

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 003 - FOLDER 007

[7/10/1997 - 7/28/1997]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Bruce Reed. Subject: big think [partial] (1 page)	07/15/1997	P6/b(6)
002. email	Elena Kagan to Bruce Reed. Subject: [offer] (1 page)	07/16/1997	Personal Misfile
003. email	Elena Kagan to Mona Mohib. Subject: [invite] (1 page)	07/22/1997	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[7/10/1997 - 7/28/1997]

2009-1006-F

ke772

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]
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUL-1997 16:12:44.00

SUBJECT: Re: FINAL THURSDAY REMINDER: DAILY REPORTS TO POTUS

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

READ:UNKNOWN

TEXT:

we'll get you a tobacco paragraph within the hour.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Update on affidavit of support and means tested benefits

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 07/11/97 10:10
PM -----

Diana Fortuna
07/11/97 04:13:17 PM

Record Type: Record

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

cc: Laura Emmett/WHO/EOP

Subject: Update on affidavit of support and means tested benefits

Wow -- progress on this since yesterday's note to you -- DOJ and HHS met with Lamar Smith today, and it went as well as could be expected. They also briefed some Democrats. So now the only remaining issue is the remaining legal snag in the affidavit of support, and people think that's getting resolved. So the best guess is this will go public the week after next.

----- Forwarded by Diana Fortuna/OPD/EOP on 07/11/97
04:07 PM -----

Diana Fortuna
07/10/97 11:45:20 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP

cc: Cynthia A. Rice/OPD/EOP

Subject: Affidavit of support and means tested benefits

You've asked me about the timing and status of the decision on means tested benefits, as well as the timing of the affidavit of support rule that Sally Katzen wrote that interesting note about. Here's the wonderful story:

Means-tested is ready to go. But there are now 2 holdups to getting these 2 out.

1. DOJ feels very strongly that it should not send out major interpretations of the welfare law on immigration without first meeting and "consulting" with Rep. Lamar Smith. There is about .000005% chance that he would like our interpretation, tell us anything we don't already know, or change our minds, but DOJ has been very firm on this. So we are waiting for this meeting to get scheduled and occur, and then to let a respectable number of days pass before taking our action.

2. On the affidavit of support, a final snag has arisen in the last few days on the definition of "state means tested benefits" that OLC says was raised by the Brady Law decision. DOJ and INS met today to iron this out; I don't know the resolution yet. I am trading calls with David Ogden to suggest to him that time is of the essence.

Finally, HHS feels very strongly that means-tested should be announced at the same time as the affidavit, so there will be one day of attention to this rather than two. Therefore they are very reluctant to schedule the meeting with Smith until they know that the affidavit issue is resolved.

So the schedule is:

1. settle state means tested definition issue in affidavit of support (punting is a possibility)
2. meet with Smith
3. issue both a few days later

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUL-1997 22:05:32.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

could you take care of this? Thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 07/11/97 10:07 PM -----

Lynn G. Cutler

07/11/97 02:25:08 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject:

I have a request from Los Angeles County for paper on the tobacco issue.
Do you have anything that we can give them? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUL-1997 22:06:02.00

SUBJECT: Re:

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

TEXT:

I've asked elizabeth drye to send you something, but we don't have much.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUL-1997 13:45:39.00

SUBJECT: re: public health groups meeting with VP

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

READ:UNKNOWN

TEXT:

great

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUL-1997 13:49:31.00

SUBJECT: Affidavit of support and means tested benefits

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

READ:UNKNOWN

TEXT:

fyi--in response to your question.

----- Forwarded by Elena Kagan/OPD/EOP on 07/11/97 01:49
PM -----

Diana Fortuna

07/10/97 11:45:20 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP

cc: Cynthia A. Rice/OPD/EOP

Subject: Affidavit of support and means tested benefits

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3. issue both a few days later

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUL-1997 13:47:29.00

SUBJECT: re: public health groups meeting with VP

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

READ:UNKNOWN

TEXT:

For you???? of course they would.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUL-1997 13:51:47.00

SUBJECT: Re:

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

TEXT:
yes; we're supposed to wait for her to talk to leadership staff.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JUL-1997 18:16:42.00

SUBJECT: work regs

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

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

TEXT:

where are we on these? I know i missed a meeting last week. Diana, you asked me after that meeting about grandfathering waivers and said you'd send me some materials to jog my memory. Do I have those somewhere? And are there any other issues? And does Sally Katzen now have this reg, or are we doing a kind of pre-OMB review first?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JUL-1997 09:11:22.00

SUBJECT: Potential HHS fallback position on displacement

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

READ:UNKNOWN

TEXT:

fyi

----- Forwarded by Elena Kagan/OPD/EOP on 07/12/97 09:13
AM -----

Diana Fortuna

07/11/97 01:14:09 PM

Record Type: Record

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

cc: Laura Emmett/WHO/EOP

Subject: Potential HHS fallback position on displacement

Monahan tells me that HHS may surface a fallback option on displacement:

They may propose that anti-displacement rules should be limited to those whose employment is subsidized by TANF or the \$3 billion. But they would not apply if the person were getting TANF help for child care or transportation. In the latter case, other employees then could not bring a grievance against their hiring.

Sounds pretty reasonable to me. I wonder if it discourages wage subsidies, and encourages states to spend money on support services rather than direct employer subsidies....

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JUL-1997 16:40:12.00

SUBJECT: Re: Meeting with Rep. Waters' staff on grandparents

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

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

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

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

TEXT:
yes, let's do this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JUL-1997 09:11:55.00

SUBJECT: Re: Children's SSI question

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

READ:UNKNOWN

TEXT:

Great; thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JUL-1997 18:38:51.00

SUBJECT: Re: work regs

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

READ:UNKNOWN

TEXT:

thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JUL-1997 11:28:38.00

SUBJECT: Re: Waters

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

TEXT:

It's going to be on either Tuesday or Thursday. We have some hopes that it will be a productive meeting. As you know, both we and HHS have indicated to Waters that we have serious policy concerns with her welfare/grandmothers amendment. In response, her staff has asked whether we are interested in discussing other approaches or initiatives for supporting this group. We have responded very positively: it would be great if we could do something else for her in this area, rather than just reject her proposal.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JUL-1997 19:06:12.00

SUBJECT: Re:

TO: Sanders D. Korenman (CN=Sanders D. Korenman/OU=CEA/O=EOP @ EOP [CEA])

READ:UNKNOWN

TEXT:

sorry not to get back to you until now. this is terrific. let's talk on monday.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JUL-1997 19:09:53.00

SUBJECT: a good quote

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

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

TEXT:
from Thurgood Marshall: "Unless our children begin to learn together,
there is little hope that our people will ever learn to live together."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1997 20:57:00.00

SUBJECT: Re: Mtg tomorrow at 2:00

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

READ:UNKNOWN

TEXT:

yes

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 15:46:06.00

SUBJECT: service events

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

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

TEXT:

The powers that be have decided to talk about Mars at Girls Nation. We will talk about service at Boys Nation. Ann Lewis said something at the morning meeting about checking whether Americorps legislation would be ready. I take it she means the reauthorization bill? Will it?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 19:34:02.00

SUBJECT: Re: Geronimo Pratt

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

TEXT:
absolutely none. sorry.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 18:29:08.00

SUBJECT: Follow-up mtg.

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 07/15/97 06:31
PM -----

VIRGINIA N. RUSTIQUE
07/15/97 04:33:47 PM
Record Type: Record

To: Emily Bromberg/WHO/EOP, Fred Duval/WHO/EOP, Cynthia A. Rice/OPD/EOP,
Elena Kagan/OPD/EOP
cc: Lisa J. Levin/WHO/EOP
Subject: Follow-up mtg.

Janet would like to meet tomorrow, Wed., 7/16, @ 11am in her office. Pls.
confirm your attendance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 19:30:47.00

SUBJECT: Re: ADA Anniversary on the 26th

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

READ:UNKNOWN

TEXT:

yes, that's good.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 15:10:51.00

SUBJECT: Re:

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

TEXT:
not rude at all. no problem.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 19:33:04.00

SUBJECT: Re: Crack Cocaine

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

TEXT:

I think we shouldn't say what the specific recs are, but indicate that they're moving in the right direction and maybe even that they're within the sentencing commission's recommendation (ask peter if that's ok).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 07:37:19.00

SUBJECT: speech

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

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

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

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

TEXT:

I'm sure you're already on your fifth draft by now, but I managed to read the first one last night. It's quite good. Here are some comments, in no particular order:

1. Why Dubois? I don't know the history very well, but I believe he broke with the NAACP in the 20s or 30s because he believed it had become too integrationist. (He thought that the hatred of segregation signified a hatred of self on the part of the black community.) Mentioning Dubois sends a weird signal to a press that will be looking for signals on integration.

2. On welfare: in addition to the transportation program and the WTW Partnership, we should mention our \$3 billion welfare-to-work program in the budget. That's even more important than the other two things.

3. In the transition to education, I would take explicit note of the NAACP's proud history of fighting for educational opportunity and equality. That's why it makes so much sense to talk about education to this group.

