



THE WHITE HOUSE
WASHINGTON

DATE: 7/1

TO: *John Angel*

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

*Is Leon going to
do this?*



THE DAVIDSON COLLING GROUP
INCORPORATEDJAMES H. DAVIDSON
TERESE COLLINGROBERT D. HYNES, JR.
OF COUNSEL

June 29, 1994

THE EVENING STAR BUILDING
SUITE 810
1101 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20004
202-638-1101
FACSIMILE: 202-638-1102The Honorable Leon E. Panetta
Director
Office of Management and Budget
252 Old Executive Office Building
Washington, D.C. 20503

966 6167

Dear Leon:

My firm represents the Magazine Publishers of America and they have extended an invitation for you to address their Fifth Annual Washington CEO Conference, July 11-12, at the Sheraton Carlton Hotel.

They would like you to address approximately 75 top publishing executives at the dinner on Monday evening, July 11. They would be very interested in your comments on important issues facing the Administration, such as health care and campaign finance reform.

MPA is the principal association representing the Nation's consumer magazine publishing companies. Their nearly 250 domestic and international members firms publish about 1,200 magazines, ranging from *Time*, *Newsweek*, and *Reader's Digest* to *The New Republic*, *The Economist*, and *Sesame Street*, the publication of the Children's Television Workshop.

Previous Washington Conferences have heard presentations from a wide range of key public officials: in 1990 from President Bush and Senate Majority Leader George Mitchell; in 1991 from Senator Lloyd Bentsen and Secretary of Defense Richard Cheney; in 1992 from Speaker Tom Foley and U.S. Trade Representative Carla Hills; and last year from Senator Bill Bradley and Bob Dole, Deputy OMB Director Alice Rivlin, and Deputy Treasury Secretary Roger Altman.

At this year's conference, they will hear from Senator Peter Domenici, Representatives Jim Cooper and Pat Schroeder, FCC Chairman Reed Hundt, and former *Washington Post* columnist Haynes Johnson.

George Gross, Executive Vice President of MPA, who as you know, was the first staff director of the House Budget Committee, and I (who was fortunate to help Muskie write the Budget Act) would like to make this a Budget Committee reunion event!

I very much hope you will be able to join them on July 11. Please let me know if your need further information. I will be in touch with your office shortly.

Sincerely,


Jim Davidson

THE WHITE HOUSE
WASHINGTON

7/1/54

MAELIN KAISON

How are we
responding to this?

John

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John D. Podesta
Assistant to the President
and Staff Secretary
Office of the Staff Secretary
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Proposed Revisions to Processing Manual

Dear John:

Thank you for sending the proposed revisions to the PRA Processing Manual which accompanied your June 1 fax. We believe the proposed change to page 20 does accomplish what all of us were seeking to accomplish. With respect to the proposed changes to the provisions relating to Restriction (a)(1), however, we do have a few rather significant changes to suggest.

1. As an overall matter, we believe these provisions do not give appropriate deference to the PRA restrictions. As we read § 2204(a)(1), if a Presidential Record was, at the time of classification, subject to being classified pursuant to an Executive Order then in effect and was "in fact properly classified pursuant to such Executive order," such record is, at the former President's request, to be restricted from access for the specified period up to 12 years, and is not required to be submitted for classification review, whether pursuant to a systematic review or pursuant to

Mr. John Podesta
June 21, 1994
Page 2

a FOIA request. While Section 3.3(a) of E.O. 12356 does require the Archivist to "systematically review for declassification or downgrading . . . (2) classified presidential papers or records under the Archivist's control," we believe this refers only to presidential records that are not otherwise subject to restrictions on access pursuant to PRA § 2204(a). Section 3.4(a) of E.O. 12356 expressly provides that "review procedures developed by the Archivist . . . shall be consistent with the provisions of applicable laws or lawful agreements that pertain to the respective presidential papers or records."

2. Even if Presidential Records that were "in fact properly classified pursuant to such Executive order," in effect at the time are nevertheless required to be submitted for classification review, we believe the Archivist should consult with the representatives of the former President before any such classified documents are referred to an originating agency for classification review or for consultation. PRA § 2204(b)(3) provides that "the determination whether access to a Presidential record or reasonably segregable portion thereof shall be restricted shall be made by the Archivist, in his discretion, after consultation with the former President" (emphasis added). A pre-referral review could, in many cases, avoid the need for a time-consuming classification review by an originating agency of documents that would ultimately be restricted in any event, either because the former President's representatives were able to convince the Archivist that he should exercise his discretion to restrict a document on a basis other than (a)(1) or because the former President proposed to assert a "constitutionally-based privilege which may be available to a . . . former President." Since our goal is to maximize the availability of documents to researchers and the public, we should attempt to impose the burden of classification reviews on the originating agencies only in those situations that are likely to result in immediate access to those documents.

3. The same exception that is included in Paragraph 2 under "responding to FOIA requests for documents containing classified information" should also be included in the provisions relating to the procedures for "systematic review of documents containing classified information." There is no purpose to be achieved in burdening the originating agencies with a classification review if the document in question is going to be restricted in any event on other grounds.

Mr. John Podesta
June 21, 1994
Page 3

4. In Paragraph 2 of the procedures for "systematic review of documents containing classified information," we would suggest adding "or his staff" after "by the President" to make this exception consistent with Section 3 (and with Sec. 3.4(a) of E.O. 12356).

5. The same dichotomy referenced in Paragraphs 2 and 3 under "procedures for systematic review of documents containing classified information" should be maintained in the "procedures for responding to FOIA requests for documents containing classified information," i.e., documents requested under FOIA which contain information classified by agencies are to be referred (assuming the former President has waived the (a)(1) restriction) to the originating agency for classification review, 36 C.F.R. §§ 1254.42, 1254.44(b), while documents requested under FOIA which contain information classified by the President or his staff or advisors should be considered for declassification by the Archivist (again, assuming the former President has waived the (a)(1) restriction) after "consultation with agencies having primary subject matter interest," Section 3.4 of E.O. 12356; 36 C.F.R. § 1254.42(e).

In the first situation, the decision by the originating agency not to declassify a document would be final, and the Archivist would not have any authority to release such a document (despite the waiver by the former President), while if the agency does declassify such a document, it would no longer be subject to the PRA (a)(1) restriction, so that, unless the document is subject to other PRA restrictions (and, as indicated in Paragraph 3 above, such a document should not even have been submitted for classification review), the Archivist would no longer seem to have any discretion to restrict access to such a document. It is only in the second situation that the Archivist will have the discretionary authority as to whether or not to declassify.

6. Based upon the above analysis, we have prepared and attached for your consideration as Exhibit "A" a proposed revision of these provisions.

7. With respect to the final paragraph, on "potentially classifiable" documents, the appropriate processing of documents containing the types of information that are identified in Sec. 1.3(a) of E.O. 12356 is already handled in the earlier discussion of the (a)(1) restriction. To avoid confusion, and possible ambiguity, we would suggest

GIBSON, DUNN & CRUTCHER

Mr. John Podesta
June 21, 1994
Page 4

deleting this entire last paragraph. Alternatively, if it is felt important to repeat those provisions here, we would suggest, in order to clarify what is meant by "potentially classifiable" documents, that the paragraph be revised to read substantially as follows:

"-- If a document contains information described by any of the categories in Sec. 1.3(a) of E.O. 12356, but the document is neither marked as classified or declassified, the document will be addressed as though it contains classified information for purposes of consultation, referral and review pursuant to the provisions of this Manual."

As always, I would be more than happy to discuss with you any of the above concerns and suggestions.

Respectfully submitted,


Stephen M. Blitz

SMB/smb

cc: Marvin Krislov
James Cicconi
Richard Norton Smith
Ted Olson
John Mintz

CA941630.005/4 +

Exhibit "A"

-- The following procedures apply to the **systematic review of documents containing classified information**:

1. Documents containing classified information will be withdrawn.

2. Upon request by a researcher for a mandatory review for declassification of records containing classified information, such records shall, subject to Paragraph 3 below, be submitted to the former President or his representatives for a determination as to whether or not the former President is willing to waive the (a)(1) restriction on access with respect to such record.

3. There is an exception to this referral procedure when the record containing the classified information would be withheld completely under one or more other PRA restrictions. In that case, the requester will be informed that the information will not be referred for classification review until such time as the other restriction(s) are lifted. At the same time, if the requested document contains clearly segregable unclassified portions that are not otherwise restricted under the PRA, those portions can be released to the requester.

