

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 009 - FOLDER 003

[5/26/1999 - 6/14/1999]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Sarah Wilson et al. re: President Clinton nominates Charles R. Wilson, William Joseph Haynes, Jr. [partial] (1 page)	05/27/1999	P6/b(6)
002. email	Elena Kagan to Bruce Reed re: Stanford Law and Policy Review [partial] (1 page)	06/07/1999	P6/b(6)
003. email	Elena Kagan to Bruce Reed re: reponses to letters on racial profiling [partial] (1 page)	06/08/1999	P6/b(6)
004a. email	Elena Kagan to Sarah Wilson et al. re: New Senate Form (1 page)	06/11/1999	P2, P5, P6/b(6)
004b. email attachment	Form (35 pages)	06/11/1999	P2, P5, P6/b(6)
005. email	Elena Kagan to Steven Reich et al. re: Questions (1 page)	06/11/1999	P2
006. email	SSN (Partial); DOB (Partial) (1 page)	06/14/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/26/1999-06/14/1999]

2009-1006-F
bml13

RESTRICTION CODES

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

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

- 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]

- 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]

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.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-MAY-1999 08:01:25.00

SUBJECT: Re: Draft potus memo

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

you're far too nice.

----- Forwarded by Elena Kagan/OPD/EOP on 05/26/99 08:04
AM -----

Todd Stern

05/25/99 08:10:00 PM

Record Type: Record

To: "Christopher Edley, Jr." <edley @ law.harvard.edu>

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

Subject: Re: Draft potus memo

1. I will edit the graphs on the Compact to make clear that you're talking about a challenge grant rather than a block grant. I have circulated the new chapter to Bruce, Elena and Mike, but my guess is that they will still be concerned about the "undermining" point and still believe that our ESEA proposals aren't prominent enough. Assuming that's the case, I will leave in a slightly modified version of the Compact graphs (fixing "challenge," the funding stream point, etc.)

2. On social promotion, I think you're right and that this point in my memo should probably come out.

3. On high standards, I think the draft creates some ambiguity and that this is likely what DPC has reacted to. Indeed, when I first read your section on resource equity, I wasn't entirely sure whether you intended the use of standards and tests to be contingent on some greater equalizing of resources. I get it now, but I wasn't sure when I first read the text.

The embrace of standards in the draft seems grudging. To begin with, it is folded into the section on resource inequities rather than being put in its more natural place, in the "High Expectations and Accountability." Second, the tone is -- "standards and tests can be important but don't forget about inequality in resources" -- rather than a fuller, warmer embrace of the standards movement and why the President thinks it's so important, followed by a strong statement about what we need to do to promote greater resource equity.

I actually think this sort of thing ought to be fixable without presenting the issue to the President, but so far you and Terry have been reluctant to make the change. So that's where we are.

4. I think your puzzlement on the economic point is entirely fair. The problem is that I have been trying to convey something without having anything in writing. Why don't we say that I'll delete this graph if I

don't get anything in writing from NEC. If I do get something, I'll put in a clearer paragraph or not, as their submission dictates.

5. On racial profiling, I'll edit to indicate your preference for a flat ban. Let me include here the text of an email from Chuck that you might not have seen:

"Having spent a few days trying to draft an appropriate introduction to the Executive Order, I discussed with Maria on Friday what I hope will be the solution to the problem. Early in the week, Eric Holder is meeting with INS to determine whether there is any real need for the "INS exception" to an absolute ban on racial profiling. Assuming that the answer is "no," we should then be able to stake out for the President the same firm position already publicly adopted by the Vice President and the Attorney General."

Am I right that you would oppose a data collection EO even with a firm opening statement similar to the VP's? Or would such a statement at the opening of a data collection Order resolve the matter for you? I assume it wouldn't, but I want to check before indicating to the President that there is still a dispute.

Of course, I will circulate a new draft of the memo as soon as I have one ready. Thanks for your continuing effort on this. tds

Message Copied

To:

James T. Edmonds/WHO/EOP
Maria Echaveste/WHO/EOP
Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Gene B. Sperling/OPD/EOP
Melissa G. Green/OPD/EOP
mike_cohen @ ed.gov
Charles F. Ruff/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-MAY-1999 19:44:43.00

SUBJECT: Re: Does either of you know how many vetoes President has cast on "partial-birth

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

READ:UNKNOWN

TEXT:

I think two.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-MAY-1999 07:31:03.00

SUBJECT: RECEIVED: FINAL CLEARANCE -- FY00 Energy Water Approps Bill Letter -- 8:30AM Dead

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

FINAL CLEARANCE -- FY00 Energy Water Approps Bill Letter -- 8:30AM Deadline
was successfully received by:

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

at:

05/27/99 07:33:48 AM

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Sarah Wilson et al. re: President Clinton nominates Charles R. Wilson, William Joseph Haynes, Jr. [partial] (1 page)	05/27/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/26/1999-06/14/1999]

2009-1006-F

bml13

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]
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- 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.

