

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	Mickey Chapman to POTUS (2 pages)	10/30/1993	b(6)
002. memo	re: Recommended Telephone Call (1 page)	10/29/1993	Personal Misfile

COLLECTION:

Clinton Presidential Records
Staff Secretary
John Podesta (Chron Files)
OA/Box Number: 2242

FOLDER TITLE:

November 28-30, 1993

2018-0662-S

rs3078

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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- 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]

THE WHITE HOUSE
WASHINGTON

DATE: 11/30

NOTE FOR:

Will Ith

The President has reviewed the attached, and it is forwarded to you
for your:

Information ☐

Action ☒

Can you
Please arrange
a reply. Thanks.

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:



Governor's Island Watch

652 Broadway #8F
New York, NY 10012
tel/ 212-533-6800
fax/ 212-533-6893

November 24, 1993

President Bill Clinton
The White House

URGENT TELEFAX
202/456-2259

Dear Mr. President,

When we were guests at the White House last Saturday, we personally handed you the attached letter with recommendations for action regarding the gravely deteriorating situation in Haiti. You had just come from delivering a deeply moral and inspirational speech in Memphis. The next morning, the media was abrim with excitement about your sentiments.

There is no substitute for the voice of the President in setting a moral course for the nation.

We are aware of your personal commitment to restoring democracy in Haiti, but fear that the gap between your personal commitment and the public perception of the US position on Haiti is widening.

We urge you to speak out consistently and definitively on Haiti. Let the Haitian military, the Haitian elite, your wannabe future presidential opponents (Robert Dole, Dick Cheney, Colin Powell, to name a few), the CIA, the Pentagon and the World, know that you will not tolerate or condone corruption, torture, murder, treachery and the death of democracy on our nation's doorstep.

We petition you to stand publicly against the cynical assumption of many in Washington that Haitians are not ready for democracy. In keeping with the best of the American heritage, we implore you to show your resolve that democratic miracles must have a chance not only at the Berlin Wall and in South Africa but here in our hemisphere too.

We encourage you to appear in public with President Aristide; to invite him to attend church with you and Mrs. Clinton on Thanksgiving or one Sunday. Then you will be sending a sorely missed and desperately needed message to the coup leaders and to the Haitian people alike about where our country stands on issues of democracy and justice.

As we parted company at The White House, you expressed grave concern that Prime Minister Malval might resign, and how you have been on the phone with him daily begging Mr. Malval not to do so. Mr. President, why shouldn't he? Lacking any evidence whatsoever of a comprehensive United States effort to push for the restoration of democracy in Haiti, Mr. Malval is engaged in a tragic exercise in futility as long as he remains in his unsupported position.

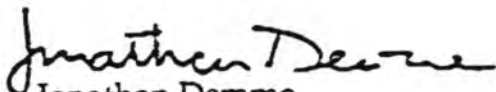
Mr. Clinton, we are actively seeking ways to support your efforts but can't get any sense of your plan. That's why we sent you a considered plan of our own which reflects not only the views of Governor's Island Watch, but also the thinking of a broad spectrum of Haiti advocates that includes many members of Congress, numerous human rights organizations, labor unions, and religious organizations, as well as the legitimate government of Haiti.

Several members of Governor's Island Watch, ourselves included, are eager to lobby Congress and use television and other public forums to continue to rally support with the American people to help us achieve our common goal.

We welcome your suggestions. And we would indeed appreciate a response.

If you choose to take decisive action on this issue we will do everything in our power to help you achieve the support of the American people for a lasting solution in Haiti.

Yours very truly,


Jonathan Demme


Edward Saxon

cc: Sandy Berger, Deputy National
Security Advisor
Anthony Lake, National Security
Advisor
Congressman John Conyers
Senator Chris Dodd
Senator Tom Harkin
Representative Joseph Kennedy
Senator Ted Kennedy
Senator John Kerry
Senator Patrick Leahy
Senator Connie Mack

Congressman Major Owens
Congressman Charles Rangel
Robert DeNiro
Danny Glover
Toni Morrison
Walter Mosley
Gregory Peck
Tim Robbins
Mercedes Ruehl
Susan Sarandon
Mary Steenburgen
Denzel Washington

Governor's Island Watch

652 Broadway #8F
New York, NY 10012
tel/ 212-533-6800
fax/ 212-533-6893

November 13, 1993

BY HAND

President Bill Clinton
The White House

Dear President Clinton,

While we commend your continued stance in support of the restoration of democracy in Haiti through the return of President Jean-Bertrand Aristide to power, we are nevertheless deeply concerned at the recent lack of decisive action on the part of your administration.

To quote an old Italian proverb, "He who does not advance, recedes."

Each day that passes without positive action on our part simply serves to empower Francois, Cedras and their cohorts who are currently laughing in our face even as they continue their unabated reign of terror in Haiti.

President Clinton, we urge you to:

1. Fire Brian Latell and place his immediate supervisors on flashing red alert as an indication that they will be next unless the Latin American branch of the CIA begins cooperating with your stated foreign policy goals.

Latell is the CIA employee most responsible for the Aristide disinformation campaign that Helms, Dole and the rest of your Republican opponents have been dining out on at your personal expense for the past several weeks.

2. Have a candid discussion with CIA Director R. James Woosley to ensure that he understands in no uncertain terms that it is the CIA who must serve the President of the United States, not vice versa. Sir, it is sobering indeed for the American public to become as aware as we are today of the frightening independence with which the CIA pursues the agenda established by your predecessor, George Bush.

Further, the CIA should make public the details of alleged CIA covert involvement in Haitian elections and presidential coups—including reported payments to the coup leaders up until the time of the coup itself.

3. Provide U.S. military observer guards to be stationed at the Dominican border to enforce that critical and currently compromised aspect of the embargo. By now we have all read in the major newspapers about the "super highway" that the Haitian military has almost completed to the Dominican border. This knowledge makes a laughing stock of the pumped-up and expensive naval blockade presently in position. The U.S. should consider imposing sanctions against the Dominican Republic if it fails to enforce the embargo.

4. There seems to be ample evidence that many of the very military and police leaders who we all wish to see come down, are intimately involved in the traffic of illegal drugs into the United States. The Justice Department should swiftly issue arrest warrants for these individuals. In the meantime, you should instruct the Drug Enforcement Agency to cease and desist providing these very same military and police leaders with intelligence data on the arrivals of drugs into Haiti that they may not already be aware of (!), as recently reported in the *Washington Post* and other major media outlets.

5. Strengthen the United Nations sanctions on Haiti -- calling for an immediate economic embargo. Impose a complete U.S. trade embargo, except for food and medicine, and institute "strong punitive sanctions" against any nation that violates it. A much stronger embargo is essential to isolate the coup leaders quickly from their supporters in the elite and minimize the suffering of the Haitian people. While the embargo causes suffering, we must emphasize that the fundamental cause of the suffering is the coup d'etat. Further, a ban on commercial flights to and from Haiti would adversely impact that small minority in Haiti which continues to profit from the coup.

6. Insist on the resignation of Cedras, Francois and the entire military high command as was understood during the discussions at Governor's Island. These criminals and their acknowledged colleagues must clearly understand that they are the ones who plunged their country into this terrible nightmare and then violated the Governor's Island agreement and will therefore no longer have a say in the future of Haiti.

7. Revitalize the U.S. Haiti mission team with fresh members more in tune with your goals and more sensitive to and respectful of the Haitian people and their legitimately elected government. We must recognize that Lawrence Pezzullo and the other architects of the Governor's Island Accord have functioned, in the long run, far more as part of the problem than of the solution.

8. The U.S. should lead the call for the return of the UN/OAS civilian mission to Haiti. In their absence the killings, beatings and disappearances perpetrated by the military go unreported.

9. President Clinton, it is infamous of the United States of America to be capturing Haitians attempting to flee the widespread terror of the military "attaches," and delivering these human beings right back to the hands of the very same "attaches," where they are being promptly arrested and then disappear.

We are completely sympathetic to the political implications of reversing your policy but, Sir, the policy must be called for what it is...virtual homicide.

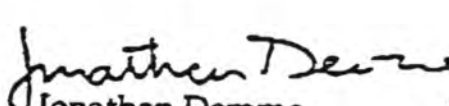
We should immediately suspend the return of Haitian refugees until the military leaders give up power, at which time, the flow of refugees will of course cease because peace will have been restored.

10. At all cost the Governor's Island agreement must not be renegotiated. As you have stated repeatedly, President Aristide has satisfied each obligation required of him in that agreement. He should not be asked to make any concessions which would compromise his mandate by the people of Haiti to pursue a plan of government founded on principles of justice and reform.

Above all else, we encourage you to be guided by President Aristide regarding further action. During the Governor's Island talks in July, President Aristide suggested a different sequencing for action and predicted that the agreement would collapse. Had we followed his mandate for sequencing in July, perhaps this matter would have been resolved by now. His government has the clearest picture of what it will take to restore democracy in Haiti. They have the best interests of all Haitians as their guiding principle.

Again, we reiterate our willingness and desire to assist you in any way possible in achieving your goal of restoring peace, justice, and democracy to Haiti. Please do not hesitate to contact us with any request.

Sincerely yours,


Jonathan Demme


Edward Saxon

CLINICA ESTETICO, LTD.

652 Broadway, 8F
New York, NY 10012
phone: (212) 533-6800
fax: (212) 533-6893

FACSIMILE

to: PRESIDENT CLINTON
/O NANCY HERNREICH
from: JONATHAN DEMME/
EDWARD SAXON
regarding:

date: 11.24.93.

fax: 202.456.2883

pages: 6

.....

NOU LED, NOU LA

THE WHITE HOUSE
WASHINGTON

DATE: 11/30

NOTE FOR: Mack, Bill Burton

The President has reviewed the attached, and it is forwarded to you
for your:

Information ☐

Action ☒

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

THE WHITE HOUSE
WASHINGTON

November 23, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BILL BURTON

SUBJECT: Mexico Prison/NAFTA issue

You sent me the attached Los Angeles Times article headlined "Mexico Prison Deal Is Linked to NAFTA Votes," inquiring, "What exactly was agreed to?" Nothing, specifically, was promised to members of Congress, in connection with NAFTA, regarding this issue. Webb Hubbel did write a letter to Rep. Jay Kim, at George's request, that confirmed the Attorney General had reached an agreement with the Mexican attorney general on a trip to Mexico that would allow for the deportation to Mexico of some illegal aliens serving drug sentences in U.S. jails.

Here is how Webb describes the deal working:

Under a current treaty with Mexico, the United States or Mexico may deport a prisoner to his native country to serve out a criminal sentence if the prisoner agrees. For obvious reasons, Webb said, most Mexicans would prefer to serve out their sentences in U.S. prisons instead of Mexican prisons. What Janet worked out with the Mexican A.G. is a deal whereby Mexican prisoners in U.S. prisons serving drug sentences will be offered to go back to Mexico to serve out sentences in Mexican drug rehabilitation centers, instead of Mexican prisons. The "carrot" offered the prisoner, therefore, is the ability to (1) go into rehab instead of prison, and (2) escape the minimum mandatory sentences imposed by the U.S. system.

As Webb told Rep. Kim, our Justice Department expects more than 1,000 Mexican prisoners in U.S. prisons to agree to the deal and go back to Mexico. The first batch of such prisoners should be sent back in December, Webb says. Webb stresses that this deal was a high priority for Janet before NAFTA and was agreed to with the Mexican A.G. without regard to NAFTA or votes for or against the treaty.

Finally, Webb said that Justice will be working with Mexico to seek a new treaty that would allow for deportation of prisoners even without the permission of the prisoners, as we are currently doing with other countries.

cc: Mack McLarty

*Must follow up on this**We need to change the treaty**This needs to happen**This needs to happen*

~~REDACTED~~ Bobinton
What matter
was agreed to?

THE PRESIDENT HAS SEEN

11 22-93

Mexico Prison Deal Is Linked to NAFTA Votes

By DAVID LAUTER
and RONALD J. OSTROW
TIMES STAFF WRITERS

WASHINGTON—As they search for votes for the proposed North American Free Trade Agreement, Administration officials have accelerated efforts to strike a deal with Mexico that would permit the deportation of thousands of illegal Mexican immigrants serving U.S. prison terms.

"We believe we're well on our way toward an agreement," said a senior White House official. The Justice Department has been actively negotiating with the Mexican government over the issue in the last week.

But it remains unclear whether the Administration's efforts will be enough to placate angry officials in California and other states who complain that the cost of incarcerating illegal immigrants has become burdensome for state taxpayers. Nor is it clear whether the Administration's efforts have been enough to sway several members of Congress who have tied the issue to their support for the proposed trade agreement with Mexico and Canada—an initiative on which Clinton badly needs every possible vote.

At least two California congressmen, Democrat Gary A. Condit of Ceres and Republican Jay C. Kim of Diamond Bar, have publicly linked the two issues and several others have raised the question in talks with Administration officials.

Clinton has pressed the matter at several meetings with senior Administration aides and he discussed it last week with Atty. Gen. Janet Reno, according to officials familiar with the meetings. Associate Atty. Gen. Webster Hubbell, a close friend of Clinton, has been overseeing the department's efforts on the issue, officials said.

Administration officials are continuing to see NAFTA. A6

NAFTA

Continued from A1

considering a proposal that would allow states to return at least some prisoners to Mexico against their will. The law now allows only voluntary repatriations and almost no illegal immigrants ever volunteer.

So far, the U.S.-Mexican negotiations have focused on a pilot program in which first offenders with good prospects for rehabilitation could be returned to half-way houses or similar programs in Mexico after serving a part of their sentences here. It is unclear, however, whether such programs exist in Mexico that would meet U.S. standards.

Members of Congress have pushed for a broader program under which nearly all illegal Mexican immigrants convicted of crimes would be sent to Mexico to serve sentences there.

Under that proposal, the United States

would continue to pay the costs of incarceration but would save substantial sums because imprisonment is far less expensive in Mexico than in the United States. Officials estimate that a year in an American prison costs \$15,000.

Administration officials, after initially resisting, are considering that option but several potential problems could prevent it from going further. First, adopting a mandatory repatriation plan would require a new treaty with Mexico—something that would not be needed to implement the pilot rehabilitation program. Even if Mexico agreed to the idea, a treaty could not be completed for months, officials said.

A program to send nonviolent, short-term first offenders to rehabilitation programs in Mexico could be done under existing treaties and agreements, according to Justice Department spokesman Carl Stern. He added that even a limited program could involve thousands of prisoners.

In addition to the treaty delay, a mandatory return program might raise constitutional problems, both under the Eighth Amendment, which bans cruel and unusual punishment, and under the 14th Amendment's requirement of equal protection under the law, officials said.

Although federal immigration authorities have the power to deport illegal immigrants—and deported 18,375 criminal immigrants last year—people who have been convicted of crimes must now serve their sentences in the United States before deportation. Moreover, state and local officials, who have custody of most prisoners in the country, do not always notify the federal government of a prisoner's immigration status.