4. If the former President is willing to waive the (a)(1) restriction on access with respect to a particular record, and if the record is not otherwise restricted from access in its entirety pursuant to one or more of the other restrictions contained in PRA § 2204, then

(a) if the record contains information that was classified by agencies, rather than by the President or his staff or his advisors (E.O. 12356, Sec. 3.4(a)), we will send the specified record to the originating agency for classification review.

(b) if the record contains information that was originated by the President or his staff or his advisors, the Archivist will consult with the agencies having primary subject matter interest in such information (E.O. 12356, Sec. 3.4(b)) in accordance with the Archivist's authority to "review, downgrade and declassify" such Presidentially classified records and pursuant to procedures to be established by the Archivist pursuant to 36 C.F.R. §§ 1254.42(c), (e). Note that under the PRA, the Archivist still must exercise his or her discretion in determining whether to permit access to such information after seeking the advice of such agencies.

-- The following procedures apply to responding to FOIA requests for documents containing classified information:

1. Documents that are determined to be responsive to a FOIA request and that contain classified information shall, subject to Paragraph 2 below, be submitted to the former President or his representatives for a determination as to whether or not the former President is willing to waive the (a)(1) restriction on access with respect to such record. The requester will be advised that the document(s) have been referred for review, but that in the meantime access to the classified information will be denied under the PRA restriction 1, 44 U.S.C. § 2204(a)(1).

2. There is an exception to the referral procedure when the record containing the classified information would be withheld completely under one or more other PRA restrictions. In that case, the requester will be informed that the information will not be referred for classification review until such time as the other restriction(s) are lifted. At the same time, if a classified document contains clearly segregable unclassified portions that are not otherwise restricted under the PRA, those portions should be released to the requester during the initial response.

3. If the former President is willing to waive the (a)(1) restriction on access with respect to such record, and if the record is not otherwise restricted from access in its entirety pursuant to one or more of the other restrictions contained in PRA § 2204, then

(a) if the record contains information that was classified by agencies, rather than by the President or his staff or his advisors (E.O. 12356, Sec. 3.4(a)), we will send the specified record to the originating agency for review.

(b) if the record contains information that was originated by the President or his staff or his advisors, the Archivist will consult with the agencies having primary subject matter interest in such information (E.O. 12356, Sec. 3.4(b)) in accordance with the Archivist's authority to "review, downgrade and declassify" such Presidentially classified records and pursuant to procedures to be established by the Archivist pursuant to 36 C.F.R. §§ 1254.42(c), (e). Note that under the PRA, the Archivist still must exercise his or her discretion in determining whether to permit access to such information after seeking the advice of such agencies."

THE WHITE HOUSE
WASHINGTON

4/2/94

Gale Britton —

What do you
think?

Tolson



U.S. Department of Justice

Civil Division

94 JUN 24 P2:59

Deputy Assistant Attorney General

Washington, D.C. 20530

June 22, 1994

Mr. John D. Podesta
Assistant to the President
Executive Office of the President
1600 Pennsylvania Avenue, NW
Ground Floor, West Wing
Washington, D.C. 20500

Re: Application of John Harris

Dear John:

I wanted to recommend John Harris for a position as an intern in your office. John is an outstanding young man who has been accepted at Harvard College and plans to enter in the fall of 1995. But before beginning college, he would like to take a year and intern at the White House.

I hope you will consider John if you have any suitable openings. I think you would really enjoy working with John -- he is bright, energetic, mature and diligent. John is available roughly from September 1994 through June of 1995, though he is flexible on timing. He is also flexible on salary and would consider working on a voluntary basis.

Please let me know if you have any questions or need any additional information. I would, of course, appreciate any thoughts you might have about any other opportunities in the White House if you do not have any suitable openings for John.

With best wishes,

Sincerely,

John A. Rogovin

Enclosure

John Harris
209 East Lake Shore Drive
Chicago, IL 60611
312-664-2666

JOB OBJECTIVE

An interesting opportunity in public service or social service. I am seriously considering becoming a Government or Social Studies major in College and would like to have a much better idea of what a career in either one of these fields is like.

EDUCATIONAL BACKGROUND

Harvard College:	Admitted to the Class of 1999. Will enter as a Freshman in September, 1995.
Phillips Academy Andover, Mass.	Graduated from Andover in June 1994. Attended for 10th, 11th and 12th grade. Accomplishments: Honor Roll, 4 terms; Varsity Football, senior year; JV Football, sophomore and junior years; student tour guide, 2 years; Blue Key (student service organization), senior year; school newspaper writer, sophomore and senior year. English essay prize, junior year. Earned Advanced Placement in Biology, Chemistry, and U.S. History. AP pending in Calculus and English Literature.
Francis Parker School, Chicago, Illinois	Attended from kindergarten until 9th grade.

WORK EXPERIENCE

Francis Parker School Summer Camp	Counselor, summer 1994, working with 9 and 10 year olds.
Camp Nebagamon for Boys	Counselor, summer 1993. Taught tennis and was a cabin counselor for ten 7th grade boys.

THE WHITE HOUSE
WASHINGTON

7-1

Phil -

If Josephson is
out of the running,
could you call him
& let him know.
Thanks

Totten

ONE NEW YORK PLAZA
SUITE 2500
NEW YORK, N.Y. 10004-1980

June 25, 1994

212-820-8220
(FAX: 212-820-8586)

Mr. John D. Podesta
Assistant to the President and Staff Secretary
Executive Office of the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear John:

July 1 will be one year since Bruce Lindsey first wrote me about the Archives. During that time, I have not exactly been campaigning to get the job, but a large number of significant endorsements have been sent to The White House. In case you have not seen them, or all of them, they are enclosed.

When I was interviewed by Phil Lader and Jan Piercy on April 15, they told me that the matter would be decided fast, that they would submit my name and the names of one or two historians to the President, that he would make the choice, and that there would be no publicity. A month later on May 13, 1994, the enclosed Washington Post story appeared, which you probably saw, quoting a White House person to the effect that I was in the running.

You may or may not also have seen the enclosed Washington Times June 14, 1994 story which also attributes to a White House person that I am under consideration. The Times story is particularly interesting to me. When I was at The White House, I was told that Cooper was not in the running. I do not know the man. In fact, I had never heard of him. But since then I have heard that many people dislike him and that the Council of the Society of American Archivists has not approved him (but has approved me). I told The Washington Times reporter about the SAA action. Even though she had not known about it, she chose not to print the story. This leads me to believe that the Times story is basically a pro-Cooper and an anti-Kohn, anti-Trudy story. It goes out of its way to knock Kohn as being "unqualified to be archivist...a second-rate historian...favored by supporters of the current Archives management" of which The Washington Times, of course, has been critical.

My point in writing is that I am getting tired of being in limbo. I did not much care until the matter became public. I could continue to work and live my quiet life without everyone asking me what is going on. When the Post story appeared, I felt I had to tell my partners. Now I can barely make a move without someone asking me what is happening.

Mr. John D. Podesta
Assistant to the President and Staff Secretary
Executive Office of the President - 2 -

June 25, 1994

Also the protracted delay makes it seem likely that even if the President announces his intention to nominate me (or anyone else) tomorrow, that person might well not be confirmed before the Fall adjournment. Let's say it takes four to six weeks to complete the background investigation and get the actual nomination out of The White House and to the Senate. That is mid-August when the Congress will be adjourned. When the Congress comes back, there will be a short September early October session dominated by the politics of Senate and House off-year elections. Whether one could get heard and confirmed during that hugger-mugger I do not know. Whether this is an office to which a recess appointment should be made, I think, is a question. So, maybe one does not get heard or confirmed until January, which leaves a scant two years to try to turn this very troubled agency around and develop some Senate and House bipartisan support for it and its new head. That is not a lot of time.

When Susan and you talked to me some time in March, you said that no one could believe that I was serious about the job. But as my August 13, 1993 letter to Mr. Lindsey shows, I was, and I am. I have always wanted another spell of public service. This is probably my last chance. The Archives combines my love of history and the historical record with my legal and public administration skills and experience.