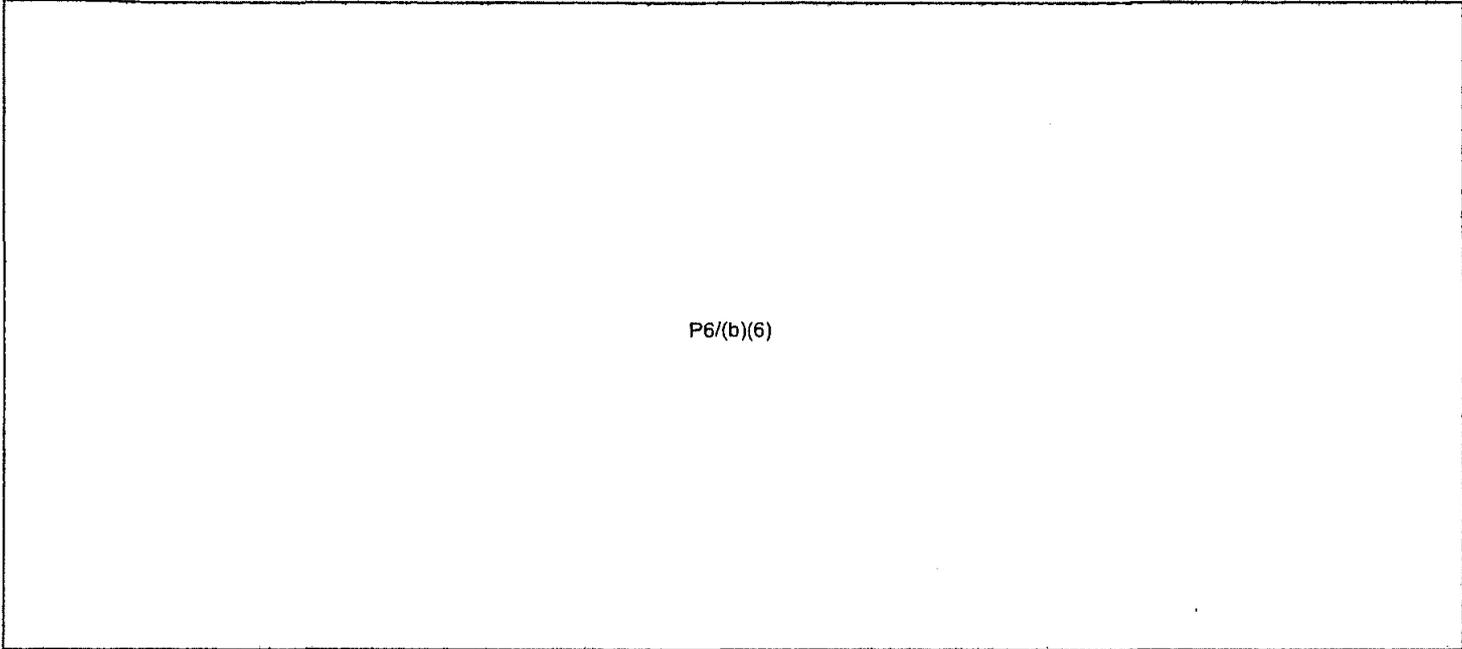
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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)



Jason H. Schechter
05/27/99 02:41:41 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: President Clinton Nominates Charles R. Wilson, William Joseph Haynes, Jr., Patricia A. Coan, Fredric D. Woocher, Dolly M. Gee, and Victor Marrero to the Federal Bench

THE WHITE HOUSE

Office of the Press Secretary
(Yulee, Florida)

For

Immediate
Release
1999

May 27,

PRESIDENT CLINTON NOMINATES CHARLES R. WILSON, WILLIAM JOSEPH HAYNES, JR., PATRICIA A. COAN, FREDRIC D. WOOCHEER, DOLLY M. GEE, AND VICTOR MARRERO TO THE FEDERAL BENCH

The President today nominated Charles R. Wilson to the U.S. Court of Appeals for the Eleventh Circuit of Florida, William Joseph Haynes, Jr. to the U.S. District Court for the Middle District of Tennessee, Patricia A. Coan to the U.S. District Court for the District of Colorado, Fredric D. Woocher and Dolly M. Gee to the U.S. District Court for the Central District of California, and Victor Marrero to the U.S. District Court for the Southern District of New York.

Mr. Charles R. Wilson, of Tampa, Florida, has served as United States Attorney for the Middle District of Florida since 1994. Shortly after graduating from law school, Mr. Wilson served as a law clerk for Judge Joseph W. Hatchett, who had recently integrated what was then the Fifth

[001]

(and is now the Eleventh) Circuit. After his clerkship with Judge Hatchett, Mr. Wilson worked briefly for the Hillsborough County Attorney's Office, followed by five years as a solo practitioner. In November 1986, Governor Bob Graham appointed Mr. Wilson to serve as a state county judge. In May 1990, Mr. Wilson was selected to be a United States Magistrate Judge for the Middle District of Florida. Mr. Wilson attended the University of Notre Dame for both college and law school, receiving his B.A. in 1976 and his J.D. in 1979.

Judge William Joseph Haynes, Jr. of Nashville, Tennessee, has served as a United States Magistrate Judge for the Middle District of Tennessee since 1984. Prior to his appointment as a Magistrate Judge, Judge Haynes was a sole practitioner in Nashville, and held several positions in the Tennessee Attorney General's Office, including Deputy Attorney General from 1978-84, Senior Assistant Attorney General from 1977-78, and Assistant Attorney General from 1973-77. In addition, Judge Haynes has been a lecturer in law at Vanderbilt Law School. He received his B.A. in 1970 from the College of St. Thomas and his J.D. in 1973 from Vanderbilt University School of Law.

Judge Patricia A. Coan, of Denver, Colorado, has served as a United States Magistrate Judge for the District of Colorado since 1996. Prior to her appointment as a Magistrate Judge, Judge Coan had been a partner with the law firm Waltz, D'Antuono and Coan from 1995-96, and Coan and Collyar from 1994-95. She was previously a sole practitioner from 1985 to 1994, and again in 1995. Judge Coan was also an associate with Bauer and Buescher from 1983-85, and with Hornbein, MacDonald, Fattor and Buckley from 1981-83. She received her B.S.N. in 1967 from Georgetown University and her J.D. in 1981 from the University of Denver College of Law.