The burden of paying to imprison illegal immigrants convicted of crimes has become an increasingly controversial issue in several states, particularly California. According to federal officials, at least 10% of all California prisoners are illegal immigrants—the major-

ity from Mexico. New York, Texas, Florida and Illinois also have large numbers of illegal immigrants in custody, although far fewer than California.

The National Institute of Corrections reported in 1992 that 10,575 illegal immigrants were housed in California state prisons. Gov. Pete Wilson, counting a wider universe that includes local jails and youth offender programs, puts the number at more than 16,000 and says that the annual cost to the state of incarcerating illegal immigrants is more than \$490 million.

Nationally, more than 450,000 illegal immigrants were either in prison or on probation or parole last year, according to a new congressional report, and the numbers appear to have risen rapidly in recent years—in large part because of the increase in convictions for drug offenses. Although the largest single group of illegal immigrant prisoners are from Mexico, substantial numbers hail from the Caribbean and from Central and South America.



U.S. Department of Justice

Office of the Associate Attorney General

The Associate Attorney General

Washington, D.C. 20530

November 16, 1993

The Honorable Jay Kim
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Kim:

This letter is to follow-up on our conversation of yesterday to confirm that the Attorney General reached an agreement with the Mexican Attorney General while she was in Mexico for the return of certain Mexican citizens who are prisoners in the United States. This agreement is consistent with the President's directives. The procedures for identifying those prisoners who will be considered for return were agreed upon at a recent meeting between the Department of Justice and representatives of Mexico. The President and the Attorney General have asked that we give this matter our highest priority. The return of prisoners is being vigorously pursued with the Mexican government at this time, and we hope to make the first transfers as early as mid-December. We will keep you up to date on the progress.

Should you have any further questions, please do not hesitate to call.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Hubbell", is written over the typed name.

Webster L. Hubbell

THE WHITE HOUSE
WASHINGTON

DATE: 11/30

NOTE FOR: *Ron Klein*

The President has reviewed the attached, and it is forwarded to you
for your:

Information



Action



fyi

John

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

Conservatives Tear a Page From Liberals' Book, 'Borking' Clinton's Nominees for Legal Positions

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL
WASHINGTON — "Borking" is back, but with the roles reversed.

During the Reagan-Bush years, the right decried liberal attacks on judicial and Justice Department nominees such as Robert Bork, Clarence Thomas and William Bradford Reynolds. Indeed, the campaign that killed Mr. Bork's 1987 Supreme Court nomination bequeathed the verb, "to bork," meaning to barrage an appointee with sensational-sounding excerpts of past opinions, writings or speeches.



Robert Bork

Despite their protests about liberal tactics, however, conservatives have put together a potent borking machine of their own. Its key components: Republican Senate aides who compile negative dossiers on nominees; like-minded outside groups that seek to stir up "grass-roots" opposition; and conservative columnists, whose simultaneous alarms can create a powerful echo effect.

'It's Our Turn Now'

"Liberals stopped Robert Bork's nomination for the Supreme Court; liberals almost stopped [Justice] Clarence Thomas," says Thomas Jipping of the conservative Free Congress Foundation. And Mr. Reynolds was rejected for the No. 3 post at the Justice Department. "It's our turn now," Mr. Jipping declares.

The big conservative victory so far has been blocking Lani Guinier from becoming the Justice Department's civil-rights chief. But others are currently under fire, including Rosemary Barkett, a federal appeals court nominee, and William Gould, the would-be chairman of the National Labor Relations Board.

The connection to past battles is quite direct in some instances. Janet Napolitano, Mr. Clinton's choice to be U.S. attorney in Phoenix, generated GOP hostility because of her refusal to discuss confidential aspects of her work as counsel to Anita Hill, who accused Justice Thomas in 1991 of sexual harassment. Questions about Ms. Napolitano's role were first raised by conservative journalist David Brock, who attacked her in articles in

the American Spectator and the Washington Times. After using procedural maneuvers to delay Ms. Napolitano's confirmation for months, Republicans relented on Nov. 19 and allowed her to be confirmed for the post.

In pressing aggressive challenges to Clinton appointees, the conservatives "are borrowing a page from our book," says Nan Aron, who as director of the Alliance for Justice, a consortium of liberal groups, coordinated opposition to Reagan and Bush appointments. Conservatives acknowledge that, like their liberal counterparts in the 1980s, they have the resources to try to stop only a tiny fraction of the president's nominees.

"The goal is to force Clinton ... to expend as much political capital as possible," says Clint Bolick of the libertarian-conservative Institute for Justice. He helped lead the blitz on Ms. Guinier with a slashing editorial-page article in this newspaper. "If we succeed even in only a few cases," Mr. Bolick adds, "we may discourage the White House from choosing people with more extreme philosophies."

Attack on Gould for NLRB Post

Republicans, for example, probably don't have the votes to kill Mr. Gould's nomination to head the labor-relations board. But they hope that by tying up the liberal Stanford law professor's appointment, they can influence the White House to name a more pro-business person for another vacancy on the NLRB. So, in an attack some business lobbyists describe privately as "borking," Mr. Gould is being depicted as a "radical" for having advocated pro-union legal changes in his academic writings.

In a new twist on earlier liberal strategy, the conservative opposition also involves covert efforts by some GOP Senate aides to incite editorialists and the public. After President Clinton announced in late September that he wanted to promote Judge Barkett from chief of Florida's top court to a spot on the federal appeals court in Atlanta, aides to GOP Sen. Orrin Hatch of Utah went to work. They combed the 54-year-old jurist's lengthy record to find examples of her liberal "activism," especially any opposition to death sentences in grisly murder cases.

In due course, Sen. Hatch, the ranking Republican on the Judiciary Committee, announced that he was "deeply troubled" by Judge Barkett's views on capital punishment. Behind the scenes, Mark Disler, a senior Hatch aide, circulated anti-Barkett memos to presumably sympathetic colum-

nists, urging them to use the material, but not identify its source.

A mini-wave of anti-Barkett editorials appeared. But then, columnist Charley Reese of the Orlando Sentinel, a recipient of the Disler package, blew the whistle on the Hatch aide. In response, Sen. Hatch publicly reprimanded his assistant for not following "proper procedure," but added that the memos were accurate.



Rosemary Barkett

Similar tactics were used against Attorney General Janet Reno when she was nominated in February. According to Senate staff members, John Bliss, an aide to GOP Sen. Hank Brown of Colorado, along with a since-fired lobbyist for the National Rifle Association, helped spread allegations that Ms. Reno had a drinking problem—something she flatly denies.

John Thompson, a longtime Reno political foe from Miami, has submitted a sworn affidavit to the Senate Ethics Committee as part of a complaint alleging that Mr. Bliss prodded him to leak the drinking story to the press. Senate Republicans "were attempting to smear [Ms. Reno] through someone else, without having their fingerprints on the thing," Mr. Thompson says in an interview.

As he did when the Capitol Hill newspaper Roll Call first reported on the flap, Mr. Bliss says he was merely investigating allegations that turned out to be unsubstantiated. "We didn't go to [Mr. Thompson]; he came to us," the aide says, adding, "I never sought to share the information with the press." Sen. Brown blamed the rumors on Mr. Thompson and voted to confirm Ms. Reno.

Another thing that distinguishes the new borking from the old is increased technological sophistication, epitomized by the Free Congress Foundation's satellite video network. Started in 1991 to mobilize conservative groups around the country, the network is scheduled to expand to 24-hour-a-day cable service next month.

Mr. Jipping has appeared repeatedly on Free Congress telecasts, exhorting viewers to rise up against Judge Barkett because of what he says are her votes to spare some heinous killers from execution. The sermons have ignited anger among people such as Dale Switzer, the Tulsa, Okla., liaison of the Christian Coalition, a national organization headed by evangelist-politician Pat Robertson.

"For some reason, [Mr. Jipping's pitch] lit my fire," says Mr. Switzer, who has launched an anti-Barkett letter-writing drive aimed at Oklahoma Sens. David Boren, a Democrat, and Don Nickles, a Republican.

Sen. Hatch has succeeded in getting Judge Barkett's confirmation hearing put off until next year, but it's still far from certain that she will be stopped. She received the American Bar Association's top rating and has a plausible response to the charge that she is "soft" on the death penalty: She has voted more than 200 times to affirm capital sentences.

THE PRESIDENT HAS SEEN 11/30

THE WALL STREET JOURNAL MONDAY, NOVEMBER 29, 1993

BL - So we have a good
concrete strategy
Are we buying a book?
tricks & record at work?

THE WHITE HOUSE
WASHINGTON

DATE: 11/30/93

TO: CAROL RASCO

FROM: JOHN D. PODESTA
Assistant to the President and
Staff Secretary

Please prepare a draft reply for
the President's signature for
the attached letter ASAP and
return to my office.

Thanks.

PLEASE RETURN THIS ORIGINAL LETTER
WITH THE DRAFT RESPONSE.

Withdrawal/Redaction Marker

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ANAPA A GREAEIN AB EIN EXOI
TE KAI AYNAT KANAEITOE TONON -Sophocles

THOMAS J. MAGEE, M.D
6464 SUNSET SUITE 790
LOS ANGELES CA. 90028
213-464-2107

6/2/93
3:45 AM

Dear Mr. President and Mrs. Clinton:

I am writing to you at the suggestion of a friend; I am an HIV treating physician in Los Angeles plagued by the recurrent absurd situation I find my patients in and thought you might benefit from my thoughts on this situation.

The horror of HIV infection in human beings is disabling to behold. One of my more pleasant patients, Fred, was just placed in the hospital yesterday with both lower extremities swollen beyond recognition and bloody fluid dripping from wounds that open spontaneously in his flesh - this is from his Kaposi's sarcoma which was brought into his life by his HIV infection. To be sure, there are treatments, yet the best treatment-little more than fat mixed with an already approved form of chemotherapy-daunorubicin, is not available for him; but has been under clinical investigation for the last 4 years and running.¹ Who are we protecting?

A ten-year-old boy that I cared died from starvation Saturday caused by Mycobacterium Avium infection in his intestines, but he didn't just die, he died of diarrhea, chronic, unremitting, embarrassing, foul diarrhea which was brought into his life by his HIV infection.

These poignant examples are but a few of my daily frustrations and my friend suggested that I need to express my concerns over our current drug approval process as it relates to terminally ill patients, especially AIDS patients and offer a suggestion which could improve your political standing on health issues in general and most especially my patient's afflicted with AIDS. I feel, with a slight addendum to the FDA's mandate, you could accelerate the finding of a cure for this disease and others. I will try for brevity, but clearly could go on for hours.

¹Liposomal daunorubicin (LD), manufactured by Vestar in California, rumored to be approved this month? In actuality Fred could have enrolled in a randomized controlled clinical study in which he would have a 50/50 chance of receiving the drug, and when he failed to get better on the alternative treatment (AVB) he would be eligible for the trial drug (LD)-remember daunorubicin is already approved for use in humans in the US by the FDA, and liposomal technology is nothing more than putting the drug in a fat globule, which increases the drugs half life in circulation and may facilitate its up take by tumor! I have enclosed Fred's pictures so you might have some idea as to what he is dealing with. Incidentally, he has already had the alternative treatment (AVB) and failed.

Problems concerning the drug approval process: minimizes the risk of harm, but maximizes the delay: the risk of missing potentially curative treatments.

The current drug approval process (as I understand it) is based on a wish to prevent medical mishaps as occurred with thalidomide in Europe, it is structured to insure that no medication/device used in the US will ever cause similar untoward events. This model is quite correct when it comes to wrinkle creams, cosmetic disorders and other treatments for self-limiting illnesses, as clearly these individuals are essentially healthy and can, in reality, only be harmed by the use of untested, poorly tested, or poorly understood agents used in the treatment of these conditions; hence all medications must be tested to the fullest extent possible prior to their approval/use in the United States.

Unfortunately, for critically ill individuals with less than weeks or months to live the underlying premise for drug approval is patently false. These individuals are most certainly going to die, and accordingly, the tolerance for side effects and adverse advents caused by drugs is much greater in these individuals' minds and these individuals can, in reality, only be helped by the use of untested, poorly tested, or poorly understood agents, provided there is some rational for the agents used and more importantly provided that we learn from the use of these agents. Many of my patients would suffer willingly, if there was some chance of improving their lot or even if there was some chance of advancing our knowledge - I would go further and say that several of my patients have said to me that they only wished that someone would learn from their deaths so that others might be helped. What I have learned from their deaths is an infuriating frustration at the knowledge that potentially curative agents sit on the shelves of many laboratories and pharmaceutical companies in this great country while my patients continue to die. That my patients would gladly allow themselves to be experimental subjects with little more than the expectation of death at the hands of unknown agents was initially surprising, that they would do this with only the expectation of helping someone else avoid that same agent or extend our knowledge in the treatment of HIV, is heroic and must represent the best of our human nature; unfortunately for these noble souls, little is tried, less learned. ²

Currently two very promising agents for the treatment of HIV/AIDS are under clinical trials in Europe, both agents are made by United States companies and both companies independently have decided to go to Europe to start human trials on their compounds: GEM-91 by Hybridon Corporation and the Protease Inhibitor by Abbott Labs, Chicago IL. Why? Because of the barriers set-up by our drug approval process/tort system. By all indications both treatments look efficacious if not curative and non-toxic. The reason given by both companies for not initiating United States trials² was that it is easier to start clinical trials in Europe as the FDA, in essence, is demanding that the agents be proven non-toxic prior to use. Obviously, at least for the FDA, the best way to do this is to let Europe go first and observe the results, i.e., thalidomide. Unfortunately, when one thinks about it, these results and actions are clearly understandable. Any reasonable person charged with the task of drug approval in the United States with even a remote interest in keeping their job, home, bank account, reputation etc., would be out their mind to approve any new drug for use in the United

²Actually, trials will begin in the US sometime in the future(?) but for now these companies are awaiting FDA approval and completing additional toxicological studies asked for by the FDA.

States - what could he possibly gain? I maintain a thinking individual would wait on approving any medication/device at least until it had already been approved somewhere else, the risk then being known, he would be assured no harm would come from the use of this medication/device and hence no harm would come to the approver. A thinking individual would do this for two reasons; first, those patients who would need the medication/device on moral grounds (willing to try anything, beyond hope) would by definition be the sickest and undoubtedly have little energy to fight, eventually and shortly dying; thus exerting little or no political pressure on the approver. Secondly, as he would only lose his job if an adverse effect occurred through the use of the new medication he had approved and as this is the substance of the media and the tort courts, which don't die, he would have two very good reasons to delay approval. Clearly, if you want to keep your job in the drug regulatory division, don't approve anything until it is already proven by someone else to be effective and free of side effects. Also, God help the drug company that would push to have any drug approved or used on moral grounds or try to accelerate approval prior to it being abundantly clear to the regulator that he wasn't going to lose his job by approving a thalidomide-like drug. If one considers the position of the would-be medication/device regulator a little further, one realizes that as a thinking drug regulator, being in the position to make or break any drug company by virtue of control over the approval process, he should have little to contend with from anyone interested in having a medication/device approved for sale or use in the United States; or stated differently, by vindictively delaying approval of a bothersome pharmaceutical company's new drugs one could guarantee not a peep or hint of condemnation would be heard from the drug manufacturer - the only other, directly interested, surviving party in the drug approval process.