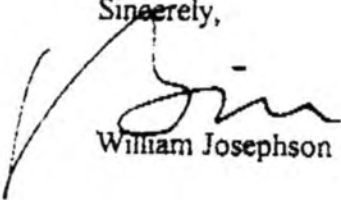
But I have to tell you that every day that passes makes this job seem less and less attractive. There will come a point where the passage of time will make it seem no longer worth the effort.

According to The Washington Monthly, one other person and you at The White House are the only talented staff there. Can you do anything to straighten this out?

If not, do you have any other ideas for what other public service I might do?

All the best.

Sincerely,


William Josephson

WJ/jl

cc: Susan Thomases, Esq. (w/encl.)

Encl.: Various Endorsements
The Washington Post story
The Washington Times story



STATE OF TEXAS
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS 78711

ANN W. RICHARDS
GOVERNOR

June 6, 1994

The Honorable William J. Clinton
The President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President *Bill*

The May 15 Washington Post reports that you are considering appointing my friend, Bill Josephson, to be the head of the National Archives. I have known Bill for an embarrassingly long time. I was surprised to read that he would be interested in running the Archives, but if you can get him, grab him. If this is the office he wants, he will do a great job.

Sincerely,

Ann
ANN W. RICHARDS
Governor

AWR/jh/bc

*Bill Josephson is superb!
He would be a real
credit to you and
the archives.
A.*

STENY H. HOYER

8TH DISTRICT, MARYLAND

CHAIRMAN

DEMOCRATIC CAUCUS

CO-CHAIR

COMMISSION ON SECURITY AND
COOPERATION IN EUROPEDEMOCRATIC STEERING
AND POLICY COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515

APPROPRIATIONS COMMITTEE

TREASURY, POSTAL SERVICE,
GENERAL GOVERNMENTLABOR,
HEALTH AND HUMAN SERVICES,
EDUCATION

DISTRICT OF COLUMBIA

July 23, 1993

Mr. Bruce Lindsey
Special Assistant to the President
and Director of White House Personnel
The White House
Washington, D.C. 20500

Dear Bruce,

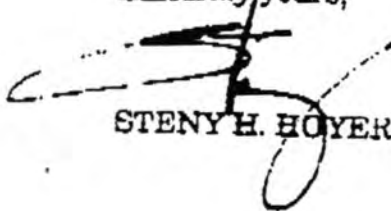
I wanted to bring to your attention Mr. Bill Josephson, who is
interested in serving as National Archivist.

Bill Josephson graduated from the University of Chicago when he was
18 and from law school when he was only 21. He was one of the first General
Counselors of the Peace Corps and has been a partner in the law firm Fried,
Frank, Harris, Shriver & Jacobson for 25 years.

Bill Josephson's background and experience would be an asset to the
Administration.

With kind regards, I am

Sincerely yours,


STENY H. HOYER

JUN 07 '94 10:30AM

P.2

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION

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FAX - 212-747-1520

WRITER'S DIRECT LINE

212-820-8080
(FAX: 212-820-8584)

June 2, 1994

Via Facsimile
Hon. Lloyd Cutler
Counsel to the President
White House
1600 Pennsylvania Avenue
Washington, DC

Dear Lloyd:

When we talked several weeks ago you asked whether I knew of an appropriate person to be considered by the administration as Archivist of the United States. I told you I did not. I did not at that time know of the interest of my partner Bill Josephson in serving in that post.

Since then I have learned of Bill's interest and write to endorse without reservation Bill's candidacy for this important public office.

I have known Bill for over twenty-eight years as an associate and partner of my firm. His passion for public service, his management skills, imagination, intellect and scholarship ideally suit him for the position as Archivist. His demonstrated interest in and knowledge of the problems confronting those agencies charged with preserving the historical records of the nation and assuring that they become available to historians, others engaged in academic pursuits and journalists, his ability to head a public office with close relationship to the Congress and his purposiveness make him an ideal person to assume the duties of Archivist.

I am certain that Bill, if appointed, would serve the nation with distinction and I commend him to you as a person ideally suited for the appointment.

Sincerely,

Leon

Leon Silverman

BILL MOYERS

April 22, 1994

Sent

4/22

4:16 PM

Dear Mack:

After our conversation yesterday I learned by chance that the name of William Josephson is on the short list of nominees going to the President for the position of Archivist.

Bill is my former colleague and my dear friend, and although he has seen Phil Lader and others at the White House, I wanted to add my strong personal endorsement for your and the President's consideration.

Sargent Shriver was the first Director of the Peace Corps thirty years ago and I was the deputy director, but Bill Josephson was its organizing, legislative, and intellectual genius and without him the whole marvelous enterprise might have foundered.

After the excitement of the Peace Corps there was nothing Bill wanted to do in government and he returned to his native New York to practice law with Fried, Frank, Harris & Jacobson, one of the largest and most prestigious firms in the City, and for the last thirty years he has thrived there while being deeply involved pro-bono in a number of civic causes. He has an extraordinary sense of civic responsibility, which is why, as he approaches 60, he would like to return to public service.

He would make a superb leader of an agency -- The National Archives -- that faces many problems and needs someone to lead it with a sense of mission. Bill has a formidable intellect, impeccable integrity, and courage. If it's a close call between the names on that list going to the President, and you had a chance to spend five minutes with Bill, I know how the choice would come out.

With best regards,



Bill Moyers

NEW YORK UNIVERSITY
A private university in the public service

ELMER HOLMES BOBST LIBRARY
70 WASHINGTON SQUARE SOUTH, NEW YORK, N.Y. 10012-1091

L. Jay Oliva
President

May 6, 1994

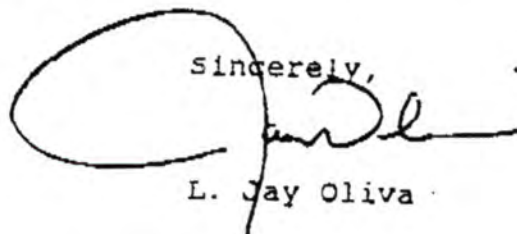
The Honorable William Jefferson Clinton
President of the United States of America
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

It is my pleasure to recommend William Josephson, who is being considered for the position of Archivist of the United States. As a historian, I know the importance of the Archives to scholars and all others interested in history. Mr. Josephson has been active with New York University's Robert F. Wagner Graduate School of Public Service, helping the School in the establishment of the Shriver Scholarships. He is a man deeply committed to "good causes."

Mr. Josephson is a brilliant attorney and a former General Counsel for the Peace Corps. He is a man of broad interests, including history, art and literature, etc. He is also a person with a reputation for integrity and deep commitment. I believe he would bring extraordinary talent to any responsibilities assigned to him.

Sincerely,



L. Jay Oliva

cc: Mr. Philip Lader
Deputy Chief of Staff

LJO/bb

JUN 15 '94 13:52 BLUE CROSS/SHIELD

P.2

9-15 OCTOBER

1 9 9 4

May 6, 1994

Mr. Philip Lader
Assistant to the President and
Deputy Chief of Staff
The White House
Washington, DC 20005

Dear Mr. Lader:

It has come to our attention that William Josephson is under consideration to be the next Archivist of the United States. The Archivists Round Table of Metropolitan New York supports his candidacy.

Bill is a member of the Archivists' Round Table of Metropolitan New York and has shown a keen interest in the issues important to our community. As a member of New York state's Historical Records Advisory Board, he has taken an active role in discussions about state-wide advocacy of archives and archivists. As a member of the Regional Advisory Committee for the Local Government Records Improvement Fund he has been involved with the archival community's attempt to secure and strengthen New York City's municipal archives and records management agency as well as with the model state-wide program to preserve and make accessible government records throughout New York.

It is not just, however, his avid interest in these professional issues that makes Bill a valuable member of our community. He brings with him a broad perspective and unique sensibility which has been formed by his outstanding careers in public affairs and the law. He is known as a consensus builder whose point of view is creatively insightful.

Founded in 1979, the Archivists Round Table of Metropolitan New York today boasts nearly 300 members, approximately half of which are members of the Society of American Archivists. The Archivists Round Table has pioneered archival public outreach programs and strengthened the professional archival community through its New York Archives Week celebrations. In the last five years, we have sponsored more than 150 superb public events which have been attended by tens of thousands of people.

With a great deal of concern, the archivists in New York have been following the debates about and the strife within the National Archives. It has become obvious to us that the National Archives needs a strong leader who brings a diversity of skills to the job, as well as, a strong passion and dedication for preserving the documentary heritage of our country. Bill Josephson incorporates such interests and experience.