4. I thought the education section wandered a bit. I think I would organize it like this:

A. Brief remarks on integration (by the way, I'd say "in our houses, in our workplaces, and ESPECIALLY in our schools.")

B. The need to improve predominantly poor, minority inner city and rural schools now (i.e., we can't wait for integration, we can't use the goal of integration as an excuse not to do anything about this mess)

1. The need for standards and tests to counter the tyranny of low expectations

2. The equally important need to give students the tools to meet this standards (another way to say this is to insist that teachers, administrators, school districts, etc. also be held to standards)

a. What we've done

b. New teaching initiative

5. On the teachers initiative, we need to show better what a big problem this is -- how teachers in these schools are less well trained, less

experienced, etc. Mike Smith told me that there are some quite "impressive" statistics. Mike--could you get hold of those and give them to Terry? Also, I wouldn't treat the teacher prep part of the program as so much of an afterthought. What we are doing here is to strengthen teacher training programs that operate in partnership with -- and place large numbers of graduates in -- urban or poor rural schools. This is not just a matter of training future teachers well; it's also a matter of improving the quality of teaching in those schools now through partnerships between the schools and the teacher training institutions.

I think that's it for now.

Withdrawal/Redaction Marker Clinton Library

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001. email	Elena Kagan to Bruce Reed. Subject: big think [partial] (1 page)	07/15/1997	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[7/10/1997 - 7/28/1997]

2009-1006-F
ke772

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P6/(b)(6)

[007]

edley @ law.harvard.edu
07/14/97 08:32:00 PM

Record Type: Record

To: Elena Kagan
cc:
Subject: big think

I'm going to send to you a fax of the memo I gave to Sylvia today on policy stuff. Hope we can get together to discuss at an appropriate time. Very concerned about the speech discussion today. Made me feel as though this whole thing could wind up accomplishing just about nothing. But maybe I'm just tired.

Kept trying to twist around so that I could pull you into the intense conversation that Riley and I were having on testing, standards, etc. But Riley was focused on me like a laser, and every time I turned, you were dutifully chatting in the other direction. Ugh.

I'll be around town tomorrow, seeing various people. If there is anything I should come to, please have Laura or June page me. Thanks.

Christopher Edley, Jr.
Professor of Law
Harvard Law School
Cambridge MA 02138
617-495-4614

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01IL8PG0CMR4007PM5@PMDF.EOP.GOV> for kagan_e@a1.eop.gov; Mon,
14 Jul 1997 21:32:13 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IL8PFY02Z4009QE@PMDF.EOP.GOV> for
kagan_e@a1.eop.gov; Mon, 14 Jul 1997 21:32:11 -0500 (EST)

Received: from law.harvard.edu ([140.247.200.68])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01IL8PF9V75M002N5T@STORM.EOP.GOV> for kagan_e@a1.eop.gov; Mon,

14 Jul 1997 21:31:39 -0400 (EDT)

Received: from edley.law.harvard.edu (nas2-37.fas.harvard.edu)
by law.harvard.edu with SMTP (1.40.112.8/16.2) id AA235140292; Mon,
14 Jul 1997 21:31:32 -0400
X-Sender: edley@pop.law.harvard.edu
X-Mailer: Windows Eudora Pro Version 3.0.1 (32)
===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 18:27:56.00

SUBJECT: Crack Cocaine

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

TEXT:

you know about this, yes? to me by the end of the day methinks.

----- Forwarded by Elena Kagan/OPD/EOP on 07/15/97 06:30
PM -----

ANN F.

WALKER

07/15/97 04:04:06 PM

Record Type: Record

To: Dawn M. Chirwa/WHO/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Crack Cocaine

We are preparing a briefing for the President for NABJ and need information/Q&A or statement on crack cocaine and sentencing guidelines. Would you be able to pull this together? We need something by 10am tomorrow. Thanks much.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 19:29:39.00

SUBJECT: Re: Crack Cocaine

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

TEXT:
we're working.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 15:13:28.00

SUBJECT: Re: busing

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

TEXT:

wow. how has he managed to avoid this issue all this time? Many thanks.
Could you get me another copy of the one clipping you did find? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 19:35:58.00

SUBJECT: Re: NAACP speech

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

READ:UNKNOWN

TEXT:

I think it's great. And I like the charter schools graf. Your call.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:15-JUL-1997 15:18:26.00

SUBJECT: RECEIVED: LRM MNB6 Comments Due

TO: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

LRM MNB6 Comments Due

was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

07/15/97 03:18:13 PM

July 15, 1997

MEMORANDUM FOR THE PRESIDENT

THROUGH: ERSKINE BOWLES
 SYLVIA MATHEWS
 JUDITH WINSTON

FROM: BRUCE REED
 ELENA KAGAN

SUBJECT: RACE INITIATIVE POLICY PROCESS

This memorandum sets out the process we will use to develop policy announcements and proposals for the Race Initiative. Our goals are: (1) to help provide a status report on race relations and racial disparities to inform policy development; (2) to assess and communicate the impact of this Administration's prior initiatives -- involving economic growth, education, crime, and so forth -- on race relations and the status of racial minorities; and (3) to build on this Administration's accomplishments and agenda with new initiatives to announce in the coming year and longer-term policies to incorporate in the final Presidential Report. We have a strong base from which to work, and we will attempt to ensure that the policy measures accompanying the Race Initiative will grow out of everything this Administration has done already.

Throughout, we will focus on solutions that reflect the common values of the American people (e.g., equal opportunity and shared responsibility), and respond to their common aspirations (e.g., safe streets, good schools, and affordable housing).

Research and Investigation

In close cooperation with the DPC, NEC, Judy Winston, and Chris Edley, CEA will coordinate research on the current state of race relations and the continuing disparities in critical measures of well-being among individuals of different races. CEA already has developed a draft outline for this research, based on conversations with DPC and Chris Edley. The outline, which is attached to this memo, suggests research on, among other things: (1) disparities in economic success, educational opportunity, health care, political participation, family organization, and criminal victimization; (2) racial segregation in schools, neighborhoods, and workplaces; and (3) the prevalence and consequences of racial discrimination. In addition, research will be done on the differential effects of particular kinds of public policy on racial groups. CEA will do some aspects of this research itself and will assign other aspects to the appropriate offices in Treasury, DOL, Education, HHS, and DOJ. This work will go into the final President's Report and will influence and inform the development of policy discussed below.

Interagency Policy Development Process

The DPC has established four major workgroups to develop policy for the Race Initiative. Bruce Reed, Elena Kagan, and Jose Cerda will coordinate the efforts of these groups. We anticipate developing both administrative actions and legislative proposals, and combining incremental (but important) policy advances with a few truly bold ideas. We will advance some of the policy proposals during the year-long initiative, while saving others for the President's Report at the end. (The right timeframe for policy proposals is not only the FY 1999 budget cycle, but the remaining years of this century and the start of the next.) The workgroups also will have responsibility for assessing the impact of prior Administration initiatives in their policy areas, so that we can build on our own accomplishments.

In coordinating policy development through these workgroups, we of course will work closely with Judy Winston and Chris Edley, and we will incorporate, as appropriate, advice provided to you by the Chair and Members of the Advisory Board. We also will solicit the views of outsiders -- such people as William Julius Wilson, Randall Kennedy, Henry Cisneros, and Doris Kearns come to mind -- to challenge and enhance our own thinking.

1. **Economic and Community Empowerment** (co-chaired by Bruce Reed and Gene Sperling). This group will look at issues and policies relating to (1) job opportunities for unemployed and underemployed minorities, including welfare-to-work efforts and transportation initiatives to move inner city residents to suburban jobs; (2) housing for low-income residents of inner cities, including new or expanded uses of voucher plans and tax incentives to promote mixed-income, multi-racial communities; (3) metropolitan regional strategies to strengthen links between inner cities and suburbs; and (4) minority entrepreneurship, including credit programs building on CRA and CDFI.

Participating White House offices are: DPC, NEC, OVP/CEB, OPL, Intergovernmental, Legislative, CEA, CEQ, OMB.

Participating agencies are: Treasury, Labor, Commerce, Transportation, HUD, SBA, and Interior (for Native American population).

2. **Education** (chaired by Mike Cohen). This group will look at issues and policies relating to (1) failing inner city and rural schools, including issues of racial segregation and enhanced efforts to raise standards, improve teaching, provide improved infrastructure and new technology, promote charter schools, and encourage school takeovers and other accountability mechanisms; (2) education of Hispanic students, including bilingualism; and (3) expanded access to higher education and skills training. (Note that responses to Proposition 209 and Hopwood fall within the Administration of Justice Workgroup.)

Participating White House offices are: DPC, NEC, OVP, OPL, Intergovernmental, Legislative, OMB.

Participating agencies are: Education, Interior.

3. **Administration of Justice** (chaired by Elena Kagan). This group will look at issues and policies relating to (1) criminal law enforcement and prevention, including the underprotection of minority communities (including Indian reservations), police force composition and practices (including diversity issues and community policing), and after-school and other youth programs; and (2) enforcement of civil rights laws, including responses to Proposition 209 and Hopwood, reduction of the EEOC complaint backlog and other EEOC reforms, enhanced efforts on housing and lending discrimination, affirmative action issues generally, and hate crimes initiatives (for November conference).

