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TALKING POINTS ON INDEPENDENT COUNSEL

THE PRESIDENT HAS SEEN
2.2.94

Those who call for an independent counsel admit that there is no evidence that the President or Mrs. Clinton did anything improper -- none. That is why it would be inappropriate to appoint an independent counsel. In any case, the Department of Justice has taken special steps to ensure that the investigation of Madison Guaranty is independent. The Department has brought in a Republican-appointed former U.S. Attorney, Donald MacKay, to investigate.

The Clintons did nothing improper. And there is simply no evidence that the President or Mrs. Clinton did anything wrong. There have been a lot of wild charges and speculation, but the one thing everyone who wants an independent counsel agrees on is that there is no evidence that the Clintons did anything improper.

In any event, the Justice Department has taken unusual steps already to ensure that the investigation of Madison Guarantee is tough and independent -- and the Clintons have voluntarily agreed to fully cooperate with that investigation by turning over all documents related to Whitewater or Madison.

- The Department brought in a Republican-appointed former-U.S. Attorney, Donald B. MacKay of Illinois, to lead the investigation of Madison. Mackay served as U.S. Attorney by Presidents Nixon and Ford, and rejoined the Justice Department during the Bush administration in 1991. The Clintons' documents relating to Whitewater are being turned over to MacKay and his colleagues in the Criminal Division of the Justice Department.
- The Arkansas U.S. Attorney recused herself from the case, as has Web Hubbell.
- Ultimately, the guarantor of the independence of this investigation is Janet Reno. And everyone knows that she is nothing if not independent.

It would be wrong, and very damaging, if an independent counsel were appointed every time that an unsubstantiated charge is made about a top official by a political opponent.

- The statute -- which the Republicans killed -- says clearly that an independent prosecutor should be appointed only when there are *specific charges*, from a *credible source*, about possible *violation of federal criminal law* by a top official. That is not even close to happening here.
- When challenged, Republicans calling for an independent counsel cannot cite a credible, specific charge of a violation of federal law. Not only is there no proof -- beyond the wild statements and innuendos, there aren't really any charges.
- It may be good politics or good PR to call for a special counsel, but it is wrong as a matter of principle when there is no credible evidence that the President or Mrs. Clinton did anything improper.

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MARKING INITIALS

DATE

~~CONFIDENTIAL~~ MEMORANDUM

704-0960-1

TO: THE PRESIDENT, HRC
FROM: PAUL BEGALA
RE: LESSONS FROM THE BUDGET BATTLE
DATE: SEPTEMBER 5, 1993

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As we shift into full gear on the health care campaign, I thought it might be useful to revisit some of the lessons I believe we should have learned from the political and communications mistakes in the budget battle. Needless to say, this list is by no means exhaustive.

1. DEFINE SUCCESS IN TERMS OF PRINCIPLES, NOT POLICIES OR TIMING: Because we did not begin the budget battle with a clear articulation of principles we were seen as caving in at every turn. It wasn't until the President's speech in Milwaukee (which was in June) that we even began to rank-order our budget goals, and even then we confused matters of policy detail (like what collection method should be used in an energy tax) with general principles. By the end of the budget battle we were better. We could point to five principles the President would not budge on -- and define our victory.

On health care the tendency has been to define victory by timing. Because so many in and out of the Administration have whispered about delaying health care, too much of our public discussion of success has centered on timing. Hence, pushing back the start date from May 15 to June and now to September 22 is seen as a retreat. Others are too hung up in the debate over whether it will pass this year or next -- a Christmas Eve signing ceremony or an Easter celebration. So long as the American people know this President has a passionate commitment to health care reform, and is willing to fight hard on matters not define success or failure.

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2. COMPROMISE LATE: We began even before it was unveiled sessions in the Roosevelt variety of proposals in opposition. The problem with opposition to materialize with the view that it was something far closer to the position. Anticipating the accommodating all of them not.

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~~CONFIDENTIAL~~ MEMORANDUM

TO: THE PRESIDENT, HRC
FROM: PAUL BEGALA
RE: LESSONS FROM THE BUDGET BATTLE
DATE: SEPTEMBER 5, 1993

DETERMINED TO BE AN ADMINISTRATIVE

MARKING INITIALS: AM: 2 DATE: 2/5/12

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2. COMPROMISE LATE: We began compromising on the economic plan even before it was unveiled. I remember sitting in on sessions in the Roosevelt Room in which we backed off on a variety of proposals in anticipation of Congressional opposition. The problem was, we never even waited for the opposition to materialize. We didn't enter into the budget with the view that it was a negotiation; we proposed something far closer to what we thought would be our final position. Anticipating the points of opposition is wise; accommodating all of them before the bill is even filed is not.