What a dilemma, the brightest, most innovative country on the face of the planet isn't using its resources to tame the worst plague of history, is allowing agents like DDI (may substitute DDC, D4T, etc.) to languish for 5 years in clinical studies, only to finally be approved and to be found (or I can tell you, will be found) to be poorly effective, at best, in the treatment of HIV; but available to anyone who can afford the crippling expensive price³ somewhat justified to offset the huge cost of complying with the clinical and toxicological data requirements by the FDA.

Might I suggest the following solution, which is potentially beneficial to my patients, U.S. pharmaceutical manufacturer, our country and you.

The Sanctuary Drug Act.

Purpose of the Sanctuary

1) To allow the free circulation of information on potentially useful agents, written by the treating physicians, on real persons with AIDS to the community at large.

³Actually if one speaks with the individuals involved in the early AZT studies, one finds that these physicians saw astonishing results in those patients started on this agent (AZT) and these same physicians pushed for rapid approval of this drug - it was, in fact, approved in a very rapid fashion; unfortunately, although AZT is very effective in the AZT naive user, or first time user, this efficacy quickly disappears in 2-6 months leaving the patient with little continuous benefit but on growing and continuous toxicity. What we are now seeing in the literature concerning the lack of effect (long term benefit) of AZT on survival in HIV infected patients, i.e., the Concord study from Europe, and the resultant class action law suits filed against Burrows Wellcome for "poisoning" patients - clearly reaffirms the dismal truth and wisdom employed by the thinking drug approvers approach. Clearly, if you want to keep your job in the drug regulatory division, don't approve anything until it is already proven by someone else to be effective and free of side effects.

a) this would discourage the continual pursuit of agents used by prior patients who died, so that patients don't keep "re-inventing the wheel" ⁴

b) clearly by relying on the anecdotal model small differences of benefit or harm will be missed, but no one needs statistical methods to tell when one's t cells go up or down by a factor of 3, this change is obvious to all observers-and unfortunately this is the change we need. This sanctuary method would miss small, or in my mind with this disease, inconsequential effects, but large effects would be obvious even if only anecdotally.

c) patients will continue to seek out quack cures regardless of the laws against them as the preservation of their life would seem a higher good, even if misguided. There isn't enough man power in the nation to stop a motivated individual told that he is terminally ill from seeking out hopeful alternatives to death - why waste their experience?

As I understand the FDA to be under the control of the executive branch, and as I understand that its mission and purpose can be changed, amended or appended by executive fiat, I suggest using this power and mandating the following amendment creating to a separate division, body, committee to the Food and Drug Administration charged with the creation and maintenance of a sanctuary for the human use of currently unproven agents/ devices. As an example: In those individuals deemed and substantiated by their physician as having less than six (6) months of life because of a life threatening, incurable disease; and having signed all necessary forms of consent and wavers of liability; and being of sound mind, such individuals shall be allowed to have their physician petition the "sanctuary" for the provision of sanctuary agents, to be used in such patients for as long as the providing physicians reports back to the sanctuary on a regular basis to be established by the sanctuary governing board, pays a nominal fee for the agent and is limited to no more than 100 patient request for any single agent in sanctuary in one year. Agents will be placed in sanctuary based on the best judgment of a group of researchers, physicians and community activist and will remain in sanctuary until it is decided that they are dangerous, ineffective or more than 50,000 request have been processed for the agent. Agents may be removed from sanctuary if no marked improvement in the patients so treated has come to light through anecdotal reporting by the treating physicians and/or as compared with the natural history of the disease itself. Drug manufacturers may submit agents to sanctuary without liability or loss of rights to the compounds and may pursue simultaneous phase one, two, and three protocols

⁴This is quite common in my experience, each new cohort infected with HIV-1 seeks out and tries the same therapies the last, dead, cohort did, e.g. , compound Q, dextran sulfate, ozone, hydrogen peroxide, intravenously hydrochloric acid, passive immunotherapy, etc.. Each desperate cohort attempts to re-invent the wheel which didn't work the first time around. Not only is the lack of efficacy disconcerting but the failure to learn from prior deaths is appalling. This lack of learning is related to two facts: most of the "practitioners of these therapies are either infected physicians themselves or 'alternative healers' and in both cases these data are not made public-the treatments being illegal or the treating physician dying from HIV and with him any information concerning the treatment efficacy or rather obvious lack thereof. During my treating of HIV infected patients I have seen this cycle repeat itself 3 times and I see no end in sight. It has two distressing side effects, one, more effective or even different therapies are not sought out and, two, the burden or proof is placed on the physicians who don't believe these therapies effective. Patients have said to me: "if it can't hurt me don't you think I should do it" or "doesn't it make sense, if ozone, bleach, hydrochloric acid, etc. kills the virus in cell culture won't it kill the virus in my blood" or "I have a friend whose T cells went up 400 by using rectal enemas of bitter melon extracts". How does a physician answer these questions? Scientifically? With what data? In this situation perhaps one can answer an anecdote with another anecdote or several thousand of them. For example, if every one of the individuals who comes to me expressing a desire to do intravenous compound Q could be referred to the Sanctuary data base of 5000 experiences with this agent and if 90% of the patients had died, got worse, did nothing, etc. I would suggest that these same patients initially determined to undertake such therapy would start looking for another treatment modality.

as currently recognized by the FDA. The sanctuary will be charged with adding and removing medications/devices from sanctuary status, maintenance and dissemination of a timely account based on the feed back from physicians using the sanctuary drugs and in allowing or disallowing physician participation in the sanctuary program based on the sanctuary's reporting requirements. Further the Sanctuary will maintain an acceptable standard of toxicity and ensure such data is present and available on all agents in sanctuary prior to release of compounds from sanctuary to the treating physician, this requirement for limited toxicity shall be judged in, rat, rabbit and dog but no requirement on human toxicology will be required on sanctuary agents prior to their release with all parties being warned as to the limits of the toxicological data. Sanctuary will transmit all toxicological summary data to requesting physicians with the sanctuary drugs. The sanctuary will use the funds it collects from the fee charged for providing agents to physicians/patients to pursue the study of the toxicology on agents decided by the committee for use in the sanctuary but not having drug company sponsorship or prior toxicological data, an example being a natural compound or chemical compound having promise is cell culture studies but not attractive to drug manufacturers for reason of profit, patent etc.

This act would sub-serve several functions:

1) Any agent having tremendous curative power, even if non-patentable or widely available would be immediately obvious to those individuals both in and out of the sanctuary who are familiar with the disease process and would hopefully, having shown such promise in sanctuary, be pursued further in more formal clinical trials.

2) All or most covert use of agents in terminal disease would become public as the sanctuary would have these agents and proponents, or more importantly their patients, could look at the results, or read the anecdotal reports from many physicians who had direct experience with the agent prior to trying it themselves. This would help to limit the wildly successful, unsubstantiable claims made for coffee enemas, or some other less absurd treatment done currently only in one place in Mexico, etc. and not capable of being refuted or even analyzed as no reasonable individual would risk losing their license doing something they had no faith in; nevertheless, some more evenly tempered individuals might, at the patients request provide such therapy if available in sanctuary and would by definition report back to sanctuary, thus normalizing the reality of the agent and its effect in a broad group of patients and in a broad range of doctor's hands

By not allowing any one group to dominate the anecdotes or spread nonsense amongst desperate patients, the only motivation served by the sanctuary act, and in the requesting of a sanctuary agents, would be for ones patient's health and survival, the patient having failed all else.

3) This act would provide a restraint on those unscrupulous charlatans who practice beyond and within our borders and drain our citizens/patients of resources, as any physician who cares for the terminally ill can attest, this is very difficult to prevent. By virtue of a sanctuary act a physician could use the same or similar agent available out of the sanctuary drug and the reports of thousands of such US physicians, all using the same pure agent, could be read by potential sanctuary users and patients and physicians prior to embarking on the use of such an agent. Patients would then have many reports to review rather than the one report of cure from one individual with one treatment available only in Mexico, Africa, etc.

- 4) The great cost of drug development could be brought to a fraction of its current cost as "home-run" agents would be evident and their major toxicities also evident. Small firms with little capital could submit or publish their data as is currently done and sanctuary committee could select their agent for placement in the sanctuary
- 5) Agents in the sanctuary would be provided by drug manufacturers at no cost and would be pure, the manufacturer obtaining very rapid data on the agents effect in humans in return for provision of the agent and the toxicological animal data.
- 6) The sanctuary allows for a rapid evaluation of many agents with potential for cure, as contrasted with the 9 billion dollars we have spent comparing AZT to DDI. through the ACTG's
- 7) Patients and physicians stop re-inventing the wheel⁵.

Benefit to United States patients:

- 1) Untold thousands of patients now go to Mexico, Europe etc. to seek out "cures" at great expense and untold grief. Given the availability of the same agents through their doctors these same patients (having failed all conventional therapy and with less than 6 months to live) would surely prefer to stay at home and some data could be collected on these agents at the same time.
- 2) The sanctuary agent might just work. Agents which clearly already work in the test tube could be used in humans in a matter of months rather than years.

Benefit to the United States pharmaceutical manufacturer:

In essence the companies could choose to place a drug in sanctuary and obtain information on its human toxicity and efficacy without spending the 10 million it currently costs to bring an agent through clinical trials. Having such advanced warning on agents under consideration by the drug companies for development is invaluable and for those agents which showed promise in sanctuary efforts could be made to accelerate, through the normal channels of phase one, two, and three, the wider availability of the agent to less ill patients who would not meet the definition of sanctuary users.

Benefit to you:

Clearly more previously healthy young Americans have died from HIV (200K) than have died in W.W.II, Korea and Vietnam. Recognized or not, this is a state of emergency. Each individual who dies of AIDS has on the average 30 years of training spent on him and these same individuals were expected by society to perform for another 30-40 years--what an incredible waste of productive man years. Thirty years times 200K men equals 6 million man years of production!. These are the individuals who were to pay taxes and take care of society--but now just draw on society and die.

All of those persons infected with HIV dead or alive have families that are extremely anxious that something be done and would be extremely grateful to anyone accelerating the process of finding a cure. This addendum to the FDA costs nothing, wins popular support

⁵One of the truisms of medicine is that when a treatment for a disease works, for example the treatment of testicular cancer with 98% cure, there is very little charlatan activity, or alternative medicine in these diseases, however, when current therapy is ineffective there is a burgeoning market in quack cures. Much of the problem with HIV is that we have no effective cure. When one is found, most of the problems surrounding the disease treatment with bizarre agents disappears.

and could dramatically accelerate the discovery of cure. I can think of no greater act that could be done to win popular support for your administration than to allow the terminally ill to go first and experiment with their and their families' consent and the approval of their physicians in a situation so desperate for cure.

THOMAS J. MAGEE, M.D.⁶

⁶The letterhead pictures Oedipus contemplating the riddle of the sphinx to save the city of Thebes from a plague. Few would attempt this method of solving their problems, for in order to receive the solution to your problem you would first have to answer the riddle posed by the sphinx, if the riddle was answered correctly the sphinx would tell you how to overcome your problem, if the riddle was answered wrongly, the sphinx would leap from its pedestal grab the questioner by the neck and cast him into the abyss. Oedipus solved the riddle of the sphinx and saved the city of Thebes from the plague. The writing under the picture is attributed to Oedipus and translated from Greek states "there is no greater good than to relieve the suffering of another man."

■ COMMENTARY

NAFTA: An empty victory?

Bill Clinton won the contentious battle with Congress last week, but the president could end up losing the global war for free trade

In ancient times there was a king named Pyrrhus who fought a long war against the Romans. Pyrrhus won all of the battles, but he lost so many men in the process that in the end it was the Romans who won the war. Ever since, a pyrrhic victory has meant a victory won at such cost that it is hardly better than a defeat.

Last week's NAFTA vote was a great victory for Bill Clinton and for free trade against protectionism. But was it a victory that left the free traders weaker than they were before? In particular, did the administration sell the agreement in a way that mortgages the future of U.S. trade policy?

One concern, of course, is the extent to which uncertain votes were swayed by special deals. By making concessions to lobbies for sugar, citrus fruit, winter vegetables and cut flowers, the White House bargained away some of the economic benefits of NAFTA. But the biggest worry for many free traders is their feeling that the trade agreement with Mexico will aggravate future trade tensions with other countries because of how it was marketed.

Those who fret about the aftershocks of the NAFTA debate are disturbed not so much by the arguments of its opponents—there have always been people like Ross Perot, and their arguments haven't changed much over the past 200 years—as by the arguments of its supporters. Unfortunately, the administration made a basically dishonest case for NAFTA and that dishonesty could come back to haunt the United States.

Boosting productivity. The real economic case for NAFTA is that it will increase the efficiency of the North American economy. With free trade the United States and Mexico will be able to restructure their economies in order to concentrate on the things they do relatively well. America will focus on those industries in which it has a huge productivity advantage over Mexico, like computers; Mexico will concentrate on those industries in which the productivity gap is smaller, like clothing. This industrial restructuring will raise the average productivity of workers in both countries. The number of jobs won't change much, but higher productivity will mean that on average workers will earn more on both sides of the Rio Grande.

Alongside this economic argument is a powerful foreign-policy concern: A rejection of NAFTA would have had devastating effects on the pro-market, pro-American reformers who now run Mexico, and it would have signaled the world that America was no longer willing to stand for open markets.

These economic and political arguments make a compel-

ling case for NAFTA. But this wasn't the case that the White House made. How, then, did the administration sell NAFTA? By making two arguments that embarrassed many of the agreement's supporters and angered many of our allies.

First, the White House sold NAFTA as a jobs bill. It claimed that the agreement would create hundreds of thousands of jobs, because Mexico would buy more from the United States than it would sell in return. This is a mercantilist

point of view: Exports are good, imports are bad. That sounds fine when applied to Mexico, which has run a trade deficit with the United States in recent years. But is international trade really a struggle over jobs, which you win only if you run a surplus? If those are the rules of the game, then brace yourself for trade wars with Japan, which runs persistent surpluses with the United States, and with the European Community, which runs persistent deficits in its trade with America and has plenty of protectionists of its own.

Second, in the last desperate weeks of the NAFTA campaign, the administration began claiming that the trade agreement was a competitive weapon against America's rivals. Lee Iacocca appeared in TV commercials, urging people to support NAFTA because the Japanese and Europeans supposedly don't like it. The president himself raised the specter of a rejected Mexican president receiving an emissary from Japan who would cut an alternative deal. Maybe members of the administration believed this fantasy, maybe they just thought it was smart politics. But the Japanese were furious at once again being portrayed as economic bogymen. Both Japan and Europe now fear that NAFTA will mean more—not less—U.S. protectionism against the rest of the world.