Participating White House offices are: DPC, OVP, Counsel, OPL, Intergovernmental, Legislative, OMB, ONDCP.

Participating agencies are: Justice, Treasury, Education, DOL, HHS, HUD, USDA, Interior, EEOC.

4. **Health and Family** (chaired by Chris Jennings). This group will look at issues and policies relating to (1) special health care needs of minority populations, including the high incidence of certain health conditions and diseases and the underutilization of certain health care services, such as immunizations and mammograms; and (2) family composition, including efforts to strengthen two-parent families, ensure adoption of minority children, and provide supports to families led by grandparents.

Participating White House offices are: DPC, OVP, OPL, Intergovernmental, Legislative, OMB.

Participating agencies are: HHS, Interior.

This Week's Policy Announcement

As you know, you will be attending the NAACP convention in Chicago on Thursday. We believe this speech offers an excellent opportunity to discuss the intersection of race and education issues. First, your speech can address the value of integration in educational settings. Thurgood Marshall once wrote that “unless our children begin to learn together, there is little hope that our people will ever learn to live together”; your speech can make exactly this link between educational integration and race relations generally to members of the organization most closely identified with progress in this area. This message would echo the strong argument you made for diversity in education in your San Diego speech; it also would lead naturally into your commemoration of the integration of Little Rock Central High School in September. Minyon Moore and others are reaching out to Kweisi Mfume and others to ensure that we address this issue in a way that avoids exacerbating internal NAACP divisions on the subject.

Second and no less important, you can stress the need to improve right now predominantly poor and minority schools in inner city and rural areas. This part of your speech can protest the neglect (financial and otherwise) of predominantly minority schools and the

consignment of their students to a second-class education. Here, you should make a strong statement about the importance of national standards and tests to boost expectations and improve the quality of education. But you should make an equally strong statement about providing students with the tools and opportunities to help them meet those standards -- better teaching, improved infrastructure and new technologies, and mechanisms to take over failing schools, including by turning them into charters (Rosa Parks is now trying to establish a charter school in Detroit).

As a down payment on a broader effort to improve inner city and rural schools, you can announce a new proposal to improve teaching in these institutions. The quality of teaching in inner city and rural schools is much lower than in the rest of the nation; in particular, the teachers in these schools are far less well trained than in others. To address this situation, Title V of the Department of Education's proposed reauthorization of the Higher Education Act, which will be submitted to Congress later this summer, proposes a new initiative to recruit, prepare, and retain teachers in urban and poor rural communities. This program would provide at least \$325 million over five years (we are still working out the exact funding with OMB) for two purposes: (1) to strengthen teacher training programs that operate in partnership with -- and place large numbers of graduates in -- urban or poor rural schools; and (2) to provide scholarships to talented and diverse individuals, chosen jointly by institutions of higher education and eligible school districts, who will commit to teach in urban and poor rural areas for at least three years after graduation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 09:01:02.00

SUBJECT: attached memo

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

TEXT:

Please try to find chris edley (he should be wandering around washington somewhere; i take it he has a pager) and figure out a way to get him the attached memo. Tell him we'd like to get it into the President today, but want to know if he has any suggestions. He should page me THIS MORNING if he does. Also tell him I said to thank him for sending me a copy of his memo, which I very much liked.

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D26]MAIL41633359S.116 to ASCII,
The following is a HEX DUMP:

FF57504307050000010A02010000000205000000C534000000020000041A9BD5750C8A496B6874A
7C5B000CAFEC91F405AFCDEE3EA20BD54A14893699EC18F950AB4F7621B19F0F96A640E3E56401
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BC3916E0E333C218CEC5C178C9A6812A342BC9CCC0629F4FE77AA5C68B4E2CAB09EEA8376CEBDB
2B3DFB04262CECC8DA02928C0A47662ABA4938FC64841909A975B71F771D8FFDE5EB11A3F3DE87
E2112F56D65A12838857466D01B7A5388F47B04B93F588A6D1C0F3D3DF7898F5EEB4B0562E83E9
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507BFA4A1C47E7E0C03A8A9E1FE248CF845AE2DBA3C63F3AA48A2FEDB06D7AC2585AE4FF3D0379
4B657C68D07F6CDA51B65C8D03C36362BDC55447A889A8F40E4D7E03852C0A04C713125409E568
35D9F65FE1F3D0CB210B34AB5DB6091B72D730F9DB070E7FA6E5CB2BEE2D5B5526F7A5923BBC1A
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AB0C10562654AD9D74D0BF9E09C2594BE9933DF9E88CC668654BDDEB5122168CA622254CD287E0
31BB87F5EA02000B00
4E000000A503000009250100000006000000F30300000B300200000028000000F9030000087701
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006D0061006E00200052006500670075006C006100720000000000000000000000000000000000
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000C00D34A756C798031332C8031393937CCCCD3050C0000010000020C00D34D454D4F52414E44
554D80464F5280544845805052455349444454E54CCCC5448524F5547483AE0110C000000006009

July 13, 1997

MEMORANDUM FOR THE PRESIDENT

THROUGH: ERSKINE BOWLES
 SYLVIA MATHEWS
 JUDITH WINSTON

FROM: BRUCE REED
 ELENA KAGAN

SUBJECT: RACE INITIATIVE POLICY PROCESS

This memorandum sets out the process we will use to develop policy announcements and proposals for the Race Initiative. Our goals are: (1) to help provide a status report on race relations and racial disparities to inform policy development; (2) to assess and communicate the impact of this Administration's prior initiatives -- involving economic growth, education, crime, and so forth -- on race relations and the status of racial minorities; and (3) to build on this Administration's accomplishments and agenda with new initiatives to announce in the coming year and longer-term policies to incorporate in the final Presidential Report. We have a strong base from which to work, and we will attempt to ensure that the policy measures accompanying the Race Initiative will grow out of everything this Administration has done already.

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Research and Investigation

In close cooperation with the DPC, NEC, Judy Winston, and Chris Edley, CEA will coordinate research on the current state of race relations and the continuing disparities in critical measures of well-being among individuals of different races. CEA already has developed a draft outline for this research, based on conversations with DPC and Chris Edley. The outline, which is attached to this memo, suggests research on, among other things: (1) disparities in economic success, educational opportunity, health care, political participation, family organization, and criminal victimization; (2) racial segregation in schools, neighborhoods, and workplaces; and (3) the prevalence and consequences of racial discrimination. In addition, research will be done on the differential effects of particular kinds of public policy on racial groups. CEA will do some aspects of this research itself and will assign other aspects to the appropriate offices in Treasury, DOL, Education, HHS, and DOJ. This work will go into the final President's Report and will influence and inform the development of policy discussed below.

Interagency Policy Development Process

The DPC has established four major workgroups to develop policy for the Race Initiative. Bruce Reed, Elena Kagan, and Jose Cerda will coordinate the efforts of these groups. We anticipate developing both administrative actions and legislative proposals, and combining incremental (but important) policy advances with a few truly bold ideas. We will advance some of the policy proposals during the year-long initiative, while saving others for the President's Report at the end. The workgroups also will have responsibility for assessing the impact of prior Administration initiatives in their policy areas, so that we can build on our own accomplishments. In coordinating policy development through these workgroups, we of course will work closely with Judy Winston and Chris Edley, and we will incorporate, as appropriate, advice provided to you by the Chair and Members of the Advisory Board.

1. **Economic and Community Empowerment** (co-chaired by Bruce Reed and Gene Sperling). This group will look at issues and policies relating to (1) job opportunities for unemployed and underemployed minorities, including welfare-to-work efforts and transportation initiatives to move inner city residents to suburban jobs; (2) housing for low-income residents of inner cities, including new or expanded uses of voucher plans and tax incentives to promote mixed-income, multi-racial communities; (3) metropolitan regional strategies to strengthen links between inner cities and suburbs; and (4) minority entrepreneurship, including credit programs building on CRA and CDFI.

Participating White House offices are: DPC, NEC, OVP/CEB, OPL, Intergovernmental, Legislative, CEA, CEQ, OMB.

Participating agencies are: Treasury, Labor, Commerce, Transportation, HUD, SBA, and Interior (for Native American population).

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Participating agencies are: Education, Interior.

3. **Administration of Justice** (chaired by Elena Kagan). This group will look at issues and policies relating to (1) criminal law enforcement and prevention, including the underprotection of minority communities (including Indian reservations), police force composition and practices (including diversity issues and community policing), and after-

school and other youth programs; and (2) enforcement of civil rights laws, including responses to Proposition 209 and Hopwood, reduction of the EEOC complaint backlog and other EEOC reforms, enhanced efforts on housing and lending discrimination, affirmative action issues generally, and hate crimes initiatives (for November conference).

Participating White House offices are: DPC, OVP, Counsel, OPL, Intergovernmental, Legislative, OMB, ONDCP.

Participating agencies are: Justice, Treasury, Education, DOL, HHS, HUD, USDA, Interior, EEOC.

4. **Health and Family** (chaired by Chris Jennings). This group will look at issues and policies relating to (1) special health care needs of minority populations, including the high incidence of certain health conditions and diseases and the underutilization of certain health care services, such as immunizations and mammograms; and (2) family composition, including efforts to strengthen two-parent families, ensure adoption of minority children, and provide supports to families led by grandparents.