-more-

Mr. Fredric D. Woocher, of Los Angeles, California, has been a partner at the Santa Monica firm of Strumwasser and Woocher since 1991. Following law school, Mr. Woocher clerked for United States Supreme Court Justice William J. Brennan, Jr. from 1979-80, and Chief Judge David L. Bazelon of the United States Court of Appeals for the District of Columbia from 1978-79. He received his B.A. in 1972 from Yale University, his M.A. in 1975 from Stanford University, his Ph.D. in 1977 from Stanford University, and his J.D. in 1978 from Stanford Law School.

Ms. Dolly M. Gee, of Los Angeles, California, is a partner at the Los Angeles firm of Schwartz, Steinsapir, Dohrmann & Sommers. Ms. Gee was appointed by the President to serve on the Federal Service Impasses Panel from 1994-99. Ms. Gee clerked for the Honorable Milton L. Schwartz of the U.S. District Court for the Eastern District of California from 1984-86. Ms. Gee graduated from the University of California at Los Angeles in 1981 and UCLA School of Law in 1984.

Mr. Victor Marrero, of New York City, New York, currently serves as Ambassador, Permanent Representative of the United States to the Organization of American States (OAS), and previously served as Ambassador, United States Representative on the Economic and Social Council of the United Nations from 1993-97. Mr. Marrero practiced real estate law as a partner in two New York firms: Brown & Wood from 1986-93, and Tufo & Zuccotti from 1982-85. Mr. Marrero has served in a number of state and federal government positions, including Undersecretary at the U.S. Department of Housing and Urban Development from 1979-81, Commissioner of the New York State Division of Housing & Community Renewal from 1978-79, Chairman of the New York City Planning Commission from 1976-77, First Assistant Counsel to the Governor of New York from 1975-76, Special Counsel to the Comptroller of the City of New York from 1974-75, and Assistant to the Mayor from 1968-70. Marrero has been an adjunct or

visiting lecturer in law at Columbia from 1990-93 and Yale Law Schools from 1985-87. Born in Puerto Rico, Mr. Marrero received a B.A. from New York University in 1964 and an LL.B. from Yale Law School in 1968.

30-30-30

Message Sent

To:

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Kathleen K. Ahn/WHO/EOP
Ruby Shamir/OPD/EOP
William Hadley/OA/EOP
Melissa J. Prober/WHO/EOP
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David Vandivier/OMB/EOP
john.longbrake @ do.treas.gov
Dawn M. Chirwa/WHO/EOP
Setti D. Warren/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-MAY-1999 07:31:02.00

SUBJECT: RECEIVED: FINAL CLEARANCE -- DoT Approps Bill, FY00 Letter for Senate Full Commit

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

FINAL CLEARANCE -- DoT Approps Bill, FY00 Letter for Senate Full Committee Mark-up
was successfully received by:

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

at:

05/27/99 07:33:55 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAY-1999 11:34:49.00

SUBJECT: Re: FTC Letter

TO: David R. Goodfriend (CN=David R. Goodfriend/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

You and Neera seem to disagree on this. I'd appreciate it if you'd check in with her.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAY-1999 10:47:28.00

SUBJECT: FTC Letter

TO: Neera Tanden (CN=Neera Tanden/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

don't they have this already???

----- Forwarded by Elena Kagan/OPD/EOP on 05/31/99 10:51 AM -----

David R. Goodfriend
05/31/99 09:30:37 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: FTC Letter

Elena--

On the outside chance that you're checking your e-mail this fine Memorial Day, I want to make sure we get the FTC letter as soon as possible. The event is tomorrow at 11:30; if you want the letter to be ready by then, we need to get it soon.

I'll page you later today if I don't hear from you.

--David

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAY-1999 11:10:49.00

SUBJECT: Re: FTC Letter

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

TEXT:

I think we sent this down to you on friday afternoon

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 1-JUN-1999 18:45:30.00

SUBJECT: RECEIVED: FINAL CLEARANCE -- Draft Census Letter -- Need Sign-off by 3:00PM TODAY

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

FINAL CLEARANCE -- Draft Census Letter -- Need Sign-off by 3:00PM TODAY

was successfully received by:

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

at:

06/01/99 06:49:51 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-JUN-1999 11:27:10.00

SUBJECT: Re: we got a call from Mike Duffy about a

TO: Melissa G. Green (CN=Melissa G. Green/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

yep

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-JUN-1999 10:06:18.00

SUBJECT: Contact List

TO: picw (picw @ worldnet.att.net @ inet [UNKNOWN])

READ:UNKNOWN

TEXT:

Here is the return email for Elena. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-JUN-1999 10:54:17.00

SUBJECT: Re: ESEA changes

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

READ:UNKNOWN

TEXT:

What fax is ppi thinking of mentioning this is? Why instinct is to convince them that we don't get anything by highlighting this split.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-JUN-1999 18:11:29.00

SUBJECT: Re: draft briefing paper

TO: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

just bruce and chris unless cynthia already thinks she's going. does she?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-JUN-1999 09:25:31.00

SUBJECT: INS Restructuring Meeting with Groups

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

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

TEXT:

Mary Beth Cahill called me yesterday to complain that you weren't including her staff in meetings you are having with immigration advocates. (Indeed, she thinks you are deliberately excluding her staff, but I assume this isn't so.) Could you please make every effort to work cooperatively with Mary Beth's office and make sure that her staff participates in all contacts and meetings they wish to? Thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 06/04/99 09:24 AM -----