What happens next is up to President Clinton. He can start re-educating the American public by using international forums—like the Pacific Rim summit in Seattle—to explain that international trade is good for everyone, not just the countries that run trade surpluses. And he can repair the damaged relations with our trade allies by pressing hard for a successful completion of the General Agreement on Tariffs and Trade negotiations before the deadline on December 15. If Clinton doesn't change the dialogue on trade—if the debate over NAFTA is the way that trade policy will be handled from now on—then this victory for free trade will turn out to be the beginning of its defeat.

BY PAUL R. KRUGMAN



NAFTA foe. Rep. Richard Gephardt rallies troops.

THE PRESIDENT HAS SEEN

11/30

GS-sweeten
Meyer need later

November 17, 1993

MEMORANDUM

To: Bill Daley, Rahm Emanuel
From: Ann Walker
Dan Meyer, Stephen Monkarsh

Re: MAJOR LEGISLATIVE EFFORTS

The following are examples of methods used by past Presidents to pass controversial legislation:

TRUMAN & THE MARSHALL PLAN OF 1948

- At the time of the Marshall Plan, barely half the American population had heard of it, and isolationism ran deep in the country. President Truman "could and would twist arms, swap favors, logroll, porkbarrel, and engage in all the other legislative tactics of persuasion that a President customarily applies to Congress; and those tactics would give senators and representatives an incentive to vote for the Marshall Plan." (Charles L. Mee, Jr., The Marshall Plan, at p. 225.)
- In the first five weeks of 1948, Congress was buried in lobbyists. The Administration had a basic array of arguments: If a congressman wanted protection from Russia, the Marshall Plan would stop the Communists; if a congressman resented scare tactics, officials shifted ground and talked economic benefits. If the Marshall Plan was criticized as too expensive, then the Defense Department had an analysis to show that the budget for armed services would need to be increased immediately by 25% if the Plan were defeated. "Nothing was excluded from the Administration's pitch if it looked as though it might attract a few votes." (Id. at p. 239.)

KENNEDY & THE TRADE EXPANSION ACT OF 1962 (HR 11970)

- Textiles: President Kennedy announced a seven-point plan to aid the textile industry in 1962 after floor statements by 60 House members from textile producing states. Rep. Carl Vinson (D-Ga.) led the legislative effort. Request routed to the Tariff Commission.
- Cotton: Under the Agricultural Marketing Act of 1937, Kennedy asked the Tariff Commission to impose an 8.5 cent "equalization fee" on the content of textile imports.

- Petroleum: Under the national security clause of the Trade Expansion Act, Kennedy approved a 10 percent increase in the oil tariff. This was the goal of the small oil producers who were opposed by New England consumer lobbies.
- Lumber: Working with Sen. Warren G. Magnuson (D-Wa.), Chairman of the Senate Commerce Committee, Kennedy enacted a six-point plan: 1) negotiations with the Canadians on softwood exports; 2) request to Congress for \$10 million dollars in new roads and building for federal forests lands and parks; 3) opening of shipping contracts to the East Coast to foreign vessels; 4) increase of limits to amounts that could be cut from federal lands (by 150 million board feet); 5) establishment of a "preference" for American lumber interests on Defense, GSA, and other federal agencies; and, finally, 6) "increased" attention to applications for loans filed with the SBA by lumber mills.
- Carpets and Glass: Kennedy also used the escape clause to ask the Tariff Commission to raise fees on carpets and glass from 21 percent to 40 percent on wilton, velvet, and tapestry carpets; and 1.3 cents to 3.5 cents per pound on cylinder, crown, and sheet glass.

JOHNSON & THE CIVIL RIGHTS ACT OF 1964

- Congress in 1964 passed the most far-reaching civil rights legislation since the Reconstruction era and the "final bill was a tribute to effective cooperation by a bipartisan group of House and Senate leaders." (1964 CQ Almanac at p. 338.)
- The final bill was considerably broader than the original draft sent to Congress by President Kennedy in June, 1963. Also, although the President's bill contained a provision permitting a cutoff of federal funds if used in a discriminatory manner, it "apparently was added to the draft bill by the White House for bargaining purposes." (Ibid.)
- During the negotiations, President Johnson played a muted role. "He exhorted the leaders, when they breakfasted with him each Tuesday, to keep up the fight. He was in frequent telephone contact with Humphrey . . . Whatever part he played in lining up the last votes needed for cloture remained a closely guarded secret." (Id. at p. 355.) The detailed negotiating was left to the Senators and the Justice Department.
- However, during strategy discussions, "Johnson pointed out that Senate Minority leader Everett Dirksen held the key to getting the necessary votes for cloture" and he "was ardently courted by the White House and its agents." (Mark Stern, Calculating Visions, Kennedy, Johnson & Civil Rights, at p. 173.) According to

Jack Valenti, "The President was trying to get Dirksen to do certain things and Dirksen would [eventually do them] . . . exacting his price for it." (Id. at p. 174.)

- Dirksen did support the legislation but hoping for a "consensus" of Republican Senators on revising the employment title, Dirksen presented 10 Title VII amendments, deferring the two most controversial, on April 16 to the Senate. The most important of these would forbid interested organizations from bringing charges of unlawful employment practices; only an aggrieved person or member of the Employment Commission could bring the charges. (CQ Almanac at p. 359.)
- On March 26, H.R. 7152 moved to the Senate floor. Johnson "kept pushing leaders from business, unions, churches and minority groups to round up their constituents to support the bill." (Stern at p. 178.) Also, Sen. Talmadge on April 21, made an amendment that would entitle defendants in criminal contempt cases to jury trials. In addition, the Mansfield-Dirksen substitute for HR 7152 as passed by the House made numerous changes in House language but only a few substantive revisions. (Id. at 362.) After passing the Senate, President Johnson signed the Civil Rights Act of 1964 into law on July 2, 1964.

CARTER & THE PANAMA CANAL TREATY OF 1978

- "In 1978, Carter's personal lobbying led to some important successes." (Betty Glad, Jimmy Carter, In Search of the Great White House, at p. 423.) The Panama Canal treaties had been postponed for Senate ratification on Senator Byrd's advice. "Frank Moore actively worked with Mondale, Byrd, Frank Church and others to win votes for their passage. And Senator Howard Baker, minority leader, played a key part in creating support for the treaties." (Ibid.)
- "Carter personally lobbied every Senator, offering small favors. . . With some of the undecideds, such as Democrats Dennis DeConcini of Arizona and Ed Zorinsky of Nebraska, he conferred by phone or in person several times. He even worked on 16 Senators who were firmly opposed to the treaties in a three-hour session one day and won over Howard Cannon of Nevada." (Ibid.)
- President Carter's strategy paid off. In June of 1977, only 27 Senators had supported the treaties, but in February, 1978, 62 were either in favor of or leaning toward supporting them." (Id at 423-24.) In March, the Senate passed the legislation 68-32.
- One of the major difficulties in securing ratification was adoption of a reservation to the neutrality treaty, sponsored by freshman Senator Dennis DeConcini (D-Az.) that would permit the United States to "use military force in Panama" to reopen the canal if it were closed for any reason. (1978 CQ Almanac 12-6, Vote 66).

REAGAN & SOCIAL SECURITY REFORM OF 1983

- Under extreme time pressure in 1983, Congress and the President passed a social security rescue bill. "Caught between the obstacles to change - which are so much a part of the American system of separate powers and checks and balances - and the need to move - which is so much a part of the current budget and economic climate - the legislative and executive branches finally began the secret negotiations that would produce a package." (Paul Light, Artful Work, The Politics of Social Security Reform, at p. 3)
- There were more lobbying groups involved in social security in the early 1980's than ever before, and unlike large umbrella organizations, single-interest lobbies had little incentive to compromise on social security. Similar to the debate on NAFTA today, "single interest organizations were willing to accept stalemate as the price for victory on social security. They were willing to stop government on other issues if that guaranteed their one position. (Id. at 75.)

and down



Arkansas Democrat-Gazette/Stephen B. Thornton

AND FUN — Del Farris catapults 6-year-old daughter Hanair as they play on a seesaw Saturday afternoon at War in Little Rock.

GOP chief hands out muzzles in blueprint for 1994 landslide

BY ANN McFEATTERS
Scripps Howard News Service

WASHINGTON — Gleeful Haley Barbour — lawyer, lobbyist and chairman of the Republican National Committee — has it all figured out — how he will turn 1994 into a GOP landslide.

With the entire House, a third of the Senate and three-fourths of the governorships up for grabs, he'll muzzle the growing cadre of GOP presidential candidate wannabes.

He'll try to tar President Clinton as a tax-and-spend liberal.

He won't let GOP candidates say a word about Hillary Rodham Clinton.

A Mississippi political operator who rode to glory backing Ronald Reagan, Barbour didn't cotton much to George Bush's campaign style in 1992. He didn't get elected chairman by fellow Republican committee members until the third ballot last January.

But since his win, he's run the party machinery his way and has racked up an impressive string of victories. He's also recruited Republican candidates for local offices who earlier had refused to run and lengthened the list of GOP contributors.

Since January, Republicans have won two Senate seats, the mayoral races in the nation's two largest cities and two gubernatorial slots — all with a Democrat in the White House.

But the real purse is November 1994, and Barbour never seems to forget it, even while he is crowing over the party's November victories in New York City, New Jersey and Virginia.

Barbour thinks 1992 was a

fluke, when Americans were so desperate for political change they reluctantly chose Clinton while Republicans failed to remind voters they were for small government, lower taxes and less federal spending.

Since Clinton pushed through a tax increase, Barbour insists, it has "reminded people what they don't like about Democrats."

Not one Senate Republican voted for Clinton's budget.

First for 1994, Barbour intends to keep the would-be Republican presidential contenders for 1996 quiet until after next November. He doesn't want Jack Kemp or Bob Dole or Dick Cheney or any of the others to start squabbling among themselves until then.

He wants them all focused on attacking Clinton as an advocate of higher taxes and more government spending.

He wants to keep such divisive social issues as abortion and the rights of homosexuals out of the debate as much as possible.

And he does not want Republicans to go after the first lady. He thinks his predecessor, Ronald Reagan, was completely wrong in letting her be attacked at a 1992 Republican National Convention at Houston. Barbour is determined not to let the Republicans be torn apart by the split between party moderates and the scrappy evangelical Christian right.

He refuses to side with either group, although he notes he is a Presbyterian. He quotes Mencken's line that Presbyterians are people with a haunting fear that someone somewhere may be happy.

Heart ♥ Life

Conservatives Tear a Page From Liberals' Book, 'Borking' Clinton's Nominees for Legal Positions

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL
WASHINGTON — "Borking" is back, but with the roles reversed.

During the Reagan-Bush years, the right decried liberal attacks on judicial and Justice Department nominees such as Robert Bork, Clarence Thomas and William Bradford Reynolds. Indeed, the campaign that killed Mr. Bork's 1987 Supreme Court nomination bequeathed the verb, "to bork," meaning to barrage an appointee with sensational-sounding excerpts of past opinions, writings or speeches.



Robert Bork

Despite their protests about liberal tactics, however, conservatives have put together a potent borking machine of their own. Its key components: Republican Senate aides who compile negative dossiers on nominees; like-minded outside groups that seek to stir up "grass-roots" opposition; and conservative columnists, whose simultaneous alarms can create a powerful echo effect.

'It's Our Turn Now'

"Liberals stopped Robert Bork's nomination for the Supreme Court; liberals almost stopped [Justice] Clarence Thomas," says Thomas Jipping of the conservative Free Congress Foundation. And Mr. Reynolds was rejected for the No. 3 post at the Justice Department. "It's our turn now," Mr. Jipping declares.

The big conservative victory so far has been blocking Lani Guinier from becoming the Justice Department's civil-rights chief. But others are currently under fire, including Rosemary Barkett, a federal appeals court nominee, and William Gould, the would-be chairman of the National Labor Relations Board.

The connection to past battles is quite direct in some instances. Janet Napolitano, Mr. Clinton's choice to be U.S. attorney in Phoenix, generated GOP hostility because of her refusal to discuss confidential aspects of her work as counsel to Anita Hill, who accused Justice Thomas in 1991 of sexual harassment. Questions about Ms. Napolitano's role were first raised by conservative journalist David Brock, who attacked her in articles in

the American Spectator and the Washington Times. After using procedural maneuvers to delay Ms. Napolitano's confirmation for months, Republicans relented on Nov. 19 and allowed her to be confirmed for the post.

In pressing aggressive challenges to Clinton appointees, the conservatives "are borrowing a page from our book," says Nan Aron, who as director of the Alliance for Justice, a consortium of liberal groups, coordinated opposition to Reagan and Bush appointments. Conservatives acknowledge that, like their liberal counterparts in the 1980s, they have the resources to try to stop only a tiny fraction of the president's nominees.

"The goal is to force Clinton ... to expend as much political capital as possible," says Clint Bolick of the libertarian-conservative Institute for Justice. He helped lead the blitz on Ms. Guinier with a slashing editorial-page article in this newspaper. "If we succeed even in only a few cases," Mr. Bolick adds, "we may discourage the White House from choosing people with more extreme philosophies."

Attack on Gould for NLRB Post

Republicans, for example, probably don't have the votes to kill Mr. Gould's nomination to head the labor-relations board. But they hope that by tying up the liberal Stanford law professor's appointment, they can influence the White House to name a more pro-business person for another vacancy on the NLRB. So, in an attack some business lobbyists describe privately as "borking," Mr. Gould is being depicted as a "radical" for having advocated pro-union legal changes in his academic writings.

In a new twist on earlier liberal strategy, the conservative opposition also involves covert efforts by some GOP Senate aides to incite editorialists and the public. After President Clinton announced in late September that he wanted to promote Judge Barkett from chief of Florida's top court to a spot on the federal appeals court in Atlanta, aides to GOP Sen. Orrin Hatch of Utah went to work. They combed the 54-year-old jurist's lengthy record to find examples of her liberal "activism," especially any opposition to death sentences in grisly murder cases.

In due course, Sen. Hatch, the ranking Republican on the Judiciary Committee, announced that he was "deeply troubled" by Judge Barkett's views on capital punishment. Behind the scenes, Mark Disler, a senior Hatch aide, circulated anti-Barkett memos to presumably sympathetic colum-

nists, urging them to use the material, but not identify its source.

A mini-wave of anti-Barkett editorials appeared. But then, columnist Charley Reese of the Orlando Sentinel, a recipient of the Disler package, blew the whistle on the Hatch aide. In response, Sen. Hatch publicly reprimanded his assistant for not following "proper procedure," but added that the memos were accurate.