Participating White House offices are: DPC, OVP, OPL, Intergovernmental, Legislative, OMB.

Participating agencies are: HHS, Interior.

First Policy Announcement

As you know, you will be attending the NAACP convention in Chicago on Thursday. We believe this speech offers an excellent opportunity to discuss the intersection of race and education issues. First, your speech can address the value of integration in educational settings. Thurgood Marshall once wrote that “unless our children begin to learn together, there is little hope that our people will ever learn to live together”; your speech can make exactly this link between educational integration and race relations generally to members of the organization most closely identified with progress in this area. This message would echo the strong argument you made for diversity in education in your San Diego speech; it also would lead naturally into your commemoration of the integration of Little Rock Central High School in September. Minyon Moore and others are reaching out to Kweisi Mfume and others to ensure that we address this issue in a way that avoids exacerbating internal NAACP divisions on the subject.

Second and no less important, you can stress the need to improve right now predominantly poor and minority schools in inner city and rural areas. This part of your speech can protest the neglect (financial and otherwise) of predominantly minority schools and the consignment of their students to a second-class education. Here, you should make a strong statement about the importance of national standards and tests to boost expectations and improve the quality of education. But you should make an equally strong statement about providing students with the tools and opportunities to help them meet those standards -- better teaching,

improved infrastructure and new technologies, and mechanisms to take over failing schools, including by turning them into charters (Rosa Parks is now trying to establish a charter school in Detroit).

As a down payment on a broader effort to improve inner city and rural schools, you can announce a new proposal to improve teaching in these institutions. The quality of teaching in inner city and rural schools is much lower than in the rest of the nation; in particular, the teachers in these schools are far less well trained than in others. To address this situation, Title V of the Department of Education's proposed reauthorization of the Higher Education Act, which will be submitted to Congress later this summer, proposes a new initiative to recruit, prepare, and retain teachers in urban and poor rural communities. This program would provide at least \$325 million over five years (we are still working out the exact funding with OMB) for two purposes: (1) to strengthen teacher training programs that operate in partnership with -- and place large numbers of graduates in -- urban or poor rural schools; and (2) to provide scholarships to talented and diverse individuals, chosen jointly by institutions of higher education and eligible school districts, who will commit to teach in urban and poor rural areas for at least three years after graduation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 15:16:17.00

SUBJECT: Re: Letter on Abortion Provisions in Reconciliation

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

TEXT:

I think the note says that the president shouldn't respond, but that bruce should. but check -- i may be wrong.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:15-JUL-1997 15:19:18.00

SUBJECT: RECEIVED: LRM #MYC 133 -- VA Testimony on HR 1703, Department of Veterans Affairs

TO: Melissa Y. Cook (CN=Melissa Y. Cook/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

LRM #MYC 133 -- VA Testimony on HR 1703, Department of Veterans Affairs Employment Discrimination was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

07/15/97 03:16:25 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 08:48:09.00

SUBJECT: one last thing

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

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

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

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

TEXT:

Could we also mention (in the part of the speech that lists the things we need to make standards work) ways to hold schools accountable -- e.g. by taking over failing schools and/or transforming them into charters. We probably should mention here that Rosa Parks is trying to start a charter school in Detroit.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUL-1997 12:25:17.00

SUBJECT: Re: Deportation of Criminal Aliens

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

READ:UNKNOWN

TEXT:

did you send them here? thanks.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Bruce Reed. Subject: [offer] (1 page)	07/16/1997	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[7/10/1997 - 7/28/1997]

2009-1006-F

ke772

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-JUL-1997 12:28:09.00

SUBJECT: Re: An interesting offer.

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

TEXT:

well, how could i turn that down? i'd love to -- thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUL-1997 13:39:00.00

SUBJECT: Re: uniformed division secret service

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

TEXT:
you bet.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUL-1997 08:49:27.00

SUBJECT: Re: NAACP speech

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

READ:UNKNOWN

TEXT:

sounds good. i hadn't thought about the "who's going" question; I certainly hadn't planned to. do you affirmatively NOT want to do it?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUL-1997 08:53:11.00

SUBJECT:

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

TEXT:
----- Forwarded by Elena Kagan/OPD/EOP on 07/16/97 08:53 AM -----

Jose Cerda III
07/16/97 12:21:40 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Bruce N. Reed/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP
Subject:

EK:

A long, drawn out Q and A on crack for the black journalist event. Sorry so late. Let me know what you think. I think it's pretty definite that this will come up.

Also, we should probably run it by Peter before we finalize. Don't you think. In the end, he and Tracey will probably have to call some members no matter what we say.

jose iii

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

TEXT:
Unable to convert ARMS_EXT: [ATTACH.D38]MAIL46442369Q.116 to ASCII,
The following is a HEX DUMP:

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7D908110B07CD87E7CE382DA6371291A458D6D4C03867FDDA2A57B5BE6561A3BFC957AF932FF6D
1AB0440727E677D2782948475193030FC787B1B45B3FE1F94FAB78290356188DAC8F8DFC04FE90
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**Questions/Answers for National Association of Black Journalists Meeting
July 16, 1997**

Q: Mr. President, your Administration has supported a sentencing policy that punishes blacks users of crack cocaine a hundred times more harshly than white users of powder cocaine. How can you defend this policy, and how can you say that your Administration is promoting racial reconciliation and dialogue when you support a policies like this, which seem blatantly unfair and discriminatory to most African Americans?

A: I understand the concern that many African Americans have when they are told that black users of crack are punished much more severely than white users of powder cocaine. The current disparity in our sentencing laws for cocaine -- or the so-called 100 to 1 ratio -- is unfair and should be adjusted. But the issue is not as simple and straightforward as equalizing penalties, and I would like to explain why.

Since the mid 1980s, crack cocaine -- and the armed gangs that deal in it -- have fueled an unprecedented level of violence in our cities and among our youth. And while this violence now seems to have stabilized, it remains at intolerable levels -- and crack cocaine defendants continue to be associated with much more violence than powder cocaine and other drug users. In principle then, I continue to believe that crack cocaine should be punished more severely than powder cocaine -- and that is why I rejected the Sentencing Commission's proposal last year to equalize penalties for crack and powder cocaine.

In practice, however, my Administration has realized that the current 100 to 1 ratio, which triggers 5-year mandatory drug penalties for crack users at 5 grams and for powder users at 500 grams, is flawed. Generally speaking, federal law enforcement resources should target serious drug traffickers -- or at least mid-level dealers that can provide information to help prosecute these more serious traffickers. Both the 5 and 500 gram triggers in current law seem to miss this mark: the crack trigger is too low, and the powder trigger is too high.

To some extent, however, we already compensate for this flaw in two ways: First, federal prosecutors generally use their discretion to target the more serious offenders. Thus, the typical crack defendant convicted in the federal system is not a kid, not a first-time offender and likely to have carried a gun and trafficked in at least 80 grams of crack -- or, frankly, a serious criminal. Second, the "safety valve" provision that I signed into law as part of the 1994 Crime Bill exempts certain first-time, non-violent crack

offenders from the 5-year mandatory drug penalty. As a result, hundreds of drug offenders -- including the small percentage of lower level crack dealers that make their way into the federal system -- will be eligible to have their sentences reduced an average of 25%.

In the final analysis, however, our own flexible policies in enforcing the law do not change the fact that the extreme disparity between crack and powder penalties is unjustified and should be reduced. That's why I intend to support a reduction in the 100 to 1 ratio, and to work with Members of Congress to make such a change to current law. The Sentencing Commission recently recommended a range of sensible options for doing this. I believe they suggested that penalties for powder and crack cocaine should be "pinched" -- that is to say, that the trigger for powder should be dropped from 500 grams to somewhere between 125 and 375 grams, and that the trigger for crack should be increased from 5 grams to somewhere between 25 and 75 grams. And I will ask the Attorney General and Drug Director to work with Members of Congress to adopt make an adjustment within these ranges.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUL-1997 13:21:37.00

SUBJECT: Re: Prison Q/A

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

TEXT:
you didn't send it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUL-1997 12:27:37.00

SUBJECT: Re: Deportation of Criminal Aliens

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

READ:UNKNOWN

TEXT:

i just saw it. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUL-1997 12:19:30.00

SUBJECT: Re: Invitation to Welcome Maurice Daniel to the White House

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

TEXT:
i'd love to.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUL-1997 12:51:58.00

SUBJECT: uniformed division secret service

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

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

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

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

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

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

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

TEXT:

The FOP refused to attend our meeting with Reno and Rubin today on Brady because of our failure to make a decision on the secret service question. we've let this go on too long; we need to give an answer, regardless what it is. Laura will schedule a meeting so we can discuss next steps.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUL-1997 12:52:42.00

SUBJECT: Re: More on Farmers

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:

Please get a q&a to press. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:18-JUL-1997 12:24:49.00

SUBJECT: RECEIVED: Reminder--Comments on LRM MNB10 Due

TO: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
Reminder--Comments on LRM MNB10 Due
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
07/18/97 12:18:55 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUL-1997 12:14:59.00

SUBJECT: Re: weekly submission

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

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

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

TEXT:

Bill -- while we're telling him about california, we should also let him know what's going on in texas. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:18-JUL-1997 12:23:58.00

SUBJECT: RECEIVED: OMB Legislative Report, July 17, 1997

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
OMB Legislative Report, July 17, 1997
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
07/18/97 12:15:31 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUL-1997 12:16:18.00

SUBJECT: YCGII

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

TEXT:
please print

----- Forwarded by Elena Kagan/OPD/EOP on 07/18/97 12:16
PM -----

Jose Cerda III
07/18/97 12:26:21 AM
Record Type: Record

To: Elena Kagan/OPD/EOP, Christa Robinson/OPD/EOP, Leanne A.
Shimabukuro/OPD/EOP, Bruce N. Reed/OPD/EOP
cc:
Subject: YCGII

Crime Stoppers:

Attached please find a 2-pager on the YCGII, some Q/A and a list of the 10 new cities for your review. I guess we need to get this to the press office before the radio address tomorrow -- 7:40pm. PLEASE NOTE: One of the cities -- Las Vegas -- dropped out a short while ago, so we'll need to find a replacement first thing in the a.m. Also, Houston still needs to be confirmed as a go.