Mary E. Cahill
06/04/99 09:02:32 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: INS Restructuring Meeting with Groups

----- Forwarded by Mary E. Cahill/WHO/EOP on 06/04/99 09:01 AM -----

Maritza Rivera
06/03/99 06:42:07 PM
Record Type: Record

To: Mary E. Cahill/WHO/EOP@EOP
cc:
Subject: INS Restructuring Meeting with Groups

FYI
----- Forwarded by Maritza Rivera/WHO/EOP on 06/03/99 06:41 PM -----

Irene Bueno
06/03/99 05:45:32 PM
Record Type: Record

To: Mickey Ibarra/WHO/EOP@EOP, Maritza Rivera/WHO/EOP@EOP
cc: Maria E. Soto/WHO/EOP@EOP
Subject: INS Restructuring Meeting with Groups

Here is a report on a meeting with groups on INS restructuring. Please

let me know if you have any questions. Thanks.

----- Forwarded by Irene Bueno/OPD/EOP on 06/03/99 05:47
PM -----

Irene Bueno
06/03/99 09:15:56 AM
Record Type: Record

To: Maria Echaveste/WHO/EOP
cc: Janet Murguia/WHO/EOP, Steven M. Mertens/OMB/EOP, Clara J.
Shin/WHO/EOP
Subject: INS Restructuring Meeting with Groups

Maria -

On Wed 6/2, Janet, Steve and I met with representatives from some of the advocacy groups on INS Restructuring. We had a good meeting and they seemed satisfied where the Administration is on this issue and we will continue to work together to make sure INS Restructuring occurs in a way that is consistent with Administration's principals.

They expressed concern that there is a vacuum of leadership on the Hill on this issue and asked that the Administration take a more visible role on this issue.

We informed them that we are pushing INS to develop a bold and credible plan that would withstand any argument that INS is not making fundamental changes. They were also aware of the meeting that Reno is having with Rodgers to discuss INS Restructuring matters and we explained that Reno plans to discuss the Administration's principles of the INS Restructuring and to lay the groundwork for a working relationship with Rodgers to develop a plan that would be consistent with both our goals.

They also strongly suggested that the INS restructuring plan be presented by someone other than the INS and we explained that that the Department of Justice and the AG herself would be the lead person on this issue. This is a preferable approach given Reno's good relationship with Rodgers and they seemed pleased with that strategy.

The groups informed us that they have sent letters to key members of Congress on their principles (this letter was attached to the letter they sent to you) which are quite similar to our principles. They are also planning to follow up with Congressional staff meetings with the Congressional Hispanic Caucus (6/18), states with high immigrant populations, and key members on the House and Senate side particularly members of the House Appropriations Committee including - Serrano, Roybal-Allard, and Pastor.

Please let me know if you have any questions. Thanks.

(Janet and Steven - let me know if I left anything out.)

Irene

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 4-JUN-1999 13:36:18.00

SUBJECT: RECEIVED: Welfare to Work/our Census bill/\$1 bi over 2 yrs not 1

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Welfare to Work/our Census bill/\$1 bi over 2 yrs not 1

was successfully received by:

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

at:

06/04/99 01:25:52 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 4-JUN-1999 13:23:05.00

SUBJECT: RECEIVED: FOR CLEARANCE -- OMB Ltrr to Lott on Lockbox -- comments no later than

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

FOR CLEARANCE -- OMB Ltrr to Lott on Lockbox -- comments no later than 5:00PM TODAY
was successfully received by:

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

at:

06/04/99 01:26:13 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUN-1999 09:51:53.00

SUBJECT: Re: Detention Amendment Moving Out Very Soon

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

TEXT:

what is this and what's your worry?

----- Forwarded by Elena Kagan/OPD/EOP on 06/07/99 09:56 AM -----

Jose Cerda III
06/07/99 09:41:02 AM
Record Type: Record

To: Irene Bueno/OPD/EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Detention Amendment Moving Out Very Soon

Irene:

We need to speak w/Bruce about this, and I may want to speak w/Michael Deich, too. This shouldn't move forward until then.

jc3

Irene Bueno
06/07/99 08:27:12 AM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Jose Cerda III/OPD/EOP
cc: Courtney O. Gregoire/OPD/EOP
Subject: Detention Amendment Moving Out Very Soon

I hear this package may be introduced as early as today, Monday - please let me know (by phone - since my computer is being updated this morning) if you have problems with this package.

Thanks.

----- Forwarded by Irene Bueno/OPD/EOP on 06/07/99 08:29 AM -----

Kenneth L. Schwartz
06/04/99 05:49:54 PM
Record Type: Record

To: Maria Echaveste/WHO/EOP, Janet Murguia/WHO/EOP, Irene Bueno/OPD/EOP

cc: See the distribution list at the bottom of this message
Subject: Detention Amendment Moving Out Very Soon

It appears that the INS detention amendment is likely to be transmitted to the Hill in the next several days. Director Lew is about to forward the amendment to the WH. We have left messages with you or your staff. This note is simply to confirm that you have no problem with the amendment, including timing.