We hope the President will appoint an individual who will establish the Archives as a strong partner with Congress and the Executive Branch and be a true national leader for all archivists, historians and genealogists.

We believe this person is Bill Josephson. If we can be of any further assistance to you, please let us know.

Respectively,


Beverly Robertson Dishon
President, Archivists Round Table of
Metropolitan New York
P.O. Box 151
New York, NY 10251
(212) 251-3467

cc: Victoria Biggins (202) 456-6294F
Assistant to the President
Director of Presidential Personnel

Page Putnam Miller (202) 544-8307F
Director, National Coordinating Committee for
the Promotion of History

Edie Hadlin (312) 347-1452F
President, Society of American Archivists



HOOVER INSTITUTION

ON WAR, REVOLUTION AND PEACE

June 7, 1994

Mr. Phil Lader
White House Personnel
Office
The White House
Washington, DC 20500

Dear Mr. Lader,

I am writing to you today about the nomination of Archivist of the United States - a matter that I hope is of mutual interest. I would like to encourage you to consider nominating Mr. William Josephson for the position.

While I personally have not met Mr. Josephson, from what I have learned about him, he seems to have several qualities that would recommend him for the position at this important time. Most significantly, his legal background and interest in policy issues would be exceptionally useful to the National Archives and Records Administration. This agency has a particularly critical role to play in helping to define and shape our nation's current information policy. To date, NARA has not had the ability to play a leadership role in legislation or in policy formation with respect to information issues.

Mr. Josephson is also a member of the New York State Historical Records Advisory Board, serving since 1990. As a former member of that Board, I know for certain that he has been exposed to the best government records administration in the country. The New York State Archives and Records Administration has an outstanding record of innovation and achievement that has been consistently recognized nationally and internationally. Members of the Advisory Board are involved in all aspects of policy and planning for the program and are selected for their ability to contribute to those efforts.

Mr. Josephson also has a demonstrated interest in and record of exemplary public service. This is an especially important requirement for someone heading a federal agency that must be objective, non-partisan, principled and credible.

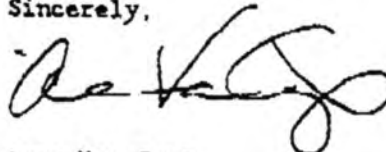
I am a professional archivist working in a private archival repository at Stanford University. I have been involved in archival practice and professional activity for 18 years. Throughout this country, professional

Mr. Phil Lader
Page Two
June 7, 1994

archivists are hoping that a new Archivist of the United States will be appointed soon and that a new Archivist will provide the national leadership and direction on archival and information issues that have been woefully inadequate in the past. President Clinton has an opportunity for change and for real success in this appointment.

If I can be of further assistance in this matter, please let me know.

Sincerely,



Anne Van Camp
Archivist

AVC/ak

cc: Larry Hackman

JUN-15-1994 17:20

P.02



43 East 21st Street - 12th Floor
New York, New York 10010
(212) 777-8040
Fax (212) 777-8422

100 South Dean Street
Albany, New York 12210-1939
(518) 438-8516
Fax (518) 438-8470

EDWARD J. CLEARY
President

PAUL P. COLE
Secretary-Treasurer

May 16, 1994

Mr. Philip Lader
Assistant to the President
and Deputy Chief of Staff
Ms. Jan Piercy
Deputy Director, Office of
the White House Personnel
Old Executive Office Building

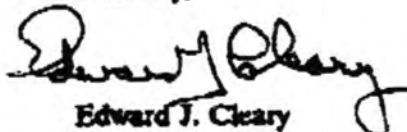
Dear Mr. Lader and Ms. Piercy:

We recently learned that President Clinton is considering nominating William Josephson to the post of National Archivist. We write in support of that nomination.

Labor understands the importance of the historical record in pushing forward the Democratic agenda. Representing 2.5 million members in New York, the New York State AFL-CIO is proud to have given its support to recent reforms in state-level public records policy including the Local Government Records Improvement Fund and the Documentary Heritage Program. Bill Josephson has guided the implementation of both pieces of legislation.

Of equal importance is the need for someone of Josephson's intellectual, moral, and administrative caliber to lead an agency that has lost much of its status and effectiveness under the preceding administration. The public and the past need to be better served and would be under Josephson's leadership.

Sincerely,



Edward J. Cleary
President

EJC:cag
opeiu/153

Mid-Atlantic Regional Archives Conference

Delaware
District of Columbia
Maryland
New Jersey

New York
Pennsylvania
Virginia
West Virginia

mid-atlantic archivist

Mr. Philip Lader
Assistant to the President and
Deputy Chief of Staff
The White House
Washington, DC 20005

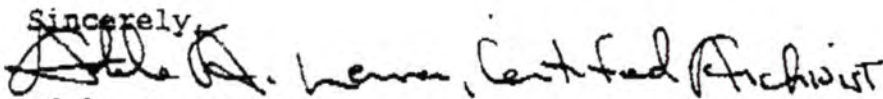
June 15, 1994

On May 13, 1994 at a meeting of the New York State Caucus of the Mid-Atlantic Regional Archives Conference a resolution was passed expressing the support of the Caucus for the candidacy of William Josephson for Archivist of the United States.

Bill Josephson has been a prime mover in strengthening the historical records programs in New York State. He serves on the State's Historical Records Advisory Board, which is responsible for our valued Documentary Heritage Program. Josephson was influential in formulating the legislation for the Local Government Records Improvement Fund, a program that has substantially provided monies and assistance to save and organize the records of large and small local governments.

Bill Josephson is aware of the importance of good record-keeping policies. He has demonstrated his willingness to give his time and skills to preserve the documentary heritage of New York State. He should be given the opportunity to serve the United States as its next Archivist.

Sincerely,



Adele A. Lerner
New York State Representative to Steering Committee of
the Mid-Atlantic Regional Archives Conference
310 West End Avenue, Apt 4D
New York, NY 10023-8146



American Income Life Insurance Company

Executive Offices: P.O. Box 2608, Waco, Texas 76797, 817-751-8600 FAX: 817-751-8670

BERNARD RAPOPORT
Chairman of the Board and
Chief Executive Officer

June 17, 1994

Honorable William J. Clinton
President of the United States
of America

Ms. Hillary Rodham Clinton
The White House
100 Pennsylvania Avenue, N.W.
Washington, D.C. 20500-2000

. . . in December of 1992, a number of archivists and historians asked Bill Josephson, who was counsel to the Peace Corps from its start in 1961 to 1966, if they could recommend him to be Archivist of the United States, and he said yes.

On July 1, 1993, Bruce Lindsay wrote to Bill asking if he were interested in the job, and on August 13, 1993, Bill responded affirmatively.

On April 15, 1994, Bill was interviewed by Phil Lader and Jan Piercy for two and a half or three hours, and they told him that his name would be submitted to you along with one or two others.

On May 13, 1994, The Washington Post quoted a White House official as saying that he was under consideration.

On June 14, 1994, The Washington Times quoted a White House official as saying that he was still under consideration.

Bill has not been campaigning for this job. But he has been approved by the Society of American Archivists, and the White House has received many letters of endorsement on his behalf from, for example, Governor Ann W. Richards; Representative Steny H. Hoyer; Leon Silverman, President, Supreme Court Historical Society; Bill Moyers; L. Jay Oliva, President, New York University; Beverly Robertson Dishon, President, Archivists Round Table of Metropolitan New York; Anne Van Camp, Archivist, Hoover Institution, Stanford University; Edward J. Cleary, President, New York State AFL-CIO; Alan A. Reich, President of a national organization of people with disabilities. Copies are attached.

He has the support of Chuck Daly, the head of the Kennedy Library, and Richard Norton Smith, the head of the Reagan Library.

Page 2
June 17, 1994

I have known Bill for 28 years. He has one arm, but two heads.

I do not know much about the Archives, but I understand it is in terrible shape. The only bad thing I know about Bill is that he would take this job.

If you asked Senators like Bradley, Jay Rockefeller, Paul Sarbanes, and Harris Wofford, they would be enthusiastic about Bill.