Regards,
Sleepy

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D43]MAIL47425489L.116 to ASCII,
The following is a HEX DUMP:

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**EXPANSION OF THE YOUTH CRIME GUN INTERDICTION INITIATIVE
JULY 19, 1997**

BACKGROUND:

- On July 8, 1996, President Clinton directed the Attorney General and Secretary Rubin to implement a pilot program in 17 cities to trace as many guns as possible, especially those trafficked to kids.
- Under this pilot program, the Youth Crime Gun Interdiction Initiative (YCGII), Federal and local law enforcement in each city worked together to submit all crime guns seized for tracing and use this information to identify and locate illegal gun traffickers.
- Since then, the Treasury Department's Bureau of Alcohol, Tobacco and Firearms (ATF) has provided local police departments and ATF special agents with specialized training, computers and software -- and traced as many guns as possible through the National Training Center. Today's report details the findings of this effort.

FINDINGS OF TODAY'S REPORT:

- **Confirms kids and guns is a serious problem in all 17 cities.** Juvenile and youth crime guns account for nearly half (45%) of the firearms recovered from crime scenes and criminals.
- **Reveals that kids use some of the most concealable and dangerous guns.** While 80% of youth and juvenile crime guns are handguns -- and 60% are semiautomatic pistols, only 70% of adult crime guns are handguns -- and less than half, or 47%, are semiautomatics.
- **Crime guns used by kids are concentrated among a relatively small number of makes and models.** The 10 most popular types of crime guns account for 25% of all crime guns. In some cities, this percentage is as high as 50% for youth or juveniles (e.g., Birmingham, Memphis).
- **At least 25% of the crime guns used by kids move rapidly (3 years or less) from first retail sale to crime scenes.** That means that a significant portion of legally purchased guns are quickly and illegally diverted to kids and criminals.
- **The number of trace requests nearly doubled in the 17 pilot cities.** While not all traces submitted could be completed, for a variety of reasons, overall requests submitted to ATF jumped from about 20,000 to 37,000.

HOW TRACING WORKS

- **The Shikes Case.** Shortly after the YCGII was launched, ATF and the Milwaukee Police Department received a tip that an individual named "Larry" was selling guns to gang members. This individual was Larry Shikes, and he was selling guns from the trunk of his car in the parking lot of the grocery store where he worked as a security guard.

A review of trace information on Milwaukee crime guns revealed that Shikes had originally purchased several guns that were recovered in connection with youth gang crimes -- including homicides, assaults and drive-by-shootings. Shikes illegal activity was further documented by undercover purchases of additional shotguns and handguns.

Shikes was arrested in April 1997. He pled guilty to dealing in firearms without a license and providing firearms to convicted felons. He is scheduled to be sentenced next month.

LESSONS LEARNED:

- **A new anti-crime tool.** By submitting all crime guns for tracing, the YCGII is showing law enforcement at all levels how young people are getting guns. This is critical information that will allow law enforcement to prioritize the investigation of gun traffickers.
- **Guns are being trafficked to kids.** ATF traces and investigations clearly show that certain corrupt gun dealers are selling guns to large volume traffickers and straw purchasers, who are in turn funneling guns to our youth. With more tracing information and enforcement resources, we can crackdown on these traffickers and break-up the supply of guns to kids and criminals.
- **Brady checks important.** Background checks are needed to help keep guns from being illegally diverted. So it's critical that state and local law enforcement continue their commitment to Brady.

TODAY'S ANNOUNCEMENT:

- **More Cities, More Resources.** Today, the President will expand the YCGII to 10 more cities. The Treasury Department will commit \$11 million to augment its tracing efforts next year, and the Department of Justice will dedicate funds from the Bureau of Justice Assistance to help provide training to participating state and local law enforcement agencies. Additional funds will also be sought for ATF agents from unobligated funds.

**YOUTH CRIME GUN INTERDICTION INITIATIVE
QUESTIONS AND ANSWERS
JULY 19, 1997**

Q: What exactly has the Administration learned from this report -- and how will it be used to reduce juvenile gun crime?

First, we have learned that comprehensive, community-based tracing of crime guns is doable -- as well as a worthwhile endeavor. The voluntary commitment of each of these cities to submit as many crime guns as possible for tracing resulted in a near doubling in the overall number of trace requests -- from about 20,000 to 37,000. In New York, for example, trace requests jumped from 4,000 to 13,000; in San Antonio, trace requests increased from a mere 500 to about 2,000.

Second, we have learned that substantial number of guns -- nearly half of those recovered from crime scenes or criminals -- are being trafficked to our kids in a variety of ways and shortly after they were legally purchased. We have learned that kids are more likely than adults to commit a crime with a new handgun -- especially with certain types of semiautomatic pistol. And we have learned that most crime guns generally originate from in-state sources.

And thirdly, each of the communities involved -- and Federal law enforcement -- have learned more about the make-up and trafficking patterns of crime guns in their area. These community specific reports are a valuable enforcement tool that can be used to crackdown on local traffickers and break-up the supply of guns to our kids. This is how Boston has used its trace information, and -- as I understand it -- last week they celebrated their second anniversary of no juvenile gun homicides.

Q: Can you please clarify today's announcement?

A: Based on our experience with the first 17 cities, we are going to expand the Youth Crime Gun Interdiction Initiative (YCGII) to an additional 10 cities. There was considerable interest from other cities when we initiated the pilot program last year, so we are pleased to expand the YCGII today. A copy of these cities should be in your press packet.

To pay for this -- and to increase ATF's overall ability to do more traces and trace analysis -- Treasury will dedicate about \$11 million from its forfeiture fund next year. That's about 10 times what we've spent during this first year, so that's a significant enhancement.

Also, the Justice Department's Bureau of Justice Assistance has set aside some funds to help train participating state and local law enforcement agencies.

Q: How were both the new cities for this initiative picked?

A: As I understand it, most of the cities were selected based on the number of firearms and violent offenses committed by youths and juveniles. However, several of the cities were picked because, unlike the national crime trend, they have been experiencing increases in violent crime over the past few years.

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

A: Well, first let me make clear that we are only one-year into this initiative, and that establishing the tracing infrastructure (i.e., trained officers, computers, software, etc.) and producing the national and local reports was our initial goal.

Also, the YCGII is a special component of ATF's overall firearms trafficking strategy that has generated thousands of investigations over the past year -- involving tens of thousands of illegally trafficked firearms. And over time, we expect the YCGII to contribute many important cases to this workload.

Having said that, to date, ATF estimates that the YCGII has helped initiate some 75 pending trafficking investigations.

Q: How come ATF only traced an average of 37% of the guns submitted to the National Tracing Center?

A: There are several reasons why complete traces were not conducted for all crime guns. In some cases, because of different tracing guidelines and practices, not all of the required information was submitted. In other cases, firearms were either too old or serial numbers obliterated. While traces can be completed in these instances, they are much more resource intensive. Many of these issues can now be addressed.

It is important to note, however, that not all trace analyses depend on a successfully completing trace requests.

**THE YOUTH CRIME GUN INTERDICTION INITIATIVE
PHASE TWO CITIES
JULY 19, 1997**

Chicago, Illinois
Los Angeles, California
Detroit, Michigan
Philadelphia, Pennsylvania*
Houston, Texas
Miami, Florida
Tucson, Arizona*
Minneapolis, Minnesota*
Las Vegas, Nevada
Cincinnati, Ohio

Most cities were selected because of the high number of firearms and violent offenses committed by juveniles and youth. Those cities marked with an asterisk (*) were chosen because, unlike the national trend, they have experienced increases in violent crime.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUL-1997 12:18:31.00

SUBJECT: Tobacco Economic Meeting

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

TEXT:
la-dee-da

----- Forwarded by Elena Kagan/OPD/EOP on 07/18/97 12:18
PM -----

Joshua Gotbaum
07/18/97 10:21:57 AM
Record Type: Non-Record

To: Paul J. Weinstein Jr./OPD/EOP
cc: Elena Kagan/OPD/EOP
Subject: Tobacco Economic Meeting

Paul,

Since this has happened several times, can you please make sure that OMB is included in the future.