Rosemary Barkett

Similar tactics were used against Attorney General Janet Reno when she was nominated in February. According to Senate staff members, John Bliss, an aide to GOP Sen. Hank Brown of Colorado, along with a since-fired lobbyist for the National Rifle Association, helped spread allegations that Ms. Reno had a drinking problem—something she flatly denies.

John Thompson, a longtime Reno political foe from Miami, has submitted a sworn affidavit to the Senate Ethics Committee as part of a complaint alleging that Mr. Bliss prodded him to leak the drinking story to the press. Senate Republicans "were attempting to smear [Ms. Reno] through someone else, without having their fingerprints on the thing," Mr. Thompson says in an interview.

As he did when the Capitol Hill newspaper Roll Call first reported on the flap, Mr. Bliss says he was merely investigating allegations that turned out to be unsubstantiated. "We didn't go to [Mr. Thompson]; he came to us," the aide says, adding, "I never sought to share the information with the press." Sen. Brown blamed the rumors on Mr. Thompson and voted to confirm Ms. Reno.

Another thing that distinguishes the new borking from the old is increased technological sophistication, epitomized by the Free Congress Foundation's satellite video network. Started in 1991 to mobilize conservative groups around the country, the network is scheduled to expand to 24-hour-a-day cable service next month.

Mr. Jipping has appeared repeatedly on Free Congress telecasts, exhorting viewers to rise up against Judge Barkett because of what he says are her votes to spare some heinous killers from execution. The sermons have ignited anger among people such as Dale Switzer, the Tulsa, Okla., liaison of the Christian Coalition, a national organization headed by evangelist-politician Pat Robertson.

"For some reason, [Mr. Jipping's pitch] lit my fire," says Mr. Switzer, who has launched an anti-Barkett letter-writing drive aimed at Oklahoma Sens. David Boren, a Democrat, and Don Nickles, a Republican.

Sen. Hatch has succeeded in getting Judge Barkett's confirmation hearing put off until next year, but it's still far from certain that she will be stopped. She received the American Bar Association's top rating and has a plausible response to the charge that she is "soft" on the death penalty: She has voted more than 200 times to affirm capital sentences.

THE PRESIDENT HAS SEEN 11/30

THE WALL STREET JOURNAL MONDAY, NOVEMBER 29, 1993

BC - So we have a good conservative strategy. Are we buying a pretty trickles record at home?

Meg Greenfield

Who's Handling Whom? ✓

Shameless freelancing goes beyond political consultants.

I never thought I'd say this, but I am beginning to feel sorry for that whole world of political consultants that is suddenly being denounced for its amorality and egomania as a result of the Ed Rollins affair. Understand: I think the critique is right, that our political life has been in some measure degraded and deformed by the ascendancy of so many self-promoting, for-profit political manipulators hired to turn Candidate Sow's Ear into President Silk Purse. But it's not just that all of the folks in this line of business aren't as villainous as the current portrayal suggests or that politics was never very pretty. It's that many of those leveling the criticism are themselves, deeply implicated in the activity they are deploring, and that the trend (toward self-aggrandizement and shameless freelancing at the expense of the public figure ostensibly being served) reaches far beyond the realm of mere political consultants.

Who else is implicated? Try us in the press. It is we who have written endlessly about the wars between the major political consultants, who have glorified their handiwork and accepted, pretty much as is, their hard-eyed analyses of what each campaign was really about and what was required to win it, never mind sentimental considerations of taste or integrity. It is we who amplify their constant, outrageous complaints about their clients not being able to stay "on message," for example, when the poor fellow may have done nothing more than express a sincere but impolitic thought on a subject of some importance that was not in the game plan. And, finally, it is we who have adopted and put into general usage so many of the euphemisms of the trade. Of these, by far my least favorite is the neutral, technical-sounding term "going negative," that is so often used to make cheap, mean and mendacious attacks on an opponent sound respectable.

So much for the press—let us not forget the candidates themselves, most of whom don't seem so much to submit reluctantly to all this as to seek it out and revel in its vaunted efficacy. At the beginning of every campaign season there is in fact a kind of public auction in which the candidates bid for the services of the big-time consultants. Which Democratic presidential candidate would win consultant James Carville in 1992 was cast in terms almost as suspenseful and exciting as the coming election itself. And, to the extent that a candidate may allow himself or herself to be transformed in unpleasant ways or to take demagogic stands on the advice of a campaign guru, I don't for the life of me see how that can be blamed on the guru. Likewise, if hired consultants go around telling everyone what pills their clients are and how hard it is (or was) to get them to do the clever thing, I think it is more of a comment on the wimpishness of the clients who continue to hire and roll over for such consultants than on the consultants themselves.

In fact all the tendencies people have been decrying in political consultants have been thriving for some time in government. I am referring to the trend that has seen the aides and assistants and all-purpose gnomes of the executive branch going into business for themselves, not even after, but astonishingly, *during* their time working for a public officeholder. What once was hailed as a desirable "passion for anonymity" on the part of presidential advisers has become a passion for notoriety on the part of

many, and their principals don't seem to object all that much.

Speechwriters, for instance, used to be known as "ghostwriters" and would dissemble becomingly whenever anyone suggested that they, not the guy orating, might have actually written the stirring words. Even back in the days when Ted Sorensen and Richard Goodwin were acknowledged to have been making phrases for JFK, and after Ike's ghostwriter, Emmet John Hughes, had written a book—one of the first modern kiss-and-tells—about his life as a White House helper and scribe, the participants in these exercises tried to project at least a little discreet flimflam. They would modestly protest that the president had actually thought up much of the speech, that these were his basic ideas and many of his words etc. No more. Now it is the speech givers who have become the "ghosts"; they come across as more or less interchangeable figures who are critiqued in public by their speechwriters on how well or poorly they delivered the great one's immortal words. The once anonymous writers now freely give interviews on how badly the nominee screwed up their acceptance oration, which other presidential staff member stupidly took out which wonderful phrase and so forth.

In fact, all manner of aides now give interviews grading the politician for whom they are purportedly working on how well he or she carries out instructions and also appropriating their triumphs and disowning their disasters. This is especially prevalent in Bill Clinton's White House. One memorable example was in an article the morning after his much-needed success at the economic summit in Japan last July, in which aides made sure (1) that their presence in the inner-sanctum planning was known and (2) that the decisive wisdom of their advice was established. I learned a long time ago from what was, at first, a surprising experience that a lot of people in government will tell you things they are not supposed to simply to get out the word that they were in on the secret deliberations or to demonstrate that, if not in the actual room, they were anyhow in the loop and absolutely know what's what.

Now, scuzzy as much of this will seem, I suppose there is something that can be said for it. It is, after all, some kind of gain for honesty (never mind the motive for it) when the truth comes out about how government works or about the actual authorship of a text. And it is, if not a gain for democratic freedom, at least a setback for mindless servitude when staff members insist on having some say-so in and accountability for what the boss does and not just being knee-jerk loyal drones. But I would feel better about all this if I believed it were being undertaken for any even dimly noble reason, as distinct from as a form of career advancement on the part of those engaged in it.

In fact, we are talking specialization run amok here, people who consider themselves part of an artisan's guild, not part of a political program, who see themselves as independent contractors, not—to use the much-despised term—as team players. This (at least) is not Ed Rollins's fault, or political consultants' fault or any other one group's fault. It is, however, a real, important and unhealthy trend in our politics, and it sure took us a long time to notice it.

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MONDAY, NOVEMBER 29, 1993 THE WASHINGTON POST

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Beatrice Dohrn

THE PRESIDENT HAS SEEN 11/30

No More Exclusions

It's not often that a president gets a clear second chance on an issue, but President Clinton now has one. The decision by the D.C. Circuit Court of Appeals in the case of *Steffan v. Aspin* should inspire the administration to return to principled consideration of whether gay men and lesbians ought to be excluded from military service solely because of their sexual orientation.

The court's Nov. 16 decision rejects the government's contention that it was permitted to bar lesbians and gay men from military service, because it anticipated that "because third parties do not like homosexuals . . . they will not wish to serve alongside them."

When the president spoke out against the military's exclusionary policy during last year's presidential campaign, he made clear his belief that discrimination against people because of who they are is wrong and unconstitutional. Ultimately he felt forced to backpedal from this position, although even as he announced his "compromise" he admitted he had hoped for better. The president's original view that discrimination is wrong has been vindicated by the *Steffan* decision as well as four other recent federal court decisions finding the ban unconstitutional.

Now the administration must decide how to respond. It can seek to have the court's ruling overturned by appealing to the Supreme Court or seeking rehearing by the full 12-member bench of the D.C. Circuit Court. Obviously this would represent a stinging about-face: an administration that promised to work toward recognizing the rights of lesbians and gay men choosing instead to seek reversal of a court ruling upholding those same rights.

Another political option would be to claim that the court's ruling in *Steffan*, and in the other recent decisions that have held the ban unconstitutional, speak only about the old version of the ban on service by lesbians and gay men, and thus have no bearing on the new one.

An effort to limit the significance of the court's ruling to the "old version" of the ban

would be a deeply disingenuous effort to buy time and bury this issue.

Three versions of the ban are at issue: the old ban, which is the version the court ruled on explicitly; the Aspin version, which is in effect; and the congressional version, which has been attached to the defense appropriations bill awaiting the president's signature.

The political spin on Aspin's version of the ban is to call it "don't ask, don't tell" and to claim that it's a liberal policy. The spin on the congressional version is that it's a codification slightly more restrictive than Aspin's.

But anyone who has read the three policies knows that they are in every important respect the same: Each prohibits military service by gay men and lesbians, whether or not they are publicly open about their identity. The ruling in *Steffan* cannot be said to concern only the extinct policy, because in making its decision, the court looked at the truth underlying every version of the ban: Each version defers to those who harbor irrational prejudice, and thereby each "ratifies and encourages their prejudice." And to that reality, the court applied the essence of our law: "America's hallmark has been to judge people by what they do, and not by who they are."

Finally, the president could take the simple and principled position that initially guided him on this issue: that discrimination—especially by the government against some of its own citizens—is wrong and intolerable. After all, it was the president who said that "we don't have a person to waste" and who articulated why according second-class status to lesbian and gay Americans was unacceptable in principle and wasteful in practice.

Spin is spin, principle is principle and leadership is just that. The president should seize this rare second chance, and let principle guide him to eliminate the military ban on service by lesbian and gay citizens.

The writer is legal director of Lambda Legal Defense and Education Fund, which represents Joseph Steffan.

THE WHITE HOUSE
WASHINGTON

2/27/30 19:40

Meals

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THE WHITE HOUSE
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Have media taken over party role?

"Out of Order," by Thomas E. Patterson, Alfred A. Knopf, 304 pages, \$23.

Review

BY CELIA STOREY
Special to the Arkansas Democrat-Gazette

Americans polled after the 1992 elections said they wished someone else, someone trustworthy, had run for president. They resented being forced to choose among a wimp, a con-man and a paranoid billionaire.

So what? Voters have always been disgruntled, right?

Come to find out that's not the case. Before 1968, Americans generally admired national candidates. The first presidential nominee to poll an overall negative rating was Barry Goldwater in 1964, and only since 1968 have most nominees pulled big negatives.

Political scientist Thomas E. Patterson sees this new widespread dismay as evidence of a system in trouble. No wonder people don't vote; who wants to vote for slime? But the nominees are not slime, he says, citing studies to prove presidents keep their campaign promises. Voters have swallowed a sour view fed to them by the news media, which because of ill-advised campaign reforms in the early 1970s are now, in effect, producing the national elections.

Where once voters could rely on party leaders to anoint a mighty partisan, these days entrepreneurial unknowns announce for president and then dash about collecting constituencies.

Having served the nation well for most of the century, the party nominating process changed after the war-torn election of 1968. Appalled by what was seen as power grabbing by an entrenched elite, the McGovern-Fraser Commission recommended reforms to open the system to rank-and-file members: power to the people. Before, state caucuses and primaries were non-binding "proving grounds" where party hopefuls could demonstrate popularity; nomination took place at the conventions.

Now the primary season be-



Cover photo courtesy of Alfred A. Knopf

gins too early and drags on until everyone's thoroughly sick of it. Primaries elect the nominee. Since the candidates are relative unknowns when the primaries begin, voters act in what the historian V.O. Key would have called a "state of nature." They aren't sure to whom they're awarding delegates.

As Patterson puts it, "Citizens are not Aristotles who fill their time studying politics." They must rely on someone to sell them on the candidates, and the increasingly weak parties can't. Into this vacuum sweeps the news media: Reporters will tell us about the people who want to be president.

Or at least that's the theory. In practice they tell us something much less useful: what they think about the people who want to be president.

Patterson brings predictable complaints against the media: Reporters are steeped in a culture of doubt, biased by the need to write coherent stories, driven by fear of flacking and given to post-hoc reversals and pack journalism. News values refract everything the candidates say, tainting the most earnest assertions of policy, painting every pledge as a dubious "strategy."

But this is merely the nature of journalism. What he objects to is the new abundance of celebrity reporters.

Attempts to improve reportage succeed only in part.

It's significant, Patterson says, that debates and appearances on "soft media" — Larry King, Donahue, MTV, "Good Morning America" — were followed by dramatic up-ticks in voter esteem and enthusiasm. Allowed to hear the

candidates, people liked them.

In simple bar graphs, Patterson charts declines in space given to candidates' quotes, to their statements about how they plan to govern, to any sort of positive depiction.

He doesn't blame the media for being cynical; he cites Watergate and Vietnam and agrees with the great Walter Lippmann that good watchdogs must be skeptics. But, he says, "fearful of manipulation by the candidates, and yet charged with the responsibility of providing a channel of communication by which the candidates can reach the voters time and again, the press lashes out at every attempt by the candidates to use its power. This reaction is not watchdog journalism. It is irresponsible journalism and poses a severe threat to the press' watchdog function."

Having made a case for radical reform, Patterson cautions against it. He wouldn't muzzle the press, although he would de-emphasize "interpretive journalism." He suggests shortening the primary season and including more unmediated forums to let candidates speak for themselves.

Even if it doesn't convince anyone to shorten the primary season, "Out of Order" may succeed in helping disgruntled voters understand what's bothering them. The book is concise, easy to read and well-organized, a persuasive piece of scholarship refreshingly free of scholarly jargon.

Celia Storey of Little Rock is the former media columnist for the Arkansas Democrat-Gazette.

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Best Sellers

FICTION

1. **SLOW WALTZ IN CEDAR BEND**, Robert James Waller. From Iowa to India: the romance of a professor and a colleague's wife.
2. **THE BRIDGES OF MADISON COUNTY**, Robert James Waller. A photographer and a lonely farmer's wife in Iowa have an affair.
3. **NIGHTMARES & DREAMSCAPES**, Stephen King. Twenty stories (mostly about the macabre), a teleplay, an essay and a poem.