Sincerely,



Bernard Rapoport

BR/pn

MAY 13 '94 12:23PM

P.2

THE WASHINGTON

FRIDAY, MAY 13, 1994 A21

col. 1

THE FEDER

Archives Is Dedicated, Sans Leader

Decision on Director Is Near, Aide Says

By Bill McAllister and Al Kamen
Washington Post Staff Writers

Maryland and federal officials yesterday dedicated Archives II, the federal government's new high-tech storage vault in College Park, a \$289.6 million facility that has everything—except a director.

Officials at the National Archives and Records Administration had hoped that President Clinton would appear at the massive six-story building on the University of Maryland campus and announce his long-awaited choice to head the agency. The president didn't make the event, leading some agency officials to suspect he ducked the ceremony because he has yet to nominate a national archivist.

A senior administration official, speaking on the condition of anonymity, said that Clinton is "close to a final decision" and that the president's absence had nothing to do with the vacant \$119,300-a-year position.

The aide blamed the 15-month delay in selecting a nominee on internal strife within the agency and academic groups pushing various candidates. The appointment has taken on "all of the intrigue of academic politics with an overlay of regular politics," the official said.

The position has been unfilled since February 1993, when Don W. Wilson, a Reagan appointee whom congressional Democrats had tagged as "the absentee archivist," resigned amid controversy to direct the George Bush Presidential Library in Texas. The archivist does not serve a fixed term, and by law the position is supposed to be filled on the basis of merit, not partisan politics.

The administration official said that Clinton's initial delay was the result of the opposition of Sen. Daniel Patrick Moynihan (D-N.Y.) to Stanley M. Katz, a Princeton University historian, an early front-runner for the job.

Another part of the delay, the official said, is that the job has changed



Rep. Steny H. Hoyer speaks at dedication of the Archives in College Park.

as the government has moved toward storing information on computer files rather than paper. "It's a very different job than in the past... made more complicated by the changing role of the archives as a result of changes in information technology and issues on access to information," the official said.

But Page Miller of the American Historical Association blamed the delay on lack of White House interest. "We have felt the National Archives is a back-burner issue," she said.

The administration official acknowledged that the finalists include: Mary Maple Dunn, president of Smith College; William Josephson, a New York City lawyer who was the former general counsel of the Peace Corps; Richard Kahn, a historian at the University of North Carolina in Chapel Hill; and John Cooper, a historian at the University of Wisconsin in Madison.

Other officials said the brief candidacy of Richard Hardesty, a former Texas college president and confidant to former president Lyndon B. Johnson, and the efforts of acting archivist

Trudy Peterson to win the job had divided the agency's staff—already inflamed over criticism of Wilson's loose supervision and his involvement in a controversy over whether Bush White House computer mail should go to the archives as official presidential papers.

Yesterday, University of Maryland President William E. Kerwin described the building as "the house that Hoyer built." He lauded the efforts of Rep. Steny H. Hoyer (D-Md.) in getting the archives relocated to his district.

In his remarks, Hoyer thanked a number of archives officials for their help in locating the facility in Prince George's County, including Frank G. Burke, the former acting deputy archivist who initiated congressional support for the building. The new building will house many of the government's post-World War II records in specially designed storage vaults. Older records, such as the Declaration of Independence, will continue to be stored at the National Archives Building on the Mall.

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P.2/2

The Washington Times

(Tues., June 14, '94, P. A-8)

NATION

Two historians on short list to direct National Archives

White House eager for fast fix at troubled agency

By Ruth Larson
THE WASHINGTON TIMES

Two historians are said to be among the leading candidates to head the National Archives as the White House tries to end its year-long search for an archivist.

Sources familiar with the process say the two top candidates are John Milton Cooper Jr., 54, a history professor at the University of Wisconsin at Madison, and Richard Kohn, 53, a former Air Force historian and now a history professor at the University of North Carolina at Chapel Hill.

"We are in the process of determining who should fill this position," said White House spokeswoman Ginny Terzano. "That's a process between the candidates being interviewed and White House personnel that's still ongoing. No decision has been made."

The Archives has been without a permanent archivist since March 1993, when Don W. Wilson left to head the Bush Presidential Library Center in Texas. Trudy H. Peterson has served as acting archivist since Mr. Wilson left.

The administration has been under increasing pressure to name someone to the post of archivist of the United States, in an effort to stabilize an agency marked by internal power struggles.

White House officials had planned to name someone in time

for the May 12 dedication of the new Archives II research facility in College Park. But those plans were derailed when their first choice, Robert L. Hardesty, withdrew March 29 in the face of intense opposition from private historical groups.

Less frequently mentioned candidates are William H. Josephson, 60, former Peace Corps general counsel and now a New York City lawyer, and Mary Maples Dunn, 63, president of Smith College in Northampton, Mass.

Mr. Josephson said Friday that he had been interviewed at the White House but had heard nothing further about his candidacy.

Judith Marksbury, secretary to Mrs. Dunn, said yesterday, "As far as I know, she is still being considered."

In a telephone interview Friday, Mr. Cooper confirmed that he had been interviewed by the White House.

In late May, members of the Advisory Committee on Presidential Libraries wrote President Clinton, urging him to nominate an archivist who can "bring the proper perspective to the position and restore order to the National Archives."

The committee has criticized the current Archives management, particularly what they see as efforts to undermine the independence of presidential libraries.

"Judicious control of pres-

idential papers is at risk as never before," said the letter, signed by representatives of the libraries of Presidents Kennedy, Johnson, Ford, Carter, Reagan and Bush.

Several former presidents are said to favor Mr. Cooper, who also has garnered endorsements from such influential scholars as Arthur M. Schlesinger Jr. and James MacGregor Burns.

Mr. Cooper, a native of the District, has been teaching at the University of Wisconsin since 1970.

Mr. Kohn, a friend of Mrs. Peterson's, is said to be favored by supporters of the current Archives management. Other sources have said Mr. Kohn has unsuccessfully sought the endorsement of Messrs. Carter, Ford and Reagan.

"I've spoken to the White House, and know there are several candidates being considered," Mr. Kohn said last week. "But I don't know where the process is at this point."

One government historian has said Mr. Kohn is unqualified to be archivist, calling his work as Air Force historian "second-rate."

Mr. Kohn has been at the University of North Carolina since 1991 and served as chief of the Office of Air Force History from 1981 to 1991. He was a professor of history at Rutgers University from 1971 to 1984.

Background

Due to the sudden increase in Haitian boat people it was decided to seek a safe haven location to house boat people under UNHCR auspices. We calculate that when Haitians learn that their destination will not be the United States but another country, most will stay home. Safe haven has always been the UNHCR's preferred solution. It will take some time to build a safe haven camp, but if we could announce in principle this weekend that we are arranging for a destination other than the United States, we believe we could stem the massive outflow.

We contacted Belize, Guyana, Surinam and France (for French Guiana) today. So far, President Jagan (Jay-gun) of Guyana has indicated enough interest and support for our position to justify a presidential call.

Talking Points

--You know from our Ambassador of our desire to establish a safe haven in Guyana for Haitian boat people. I am glad to hear that you are interested in pursuing this.

--We can work this out in a way that will be highly beneficial to both our countries.

--I want to send Bill Gray to ^{Barbados to meet with you on Sunday & to} ~~Guyana to~~ work out the arrangements with you. He is prepared to travel immediately.

--The international community and the US Government will pay all of the costs of this arrangement. We will make certain that there is no damage to your economy, society or environment.

--The United Nations High Commission for Refugees enthusiastically supports this solution and will be a full partner in its implementation.

--Guyana's willingness to discuss this option is a crucial contribution to the advancement of democracy in the hemisphere. I am personally grateful for your willingness to receive Bill Gray.

--This could mark the beginning of a truly significant new relationship between our two countries.

-- Let me stress one very important point;
We are not asking your country to accept
Haitian refugees on a permanent basis;
We are only asking you to let us set up
a safe haven for them on a temporary basis
until democracy is restored in Haiti — which I
believe will be soon.

THE PRESIDENT HAS SEEN

7.1.94



Reubin

Fyl - 11

THE PRESIDENT HAS SEEN

7.1.94

Testifying this morning at the
SFRC, Sugar and Kassebaum
hit me very hard on the need
for your personal leadership on
GATT. Both said they were
have trouble at home on the
issue; though they are supportive.

much anxiety on Haiti
and Bosnia. Dole Amendment ^(arms embargo)

up tonight; very close. Panic
has hurt us badly.