Thanks.
----- Forwarded by Joshua Gotbaum/OMB/EOP on 07/18/97
10:10 AM -----

Cathy R. Mays 07/18/97 09:03:54 AM

Record Type: Record

To: Joshua Gotbaum/OMB/EOP@EOP
cc:
Subject: Tobacco Economic Meeting

Somehow you were left off of Paul Weinstein's list for this meeting -- you are invited as well. Sorry for the short notice.

----- Forwarded by Cathy R. Mays/OPD/EOP on 07/18/97
09:03 AM -----

Cathy R. Mays 07/15/97 04:28:53 PM

Record Type: Record

To: Peter R. Orszag/OPD/EOP, Elizabeth Drye/OPD/EOP, Jeanne Lambrew/OPD/EOP, Mark J. Mazur/CEA/EOP
cc:
Subject: Tobacco Economic Meeting

We will be holding a tobacco economic meeting on Friday, July 18, at 11:00 a.m. in Bruce Reed's office. Others attending will be Janet Yellen, Larry Summers, John Gruber, Chad Stone, Dan Tarullo, and Judy Wilkenfeld.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUL-1997 12:12:36.00

SUBJECT: Weekly Report

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 07/18/97 12:12
PM -----

Sandra Thurman

07/17/97 07:18:20 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Weekly Report

Needle Exchange - The House Labor/HHS Subcommittee of Appropriations marked up their bill on July 15 without a challenge to the Chairman's mark which preserves the waiver authority of the Secretary of HHS. HHS (Kevin Thurm) and the AIDS advocates have been assured by the staff directors for Reps. Porter and Obey that no unfriendly amendments are expected at at full committee. This is great news so far, however we are anxiously watching, waiting, and keeping our fingers crossed.

We are in daily contact with a number of AIDS organizations on this issue and continue to assure them that we are prepared to fight to preserve the Secretary's authority should the need arise.

Decreases in the AIDS Death Rate - On Monday, July 14 the CDC released new figures showing a 19% decrease in the AIDS death rate in the first 9 months of 1996, compared with the same period in 1995. The CDC attributed these findings to greater access to medical care and the development of effective therapies for HIV and associated opportunistic infections. The AIDS advocates noted that as AIDS death rates decline, there are increasing numbers of individuals living with HIV who require access to these lifesaving interventions.

We are continuing to emphasize that, while we are delighted with the news of the drop in death rates, we must not forget that rates of infection are on the rise in women, people of color, and adolescents. The epidemic is not over.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-JUL-1997 17:42:46.00

SUBJECT: weekly

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

READ:UNKNOWN

TEXT:

I didn't put in your voc ed item. Please resubmit it when the House passes the bill. Many thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-JUL-1997 17:42:46.00

SUBJECT: Cab Briefing

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

TEXT:
fyi

----- Forwarded by Elena Kagan/OPD/EOP on 07/19/97 03:54 PM -----

Ronda H. Jackson
07/18/97 04:52:16 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: David S. Beaubaire/WHO/EOP, Elisabeth S. Steele/OVP @ OVP, Rosemary B. O'Shea/WHO/EOP
Subject: Cab Briefing

This is a draft of the agenda....

CABINET BRIEFING
July 23, 1997
Roosevelt Room--4:00 p.m.

Agenda

- I. Welcome Erskine
Bowles
- II. Fast Track Gene
Sperling
- III. Race Judy Winston Elena Kagan
Initiative
- IV. Climate Change Katie
McGinty Todd Stern

Message Sent

To: _____
Andrew J. Mayock/WHO/EOP
Melissa Green/OPD/EOP
Robert S. Kapla/CEQ/EOP
Elena Kagan/OPD/EOP

June G. Turner/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-JUL-1997 17:42:46.00

SUBJECT: Re: Rvw of Connerly Letter

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

READ:UNKNOWN

TEXT:

Way too long, I think -- it tries too hard to convince and sounds defensive. After the basic thank you/share your letter stuff, there should be one paragraph on the President's views on affirmative action (both the mend and the don't end parts), and a short paragraph on California/Texas. Then sign off.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-JUL-1997 17:42:46.00

SUBJECT: Cab Briefing

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

TEXT:
please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 07/19/97 03:53
PM -----

Ronda H. Jackson
07/18/97 04:52:16 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: David S. Beaubaire/WHO/EOP, Elisabeth S. Steele/OVP @ OVP, Rosemary B. O'Shea/WHO/EOP
Subject: Cab Briefing

This is a draft of the agenda....

CABINET BRIEFING
July 23, 1997
Roosevelt Room--4:00 p.m.

Agenda

- | | | | |
|------------|------|----------------|-----------------------------|
| Bowles | I. | Welcome | Erskine |
| Sperling | II. | Fast Track | Gene |
| Initiative | III. | Race | Judy Winston
Elena Kagan |
| McGinty | IV. | Climate Change | Katie
Todd Stern |

Message Sent

To: _____
Andrew J. Mayock/WHO/EOP
Melissa Green/OPD/EOP
Robert S. Kapla/CEQ/EOP
Elena Kagan/OPD/EOP

June G. Turner/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-JUL-1997 17:42:47.00

SUBJECT: Re: More on California

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

TEXT:

sounds right. could you (1) get hold of the draft report and (2) write a new set of talking points? I will also call a meeting on this subject soon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-JUL-1997 17:42:48.00

SUBJECT: Education, Race, Health...Events

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

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

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

TEXT:

chris and jen -- i'd love to do this health disparities stuff as our next race event -- on aul 15 or whenever the next opportunity is. Can the two of you push on it -- figure out where hhs is, press toward developing some concrete announcements/action plans for how to reduce the disparities, etc. Check in with Melissa (in addition to the policy people); she was quite interested in this project. Thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 07/19/97 04:27 PM -----

Christa Robinson
07/17/97 07:13:34 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Education, Race, Health...Events

Scheduling/Communications is holding August 15th and September 8th (POTUS' first day back from vacation) for Back to School events. They would like us come up with something for one of those days. The Radio Address being taped on Sept. 5th is another option.

Right now, there is still a possibility that the next race advisory board meeting will be held on Aug. 15th. If that does get confirmed for the 15th than the education event would definitely be in September. Also, if they do the race meeting they would like to do something on racial disparities in health care. Please let me know if any of this seems particularly problematic right now -- more than the usual! Thanks.

Message Sent

To: _____
Michael Cohen/OPD/EOP
Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
William R. Kincaid/OPD/EOP
Sarah A. Bianchi/OMB/EOP
Jose Cerda III/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-JUL-1997 17:42:46.00

SUBJECT: meeting

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

TEXT:

you've asked, laura for some time on monday, yes?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JUL-1997 19:31:56.00

SUBJECT: The Trip of the President to Lake Tahoe,Los Angeles,Las Vegas

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

READ:UNKNOWN

TEXT:

what do you want to do on this? are you going?

----- Forwarded by Elena Kagan/OPD/EOP on 07/21/97 07:34
PM -----

CORNELIUS_C @ A1

07/21/97 01:14:00 PM

Record Type: Record

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

cc:

Subject: The Trip of the President to Lake Tahoe,Los Angeles,Las Vegas

The President is currently scheduled to travel to Lake Tahoe, California to participate in the Lake Tahoe Summit..Los Angeles, California to participate in a DCCC fundraiser and Las Vegas, Nevada to deliver a speech to the National Governor's

Association.

He is scheduled to depart on Saturday, July 26th and return to Washington, DC on Tuesday, July 29th.

Names of staff and guests which need to travel with the President to support his travel to all or any of the above locations must

be

submitted to me via e-mail by Thursday, July 24th at 12pm for consideration by the Chief of Staff's office.

As always, thanks for your help.

Catherine

Message Sent

To:

Brenda M. Anders
Kris M Balderston
David S. Beaubaire
Debra D. Bird
Laura Capps
Carolyn E. Cleveland
Michael Cohen
Catherine A. Cornelius
Marilyn DiGiacobbe
Jennifer D. Dudley
Anne M. Edwards
Rahm Emanuel
Shelley N. Fidler
Andrew Friendly

Jeremy M. Gaines
Jason S. Goldberg
D. Stephen Goodin
Julia R. Green
Nancy V. Hernreich
Russell W. Horwitz
Phu D. Huynh
Brian J. Johnson
John Podesta
Elena Kagan
Angus S. King
Katherine Hubbard
Kirk T. Hanlin
Bruce R. Lindsey
Gordon Li
Laura D. Schwartz
Julie E. Mason
Anne E. McGuire
April Mellody
Megan C. Moloney
Linda Moore
Kevin Moran
Michael Terrell
Peter R. Orszag
Dan K. Rosenthal
Stephen B. Silverman
Joshua Silverman
Craig T. Smith
Aviva Steinberg
Todd Stern
Stephanie S. Streett
Sara M. Latham
Sylvia M. Mathews
Lisa Tamagni
Marjorie Tarmey
June G. Turner
Michael Waldman
Ann F. Walker
Christopher F. Walker
Kathleen M. Wallman
Christopher Wayne
Dorian V. Weaver
Paul J. Weinstein Jr.
Daniel Wexler
Cecily C. Williams
Michelle Crisci
Karen E. Finney
Patricia Solis-Doyle
Jaycee A. Pribulsky
Evan Ryan
Jeffrey A. Forbes
Kelly Craighead
Laura A. Graham
Mary Morrison
Rebecca A. Cameron
Ann M. Cattalini
Robert B. Johnson
Betty Currie
Joshua A. King
Lorraine L. Wytkind
Lori Anderson
Jacquelyn J. Bennett
Ann M. Cattalini