WITHOUT REMORSE Tom Clancy, John Kelly he-

NONFICTION

1. **SEE, I TOLD YOU SO**, Rush Limbaugh III. More comments on the state of the nation.
2. **PRIVATE PARTS**, Howard Stern. The memoir the radio and television personality.
3. **THE HIDDEN LIFE OF DOGS**, Elizabeth M. Thomas. An analysis of canine behavior by a anthropologist.
4. **SEINLANGUAGE**, Jerry Seinfeld. Observations on life's pleasures and ordeals by the star of the television show "Seinfeld."

THE PRESIDENT HAS SEEN
11/30
THE WHITE HOUSE
WASHINGTON

October 16, 1993

MR. PRESIDENT:

The attached is a copy of a recent
speech by Bill Galston on the free
exercise of religion that he thought
you might be interested in seeing.


Todd Stern

Brie

This is very good
Thanks for sharing
it w/ me

Brie

William A. Galston
Deputy Assistant to the President for Domestic Policy
Remarks on Religious Liberty and the Supreme Court
Ethics and Public Policy Center
October 5, 1993

7:11 P5:00

I would like to begin by quoting a portion of President Clinton's remarks made on August 30 at a White House interfaith breakfast:

"Sometimes I think the environment in which we operate is entirely too secular. The fact that we have freedom of religion doesn't mean we need to . . . have freedom from religion. It doesn't mean that those of us who have faith shouldn't frankly admit that we are animated by that faith, that we try to live by it--and that it does affect what we feel, what we think, and what we do."

This remark in effect endorses as appropriate what many secular liberals deny--the use of religious language and argument in the public sphere. But as the President goes on to suggest, the massive fact of America's religious diversity imposes constraints on both believers and the state. On the one hand, members of faith communities must make special effort to translate the language of divine authority into more generally accessible terms (Catholic natural law teaching is a classic example of this). On the other hand, the state must be especially cautious about policies that restrict diversity by privileging popular over unpopular religions or by giving a secular outlook coercive sway over religion.

At the interfaith breakfast, the President was especially clear concerning the centrality of faith in defining our lives. For that reason, the free exercise of religion among the most important liberties, perhaps even the single most important, that the state is required to protect. In limiting free exercise, therefore, state must discharge an especially heavy burden of proof. The President believes that the 1990 Smith case, which dramatically lowered the burden of proof the state must discharge to justify acts that restrict free exercise, was wrongly decided. He urged passage of the Religious Freedom Restoration Act, which would reverse Smith by allowing governments to restrict free exercise only to further a compelling state interest, and only when the means employed are, of the available options, the least burdensome to religion.

But the President went even further at the now-famous breakfast. He praised Stephen Carter's recently published book, The Culture of Disbelief, which advocates a policy that might be called "maximum feasible accommodation" of religion. I will devote the remainder of my remarks to elucidating that policy.

Justice Scalia's opinion for the majority in Smith rejects that Native Americans' free exercise claims on essentially Hobbesian grounds. Scalia quotes from the 1879 Mormon polygamy case:

"Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices. . . . Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself."

While the belief/action distinction has a venerable and not undistinguished pedigree (extending back to John Locke and beyond), it leads to a doctrine of what might be called democratic tyranny, the very threat against which Tocqueville warned. As evidence, I offer Scalia's own arguments in Smith:

"Values that are protected against government interference through enshrinement in the Bill of Rights are not thereby banished from the political process. Just as a society that believes in the negative protection accorded to the press by the First Amendment is likely to enact laws that affirmatively foster the dissemination of the printed word, so also a society that believes in the negative protection accorded to religious belief can be expected to be solicitous of that value in its legislation as well. . . . It may fairly be said that leaving accommodation to the political process will place at relative disadvantage those religious practices that are not widely engaged in; but that unavoidable consequence of democratic government must be preferred to a system in which each conscience is a law unto itself or in which judges weigh the social importance of all laws against the centrality of all religious beliefs."

For Scalia, democracy equals unfettered majoritarianism, expressed through legislative action. To this stance there are two obvious but telling objections. First, one does not have to be a follower of Ronald Dworkin to believe that rights take on essential meaning--and practical effect--as bulwarks against oppressive majorities. And second, as James Madison was among the first to observe, the judiciary in our system of government is charged with the responsibility of enforcing a regime of rights against the legislature.

But the issue goes even deeper. The essential faith of liberal democracy is that we are not compelled to make the Hobbesian choice between tyranny and anarchy, that we can have a regime of ordered liberty in which the people rule themselves collectively in a manner that respects the fundamental rights of every individual.

If I may be permitted a comment that verges on the partisan: many contemporary conservative jurists and theorists seem tempted by precisely the two opposed extremes. Statist conservatives are so fearful of disorder that they invest public authority with plenipotentary power, while libertarian conservatives are so afraid of organized oppression that they want virtually to strip away the state's coercive power. The challenge now before us is

to steer clear of these extremes, but in a principled--not simply prudential--way.

To meet this challenge, we could do worse than take the case of *Wisconsin v. Yoder*, decided twenty years ago, as our guide. This case presented a clash between Wisconsin state law, which required school attendance until age 16, and the Old Order Amish community, which claimed that school attendance past junior high was contrary to their religion and would impede them in the free exercise thereof. The majority of the Court argued that free exercise must take precedence unless confronted with compelling state interests and that in the case at hand, Wisconsin had failed to make a plausible argument that its undoubtedly genuine interests ought to be regarded as compelling.

Many conservatives have charged that the *Yoder* court's expansive conception of free exercise is a formula for state impotence and even social chaos. (Indeed, Justice Scalia's opinion in *Smith* may be regarded as a reaction to *Yoder*.) From the other direction, *Yoder* has been attacked by liberals on the grounds that allowing the Amish parents to prevail over the state risks undermining the development of autonomy in Amish children. As Justice Douglas put it in his well-known dissent,

"It is the student's judgment, not his parents', that is essential if we are to give full meaning to what we have said about . . . the right of students to be masters of their own destiny. If he is harnessed to the Amish way of life by those in authority over him and if his education is truncated, his entire life may be stunted and deformed."

I have already indicated my response to the Scalia's conservative critique of *Yoder*. The response to Douglas's liberal critique begins with a distinction between two separate strands of liberal thought based on two distinct principles--autonomy and diversity. By "autonomy" I mean individual self-direction in the many senses explored by John Locke, Immanuel Kant, John Stuart Mill, and Americans writing in an Emersonian vein. By "diversity" I mean, straightforwardly, differences among individuals and groups over such matters as the nature of the good life, sources of moral authority, reason versus faith, and the like.

A standard liberal hope is that these two principles complement one another: The exercise of autonomy yields diversity, while the fact of diversity protects and nourishes autonomy. By contrast, my much less harmonistic view is that these principles do not always, or usually, cohere; that in practice they point in quite different directions in disputed areas such as education, rights of association, and the free exercise of religion. Specifically, the decision to throw state power behind the promotion of individual autonomy can threaten groups that cannot organize their affairs in accordance with that principle without undermining the deepest sources of their identity.

In my view, the core purpose of the liberal state is the protection of diversity, not the exaltation of autonomy. For in the guise of protecting the capacity for diversity, public practices based on the autonomy principle in fact exert a homogenizing pressure on ways of life--including many faith communities--that do not embrace autonomy as their highest value.

We need, instead, an understanding of liberal democracy that gives diversity pride of place--that affords maximum feasible space for individual and group differences, constrained only by the requirements of liberal social unity. This would mean, at a minimum, bringing cases such as *Sherbert* and *Yoder* stage-center in First Amendment jurisprudence and acknowledging that carefully crafted moment-of-silence laws with appropriate legislative histories should pass constitutional muster. More broadly, it would mean recognizing--and seeking to minimize--the myriad ways in which the modern welfare state exerts pressure on the beliefs and practices of faith communities.

The qualification I mentioned a moment ago is crucial: the more seriously we take diversity, the more seriously we must take the encompassing public structure that both protects and circumscribes the enactment of diversity. The practical precondition of diversity is the unyielding defense (and where necessary, enforcement) of the principles, institutions, and practices that constitute the core requirements of our shared citizenship. We have no right to ask citizens for more; we dare not ask them for less.

TO: Christine
Fr: Todd
as we
discussed
ORIGINAL BA2

THE WHITE HOUSE
WASHINGTON

11/29/93

CHRISTINE VARNEY:

I am returning this Reich memo
as we discussed.

Todd Stern

045495

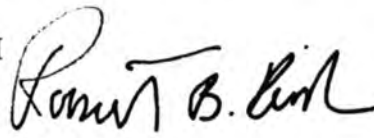
U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

NOV 29 1993 10:27

MEMORANDUM FOR THE PRESIDENT

FROM: ROBERT B. REICH
Secretary of Labor



SUBJECT: FY 1995 Budget

This is in response to your request for information on the FY 1995 budget proposals for the Department of Labor (DOL).

The Department, as you and I have discussed, focuses its work under three broad areas. First jobs focuses on adequately preparing young people for entry into the job market. Our second goal focuses on new jobs, by easing the adjustment of workers from job to job. Our third goal recognizes that American success in a global economy also requires the development of better jobs through high-performance workplaces. All of our investment initiatives and proposals for enforcement programs discussed below fall into one or more of these three categories.

Investment Initiatives

The Department has requested increases for 1995 investments of \$2.059 billion. Included in the request are increases for assistance to dislocated workers (\$835 million), summer youth (\$556 million), one stop career centers (\$250 million), Job Corps (\$237 million), and school-to-work apprenticeships (\$150 million). These increases will, for example, provide help to an additional 529,500 dislocated workers and to an additional 172,700 disadvantaged young people in the summer of 1995 and 160,900 in the summer of 1996.

Your original 1994 Budget projected an increase of \$3,569 billion in 1995 for DOL investments, in contrast to the \$2,059 billion now requested. In 1994, the Department received only \$962 million of the \$2,868 billion in your original 1994 budget. For the Department, the 1994 appropriation for investments represented only 34% of your original 1994 investment budget, while the government as a whole received nearly 70% of your investment budget. For example, although you sought an additional \$1.4 billion (above the baseline of \$517 million) for dislocated workers, Congress appropriated only \$587 million. For one-stop-career centers, you requested \$150 million, of which only \$50 million was provided.

The Department's proposal is especially critical as the dynamics of the American economy change and our workforce experiences significant changes, affecting both youth job preparation and adults in need of assistance. The Dislocated Worker program is especially important in order to deal with any NAFTA-related job loss as well as military base closures, defense downsizing, and the timber summit.

Enforcement Programs

I am also proposing an increase of \$119.3 million and 390 full-time equivalent (FTE) staff for our enforcement programs. Despite the fact that the Department's enforcement workforce was reduced 25 percent during the Reagan-Bush years, this request does not nearly restore those cuts. The gap will be addressed primarily through reinvention. The new FTEs would be for new responsibilities-- especially Family and Medical Leave and health care reform. First and foremost, an upgrading of enforcement sends a clear message to labor organizations, as well as the American workforce as a whole, that you and your Administration are committed to their well being. In the wake of NAFTA, it is doubly important that products not be manufactured at the expense of worker's safety and health. These proposals will contribute directly to my third major goal of providing better jobs for our workers. They will strengthen our efforts to provide a safer, healthier workplace, to assure fair and equitable treatment for all workers, especially the most vulnerable, to safeguard pensions and health and welfare plans, and to promote the high performance workplaces we need to compete on a global basis.

More than one-half of the funds requested for these initiatives are to make necessary investments in systems and technology so we can make the most of the streamlining and reengineering efforts we have undertaken at your direction. With these investments, we can do more with the staff in place.

We will be transmitting to you shortly, additional estimates for Occupational Safety and Health reform.

Reinvention

The Department has already made considerable strides in implementing recommendations made by Vice-President Gore's National Performance Review Commission to improve customer service and reduce costs.

We are in the final stage of developing a streamlining plan, which will result in some fundamental changes in how the Department carries out its varied missions. Our reinvention activities, which will be implemented by a series of agency "reinvention teams," will strive to improve customer service through increased delegations and empowerment of front-line employees, and at the same time will raise employee morale and reduce costs.

Overall, the reinvention activities to which I am committed will bring about the desired reforms in personnel and procurement and in other areas where we need to cut "red tape." For example, in FY 1994 the Department has already reduced internal regulations by 50%, reduced internal reports by 33% at the Departmental level and reduced Advisory Committees and independent boards by one-third (see attached Washington Post article).

Attachment

cc: Bob Rubin
Leon Panetta



Reich Ushers Transition To Modern Management

By Frank Swoboda
Washington Post Staff Writer

At night, after his two boys, Sam and Adam, have gone to bed, Labor Secretary Robert B. Reich turns on his home computer and begins sending E-Mail messages to top managers at his department. "We're in the electronic age," Reich said, explaining his efforts as a Cabinet chief to bring modern management methods to one of the mustiest agencies in the federal government.

Plugged into a network that links him to departmental assistant secretaries and other top managers, Reich has used the computer to cut down on the endless stream of memos and meetings that have long been the hallmark of government. Managers on the network are the source of about 95 percent of the paper memos Reich normally would receive.

By cutting down on routine meetings and substituting electronic messages for paper, Reich said, "I can spend more time on the big issues." During a four-year term, he said, "there are only a few big things that can be accomplished," and by avoiding the excessive paperwork that marks most bureaucracies, a manager can escape becoming a "prisoner of the process."

Welcome to reinventing government, Labor Department style.

When Reich isn't working at his computer, he often can be seen prowling the department's cavernous headquarters at the foot of Capitol Hill, where word of his travels spreads faster than you can receive E-Mail. "I hear all sorts of things, complaints about pay scales and a lot of cynicism," he said of his visits outside the sanctuary of his second-floor office.

It's all part of a departmental effort to energize the bureaucra-

cy, both in Washington and out in the field. And so far, Reich said, the process seems to be working. In the eight months since he took office, the department has:

- Eliminated eight of the 13 non-statutory advisory committees.
- Eliminated eight of 14 internally required administrative reports and set a goal of eliminating at least one third of all reports in the department.
- Eliminated 165 of 359 inter-agency committees.
- Mandated the use of departmental credit cards to bypass the costly and time-consuming government purchasing system.
- Initiated a process to automate almost all administrative forms within the department.
- Begun to require departmental managers to sign "performance agreements" spelling out their goals for the coming year, much the way private corporations require executives to spell out their goals for determining end-of-year bonuses.

The reinvention process began in April, when Reich asked business evangelist Tom Peters, author of the management bible "In Search of Excellence" to speak to 800 labor department managers and union representatives. Reich described the session as a combination of "pep rally and consciousness-raising."

The April rally was followed by a two-day departmental retreat at Howard University in June under the tutelage of Len Schlesinger, a Harvard Business School specialist on corporate "workouts." The retreat involved 150 top managers and representatives from the unions representing departmental employees in Washington and the field.

Participants were asked to make recommendations for immediate changes. At the end of the retreat, those recommendations were presented to Reich, who was

asked to make immediate rulings on a range of issues, from employee time sheets to the purchase of office supplies in regional offices.