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN

7-1-94

June 29, 1994 JUN 29 P5:11

MEMORANDUM FOR THE PRESIDENT

FROM: BILL GALSTON *WAG*

SUBJECT: STATUS REPORT ON INCOME-CONTINGENT LOANS

Last week the Washington Post published an article in which some higher education representatives criticized aspects of the administration's emerging income-contingent loan proposal. In the wake of that article, you asked Carol Rasco and me whether there is a problem. The short answer is no, absolutely none. The purpose of this memorandum is to report to you on the progress we are making to implement your campaign promise that all students would have the option of repaying their loans as a small percentage of income over time.

As you know, the 1993 budget agreement authorizes a five-year phased transition from the current guaranteed student loan program to a new system of direct loans. As part of this new system, the administration was empowered to create a new income-contingent repayment option for student borrowers through a process known as "negotiated rule-making," in which responsible officials from the executive branch meet with a wide range of parties affected by potential regulations to work toward consensus on regulatory proposals that are then evaluated, revised, and approved by OMB and the White House.

Pursuant to that legislation, the Department of Education met over a period of months with representatives of post-secondary education institutions and organizations. Last month, the negotiators reached consensus on a proposal that I, Gene Sperling, and OMB felt did not go far enough toward achieving the objectives you laid out during your presidential campaign. Specifically, while the draft plan was acceptable for lower-income borrowers, it did not provide attractive new options for middle-income borrowers--precisely the kinds of young people you hoped would take advantage of income-contingency to choose public-interest jobs after graduation from college or professional school. We worked with the Department over a period of weeks to address this problem.

Last week, the Department presented a revised proposal to the higher education negotiators. Many of them had been skeptical about a broad income-contingent option from the very beginning, and they were vocal in expressing their objections to our new proposal. After that meeting, the malcontents went public, generating the Washington Post article.

Contrary to the impression left by that article, the actual policy differences between the administration and the higher education were relatively narrow--questions of degree rather than principle. Everyone agreed that under income-contingent repayment plans, many borrowers will take longer to pay off their loans, and some will not fully repay. The question was how long and how many.

Accordingly, we went back to the negotiating table late last week with a compromise proposal. By the close of business Friday we had reached agreement on a plan that will achieve your objectives in a manner that is fiscally sound and acceptable to most higher education organizations that are worried about student "overborrowing."

 This represents a major step forward for the middle class. Effective July 1, all new borrowers under your direct lending program will be eligible for income-contingent repayment. In addition, up to 20 million current borrowers with about \$50 billion in outstanding loans will be able to transfer to new loans offering income-contingent repayments. Gene Sperling and I are now working with the Department and with your communications and political advisors to plan an effective announcement of this program, emphasizing two key points: new opportunities for the middle class, and translating campaign promises into reality.

CC. George
MAEC
Dee Dee

Student Loan Plan Spreads Out Obligation

Prospect of 25 Years of Repayments Alarms Some College Officials

By Mary Jordan
Washington Post Staff Writer

A1

Within days, the Clinton administration will issue its final regulations on its new student loan program designed to make "college more affordable," as Bill Clinton promised in his campaign for the presidency.

The plan would drastically reduce monthly loan repayments for millions of low- and middle-income Americans and aims to reduce the number of students who abandon their school debt.

Currently, no matter how much students earn after graduation, they repay their government-backed loans on a standard 10-year plan.

Under the Clinton plan, some students could have their monthly loan payments spread out over a much longer period, thereby cutting their monthly payments by half or more. The White House heralds this as a new option to help the middle class cope with college costs.

But even some college officials who have publicly embraced the idea of basing payments on income level were alarmed at the details of the administration's plan released this week. They argue that it drops the monthly loan payments so low that it would actually hurt students because many will be lured into paying school loans for as long as 25 years.

Extra years of compounding interest payments will mean people could wind up doubling or tripling college costs, said Laura McClintock, legislative director of the United States Student Association. Once students are presented with the option of low monthly payments, many will grab it, even if it makes little financial sense for them, she said. "It could be good for some students," she said, but for others it is "not a pro-student plan."

Barmak Nassirian, a loan financing expert at the American Association of State Colleges and Universities, called the new plan "smoke and mirrors."

"This is not about making college

LOANS, From A1

really more affordable," he said. "It is about making college seem like it's more affordable. It's a cynical approach, not unlike a used car dealer selling a '68 Chevy to cash-strapped customers on extended financing."

"What you don't pay for today, you pay through the nose for tomorrow," he said.

But White House economic adviser Gene Sperling said the president is fulfilling his promise to help the middle class afford college. Students will still have the current 10-year option, and can pay their loans off at any time. He said they can even switch in and out of the new array of payment plans.

Sperling also said the fine print is not final and that the higher education community really has only "narrow disagreements we expect to work out over the next couple days."

The administration's new student loan plan is to take effect on July 1 for some loans. Over the next few years, millions of student borrowers could be affected by the plan. In the academic year 1992-1993 alone, 5.8 million students took out government-backed student loans.

The practice of basing debt repayments on income marks a major departure from the current financial aid system. Today, students pay a fixed monthly amount determined solely on the amount they borrow. It does not matter if they land a \$50,000 job on Wall Street or a \$17,000 teaching job.

Throughout the 1992 campaign, Clinton promised to make it easier for college graduates to take low-paying community service jobs and not feel forced into high paying fields because of school debt.

Many of those who default or abandon their loan payments are people who cannot afford to meet their monthly payment. The administration said this new option will encourage low-income people to pay a little instead of nothing at all.

Currently all students who borrowed \$20,000 at an interest rate of 7 percent pay back about \$230 a month. Under the Clinton plan circulated in higher education circles this week, that payment would drop to about \$100—less than half—for those earning \$20,000.

Payments would be adjusted upward as a person's income increases. People earning less would pay less.

David A. Longanecker, assistant secretary of education, said he has been taken by surprise by those who say this is "morally bankrupt."

"Obviously, we don't think it is," he said. In some cases the administration and the higher education community "are less than \$10 apart" in what they think the new monthly payments should be. He said he hoped to meet today with some of the groups that sent an urgent letter to Education Secretary Richard W. Riley on Wednesday asking for "an immediate intervention" to change the plan.

"Our interest is to help students, not to place them in greater debt," Longanecker said.

Even students earning as much as \$50,000 upon graduation will be allowed to reduce their monthly payments under the new plan. If that student owed \$40,000, currently he

or she would pay \$502 at an 8.2 percent interest rate. Longanecker said. The Clinton plan would reduce that amount to \$362. It is especially at the higher levels of income that the higher education community believes the debt repayments should be increased.

Robert H. Atwell, president of the American Council on Education, the nation's largest higher education group, said that "the White House scheme" extends from 6 to 20 percent the amount of people who still won't have repaid their loans in 25 years.

Under the plan, taxpayers would be liable for the loans unpaid after a quarter of a century.

Rep. Thomas E. Petri (R-Wis.) has advocated income-contingent loans for more than a decade, but he is not at all happy with the new plan.

Petri said he and others have put "their reputations on the line for this new program" and don't want to see it fail. One of the things he is worried about is that students will "game the system" by borrowing more than they need, and taxpayers will end up paying for it.

The provision to adjust repayments according to income is just one part of the administration's ongoing overhaul of the entire student aid program. Last year, Congress approved the administration's plan to begin setting up the federal government as direct lender to students, bypassing private banks.

As of July 1, 5 percent of the government-backed student loan volume will be directly lent to students by the Education Department. By July 1995, that sum is to rise to 40 percent, with the aim of eventually bypassing all private banks and lenders such as Sallie Mae.

The option of basing loan repayments on income will be available to all those in the direct lending program. Many colleges have already joined that program including American University and the University of the District of Columbia. Longanecker said in addition to those students, the income-contingent plan could also soon be available to any student with existing loans who wanted to join it.

FRIDAY, JUNE 24, 1994 THE WASHINGTON POST

Student Loan Plan Spreads Out Obligation

Project of 25 Years of Repayments Alarms Some College Officials

By Mary Jordan

Washington Post Staff Writer

A1

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LOANS, From A1

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Petri said he and others have put "their reputations on the line for this new program" and don't want to see it fail. One of the things he is worried about is that students will "game the system" by borrowing more than they need, and taxpayers will end up paying for it.

The provision to adjust repayments according to income is just one part of the administration's ongoing overhaul of the entire student aid program. Last year, Congress approved the administration's plan to begin setting up the federal government as direct lender to students, bypassing private banks.