Doris O. Matsui
Jeffrey A. Forbes
Thurgood Marshall Jr. @ OVP@EOP
Cecily C. Williams
Angelique Pirozzi
Victoria Radd
Kristen E. Panerali
James M. Teague
Dorinda A. Salcido
Suzanne Dale
Steven A. Cohen
David S. Beaubaire
Dan K. Rosenthal
PALMIERI_J @ A1@CD@LNGTWY
Minyon Moore @ eop@LNGTNY@LNGTWY
MILLISON_C @ A1@CD@LNGTWY
PR_U=LWILLIAM@PR_L=WHMOOEEOB@MRP@LNGTWY
PR_U=DSTUMP@PR_L=WHMOOEEOB@MRP@LNGTWY
PR_U=DMCKINNE@PR_L=WHMOOEEOB@MRP@LNGTWY
PR_U=TSTEELE@PR_L=WHMOOEEOB@MRP@LNGTWY
PR_U=JWHILL@PR_L=WHMOOEEOB@MRP@LNGTWY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JUL-1997 15:19:20.00

SUBJECT: Re: So my sense is that ...

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

READ:UNKNOWN

TEXT:

yes. which meant that I did not a thing on it last week. let's talk about it soon though. welcome back.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JUL-1997 19:36:44.00

SUBJECT: Unions

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

READ:UNKNOWN

TEXT:

fyi. i agree with ED on all counts.

----- Forwarded by Elena Kagan/OPD/EOP on 07/21/97 07:39 PM -----

Elizabeth Drye
07/21/97 04:57:45 PM
Record Type: Record

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

Good meeting. OPM was very pleased. On cessation and bargaining, simple language changes -- (1) affirming agency heads discretion to fund cessation programs and (2) clarifying that areas of flexibility can be subject to collective bargaining -- would go a long way to addressing their concerns. We could be more directive (e.g. agency heads SHOULD CONSIDER funding smoking cessation programs). Should I draft some specific language with OPM?

Re. indoor air -- that's messy. I refrained from seeking empathy for my 4 years breathing the air at Waterside Mall. Do you want me to check into what we might say, if anything, on the issue? I highly doubt it will make sense to put anything in the EO itself.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JUL-1997 19:38:37.00

SUBJECT: Re: Immunization

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

TEXT:

I agree with that approach. I forgot all about the child care conference. why not announce it?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 21-JUL-1997 19:34:11.00

SUBJECT: Brady Decision Meeting

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

READ: UNKNOWN

TEXT:

could you find out what this is about? it may be just a meeting about the legal principles involved, for use in other regulatory areas. but check. thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 07/21/97 07:36 PM -----

Phyllis Kaiser-Dark
07/21/97 04:52:27 PM
Record Type: Record

To: Elena Kagan/OPD/EOP, Kathleen M. Wallman/WHO/EOP, William P. Marshall/WHO/EOP
cc: Sally Katzen/OMB/EOP, Michael A. Fitzpatrick/OMB/EOP
Subject: Brady Decision Meeting

Sally Katzen is hosting a meeting with Randy Moss (DOJ) to discuss the Brady decision on Thursday, July 31, 10:00am, Rm. 350. Please let me know if this time conflicts on your calendar (x54852). Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JUL-1997 19:36:09.00

SUBJECT: Re: Unions

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

READ:UNKNOWN

TEXT:

yes, let's draft some specific language on the first two points -- go as far as we can on cessation, I think. On air quality generally, I'm sure you're right. Is it possible, though, that he could make some general reference to this in his remarks?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 21-JUL-1997 15:23:55.00

SUBJECT: Re: CA/TX talking points

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

READ: UNKNOWN

TEXT:

thanks. ask laura to send you my edited version.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JUL-1997 14:22:11.00

SUBJECT: Higher Education Commission

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 07/21/97 02:24
PM -----

Sylvia M. Mathews
07/21/97 10:21:01 AM
Record Type: Record

To: Bob J. Nash/WHO/EOP, Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc:
Subject: Higher Education Commission

Do we have one? I just received a call saying that Dodd is interested in being on the commission. Do you have any ideas about what was being referred to? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JUL-1997 19:41:05.00

SUBJECT: Re: Needle Exchange Q & A
This looks good to me.

I am concerned that our current Q & A on needle exchange is obsolete. The question the Pres

Q: What does the Administration plan to do about lifting the ban on federal funding of nee

A: We firmly believe that we must do everything possible to address the twin epidemics of

Let me know what you think.

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

TEXT:

I changed it a bit, so you should be receiving a new version soon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JUL-1997 15:27:44.00

SUBJECT: Re:

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

READ:UNKNOWN

TEXT:

where's this from? i'm not able to print your email in a format that I
can use.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 21-JUL-1997 19:32:28.00

SUBJECT: SSI

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

TEXT:

what's my answer to this question?

----- Forwarded by Elena Kagan/OPD/EOP on 07/21/97 07:34
PM -----

Sylvia M. Mathews
07/21/97 04:11:02 PM
Record Type: Record

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

Did you get a copy of the Jonathan Stein memo? What do you think we should do to respond?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JUL-1997 15:24:50.00

SUBJECT: nga policy resolutions

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

TEXT:

where are we on this?

----- Forwarded by Elena Kagan/OPD/EOP on 07/21/97 03:27
PM -----

Lisa J. Levin
07/21/97 01:29:25 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: nga policy resolutions

have you had a chance to look at the NGA Policy Resolutions. Do you think we will have the DPC responses by cob today?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JUL-1997 15:20:55.00

SUBJECT: Re: Terry Edmonds

TO: Laura K. Capps (CN=Laura K. Capps/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

not a problem at all. but you should warn him that there are lots of them
and that they involve a level of detail that (I hope) he will never have
to master!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JUL-1997 15:22:28.00

SUBJECT: Possible message events during POTUS vacation

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

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

TEXT:
could you send this to the whole staff with a note that they should e-mail
me any ideas? thanks
----- Forwarded by Elena Kagan/OPD/EOP on 07/21/97 03:24
PM -----

Eli G. Attie
07/21/97 11:22:39 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Possible message events during POTUS vacation

Elena -- Ann asked me to try to get a sense of things that could be
announced, released, etc. during the POTUS's vacation -- reports that
Cabinet could release, things of that sort.

Is someone in your shop able to compile such a list or memo for me or Ann?

Many thanks,

Eli

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-JUL-1997 20:32:21.00

SUBJECT: Re: Update on city testing event

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

READ:UNKNOWN

TEXT:

chicago too, right? wow.

Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Elena Kagan to Mona Mohib. Subject: [invite] (1 page)	07/22/1997	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[7/10/1997 - 7/28/1997]

2009-1006-F

ke772

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:22-JUL-1997 12:41:07.00

SUBJECT: National Teacher's Association (NEA)

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:

----- Forwarded by Elena Kagan/OPD/EOP on 07/22/97 12:43
PM -----

Minyon Moore

07/22/97 09:34:26 AM

Record Type: Record

To: Sylvia M. Mathews/WHO/EOP

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

Subject: National Teacher's Association (NEA)

I received a call from Mary Elizabeth Teasly from the NEA yesterday indicating that they rec'd dozens of calls from their members inquiring about the President's new teachers education proposal that was announced at the NAACP. They didn't know the President was going to make this announcement and was blind-sided in the press. I remember raising this with one of my colleagues. For those who don't know, the NEA has been a major supporter of the President dating back to the '92 campaign. They are often called to rally the troops on behalf of the President and Vice-President. Sylvia I suggested to Mary that she give you a call for more details.

Message Copied

To: _____

Elena Kagan/OPD/EOP

James T. Edmonds/WHO/EOP

Richard Socarides/WHO/EOP

Maria Echaveste/WHO/EOP

Mickey Ibarra/WHO/EOP

Craig T. Smith/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 10:11:18.00

SUBJECT: Re: Elena's trip to PA/IL

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

READ:UNKNOWN

TEXT:

none.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-JUL-1997 18:23:20.00

SUBJECT: Re: Incentives

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

READ:UNKNOWN

TEXT:

aok

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-JUL-1997 18:45:01.00

SUBJECT: Re: Waters Mtg. Reminder

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D89]MAIL46497640S.216

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:24-JUL-1997 18:22:25.00

SUBJECT: RECEIVED: Re: Update on possible Amtrak language as part of reconciliation

TO: Mark J. Schwartz (CN=Mark J. Schwartz/OU=OMB/O=EOP. [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Re: Update on possible Amtrak language as part of reconciliation
was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

07/24/97 06:22:26 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-JUL-1997 09:11:54.00

SUBJECT: Welfare to Work Options

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 07/25/97 09:11 AM -----

Barry White
07/24/97 10:55:07 PM
Record Type: Record

To: Jacob J. Lew/OMB/EOP
cc: See the distribution list at the bottom of this message
Subject: Welfare to Work Options

Attached are two one-pagers with the options discussed tonight:

Welfare to Work Program Structure Option
FLSA Options

Please e-mail questions or corrections to both Larry and me in the morning, or call whichever you can find in.