The early compromise on the minor issue of Western grazing

fees sent a powerful signal (it didn't matter that it was inaccurate) that this Administration would cave on anything.

3. TALK ABOUT SUBSTANCE, NOT PROCESS: In the budget debate, too much of our public rhetoric was about the process: the legislative challenges and timing, the deals we made to secure votes, the compromises we would or wouldn't make. There was too much of a sense of watching sausage being made. We would have been better served by clearer and more consistent rhetoric defining the plan. The media will always cover process, but we should resist becoming part of that problem. The American people want their President to be above the Congressional fray; let staff people analyze process, you articulate principles.
4. BELIEVE IN WHAT YOU'RE DOING: This Administration is far too honest to be able to convince people we believe in something when we don't. The American people picked up a lack of happiness with what the economic plan was becoming as it moved through the process. Too many comments from us began with "...This plan is far from perfect..." or "No one will agree with every aspect of this plan..." or "I'm open to more changes/spending cuts from Congress."

On health care, the American people trust the President, the First Lady and the Democratic Party. Let's build on that confidence by constantly assuring folks this is a good plan.

5. ENFORCE DISCIPLINE: Since this is a confidential memo (which means it probably won't be leaked to the Washington Post for three days instead of the usual one) I want to address a touchy subject: enforcement. Too often in the budget debate Administration officials said and did things that undermined our own efforts. This Administration is simply far too tolerant of public criticism of the President and his efforts by those who owe their jobs to the President. That lack of discipline encourages carping and challenges from the Hill. There is just too little fear of retribution out there. No one suggests going back to the paranoia of Nixon and his enemies list, but swift and sure punishment of those who would undermine our efforts will deter others and bolster the good soldiers whose legs are cut out from them.
6. CENTRALIZE COMMAND, CONTROL AND COMMUNICATIONS: When we finally, belatedly, established the War Room for the budget, things got better in a hurry. The three keys to the War Room's success were rapid response/research, talking points and surrogate coordination. At the least I would recommend centralizing the scheduling of all surrogates in one place. If each of your initiatives has equal claim on the time of

your surrogates, we'll have a train wreck. A Surrogate Czar is a must. Marla was terrific in the War Room, but for the coming months we need someone who won't be seen as playing favorites. I nominate Gearan: he's senior, loyal and understands communications. I'd require that all requests for surrogates be channeled through him.

Bryce

Byrd

THE WHITE HOUSE
WASHINGTON

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THE PRESIDENT HAS SEEN
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THE PRESIDENT HAS SEEN ^{2/10/94}

Mr. President,

Earlier today we received a letter to you from Yeltsin.

The highlights:

1. The Russians want to work closely with us; don't want Bosnia to spoil our overall relations;
2. Favor a comprehensive settlement;
3. Want decisions to be made not in NATO, but in the UN Security Council;
4. Yeltsin wants to know in advance before any decisions are announced.

Some additional talking points are attached.

By Gen. Fr. Br. Ben
Chief of Staff 17th
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Why is NATO taking decisions about air strikes instead of the UNSC?

-- The UNSC took the basic decision when it authorized all necessary means, including air strikes, if necessary to carry out UNPROFOR's humanitarian mission.

-- UNSC resolutions would permit the U.S. or any other state to act unilaterally. Moreover, the resolutions only call for coordination with UNPROFOR.

-- The U.S. is limiting itself even more than required under the UNSC resolutions.

First, we propose to act only with NATO.

Second, NATO agreed last August that Boutros Ghali must approve the first air strike in Bosnia, and that all air strikes -- the first and any subsequent ones -- would be approved by the UNPROFOR commander as well as by CINCSOUTH Admiral Boorda.

Why are we insisting that only Serb heavy weapons be withdrawn, and not "Muslim"?

-- Our proposal is even handed. We are not asking either side to disarm what it considers to be its capital city. Heavy weapons in Pale (pronounced pal-ay) would not be at risk of NATO air strikes. And we are asking the Bosnian government to put its heavy weapons in the Sarajevo region under UN control.

THE WHITE HOUSE
WASHINGTON

94 MAY 19 P 1: 27

① Stop transfer of
weapons out of Turkey?
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② Buyout on other areas
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WJC HANDWRITING

THE PRESIDENT HAS SEEN

5/24/94

Mr. President:

You have had a pretty good
morning — stayed on schedule even
w/ Japan phone call which was good.