As of July 1, 5 percent of the government-backed student loan volume will be directly lent to students by the Education Department. By July 1995, that sum is to rise to 40 percent, with the aim of eventually bypassing all private banks and lenders such as Sallie Mae.

The option of basing loan repayments on income will be available to all those in the direct lending program. Many colleges have already joined that program including American University and the University of the District of Columbia. Longanecker said in addition to those students, the income-contingent plan could also soon be available to any student with existing loans who wanted to join it.

FRIDAY, JUNE 24, 1993 THE WASHINGTON POST

THE WHITE HOUSE
WASHINGTON

June 29, 1994

94 JUN 29 P4:35

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

ANTHONY LAKE
ROBERT RUBIN
SUSAN BROPHY

SUBJECT:

Letter from Senator Byron Dorgan Supporting the
Decision on MFN for China

Purpose

To reply to a letter from Senator Byron L. Dorgan (D-ND) who wrote in support of your decision to renew Most-Favored-Nation trade status for China.

Background

Although he describes your MFN decision as "solid and reasonable," Senator Dorgan expressed concern about China's huge trade surplus with the United States as well as other Chinese trade practices. He recommends we take measures to pressure China to bring down its surplus by, among other means, buying more U.S. wheat and barley.

Your reply thanks him for his letter, reassures him you will press for a more balanced pattern of trade and asks for his support in upcoming Congressional deliberations on the MFN issue.

RECOMMENDATION

That you sign the letter at Tab A.

Attachments

Tab A Letter to Senator Dorgan
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Byron:

Thank you for your letter supporting my decision to renew Most-Favored-Nation trade status for China.

The decision was, as you note, a difficult one but I am satisfied that it was the right decision. I hope I can continue to count on your support as legislation relevant to this issue moves through the Congress.

I am aware of the trade concerns you raised and want to assure you that we will continue to carefully monitor the U.S.-China trade balance and make every effort to encourage more purchases of U.S. goods, including grain. I will use the legislative and regulatory tools at my disposal to ensure that China fulfills its obligations not just in the grain sector but in all aspects of U.S.-China trade.

Again, thank you for your interest and support.

Sincerely,

A handwritten signature in dark ink, appearing to be "R. Reagan", written in a cursive style.

The Honorable Byron L. Dorgan
United States Senate
Washington, D.C. 20510

BYRON L. DORGAN
NORTH DAKOTA
713 HART BUILDING
WASHINGTON, DC 20510-3405
202-224-2551
202-224-9378 TDD

COMMITTEES:
COMMERCE, SCIENCE, & TRANSPORTATION
ENERGY & NATURAL RESOURCES
GOVERNMENTAL AFFAIRS
JOINT ECONOMIC
INDIAN AFFAIRS

United States Senate

WASHINGTON, DC 20510-3405

May 26, 1994

President Bill Clinton
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

Your decision on extension of Most Favored Nation status for the People's Republic of China was a difficult one. I believe you made a solid, reasonable decision in the best interests of this nation and the oppressed people of China who depend upon America's leadership.

Since 1989, I have felt we should impose conditions on the extension of MFN to China as a means of pressuring that government toward less oppressive rule, extension of basic human rights to its citizens, curtailment of export of nuclear weapons components to unstable nations, and more. Frankly, I believe those conditions have measurably affected the Beijing government's behavior. However, as you indicate, there are other measures we should now take, outside of MFN, to advance our goals concerning human rights.

I applaud you for launching a new agenda to press Beijing in the area of human rights. If America is to remain a beacon of hope for the world's oppressed, then it is essential that we do not relax our pressure upon the government of China.

Even as I support your extension of MFN to China, I am not content to press Beijing only on issues of domestic human rights. Since 1980, our trade relationship with China has grown from minor exchanges to major foreign commerce, and we must insist that China become a trading partner that reciprocates our open and generous trade policies.

The U.S. can no longer endure the explosion of imports from China while our exports to that nation are unfairly restricted. We have proceeded from a near-balance of trade with China a decade ago to a \$23 billion deficit last year. The deficit through March of this year was already \$5.2 billion, up 23 percent from the first three months of 1993. We cannot continue to accept this kind of foreign commerce bludgeoning by a nation that pirates U.S. patents and commonly refuses to abide by international standards of open and fair trade.

China is seeking membership in GATT, and the United States will have a great influence over the acceptance of China into the World Trade Organization. We must insist that China demonstrate

4437

STATE OFFICES:

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701-239-5389

604 NORTH 4TH STREET, ROOM 108
GRAND FORKS, ND 58201
701-746-8972

100 1ST STREET, S.W., ROOM 105
MINOT, ND 58701
701-852-0703

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ALL: 35

May 26, 1994
Page Two

it is a mature and civilized trading partner under its current agreements before membership is granted.

I want the U.S. to pressure China to buy more from the U.S. in order to reduce its intolerable trade surplus with us. I especially want China to purchase more American grain. It upsets me that, even as China is ringing up a giant trade surplus with the U.S., its agents bypass the U.S. for most of its wheat and barley needs, and go elsewhere to buy their grain. A good trade relationship has obligations on both sides, and we must insist that China meet its obligations in the grain sector.

Once again, I support the approach you are taking toward China on MFN and human rights. However, I believe we must be very tough with the Beijing government in trade matters if we are ever to expect to gain equally in our trade with that nation.

Sincerely,



Byron L. Dorgan
U.S. Senator

BLD:em
cc: U.S. Trade Representative

To: President Clinton

From: Skip Rutherford *[Signature]*

Re: State by State Accomplishment Strategy

Date: July 1, 1994

In all the debate over national and international issues, it seems to me that a "take credit" strategy should be implemented at the state level in targeted or toss up states.

For example, according to Charles Cook, you are experiencing a "character penalty" that is hurting in the South and West. Cook concludes if the election were today you would lose Georgia, Kentucky, Louisiana, Montana, Nevada, New Hampshire and Tennessee. He also says California and Ohio are close. You won all these in 1992.

I am convinced that people don't know what all is being accomplished and that you are not getting the credit you deserve on the economy, NAFTA, AmeriCorps, HeadStart, WIC, etc.

As you recall during the 1992 election, we implemented a "campaign within a campaign" for toss-up states. I recommend a similar strategy to promote and localize your accomplishments. This can be done by pulling together all the information in an understandable and manageable form, developing speeches and talking points, setting up speakers bureaus, using surrogates, coordinating schedules and targeting local and state media with state-specific issues. This project would also activate your supporters throughout the country.

All the key economic statistics (jobs, home sales, automobile sales, state revenues, home refinances, etc.), the AmeriCorps activities, the list of federal grants and projects along with other pertinent data should be compiled and developed state-by-state. (When the crime bill is passed it should be localized so people can better understand it.)

Because of the national coverage on health care, Whitewater, etc., I don't believe a national accomplishment strategy is as effective. I do believe it can be done by state-by-state with good organization, good planning and good data.

Just one example: Arkansas:

- * More people are employed than at any other time in the state's history
- * For the first time in 10 years the state has enough money to fully fund its budget
- * Tourism is headed for another record year

Much of the above is due to the Clinton economic plan which is working.

cc: Hillary Rodham Clinton
Mack McLarty

Mack
7-1-94
THE PRESIDENT HAS SEEN

Let's follow up

THE WHITE HOUSE
WASHINGTON

DATE: 07/01/94

NOTE FOR:

KATIE MCGINTY

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

Information ☐

Action ☒

Please coordinate your reply to
Senator Max Baucus with LeeAnn Inadomi,
Legislative Affairs.

Thank you.

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

cc: *LeeAnn Inadomi*

*ORIGINAL
ltr sent
to LeeAnn
along w/
cover
memo
from
Bridget
S*

BB - Mum & Dad
- to Kate McGinty

THE PRESIDENT HAS SEEN

7-1-94



UNITED STATES SENATOR
WASHINGTON, D. C. 20510

MAX BAUCUS
MONTANA

June 29, 1994

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

Dear Mr. President:

Thank you for your recent decision to assume extraordinary costs associated with Salmon recovery. Your responsiveness to this very complex and expensive recovery effort is good news to the hardworking men and women of western Montana and the Pacific Northwest.

As I move forward on reauthorization of the Endangered Species Act, I look forward to your good counsel.