Message Copied

To:

Michael Deich/OMB/EOP
Douglas Pitkin/OMB/EOP
David J. Haun/OMB/EOP
Steven M. Mertens/OMB/EOP
Clara J. Shin/WHO/EOP

Message Copied

To:

Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Courtney O. Gregoire/OPD/EOP
Leanne A. Shimabukuro/OPD/EOP
James Boden/OMB/EOP

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Bruce Reed re: Stanford Law and Policy Review [partial] (1 page)	06/07/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/26/1999-06/14/1999]

2009-1006-F
bml13

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)

[002]

P6/(b)(6)

Tanya E. Martin
06/07/99 05:33:14 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc:
Subject: Stanford Law and Policy Review

The Stanford Law and Policy Review has invited the President to submit an article on education reform for its Spring 2000 issue on "Education in the New Millienium: Examining Alternatives to Traditional Public Education."

Ann Lewis has asked me to pull together a draft article. These are my rough notes from a brief conversation I had with her on this article. She thought we could do an article around the WH millineum theme of honoring the past and imagining the future:

- tracing the history of public schools in this country,
- what they've meant to our democracy, and
- key principles for how the President believes we can make them better (in no particular order)

- standards
- accountability
- choice
- teaching basics (reading, math, smaller classes)
- early childhood education
- parental involvement
- values and character
- leaving no child behind
- 21st century skills
- order and safety

I will refine these ideas and work on a more detailed outline of an article. I just wanted to flag this for you in case you had any thoughts on direction/concerns before I started drafting.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUN-1999 08:28:10.00

SUBJECT: Re: INS Restructuring Meeting with Groups

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

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

TEXT:
no problem; thanks.

FY 2000 Tobacco Proposals
June 7, 1999 – DRAFT 9:30am

Below are several approaches that would reduce youth smoking and raise revenue for health-related programs in FY 2000. All estimates are preliminary. Either an industry payment or a company payment based on the number of children smoking could raise close to \$4 billion. Adding an acceleration of the scheduled increase in the tobacco excise tax to either payment could raise another \$1.1 billion.

Industry and Company Payments

Industry Payments

Each tobacco company would pay a per-child payment based on the number of children smoking nationwide (regardless of brands smoked).

- A one-time payment of \$1,200 per kid raises about \$4.4 billion in payment payments, less about \$600 million in lost excise tax revenues, for a net revenue effect of \$3.8 billion. This payment amounts to 22 cents per pack; because such payments would be nondeductible for the companies, prices would go up by 33 cents per pack.
- A one-time payment of \$900 per kid raises about \$3.4 billion, less about \$500 million in lost excise tax revenues, for a net effect of \$2.9 billion. This translates into 17 cents per pack in payment, and a 26-cent increase in retail prices.

Company Payments

Each tobacco company would pay a per-child payment based on the number of children smoking its brands of cigarettes nationwide.

- A one-time payment of \$1,000 per kid raises about \$3.8 billion, translating into 19 cents per pack payment.
- A one-time payment of \$750 per kid raises about \$2.9 billion, and translates into 15 cents per pack in payment.

Both options would use data gathered by the newly expanded SAMSHA survey, which collects both brand-specific and overall data about smoking among youth. [check data availability]

Acceleration of Excise Tax Increase

The 1997 Balanced Budget Act raised the tobacco excise tax 10 cents per pack effective January 1, 2000 and another 5 cents effective January 1, 2002. Accelerating the scheduled 15 cent tobacco tax increase, so that it takes effect in FY2000, would add about \$1.1 billion in FY 2000. The increase would be slightly less if coupled with the industry payment, rather than the company payment, because the industry payment would increase cigarette higher, reducing cigarette consumption and the revenue raised by the higher excise tax.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUN-1999 09:57:19.00

SUBJECT: DC READS VOLUNTEER OPPORTUNITY

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

READ:UNKNOWN

TEXT:

this is great.

----- Forwarded by Elena Kagan/OPD/EOP on 06/07/99 10:01 AM -----

Hillary Rodham Clinton

06/07/99 09:51:29 AM

Record Type: Record

To: All EOP Users, All USTR Users

cc:

Subject: DC READS VOLUNTEER OPPORTUNITY

During July and August, an estimated 30,000 District of Columbia students with low test scores will participate in the D.C. Public Schools summer program. The program is part of the District's ambitious plan to end social promotion and give children the extra help they need to meet higher education standards. This is the kind of positive reform the President has asked all school districts nationwide to adopt. Those of us who work at the White House have a special responsibility -- and an exciting opportunity -- to help the District's effort succeed.

In order to help as many students as possible improve their scores and advance to the next grade with their classmates, the D.C. Public Schools and the organization known as DC Reads are looking for more than a thousand reading tutors who will work one-on-one with children. The President, who issued an executive memorandum last year to make it easier for Federal employees to volunteer their time, will ask all Federal agencies to consider adopting a D.C. school this summer.

It is my hope that White House staff, interns, and volunteers (and their friends and family members) will meet this challenge by adopting Francis Junior High School. The school is within walking distance of the White House (24th and N Streets, N.W.), and it is in great need of volunteer tutors with or without previous tutoring experience. Although the site is a junior high school, most of the children in the summer program are first- to sixth-graders. Many are or have been homeless. Some are currently living with foster families.

The time commitment for tutors is modest: a maximum of 12 hours over the course of the summer. Tutors are asked to attend a two-hour training and orientation session on June 28 or 29. Then they will work with students once a week, for five weeks, starting July 6. Tutors are needed Mondays, from 6:15 p.m. to 8:15 p.m. or Tuesdays, from 6:15 to 8:15. If you are unable to attend on a given evening, the coordinators simply ask that you give them several hours' notice.