You have Michael Middleton
@ 11:15 to 11:45 — Then phone
& office time until 2:30 — Then
speech prep w/ Jeremy Rosner et al.

Thus, unless you want to get
into your office time, you need to move
to closure of this welfare meeting. Close
it in a positive way w/ Carol & I can
close it & move toward w/ announcement
probably when you return from Namur.

Respectfully — Med

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN

5/24/94

May 17, 1994

MEMORANDUM FOR THE PRESIDENT

FROM: CAROL RASCO
BRUCE REED
KATHI WAY

SUBJECT: WELFARE REFORM REMAINING ISSUES

Final decisions are outstanding on two elements of the welfare reform plan -- family caps and time limiting the WORK program. The attached memorandum presents the pros/cons of each issue.

Based on our conversations with you, we believe the best way to resolve these issues is through state flexibility. Throughout the plan, we have been careful to give states as many options as possible. Therefore, we recommend the following:

1. Family Caps: We gather from our recent discussions with you that you support letting states decide for themselves whether to pay additional benefits for additional children conceived on welfare. We agree that making this a state option is the best course, politically and substantively.

2. Time-Limiting the WORK Program: The toughest challenge is to making sure that the WORK program does not become a guaranteed job for life. Many Democratic governors have told us that they will be unable to support the Administration's plan unless it gives them some kind of option to prevent people who could be working in the private sector from remaining on the public WORK program indefinitely. If that's what our friends say, it's hard to imagine that we can survive Republican attacks on this issue. We will have a tough time making the case to the American public that we are "ending welfare as we know it" if people who could support themselves can still stay on the system for life.

The Mainstream Forum bill puts a three-year time limit on the WORK program, and gives states the option to extend it for a significant percentage of the caseload. We could adopt some variant of this option, with a somewhat higher percentage. This approach is politically attractive, but it could give states that just wanted to cut their caseloads the power to cut off people without regard to circumstance.

Alternatively, we could propose a more narrow, targeted state option, which would allow states to time limit the WORK program only for people who have significant previous work experience and who live in areas of low unemployment where there are jobs available to match their skills. This approach would dramatically reduce the risk that a state might cut off someone who couldn't make it in the private sector on their own: If they've worked before, they should be able to work again, and a total of five years on assistance (2 in JOBS, 3 in WORK) is long enough to outlast any business cycle.

We recommend the second, safer option. It provides greater protection and lessens the chance that this whole question will become a major political issue. The left will not be happy with either option, and neither will HHS; they would prefer a WORK program that goes on forever. But we feel we need some kind of limit both to make the program work and to keep the entire welfare reform debate from dwelling on this issue. We also fear that without some provision of our own, we will have a very hard time warding off draconian measures from the right.

Next week, we will give you a detailed memo on the politics of welfare reform and ideas on how best to start talking about the plan. We are also preparing a comprehensive rollout strategy.



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 18, 1994

MEMORANDUM FOR THE PRESIDENT

FROM: Leon Panetta 
SUBJECT: Revised Welfare Reform Financing Options

Attached are three revised packages of welfare reform financing options, per our discussions on May 16th. The changes are as follows:

- Proposed savings from Veterans Affairs are dropped from all three packages.
- Package I includes provisions from the May 16th package and a provision to time limit SSI, Disability Insurance, Medicaid and Medicare benefits for disabled recipients eligible for payments due to alcoholism/drug addiction (DAA). (This provision is included in the House passed version of the SSA Independent Agency legislation.)
- Package II includes provisions from the May 16th package, but would: (a) drop the annuity cap proposal and gambling compliance initiatives, (b) add the DAA provision (c) add a provision to extend the existing Superfund tax beyond the current expiration date of 12/31/95 and (d) revise the current savings bond proposal to reward people for retaining their bonds for longer periods.
- Package III duplicates Package II, but would: (a) drop the deficiency payments proposal and (b) revise the sponsor to alien deeming proposal to extend deeming to 10 years for SSI, AFDC and Food Stamps.

<i>Federal savings from Package I:</i>	\$9.32 B over 5 years, \$26.04 B over 10 years
<i>Federal savings from Package II:</i>	\$9.31 B over 5 years, \$27.06 B over 10 years
<i>Federal savings from Package III:</i>	\$9.23 B over 5 years, \$29.43 B over 10 years