Message Copied

To: _____
Lisa M. Kountoupes/OMB/EOP
Janet Himler/OMB/EOP
Kenneth S. Apfel/OMB/EOP
Joshua Gotbaum/OMB/EOP
Elena Kagan/OPD/EOP
Cynthia A. Rice/OPD/EOP
Diana Fortuna/OPD/EOP
Larry R. Matlack/OMB/EOP
Maureen H. Walsh/OMB/EOP
Keith J. Fontenot/OMB/EOP
Jeffrey A. Farkas/OMB/EOP
Charles Konigsberg/OMB/EOP

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D75]MAIL45063350P.216 to ASCII,
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000C70D0000000200003736BDFED784FA4444192E
F13D60F8986B8884661A44AFDE6777F3F85D6D970AC5B49B668CAA800F95CD9496C3D3CE7CD15F
2224D9E963880E2BBDA09EEDEFD803C7B267E3031976E417D4285DDCDA7C6D68F3F00CEC170B3C
B820DD3D3007CE9205AA9FE3C8A1021755FF2D6521AF720408EA3EA406BFC2BFCD8C816F23D6B9
91612DE06F125D9F39BFEB53413AEDA41F779173DA55CF3937887F25C0EBE8A22AA7EFB1CC0FC2

WELFARE TO WORK PROGRAM STRUCTURE OPTION

- **Formula vs. Competitive share.**

The House-passed bill included two differing provisions, which also differed from the Senate passed bill:

House Ways and Means: 50% formula; 50% competitive.

House Education and Workforce: 95% formula; 5% competitive

Senate: 75% formula; 25% competitive

OPTION: 70% formula; 30% competitive

All provisions of the July 24th Conference bill draft with respect to allocating funds from the Federal to the State level, and from the State level to sub-state areas apply.

- **Federal/State administration:**

The two House-passed bills provide for administration of the formula and the competitive parts by the Department of Labor and, for the formula part within States, administration by the State and local Private Industry Council system under JTPA.

The Senate-passed bill provides for administration of both parts through the Department of Health and Human Services and, for the formula part within States, administration by the State TANF system.

I:\data\wtwadmin

OPTION: Administration through the Department of Labor and the JTPA/PIC system, except that all competitive grants in the second year of the program must be awarded by the end of the 2d quarter of the fiscal year (March 31, 1999).

The provision of the Ways and Means bill requiring Welfare to Work funds to be spent in accord with an agreement between the PIC and the TANF agency apply.

Fair Labor Standards Act (FLSA) Options

Option 1:

- If an individual participating in a work experience or community service program is an employee (as determined by current law), the Fair Labor Standards Act (FLSA) applies.
 - Participants who are employees are covered by employee protection laws such as the FLSA, the OSH Act, and anti-discrimination laws.
 - Participants who are not employees (e.g., trainees) under the FLSA, will be covered by other employee protection laws such as the OSH Act and anti-discrimination laws.
 - o In addition, they will be covered by a grievance procedure that includes the right to a hearing within a specified time period and appeal of an adverse finding to a neutral State agency selected by the Governor.
- Participants in activities funded by welfare-to-work funds or TANF cannot displace current employees (including a reduction in hours, wages, or benefits) or be employed in a job resulting from a layoff or a workforce reduction to create the vacancy or in a job that impairs promotional opportunities for current employees. (Senate provision)
- Regardless of "employee" status, participants in programs financed with welfare-to-work or TANF funds, and their employers, shall not be covered by unemployment compensation and FICA taxes. Such individuals shall not be eligible for the EITC.

Option 2:

- The determination of the applicability of the FLSA to participants in community service or work experience programs published in the Federal Register by the Department of Labor (DOL) on May 16, 1997 shall remain unchanged through September 30, 2000. The DOL shall not issue any other regulations, interpretations, or guidance on this matter prior to September 30, 2000.
 - Participants who are not employees shall be treated as in Option 1.
- Anti-displacement provisions same as Option 1.
- Coverage of and eligibility for unemployment compensation, FICA, and the EITC same as Option 1.

Option 3:

- House provision, but sunset on September 30, 2000. Participants in work experience and community service programs during this period are not considered to be receiving compensation for work and are not entitled to a salary or work or training expenses.
- Unemployment compensation, FICA, and the EITC same as Option 1.

I:\data\wtwjobs\flsa_opt.724

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-JUL-1997 11:46:38.00

SUBJECT: Re: Welfare to Work Options

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

READ:UNKNOWN

TEXT:

good. I asjed jack about this, and he said levin hadn't brought it up!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-JUL-1997 12:05:52.00

SUBJECT: Re: Paper on domestic violence

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

TEXT:
do you have a copy?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-JUL-1997 13:44:52.00

SUBJECT: questions

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

READ:UNKNOWN

TEXT:

1. How many people are now on the rolls?
2. What percentage is that of the population?
3. When we say that Wisconsin has put 23m and wisconsin 160m in new funds into child care, is that this year?
4. What are examples of states that have seamless child care systems?
5. What was the rate of child support collection in 1992? now (or in 1996)? Can we get state-by-state breakdowns on child support?
6. Have any states actually diverted funds? If I want to name a "bad" state -- and say why -- which should it be?
7. Are there any interesting graphics -- a map, a chart, etc. -- we can, should offer?
8. What's the year (1994??) that TANF funds are pegged to?

Many, many thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-JUL-1997 11:43:53.00

SUBJECT: Re: FOP Meeting with Erskine

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

TEXT:

Please do a short cover memo to put on top of the informational memo we gave the President a month or so ago. If I could see it by mid-afternoon, that would be great. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1997 10:19:15.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

It's very beautiful. And I think you have the themes exactly right: a deep-rooted belief in the dignity of every individual (as much a part of his personality as of his jurisprudence) and a commitment to the Constitution as a living charter of freedom. Perhaps the only thing I'd add is an unshakable determination to protect the underdog -- the people whom no one else will protect, etc.

And a man who transformed America through his words should be recognized by his words. I'd pick out five great quotes, and put them in. I think that will be more effective than just talking about his rulings, as in paragraph 5.

Again, it's quite beautiful and very moving.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 07:37:19.00

SUBJECT: speech

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

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

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

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

TEXT:

I'm sure you're already on your fifth draft by now, but I managed to read the first one last night. It's quite good. Here are some comments, in no particular order:

1. Why Dubois? I don't know the history very well, but I believe he broke with the NAACP in the 20s or 30s because he believed it had become too integrationist. (He thought that the hatred of segregation signified a hatred of self on the part of the black community.) Mentioning Dubois sends a weird signal to a press that will be looking for signals on integration.
2. On welfare: in addition to the transportation program and the WTW Partnership, we should mention our \$3 billion welfare-to-work program in the budget. That's even more important than the other two things.
3. In the transition to education, I would take explicit note of the NAACP's proud history of fighting for educational opportunity and equality. That's why it makes so much sense to talk about education to this group.
4. I thought the education section wandered a bit. I think I would organize it like this:
 - A. Brief remarks on integration (by the way, I'd say "in our houses, in our workplaces, and ESPECIALLY in our schools.")
 - B. The need to improve predominantly poor, minority inner city and rural schools now (i.e., we can't wait for integration, we can't use the goal of integration as an excuse not to do anything about this mess)
 1. The need for standards and tests to counter the tyranny of low expectations
 2. The equally important need to give students the tools to meet this standards (another way to say this is to insist that teachers, administrators, school districts, etc. also be held to standards)
 - a. What we've done
 - b. New teaching initiative

5. On the teachers initiative, we need to show better what a big problem this is -- how teachers in these schools are less well trained, less experienced, etc. Mike Smith told me that there are some quite "impressive" statistics. Mike--could you get hold of those and give them to Terry? Also, I wouldn't treat the teacher prep part of the program as so much of an afterthought. What we are doing here is to strengthen teacher training programs that operate in partnership with -- and place large numbers of graduates in -- urban or poor rural schools. This is not just a matter of training future teachers well; it's also a matter of improving the quality of teaching in those schools now through partnerships between the schools and the teacher training institutions.

I think that's it for now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-JUL-1997 11:10:53.00

SUBJECT: new language

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

READ:UNKNOWN

TEXT:

I hope cynthia has sent you this already, but if not: we recommend adding something like "as the law I signed went into full effect in every state." You may also want to make a slight change in the next sentence so that it all reads right together. Many thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JUL-1997 19:09:53.00

SUBJECT: a good quote

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

from Thurgood Marshall: "Unless our children begin to learn together,
there is little hope that our people will ever learn to live together."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1997 08:48:09.00

SUBJECT: one last thing

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

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

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

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

TEXT:

Could we also mention (in the part of the speech that lists the things we need to make standards work) ways to hold schools accountable -- e.g. by taking over failing schools and/or transforming them into charters. We probably should mention here that Rosa Parks is trying to start a charter school in Detroit.