WHO/EOP
cc: Katharine Button/WHO/EOP, Kevin S. Moran/WHO/EOP, Suzanne
Dale/WHO/EOP, Trooper Sanders/OVP @ OVP
Subject: TitleIX

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the event and other issues re Title IX anniversary. Please let me know
what works best for your schedule.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 13:34:43.00

SUBJECT: Re: IDEA--big day Wednesday

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

TEXT:
you bet

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 13:36:18.00

SUBJECT: Re: IDEA

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

TEXT:
probably a good idea; we're doing some last checks now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 14:57:05.00

SUBJECT: Re: collective bargaining memo.

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

TEXT:
thanks for reminding me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 13:44:09.00

SUBJECT: Re: Questions re: proceeding on CEA study release and DPC meeting

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

TEXT:

for what it's worth, i vote to (a) leak and (b) have them talk anyway.
but i don't feel at all strongly about either

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 13:37:29.00

SUBJECT: Re: FDA Commissioner

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

TEXT:
who will the interviewers be?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 14:59:49.00

SUBJECT: IDEA

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

could you guys work up a presidential statement for tomorrow? thanks.
----- Forwarded by Elena Kagan/OPD/EOP on 05/07/97 03:02
PM -----

William R. Kincaid
05/07/97 02:43:49 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Michael Cohen/OPD/EOP
Subject: IDEA

----- Forwarded by William R. Kincaid/OPD/EOP on 05/07/97
02:47 PM -----

Diana Fortuna
05/07/97 02:34:42 PM
Record Type: Record

To: William R. Kincaid/OPD/EOP
cc:
Subject: Re: Sec. Riley's Statement on IDEA

----- Forwarded by Diana Fortuna/OPD/EOP on 05/07/97
02:39 PM -----

Lucia A. Wyman
05/07/97 11:50:55 AM
Record Type: Record

To: Diana Fortuna/OPD/EOP
cc:
Subject: Re: Sec. Riley's Statement on IDEA

A few minor and not so minor problems w/IDEA this morning but all worked out and passed out of both the House and Senate Committees. Should go to floor next week. Press Conference at 3pm. Lott goes first/then Sec Riley, then members. Would you let folks know. I've got another bill on floor today. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 13:35:36.00

SUBJECT: IDEA

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

what do you think?

----- Forwarded by Elena Kagan/OPD/EOP on 05/07/97 01:37
PM -----

Barry J. Toiv

05/06/97 07:06:43 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Kathleen M. Wallman/WHO/EOP

cc: Susan A. Brophy/WHO/EOP

Subject: IDEA

Lucia Wyman in Leg. Affairs is recommending a POTUS statement for an event I understand is being held tomorrow with Secy. Riley and bipartisan group on the Hill re reauthorization of IDEA, education for children with disabilities. Do you agree, and if so do you want to write something to be read there?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 16:09:07.00

SUBJECT: texas letter

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

READ:UNKNOWN

TEXT:

Erskine hasn't decided whether he wants to meet with the Texas delegation yet (he's waiting for Hilley's and Sosnick's advice), so right now all we can say is that we've received the request and it's under consideration.

Also, I didn't realize that the IDEA action was today. (I thought it was tomorrow.) We missed the Hill press conference, but we can still issue a statement. Should we?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 13:39:21.00

SUBJECT: Re: OIRA/Distilled Spirits Meeting

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

TEXT:

yes, sure; what exactly am I asking?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 16:05:50.00

SUBJECT: Re: FINAL REMINDER FOR WEDNESDAY: DAILY REPORTS TO POTUS

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

TEXT:

we are getting something to you on texas right now.