If you are interested in finding out more about volunteering at Francis or any other D.C. school this summer, please click on the button

below. One of our volunteer coordinators will get in touch with you.
Thank you very much.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 7-JUN-1999 10:16:51.00

SUBJECT: RECEIVED: Tobacco options to fund Labor-HHS bill

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

TEXT:
RETURN RECEIPT

Your Document:
Tobacco options to fund Labor-HHS bill
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
06/07/99 10:20:07 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUN-1999 13:44:52.00

SUBJECT:

TO: Courtney O. Gregoire (CN=Courtney O. Gregoire/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

June 4, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed

SUBJECT: Executive Order on Racial Profiling

You are scheduled to participate Wednesday in an hour-long roundtable discussion with about 30 representatives of the civil rights and law enforcement communities, possibly including Jesse Jackson, Kweisi Mfume, Al Sharpton, Wade Henderson, Hugh Price, FOP President Gil Gallegos, Boston Police Commissioner Paul Evans, and Baltimore Police Commissioner Thomas Frazier. This discussion is meant to help the civil rights and law enforcement communities find common ground on how to deal with police abuse and misconduct, including racial profiling. Although the Attorney General, Chuck Ruff, and I have met with most of the invitees in preparation for this meeting, many remain skeptical about each other's motives and about what the meeting will accomplish. We are hopeful that your involvement in the roundtable will help keep the civil rights and law enforcement communities working together on this issue.

Also in preparation for this meeting, we have worked with the Departments of Justice and Treasury to draft an executive order on this issue. The order starts with a preamble expressing, in general but strong terms, opposition to the use of racial profiling as a tool of law enforcement. The order then directs federal law enforcement agencies to set up a system to collect data on the race, ethnicity, color, and gender of the persons they stop, search, or otherwise examine. Within one year of implementing this system, the Attorney General must report the data collected and make any appropriate recommendations on how to promote greater fairness in federal law enforcement. Justice, Treasury, and the DPC believe that this order would constitute an effective way of demonstrating federal leadership in this area. The executive order essentially would do at the federal level what the civil rights community most wants done at the state and local levels (and what legislation by Congressman Conyers would require): institute a strong system of data collection and reporting to determine and disclose exactly where racial and other discrimination exists in traffic stops and other contacts with law enforcement.

Chris Edley has proposed a different kind of executive order, which would expressly prohibit (though, as explained below, perhaps with an exception) federal law enforcement officers from taking race, ethnicity, and other specified traits into account when making stop and search decisions. This approach would require you to confront quite explicitly a difficult issue (which the data collection order allows you to avoid, at least for now): whether to allow the U.S. Border Patrol to continue its current practice of using a person's perceived national origin or ethnicity (essentially, whether the person looks Hispanic) in deciding what cars to search near the border. The Edley executive order

would either (1) effectively prohibit this practice, in the face of the strong view of both the INS and Main Justice that it is an integral part of effective border enforcement, or (2) include a specific provision allowing the Border Patrol (the largest federal law enforcement agency and the one that most regularly conducts traffic stops) to continue this practice notwithstanding that it at least appears inconsistent with the general principles underlying the order. Because DOJ, Treasury, and the Counsel's Office object to the first approach on substantive grounds (believing that where national origin is an element of the suspected criminal offense, this kind of practice is both appropriate and necessary) and because DOJ and the DPC object to the second approach on political grounds (believing that it will cause a firestorm within the Hispanic community), all your agency and White House advisors oppose Edley's alternative executive order.

A more difficult question concerns whether to issue any executive order on Wednesday. The Justice Department strongly believes that the data collection order is necessary to show that we are making progress on this issue and doing something more than just talking. Both Justice and Treasury also believe deeply in the need for data collection and reporting, and worry that if we do not issue this order now, we also will find reasons not to issue it in the future. Counsel's Office, on the other hand, recommends that you put off issuing the data collection order and simply engage in general discussion of racial profiling at the conference. Chuck notes that the order may displease both sides of the debate -- the civil rights community because it does not expressly prohibit all federal law enforcement officers from engaging in all kinds of racial profiling, the law enforcement community because it does demand collection and reporting of racial and other data (which most law enforcement groups strongly oppose at the local level). He also notes that we will be issuing this controversial order before any members of the civil rights and law enforcement communities have had a chance to speak with you directly on the issue, perhaps appearing to preempt the very discussion in which you will be participating.

DPC believes this is a close issue, but ultimately comes down on the side of releasing the executive order on Wednesday. To the extent that release of this order on Wednesday will provoke criticism on one side or the other (or both), we do not think the order will become any less controversial with the passage of time. (We are mindful that the crime bill is being marked up this week by the House Judiciary Committee and that the support of the law enforcement community for our crime proposals is important; we believe, however, that through careful consultations, we can minimize any adverse effect of this executive action on the broader debate in Congress.) We also believe, as noted above, that this executive order does something useful and allows us to exercise leadership in this area.

____ Sign the executive order to collect data on federal law enforcement stops.

____ Do not sign the executive order to collect data on federal law enforcement stops.

____ Let's discuss.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 8-JUN-1999 10:43:13.00

SUBJECT: RECEIVED: 9:00AM TUES DEADLINE -- FINAL CLEARANCE -- Draft Letter for Transportat

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

9:00AM TUES DEADLINE -- FINAL CLEARANCE -- Draft Letter for Transportation Appropriations
was successfully received by:

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

at:

06/08/99 10:44:48 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUN-1999 14:29:31.00

SUBJECT: Re: Exec order

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

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

TEXT:

Now that I look at this more closely, I think you should tell Eddie that this is exactly what the President decided NOT to do (i.e., it is the Edley idea of a prohibition on race-based stops, with an exception designed to fit the INS).