On the question of time sheets, he ruled they didn't need to be filed unless an employee worked other than a normal work week.

As for office supplies, the decision was easy and quick in a government strapped for cash. Reich ruled that field employees could use departmental credit cards to buy supplies such as staplers and calculators and even personal computers. Not only does the department save the cost of administrative overhead, but the method also speeds up the purchase process and often enables the department to buy supplies at half the price. The department estimates it costs on average \$100 to \$150 in administrative overhead to process every purchase request from the field, regardless of how small the item.

The recommendations presented to Reich, according to Deputy Secretary Thomas Glynn, "were the day-to-day stuff that was driving people nuts."

Glynn, a longtime Reich ally and former head of the Massachusetts Bay Transit Authority in Boston, is in charge of the reinvention process at the department and is behind the push for performance agreements. He admits the idea doesn't necessarily sit well with mid-level career managers at the department. But that's all part of the natural pain that comes with trying to bring about change in the culture of any organization, he said.

"Changing the culture is more important than changing the rules," Glynn said, whether the change involves purchasing habits, time sheets or management objectives.

One area in which the new management has scored points is with its unions. Linda Copening, president of Local 12 of the American Federation of Government Employees, gives Reich and his aides high marks so far. "This is real," she said of the management changes. "We have a true partnership."

So far, Glynn and Reich also seem satisfied with the progress they've made. After a day-long follow-up retreat last month to assess their progress, Glynn said, "I think we're in good shape for six months. We've not really made a systemic change. We've put the spotlight on the problem."

Chen

THE WHITE HOUSE
WASHINGTON

DATE: 11/29

NOTE FOR: Mark

The President has reviewed the attached, and it is forwarded to you
for your:

Information



Action



Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:



Stanley K. Sheinbaum

THE PRESIDENT HAS BEEN

11/24/93 36

FAX TRANSMITTAL

DATE: 24 November 1993

TO:

Nancy Hernreich

FIRM:

FROM:

Kate Cronin for Stanley Sheinbaum

COMMENTS:

For the President's informationNO. OF PAGES (including cover sheet) 8

DESTINATION FAX NO. _____

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Stanley K. Sheinbaum

November 19, 1993

Mr. Gary Brenner
Marketing Director, Solbar Hatzor Ltd.
POB 2230
Ashod, ISRAEL

Mr. Avshalom Vilan
Israeli Representative in North America, MAPAM MERETZ
224 West 35th Street Suite 403
New York, NY 10001

Dear Gary & Avshalom:

You probably noticed that I was not only startled but I was worried when the two of you kept insisting that 60 percent of the monies that President Clinton received for his campaign came from Jews. Since that time I have checked that with four or five very authoritative people in the area of campaign financing. With Herb Alexander, President of the Citizens Research Foundation, all were in agreement that it would be virtually impossible to track down that kind of data and that nobody could really know. I am enclosing Mr. Alexander's letter which does go into a certain amount of detail.

You are probably not aware, but although in the primaries a candidate can receive monies with a limitation of \$1000 per contributor, a presidential candidate, in the general election is financed almost entirely by public tax money. (I wish that were true of candidates at all levels.) Some monies indeed can be given to a presidential candidate over and above those public monies, and that is what we call "soft monies". These are not directly attributable to the account of any particular presidential candidate. Again, and because these latter type of monies come indirectly, tracking their origin and their usage to President Clinton or anybody else is virtually impossible.

What worried me about your insistence that your data was accurate was that if that line is being pushed by either Israelis or American Jews then it will appear to many--especially those hostile to President Clinton--that he is a puppet of Jewish monies. I think you can understand why that would be used against him.

November 19, 1993

Page 2

Further, during the recent fight over the ten billion dollar loan guarantees the American public was showing signs of being irritated that the Israelis could have so much influence. There was considerable comment about cutting aid to Israel. From the point of view of Israeli's interest I strongly urge you to steer away from making that 60 percent argument. It will help neither President Clinton nor the interest of Israel.

On the other hand, I enjoyed our time together that afternoon, and look forward to more.

With best wishes,

A handwritten signature in black ink, appearing to read "Stanley K. Sheinbaum". The signature is stylized with a large, looping "S" and a prominent "K".

Stanley K. Sheinbaum
SKS/kc
brenn
enclosure

bcc: President Bill Clinton
David Wilhelm
Sara Ehrman
Gail Pressberg



Citizens' Research Foundation • University of Southern California
Research Annex, 3716 South Hope Street, Los Angeles, California 90007
Telephone: (213) 743-5211 or (213) 743-5440 • Fax: (213) 743-3130

RECEIVED
NOV 18 1993
S. K. SHEINBAUM

November 16, 1993

Mr. Stanley K. Sheinbaum
345 North Rockingham Avenue
Los Angeles, CA 90049

Dear Stan:

Following our telephone conversation, I write to set on paper the thrust of my response to your question.

You asked about the extent of political contributions from the Jewish community in the Clinton campaigns and other federal campaigns more generally. There have been no systematic studies which show the percentage of contributions or of money in a single year emanating from Jews.

From time to time, one hears claims that 50 percent or more, or less, of the individual contributions at the federal level come from Jews. I have heard the percentage as high as 60 percent in the Clinton campaign and at other times in the range of 30-40 percent. Whatever the case, there is no doubt that substantial amounts of political contributions come from members of the Jewish community.

It is difficult to pinpoint Jews because Jewish names may be like mine or other names that are Anglicized and do not suggest with any certainty that the donor is or is not a Jew.

In the case of the claim that Bill Clinton received 60 percent of his money from this source, I personally think that it is a gross exaggeration. Clinton received about one-third of his overall campaign money in public funds in 1991-92. This was, of course, divided into matching funds in the pre-nomination period and a flat grant of \$55.2 million in the general election period. However, in the general election period, there was also fund raising that included money for the Democratic National Committee and soft money for allocation to Democratic state committees. Thus, any study would have to cover not only hard money but also soft money and would need to take cognizance of the pre- and post-nomination periods and also Democratic National Committee money.

Officers: Fred J. Martin, Jr., *Chairman*; Ned W. Bandler, *Vice Chairman*; Allen E. Tebbetts, *Treasurer*; Daniel M. Kolkey, *Secretary*; Herbert E. Alexander, *Director*; Gloria N. Carretto, *Assistant Director*

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-2-

I know of no one who has undertaken this study, and I would wonder about the methodology that would give accurate results.

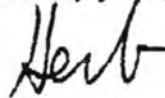
Almost 20 years ago, a book was published, *Jews and American Politics*, in which I was quoted extensively. I enclose two pages as well as the title page, which may help explain the motivation for some of the political money from Jews.

All of what I have said so far applies to individual contributions from Jews. In addition, there are some 60 or so political action committees that are often described as in the category of "Pro-Israel PACs". Almost all of the contributions to these PACs are from Jews and the aggregated contributions to federal candidates has been about \$4 million. However, most of these contributions are to candidates for Congress and are not to presidential candidates. By a factor of 2-to-1 or 3-to-1, the money goes to Democratic candidates.

Please feel free to call if you want clarification or further information.

With best regards,

Sincerely yours,



Herbert E. Alexander

STEPHEN D. ISAACS

Jews and
American politics

Doubleday
1974

; Inc.
York
1974

"Paying a little back . . ."

125

enterprise. And, in the Democratic Party, the Jew's money spoke as loudly as anybody else's money."

Herbert Alexander, head of the campaign-finance monitoring organization called the Citizens' Research Foundation, who happens to be Jewish, pointed out that "There's a social register, and you have to be born into it. Very few people can get into it. There is also a political register. You can buy your way into it with contributions. For minority groups, the Jews and the *nouveaux riches*—and often the two are synonymous—you can buy your way into prominence, into rubbing shoulders with the great, into invitations to the White House or the governor's mansion or what have you, a lot quicker in the Democratic Party than you can in the Republican Party. You come in with \$25,000 or \$50,000 in the Democratic Party and, right away, you're a big star. It's much more difficult in the Republican Party. If that is what motivates you, and I think that motivates a lot of people—to show that they are good, to show that they are accepted, to show that they can do more than make money, to give them the kind of prominence that they want, to give them the ego satisfaction of being on the inside, to give them the feeling that they can have influence and maybe some modicum of power—all of these things they can do faster in the Democratic Party than in the Republican Party. The Republican Party has many more stable sources and many more habitual contributors, and it's a lot harder to break into the circle. You still don't get into the Union League Club just because you have a lot of money. The Democrats are always poor, they're always scrounging for dough, and this makes them much more vulnerable if a guy is interested in that kind of access. . . .

"Also, you have to look at it from the point of view of

fund raising. The Republicans as a party can approach almost any major industry in this country, systematically. They get a guy who's big in the automobile industry, or a guy in each of the firms, and they can almost go down the line and approach the key wealthy men or people or the top managers of the various companies. They can do that in almost any industry—the rubber industry, the steel industry. The Democrats, meanwhile, have some very wealthy supporters and, among them, some non-Jews, but the point is that they can't do this fund raising as systematically in any industry except maybe a couple. Traditionally, textiles was a good industry because it was a combination of the Jews in New York and the Southerners, who were Democrats. Secondly, the entertainment industry, where a lot of Jews made money in movies or are performers. In a couple of industries like that, they could almost go down the line the way the Republicans can. But apart from that, they don't have the resources of strength; it's much more hit and miss. . . . It's just not as structured and as systematic as the Republicans are able to do. Therefore, all that is a prelude to saying that you could typify the Jews as an industry, as a Democratic supportive group that could almost be systematically mined for money."

Most of the political money from Jews comes from New York. California has been assumed to be the source of much new political money, but the late Gene Wyman used to insist that was simply untrue. "It was just fantastic," he said after the 1972 primaries. "Hubert sent me to New York and I spent several weeks there. Was it different! There's so much more money in New York. My God, there's a lot of money there as compared to California."

"What people have to put in perspective—and fail to—" said Texan Robert Strauss, chairman of the Democratic

Chen

THE WHITE HOUSE
WASHINGTON

DATE: 11/29

NOTE FOR:

Sandy Berger

The President has reviewed the attached, and it is forwarded to you
for your:

Information

☒

Action

☐

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

THE PRESIDENT HAS SEEN
11.29.93

~~Pres.~~ Shady

THE WHITE HOUSE
WASHINGTON

11/29

Mr. President -

Reason for 15 minute
meeting later this week with
Swedish PM Bildt: later
this month he will decide
between British, French and
U.S. (Abrams by General
Dynamics) models to replace their
tank fleet. Other leaders
have gone to Stockholm.
Price: \$3.3 billion.

meeting will enable
you to raise U.S. tank, in
context of broader discussion
of issues of mutual interest.

Good morning Andy
They said 30 min - better
than 15. Be

Chen

THE WHITE HOUSE
WASHINGTON

DATE: 11/25

NOTE FOR:

Tracy

The President has reviewed the attached, and it is forwarded to you
for your:

Information ☐

Action ☒

can you handle
this? Mack's office
indicates he's a
personal friend of
the President.

TDD

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

original ltr sent to Tracy



U.S. SENATOR
APRIL, 1957—JANUARY, 1971

LAW OFFICES
RALPH W. YARBOROUGH
1907 NORTH LAMAR BLVD., SUITE 352
AUSTIN, TEXAS 78705

THE PRESIDENT HAS SEEN

11.29.93

100 min light

512 478-2573

November 5, 1993

President William Clinton
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Attn: Ms. Marcia Lee Hale
Assistant to the
President

Dear Mr. President:

This is the first opportunity I have had to write you since the recent election where the press is gloating over the fact that they had said all the big races were lost by the Democrats. Well, the big issues have not been lost by the Democrats yet. Some of the people who voted with you lost but there will be a retribution for that, and you were right, and your principles were right, and the things you advocated were right, and in my opinion, it won't be many months before there is a turnaround in that vote in the public polls.

You have already won a big election in the Congress, and I feel you will win the biggest one, the health bill that puts 35 million uninsured people under the protection of the government's health programs. It will be the greatest health program won by the federal government in the history of our country. You are right, and right will triumph, and you have not even been in office a year yet, and you have made this much progress.

I have not written earlier because I suffered a fall this past Sunday, October 31st, in my home, breaking my left hip, and I have been at Seton Hospital (1201 West 38th St., Austin, Texas, 78705; 512/323-1631) since the surgery to repair it. I will be transferred to St. David's Rehabilitation Hospital (1005 East 32nd St., Austin, Texas, 78705; 512/867-5109) in a few days where I will be for two or three weeks.

Be of good cheer, and even if the rest of the world seems against you, stand for the principles of right, and you will win. I have a faith that a great majority of the People cannot be fooled for three more years, and that during the course of time, knowledge will seep through to them for what is beneficial for them, and best for our government, our Nation, and our People. May your strength to accomplish this be ever growing.

Your sincere friend,

Ralph W. Yarborough
Ralph W. Yarborough

RWY/dd

Chron

THE WHITE HOUSE
WASHINGTON

DATE: 11/25

NOTE FOR:

Alexis

The President has reviewed the attached, and it is forwarded to you
for your:

Information



Action



Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

Alert

THE PRESIDENT HAS SEEN
11-29-83

great breakfast
Q: should we see +
Dr. Golden have
been there? —
B.

Rev. Richard "Rich" Cizik, National Association of Evangelicals, DC
Monsignor Russell Dillard, St. Augustine's Catholic Church, D.C.
Rev. Ed Dobson, Calvary Church, Grand Rapids *
Rabbi Joseph Edelheit, Temple Israel, Minneapolis, MN
Rev. Trudy James, Regional AIDS Interfaith Network, Little Rock, AR
Rev. Phil Jamison, Presbyterian AIDS Network, Fredericktown, PA
Rev. Ted Karpf, National Episcopal AIDS Coalition, Dallas, TX
Mr. Jon A. Lacey, Disciples of Christ AIDS Network, Lansing, MI
Rev. Bill McGill, Fellowship of Faith Baptist Church, Des Moines
Bishop Fritz Mutti (MEW-ti), United Methodist Church, Topeka
Rev. Altagracia Perez, Episcopal Joint Commission on AIDS, Chicago
Rev. A. Stephen "Steve" Pieters, Universal Fellowship of
Metropolitan Community Churches, Los Angeles *
Rev. Michael Pozar, Holy Cross Lutheran Church, Pacifica, CA
Ms. Pernessa Seele, Balm in Gilead, Inc., New York, NY

Chron

[REDACTED]

THE WHITE HOUSE
WASHINGTON

DATE: 11/25

NOTE FOR:

Rest

The President has reviewed the attached, and it is forwarded to you
for your:

Information

☒

Action

☐

[REDACTED]

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

THE PRESIDENT HAS SEEN

THE WHITE HOUSE
WASHINGTON

November 24, 1993

RECOMMENDED TELEPHONE CALL

TO: Atlanta Mayor-Elect Bill Campbell

DATE: Wednesday, November 24, 1993

RECOMMENDED BY: Reta J. Lewis, Political Affairs

PURPOSE: To congratulate Bill Campbell on his victory in the runoff for the non-partisan Atlanta mayoral race on November 23, 1993.