Sincerely,

Max
P.S. Thanks so much. This
means a lot to N.W.
Montanans.

THE WHITE HOUSE
WASHINGTON

DATE: 07/01/94

NOTE FOR: MICHAEL CARDOZO

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:

872 1401

THE WHITE HOUSE
WASHINGTON

Mr. Michael H. Cardozo
Suite 1004
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

cc McCauley
↓

THE WHITE HOUSE
WASHINGTON

June 30, 1994

The Honorable Ernest Cunningham
727 Columbia Street
Helena, Arkansas 72342

Dear Ernest:

Thanks for your letter of June 8. Hillary and I were so pleased you and Cathy stayed with us during your visit last month to Washington.

Thanks, too, for your concern about the legal bills we're incurring. As you know, we yesterday announced the formation of a defense fund. I appreciate your willingness to help.

See you soon.

Sincerely,

Tom



STATE OF ARKANSAS

House of Representatives

Very
Reply

6/8/94

Representative ERNEST CUNNINGHAM
727 Columbia Street
HELENA, ARKANSAS 72342

Dear Mr. President,

It was so good to see you
in Washington last month. Being
able to stay in the White House
was certainly a thrill and it was
an experience that we will never
forget. Thank you!

You were magnificent in Europe.
The D Day speech you gave was very
moving and inspirational. I know our
country appreciates your tribute to the Veterans.

Mr. President, I am concerned about
the legal cost you are having to incur.

Former Speaker





STATE OF ARKANSAS

House of Representatives

Representative ERNEST CUNNINGHAM
727 Columbia Street
HELENA, ARKANSAS 72342

I would like to help you with
these expenses either with a personal
Contribution or helping to raise funds
or both. If I can ever help in
any manner please let me know.
Once again Thank you!

Your Friend
Ernest

Former Speaker



copy sent to
Vicki Radd
7/1/94

Eleanor D. Acheson
Apartment #1129
425 8th Street, N.W. 94 JUN 27 P4: 49
Washington, D.C. 20004

June 27, 1994

The Honorable William J. Clinton
President of The United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

I am writing to state my interest in the vacancy on the U.S. Court of Appeals for the First Circuit to be created by confirmation of Chief Judge Stephen Breyer's nomination to the Supreme Court of the United States and to express the most important reasons for that interest. They are four: First, I believe I am qualified, formally as well as in the equally important senses of having compassion and empathy. Second, I honor the law, am dedicated to justice, and understand the sometimes painful tension and divergence between them. Third, the judiciary, both federal and state, is at a watershed time, and leaders are needed for planning, management and operations, as well as for jurisprudence, if the courts are to fulfill the promise of "equal justice under law" in terms of access, expedition and efficiency for criminal and civil business alike. Finally, I want to continue this extraordinary opportunity I have had and commit myself permanently to public service.

My resume reflects many of my formal qualifications, including my work on legal matters in each of the jurisdictions that comprise the First Circuit, except for Puerto Rico: I worked for New Hampshire Legal Services, clerked for Judge Edward Thaxter Gignoux of the U.S. District Court in Maine, practiced law for 19 years in Massachusetts and handled a number of matters in the state and federal courts in Rhode Island. I have appeared before every one of the U.S. District Court of Massachusetts judges sitting as of the end of 1993, except for Judge Woodlock, and I have appeared in the Superior Court in every county in the Commonwealth, except for Hampden. And in all of the 19 years of my career in private practice I dedicated much of my time to pro bono and community work. In sum, I have always used my law degree to fulfill the professional responsibilities of a lawyer and the personal responsibilities of a human being to give others meaning and hope and to create opportunities for those who are

The Honorable William J. Clinton
June 27, 1994
Page 2

mired in poverty, lacking in education, shackled by substance abuse and burdened by discrimination.

However, some of my experience crucial to my character and commitment is not shown on my resume. A childhood bout with polio and years of surgery and physical therapy taught me at a young age hard truths about advantage and disadvantage in our society, a lot about patience, diligence and humor in the face of pain, disability and uncertainty and a great deal about civility, decency and respect in the acceptance of oneself and others.

Lessons learned in that context early on helped in coping with sometimes overt and sometimes subtle discrimination when I began practicing as a trial attorney in Massachusetts in 1974. Hard work and, I believe, good work earned the respect of leaders of the trial bar and at my firm and led to important and interesting work with them and others in the firm. From these men, from opposing lawyers and from judges before whom I appeared I learned everything I know about areas of law ranging from nuclear plant licensing to the fiduciary duties of close corporation stockholders to sexual harassment and about trial practice and procedure. I also was able to work within the firm on important matters for women and, indeed, all personnel and played an active role in the development of the firm's maternity leave policy and, later, its part-time work policy, the firm's pro bono policy and its efforts to diversify in hiring.

Those experiences and the confidence simply to press on in the face of adversity have also been empowering in the struggle against homophobia and the need to extend broadly accepted social values of civility, respect, equal treatment and a fair chance to gays and lesbians as well as to racial, ethnic and religious minorities, women, the disabled and all others who suffer from the disdain and discrimination of others. I do not think I ever really understood the hatred and resulting violence that constitutes racism or anti-Semitism until I was attacked by a group of gay bashing citizens and, on another occasion, actually assaulted by a man shouting moralistic and religious injunctions.

For all of these experiences and the great divides among them -- from privileged security to polio ward to a wonderful education and clerkship to every type of hearing and courtroom to Women, Inc. and Roxbury Community College to corporate board rooms to civil rights marches -- I know I would bring a big and strong heart as well as a broad and open mind to the Court of Appeals.

Second, I can imagine nothing as interesting or as important as the careful consideration of criminal and civil appeals and the constitutional and other legal issues they raise, analyzing the precedent or working to find the law if little or no guidance is available and writing opinions. I am under no illusion that the Constitution or the law reaches all inequities or that it is the job of a Court of Appeals judge to make it do so. I am committed to the Constitution and the rule of law but fully understand the responsibilities of judges and constraints on the courts on those occasions when the Constitution, the law and justice are in different places.

And yet I do not believe that the Constitution exists as a static and unchanging document, in some abstract but ultimate breadth, depth, height and meaning. Rather, I subscribe to Thomas Jefferson's commentary on charter documents which, although without the authoritative weight of the Federalists, is one of the clearest descriptions of my concept of the Constitution -- an organic document guided by the experience and will of the people. Jefferson said:

"I am not an advocate for frequent changes in laws and constitutions. But laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times."

Third, as Judge Breyer's own tenure on the First Circuit illustrates so well, the federal courts need leaders in matters beyond the jurisprudential. Challenges loom on every front -- rules changes, automation developments, court facilities and resources, the number of federal judges, the size and manageability of circuits, the crisis of burgeoning criminal dockets and the difficulties of moving the civil docket, the growing jurisdiction of the federal courts and the necessity of productive and pragmatic relationships between federal and state systems and the difficult questions of balanced and sufficient resources for the federal courts and the federal system as an entirety -- prevention, law enforcement prosecutors, courts, prisons and post-incarceration transition support. Each such issue facing the federal courts implicates their fundamental purpose -- to achieve "equal justice under law", in other words to provide "a day in court" for all with matters that the Constitution or the Congress has placed in the federal system without undue cost or delay and before an able, fair and

The Honorable William J. Clinton
June 27, 1994
Page 4

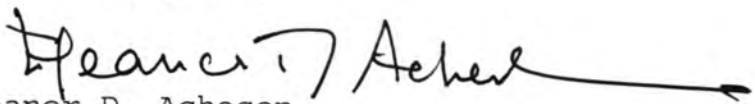
compassionate judge. Thus, it is no longer enough for any judge simply to issue rulings and opinions from chambers. The appointee to this seat must be prepared to become involved in all aspects of the justice system.

My 19 years of trial work in the federal and state court systems and the work in my current position with the Judicial Conference of the United States on many of these issues have combined to give me a broad perspective on the challenges to the federal courts and the importance of imaginative and pragmatic leadership with respect to them.

Finally, I have found nothing as gratifying and fulfilling in my professional life as I have this last year in the Department of Justice. I want very much to devote the best and most valuable of my career -- that which lies ahead -- to public service as a judge on the U.S. Court of Appeals for the First Circuit. To do so would be a great responsibility as well as a great privilege, and I believe I can more than meet that challenge.

Thank you for your consideration.

Very truly yours,


Eleanor D. Acheson