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Elena Kagan to Bruce Reed re: reponses to letters on racial profiling [partial] (1 page)	06/08/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/26/1999-06/14/1999]

2009-1006-F
bm113

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.

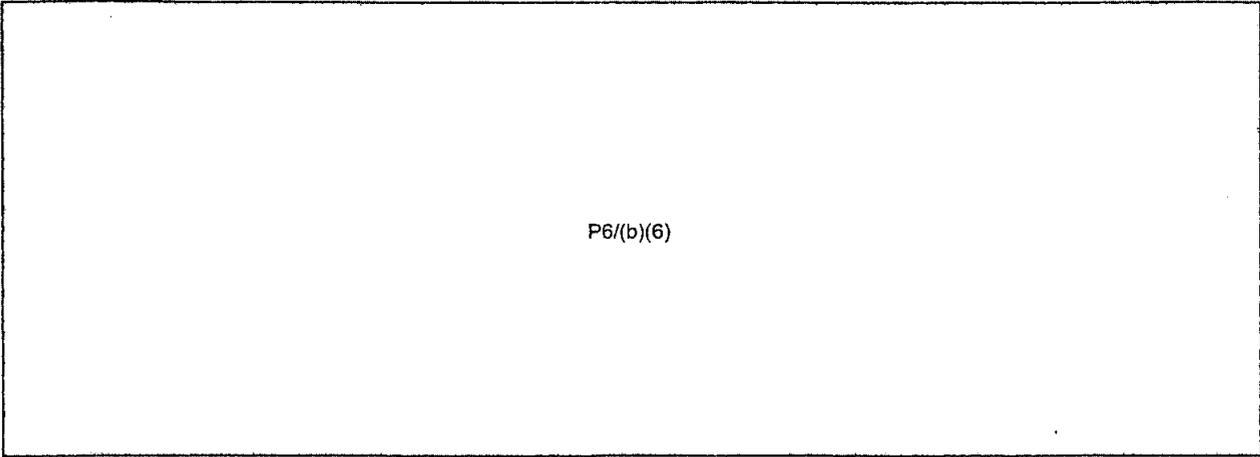
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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)



[003]

Maria Echaveste
06/08/99 11:59:25 AM
Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP
cc: Jose Cerda III/OPD/EOP, Charles F. Ruff/WHO/EOP
Subject: responses to letters on racial profiling

Spoke to wade henderson today on a number of topics. He raised with me that we have not yet responded to lccr's or price's letter on racial profiling and that they're getting a little perturbed--what's our plan--there should be a written response. remember we wrote an interim respnse. Also--he hoped the president would show leadership tomorrow, talked about an executive order and he urged strong language and if we couldn't do an outright ban because of ins/customs, he definitely thought we needed executive action tomorrow--president can't just go and talk--I'll make sure the president knows this if he's unwilling to make a decision.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUN-1999 20:09:57.00

SUBJECT: Re:

TO: Jonathan H. Schnur (CN=Jonathan H. Schnur/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:
yes???

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 9-JUN-1999 19:42:42.00

SUBJECT: RECEIVED: Senate Justice Approps Subcmte Eliminated COPS program today

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Senate Justice Approps Subcmte Eliminated COPS program today
was successfully received by:

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

at:

06/09/99 07:45:19 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 9-JUN-1999 19:40:16.00

SUBJECT: RECEIVED: Here are our edits to Draft Q&A on New Hire Database and financial priv

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Here are our edits to Draft Q&A on New Hire Database and financial privacy
was successfully received by:

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

at:

06/09/99 07:43:05 PM

Tobacco Technical Assistance
June 8, 1999

Below are several approaches that would reduce youth smoking and raise revenue for health-related programs in FY 2000. All estimates are preliminary.

Payments Per Child Smoker

Tobacco companies would pay per-child payments based on the number of children smoking nationwide. Alternatives include:

- A one-time payment of \$1,200 per child raises about \$4.4 billion in FY 2000, less about \$600 million in lost excise tax revenues, for a net revenue effect of \$3.8 billion. This payment amounts to 22 cents per pack; because such payments would be nondeductible for the companies, retail prices would go up by 33 cents per pack.
- A one-time payment of \$900 per child raises about \$3.4 billion in FY 2000, less about \$500 million in lost excise tax revenues, for a net effect of \$2.9 billion. This translates into 17 cents per pack in payment, and a 26-cent increase in retail prices.

Acceleration of Excise Tax Increase

The 1997 Balanced Budget Act raised the tobacco excise tax 10 cents per pack effective January 1, 2000 and another 5 cents effective January 1, 2002. Accelerating the scheduled 15 cent tobacco tax increase, so that it takes effect in FY 2000, would add about \$1.1 billion in FY 2000. (The revenue would be slightly less if coupled with the industry payment because the payment would increase cigarette prices, reducing cigarette consumption as well as the revenue raised by the accelerated excise tax.) This proposal was included in the Administration's FY 2000 budget.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1999 17:58:39.00

SUBJECT: Re: weekly item on charters and desegregation (Also, it would be great to get yo

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

READ:UNKNOWN

TEXT:

sure, but take what they say with a grain of salt.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:10-JUN-1999 14:02:41.00

SUBJECT: RECEIVED: REVISED Lockbox Letter -- 3:00PM Today Deadline

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

REVISED Lockbox Letter -- 3:00PM Today Deadline

was successfully received by:

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

at:

06/10/99 02:06:18 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:10-JUN-1999 14:02:42.00

SUBJECT: RECEIVED: URGENT 1:50PM DEADLINE -- FINAL Draft Letter on Commerce/Justice/State

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

URGENT 1:50PM DEADLINE -- FINAL Draft Letter on Commerce/Justice/State Approps
was successfully received by:

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

at:

06/10/99 02:06:14 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:11-JUN-1999 15:10:19.00

SUBJECT: RECEIVED: Please approve talking points

TO: Deborah Akel (CN=Deborah Akel/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Please approve talking points

was successfully received by:

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

at:

06/11/99 03:14:05 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1999 09:50:03.00

SUBJECT: 10AM Message Meeting CANCELLED

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

TEXT:

looks as if i'll have to start doing some work.