CONTACT NUMBER: 404/588-9182 (Home)

Wife: Sharon Campbell
Children: Billy and Christina
Campaign Contact: Ralph Campbell (brother)

BACKGROUND: Following a 12-way election battle on November 2nd, Atlanta City Councilmember Bill Campbell and Fulton County Commission Chair Michael Lomax were thrown into a runoff election. Campbell almost won the election outright, garnering 49 percent of the vote. Lomax was a distant second with 23 percent.

In the November 23rd runoff, Campbell captured 73 percent of the vote to Lomax's 27 percent. Campbell's margin of victory was the widest margin in any seriously contested mayor's race in the last 20 years. Campbell, a lifelong Democrat, will take the oath of office on January 3rd. He will succeed Mayor Maynard Jackson, who did not seek re-election this year for personal reasons.

Chron

THE WHITE HOUSE
WASHINGTON

DATE: 11/25

NOTE FOR:

Don Epstein

The President has reviewed the attached, and it is forwarded to you
for your:

Information



Action



Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

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November 28-30, 1993

2018-0662-S
rs3078

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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]

THE WHITE HOUSE
WASHINGTON

DATE: 11/29

NOTE FOR:

Tom Barrett

The President has reviewed the attached, and it is forwarded to you
for your:

Information



Action



Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

THE WHITE HOUSE
WASHINGTON

November 23, 1993

MR. PRESIDENT:

Joan Baggett will call you
~~to let~~ you know when the
race has been called.

John Podesta

*the had
a good turn*

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN

November 23, 1993

22 24:54

RECOMMENDED TELEPHONE CALL

TO: Atlanta Mayor-Elect Bill Campbell

DATE: Tuesday, November 23, 1993 after the close of the polls at 8:00 p.m.

RECOMMENDED BY: Reta J. Lewis, Political Affairs

PURPOSE: To congratulate Bill Campbell on his victory in the runoff for the non-partisan Atlanta mayoral race.

BACKGROUND: Atlanta City Councilmember Bill Campbell and Fulton County Commission Chair Michael Lomax were thrown into a runoff following the heated 12-way election battle on November 2nd. Campbell almost won the election outright, garnering 49 percent of the vote. Lomax was a distant second with 23 percent.

After a three-week runoff, Campbell is almost a 3-1 favorite. An Atlanta Journal-Constitution poll completed last week shows Campbell leading with 63 percent of the vote to Lomax's 23 percent. Approximately 14 percent of Atlanta voters are undecided.

Both Campbell and Lomax are strong supporters of the Democratic Party.

PHONE NUMBERS: Bill Campbell may be contacted at the following numbers on Tuesday, November 23rd and Wednesday, November 24th:

Hyatt Regency (after 6:00 p.m. on 11/23):
404-577-1234, Room 1710

Home (after 11:00 p.m. on 11/23 and the morning of 11/24): 404-588-9182

Campaign Contact: Ralph Campbell (brother)
Wife: Sharon Campbell
Children: Billy and Christina

11/29/93

Chrom
045430

THE WHITE HOUSE
WASHINGTON

SKC
Carolyn Curiel

November 28, 1993

MEMORANDUM FOR THE PRESIDENT

From: Carolyn Curiel
Subject: Ladies' Home Journal Article

Sir:

This is a reworked draft for a cover story that is to be printed under your name in the February issue of the Ladies' Home Journal. The topic is: "In Praise of Strong Women."

If you saw the earlier draft, the main difference in this one is the early focus on the example of the First Lady. The idea is to add more of a personal touch, while drawing attention to health care.

I hope this meets with your approval, but I would be happy to make any changes you like.

The Journal needs the draft in hand on Monday. I will check with Nancy Hernreich before sending it along.

All the best,

C.C.

c.c.

President William Jefferson Clinton
Ladies' Home Journal Article
"In Praise of Strong Women"
[DRAFT, 11-28-93]

Over the last year we have served in Washington, nothing has filled me with greater pride than seeing Hillary testify before Congress. She displayed a quick wit, a keen intelligence, inner strength and rare leadership abilities. *Non-urgent, the administration a mastery of the complex in a quick and a profound commitment to doing it.*

Her testimony was a culmination of her intense work with literally hundreds of health care experts -- patients and providers, economists and ethicists, insurance underwriters and the uninsured -- not only to write a comprehensive reform plan but to make adoption of a new health care system possible after 60 years of debate that had gone nowhere.

On this most urgent issue, Hillary has made an impact that will help our country in immeasurable ways. And she did it not just as First Lady, but as Everywoman. *} it's on this*

In many ways, her life is a metaphor for the journey of women in our society. ~~In all that she has been, in all that she has become, in what she has done over the years, Hillary~~ *reflecting* the shared experience of women of strength.

much over Such women have been in the ranks of America's greatest organizers, teachers, artists and leaders. They have led ~~the way~~ *us* at home, in communities and throughout our country to address some of the most troubling issues ~~we face~~ -- crime and violence, drunken driving, disease, poverty, family disintegration and civil rights, to name a few.

~~this is a great change for our great country, in a time of enormous economic, social and global change, these women~~ *have at home and abroad around* -- mothers and stateswomen, professionals and laborers, women from all walks of life -- are doing nothing less than making change better for us all.

Speaking of her own great accomplishments, Eleanor Roosevelt said, "I just did what I had to do as things came along."

We could ask ourselves: Where would we be as a nation if women had not done what they had to do?

I think of Rosa Parks and how much better we have become as a people because she held onto her dignity and her seat on that Montgomery, Alabama, bus in 1955. I also think of a case I watched in my home state of Arkansas involving a woman of courage named Daisy Bates.

In 1957,

△ Mrs. Bates, a black newspaper publisher and the head of the local chapter of the National Association for the Advancement of Colored People, sponsored nine black children chosen to attend all-white Little Rock Central High School. Before it was over, she and the children had faced down troops, city high schools were shut down and Mrs. Bates' newspaper went out of business. But she didn't give up.

Her fight was joined by a group of white women who called themselves the Emergency Women's Committee to Reopen Our Schools. With the help of the Federal government, these women desegregated Little Rock schools, marking the beginning of the end of a shameful chapter in American history.

I was just 12 years old then, but many years later as Governor of Arkansas, it was my honor to pay tribute to Daisy Bates, now in her late 70's and still a fighter for justice. She freely admits that she was often afraid during the turbulent days of desegregation. But, she said of herself and others like her, "You acted in spite of your fear. You acted because you believed."

Fortunately for us all, that kind of commitment has carried on, through women like Zoila Terrazas, an apartment building manager I met in 1991. Mrs. Terrazas' building in West Hollywood, Calif., was overrun by gangs and drug traffic. The windows of the apartment where she, her husband and four children lived were shot up with bullets and their pickup truck was torched.

She was frightened but she talked with the teenagers causing the trouble, and she helped some find job training and drug counseling. She cleaned up the place, making it gang-free and a good place to live and she probably saved the lives of a few misdirected kids. Mrs. Terrazas could have left and no one would have blamed her. Instead, she did what she had to do and she made a difference.

So have women like Ollie McLemore, the principal at Beasley Elementary School, a magnet school on Chicago's South Side in the shadow of housing projects in a neighborhood that's been called the second poorest in our nation.

You might think that's one heck of a place for a magnet school. But, as I found out during a visit there, it works so well, that it attracts children from all over the city and its 8th graders have tested at the 10th-grade level. That's due in large measure to Mrs. McLemore, who has focused her school's purpose on commitment, responsibility and the involvement of family.

I have been moved by the inner strength and faith of women such as these. During the floods in the Midwest last year, one

1
young woman from Wisconsin, wise beyond her 13 years, volunteered to help our people in distress. Her name is Brianne Schwantes. She stands barely four feet tall, weighs about 60 pounds and has a disease that made her bones so brittle that she was born with more than a dozen broken bones. Every day she faces life knowing she could easily suffer a crippling break. When she told me her work as a flood volunteer was life-affirming, I knew that this child's bones may break but her spirit will not.

I was also inspired by a woman from Detroit who had to support her children after her husband died, a situation that my own mother faced when she was widowed three months before I was born. My mother, determined to make a better life for me, went away to nursing school. Gwendolyn Vanover enrolled in a six-year advanced training program and found a job as a machinist. It wasn't easy, but she said she was absolutely determined not to go on welfare..

Some women have to make sacrifices they wouldn't.
~~But then~~ I have met mothers who quit their jobs or gave up much else because a member of their family was sick. Courageous women like these are the backbone of families in distress. Meeting them further convinced me ~~that we need to help our families and that's why my Administration moved as quickly as we did on the Family Leave Act. And now that it's law, both mothers and fathers can take time off from their jobs to care for an ailing loved one or a newborn. These women have made a difference in the lives of many families and workers.~~

Strong women also serve the cause to work as mothers in their abilities and integrity
When I became Governor of my home state, a good number of top positions in my office went to women. Throughout my state administration, we hired many women whose work experience amounted to managing a household, raising a family and volunteer work. The resumes were untraditional by many standards, but if you think about it, anybody who could handle all that was more than a good bet for a tough job. These women made ~~their mark, and some of them still are, tirelessly serving the American public. And at the same time, they have helped to make our government more diverse.~~

Within my first year in the White House, we had given almost 50 percent of the Presidential appointee positions to women. Six members of my Cabinet are women, including the first woman to be Attorney General, Janet Reno. For Surgeon General, I appointed a woman who speaks her mind forcefully on the issue of public health, Joycelyn Elders. For ~~the~~ opening on the Supreme Court, I appointed Ruth Bader Ginsburg to become the second woman to serve on the High Court.

And their commitment
These women were chosen, as the men in the Administration were chosen, because ~~their credentials, and their ability to serve America well qualified them.~~ The fact that ~~these women are also trailblazers whose careers thrived despite adversity because of~~

in spite of
their gender makes them even more admirable, ~~and a model for young women everywhere.~~

Of course, I need look no farther than my own family to find women who make a difference. I am the son of a remarkable woman, the husband of an extraordinary woman, and the proud father of a very special young woman.

Each has shaped my life in wonderful ways. My mother faced more tragedy than anyone should see in a lifetime, including the deaths of ~~two~~ husbands and her own breast cancer. But she never lost her humor nor held back one ounce of love. In fact, from grief she gained a determination that I would not lack for opportunity or love. Because of the hard work and firm resolve of Virginia Kelley, I never did.

And I have been blessed with a wife who is possessed of a loving, caring and courageous heart. She is my partner in life and in raising Chelsea, which we both see as the most important and most rewarding work we will ever do.

If a common denominator had to be extracted from all of these very different women, it might be that even in fear they have been propelled by an unwavering will and purpose. It brings to mind something else Eleanor Roosevelt said: "You must do the thing you think you cannot do."

~~Each of these women would likely deny being out of the ordinary, but each in her own way has set a new standard, has brought hope to others and has done what she had to do, even when she thought she could not.~~

Chrom

THE WHITE HOUSE
WASHINGTON

DATE: 11/29/93

NOTE FOR:

BOB RUBIN

The President has reviewed the attached, and it is forwarded to you for your:

Information	☐
Action	☒

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

THE WHITE HOUSE
WASHINGTON

November 24, 1993

11:23

MEMORANDUM FOR THE PRESIDENT

FROM:

ROBERT E. RUBIN

SUBJECT:

Reich Memo on Meeting with Business Leaders in the Wake
of NAFTA

*agree with reservation
but need a bus alliance*

As always, Bob Reich's thoughts are a valuable contribution; however, on this particular suggestion, I disagree with him.

The business community has enormous respect for your efforts on NAFTA, but, based on a lot of recent conversations, I do not think the NAFTA effort will gain us much on our other policy efforts. That doesn't mean you aren't in a better position to try -- I think you are -- but suggestions of assessments, as in Bob's memo, could have an adverse impact on business attitudes towards us.

Last week, I met with Hillary to discuss a possible business strategy on health care, based on my recent conversations, and I will be following up with her in a memo this week.

✓ Bob Reich thinks this is an idea of sufficient merit for discussion and I agree. He also says that the training picce is less than most medium and large companies already do.

agree with your
reservation but need
a business alliance.

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

NOV 22 1993

11 29:12

MEMORANDUM FOR THE PRESIDENT

FROM: Labor Secretary Robert B. Reich *RB*
VIA: Bob Rubin
Mark Gearan
David Gergen
George Stephanopoulos
SUBJECT: The Jobs Agenda: Meeting With Business Leaders in
Wake of NAFTA

While the NAFTA cauldron still bubbles, it would be useful, I think, for you to summon to the White House business leaders who supported NAFTA (the USA-NAFTA coalition) and ask them to "sign up" for the Administration's jobs agenda. I attach a possible outline.

The Unfinished Jobs agenda After NAFTA

1. You leaders of American business helped me explain to the American people why NAFTA will mean more jobs, and better-paying jobs in America, and for that I thank you.
 2. The debate over NAFTA revealed something we all know: Although NAFTA and other market-opening agreements will create more and better jobs for Americans, many working Americans are reluctant to embrace such new opportunities because they are worried about their jobs. Average wages of non-supervisory workers have been dropping since 1976, and (adjusted for inflation) are back to where they were in the late 1960s. Meanwhile, jobs are less secure than ever, and average duration of unemployment is longer.
 3. Exports will help create more jobs; and export jobs tend to pay better (17 percent) than non-export jobs because they often demand more skills. But in order for American workers to be able to take full advantage of these new global opportunities, they need to be well-trained.
 4. I need your support for my upcoming initiative to turn our old unemployment system into a re-employment system -- giving Americans the counseling, information, and job retraining they need to get new and better jobs.
 5. Your support and involvement was critical in getting NAFTA passed. It will be no less critical to the second part of the jobs agenda -- upgrading the skills of all Americans. I call on you to take a pledge to:
 - Provide jobs this summer to disadvantaged young people, in numbers equaling at least half of one percent of your total payroll employment. Stay in contact with those young people until they finish high school.
 - Hire youth apprentices directly from high school, in numbers equaling at least one quarter of one percent of your total payroll employment.
 - Upgrade the skills of all your workers. Devote at least 1.5 percent of your payrolls to worker training.
 - Work with your suppliers to get them to devote at least 1.5 percent of their payrolls to skill training as well.
- I will be celebrating American companies which have taken this pledge.

THE WHITE HOUSE
WASHINGTON

November 24, 1993

25:10

MEMORANDUM FOR THE PRESIDENT

FROM: ROBERT E. RUBIN *sm for RER*

SUBJECT: December Speech

I agree with Bob Reich that it would be very useful for you to make a speech reflecting on the past year and the Administration's overall economic strategy and our successful efforts to implement that strategy during your first year.

Bob Reich's idea of a jobs emphasis is important, but as one consequence of a strategy to create economic growth, not as something separate from economic growth.