----- Forwarded by Elena Kagan/OPD/EOP on 06/11/99 09:54
AM -----

Ann C. Hertelendy 06/11/99 09:47:35 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: 10AM Message Meeting CANCELLED

Sorry for the short notice--

The message meeting originally scheduled for TODAY (6/11) at 10am in the Roosevelt Room to discuss Cabinet activity while the President is in Europe has been cancelled. Thank you.

Message Sent

To: _____
Karen Tramontano/WHO/EOP
Thurgood Marshall Jr/WHO/EOP
Kris M Balderston/WHO/EOP
Bruce N. Reed/OPD/EOP .
Elena Kagan/OPD/EOP
Lawrence J. Stein/WHO/EOP
Janet Murguia/WHO/EOP
Charles M. Brain/WHO/EOP
Gene B. Sperling/OPD/EOP
Jonathan A. Kaplan/OPD/EOP
Melissa B. Ratcliff/OVP @ OVP
Joseph P. Lockhart/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Laura M. Quinn/OVP @ OVP
LEAVY_D @ A1@CD@VAXGTWY@EOP
Thomas D. Janenda/WHO/EOP
Courtney M. Manning/WHO/EOP

Message Copied

To: _____
Carolyn T. Wu/WHO/EOP
Clay Reed/WHO/EOP
Cathy R. Mays/OPD/EOP
Mindy E. Myers/WHO/EOP
Erica R. Morris/WHO/EOP
Peter A. Weissman/OPD/EOP
Melissa G. Green/OPD/EOP
Shanna P. Singh/OVP @ OVP
Heather M. Riley/WHO/EOP

Erica S. Lepping/WHO/EOP
Mckenzie K. Davis/WHO/EOP
Heather L. Davis/WHO/EOP
Rachel A. Redington/WHO/EOP
Natalie S. Wozniak/NSC/EOP

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:11-JUN-1999 15:09:35.00

SUBJECT: RECEIVED: FINAL CLEARANCE -- Draft SAP -- S. 1186 Energy/Water Appropriations, FY0

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

FINAL CLEARANCE -- Draft SAP -- S. 1186 Energy/Water Appropriations, FY00

was successfully received by:

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

at:

06/11/99 03:13:47 PM

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004a. email	Elena Kagan to Sarah Wilson et al. re: New Senate Form (1 page)	06/11/1999	P2, P5, P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/26/1999-06/14/1999]

2009-1006-F
bm113

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004b. email attachment	Form (35 pages)	06/11/1999	P2, P5, P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/26/1999-06/14/1999]

2009-1006-F
bml13

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Elena Kagan to Steven Reich et al. re: Questions (1 page)	06/11/1999	P2

COLLECTION:

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

FOLDER TITLE:

[05/26/1999-06/14/1999]

2009-1006-F
bml13

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. email	SSN (Partial); DOB (Partial) (1 page)	06/14/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/26/1999-06/14/1999]

2009-1006-F
bm113

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUN-1999 15:05:19.00

SUBJECT: Official USSS WAVES Request - Records Management Document

TO: Records Management (Records Management @ EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

Requestor: Kagan, Elena
Requestor Phone: 4565584
Requestor Pass Type: WHS
Appointment With: Kagan, Elena
Appointment Room: 2FL/WW
Appointment Date: 6/15/99
Appointment Building: White House
UNumber:
Comments:

Visitors

Time	Last Name	First Name
DOB	Cit COA	SSN
01:00:00 PM	COLLERY	LIZA
P6/(b)(6)	Y US	P6/(b)(6)

[006]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUN-1999 09:11:13.00

SUBJECT: Re:

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

TEXT:

Nope. Leaving this Friday. Are you in Paris?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan@EOP@LNGTWY@LNGTWY (Elena Kagan@EOP@LNGTWY@LNGTWY [OPD])

CREATION DATE/TIME:14-JUN-1999 18:48:42.00

SUBJECT: Read Receipt: Justice letter on Child Custody Bill

TO: Robert J. Pellicci@EOP (Robert J. Pellicci@EOP [OMB])

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D80]ARMS21355727P.136

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:14-JUN-1999 18:44:41.00

SUBJECT: RECEIVED: LRM OGG21 - - LABOR Testimony on OSHA's Draft Safety and Health Program

TO: Oscar Gonzalez (CN=Oscar Gonzalez/OU=OMB/O=EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D85]ARMS268257276.136

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan@EOP@LNWTWY@LNWTWY (Elena Kagan@EOP@LNWTWY@LNWTWY [OPD])

CREATION DATE/TIME:14-JUN-1999 18:48:43.00

SUBJECT: Read Receipt: Justice letter on Child Custody Bill

TO: Robert J. Pellicci@EOP (Robert J. Pellicci@EOP [OMB])

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D81]ARMS23355727R.136

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUN-1999 14:59:57.00

SUBJECT: Re: Two G-rated Jewish jokes

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D84]ARMS293914275.136

The following is a HEX dump of the file: