

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
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|           |                                                                  |            |      |
|-----------|------------------------------------------------------------------|------------|------|
| 001. memo | Jack Quinn to POTUS re: Meeting or Phone Call [partial] (1 page) | 05/17/1996 | b(6) |
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### **COLLECTION:**

Clinton Presidential Records  
Staff Secretary  
Todd Stern  
OA/Box Number: 7697

### **FOLDER TITLE:**

Chron Files May 20-24, 1996: Monday, May 20, 1996

2019-0774-S

rs3318

### **RESTRICTION CODES**

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

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

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

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

RR. Document will be reviewed upon request.

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

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

3/20/96  
from OUAL.

To  
Doriskind  
for reply +  
to check out  
the info?

✓ yes - no  
5

*Wrough Est Syf*

THE WHITE HOUSE  
WASHINGTON  
MEMORANDUM

May 20, 1996

TO: Nancy Hernreich  
FROM: Ann McCoy *ame*  
66306  
RE: Admiral Boorda's Mother and Sister

This morning Sybil Nahrgang, called to say she is the older sister (4 years) of Admiral Boorda. She would like it if someone from the White House would acknowledge the Admiral's (and her) 82 year old mother:

Mrs. Trudy Wallis  
1738 Stanley Dollar Dr. #4A  
Walnut Creek, CA 94595  
510-937-8141 phone

The mother is a widow of her second husband. The sister didn't indicate that the mother is in poor health.

According to Sybil Nahrgang, she and her brother and their mother were not invited to the private burial service. I think the Navy has invited and arranged for them to attend the service tomorrow, however Sybil said that due to unfriendly family feelings and unfamiliar arrangements, they will most likely not attend.

The sister is intelligent, however obviously estranged from her brother's family and angry with the news media's portrayal of their family life when they were children and the fact that no one has made contact with their mother.

Sybil Nahrgang  
1541 Townsend Rd.  
Blue Bell, Pennsylvania 19422-3572  
610-275-4345 phone

I know you'll want to check this out to be sure it's not some kook! She said this number was the only White House number she had. I told her I would pass this information along.

5/20  
original sent to  
Dorskind

To Betty Meyer

Fgl - Pls copy for us  
a letter about to be letter

Bo

THE PRESIDENT HAS SEEN  
5-20-76

JIM DORSKIND  
Please coordinate  
the reply.

President Clinton





THE PRESIDENT HAS SEEN  
5-20-96

May 15, 1996

Dear President Clinton -

I am writing to you at the suggestion of Vicky Saporta of the National Abortion Federation. Claudia and Richard Ades are friends of mine. (and Ken's). I have been active in trying to help them publicize the true facts about the need to allow third trimester abortions.

I want to tell you personally that I applaud your decision to veto H.R. 1833. The Ades told me about your willingness to listen to, and learn from their sad experience. I very much appreciate the sensitivity which you demonstrated through your words and actions. As you know, the Ades will be adopting a baby in July. I know Claudia would love the opportunity to address the national convention as a symbol of the true meaning of family values.

On another subject, I want to tell you that I am the Vice-Chair of the Access diving benefit, an event taking place in Chicago on May 16. The Chair of the National Council on Disabilities, Marco Bruto, is Executive Director of the organization.

Anyway, my husband Ken Lehman is with you today - instead of attending my benefit. I will miss his presence, but I tell you (without prejudice of course) that you could not have chosen a more competent, insightful and honorable businessman to be part of your forum. I am not going to hold it against him that he chose to be with you today, instead of with me.

Sincerely,  
Lucy Lehman

THE WHITE HOUSE  
WASHINGTON, D.C. 20500

DATE: 5-20

TO: Melanne

FROM: Staff Secretary

fy) - three powerful  
letters endorsing Elena  
for OLC slot.

MDX

THE UNIVERSITY OF CHICAGO  
OFFICE OF THE PROVOST  
5801 Ellis Avenue  
CHICAGO • ILLINOIS 60637-2786

Geoffrey R. Stone, Provost  
Harry Kalven, Jr. Distinguished Service Professor of Law

TELEPHONE: (312) 702-8810  
FAX: (312) 702-2732

May 20, 1996

President William J. Clinton  
The White House  
Washington, D.C. 20530

Dear President Clinton:

I recently learned from a colleague that Elena Kagan may be under consideration for appointment as Assistant Attorney General for the Office of Legal Counsel. In the hope that this is true, I am writing to put in my two cents in support of her appointment.

I first met Elena some six years ago when I was Dean of the University of Chicago Law School and she was a young lawyer at Williams & Connolly. I had heard wonderful things about her from a variety of sources, including Ab Mikva, a graduate of Chicago, for whom Elena had clerked. I set about trying to recruit her to join the faculty. In our very first meeting, I saw in Elena all the qualities that Ab and others already had described -- she was a tough, independent, smart lawyer with a clear academic bent. After a year of cultivation, she joined the faculty in the fall of 1991. She has been a great success as a teacher, scholar and colleague.

Elena has focused most of her teaching in the fields of constitutional law, labor law and civil procedure. She is a rigorous, engaging and lively teacher. She demands the best from her students, and they delight in meeting her expectations. She probes, challenges and tests her students' assumptions, and she encourages them to challenge hers. From her very first course, she was regarded by the students as a simply brilliant teacher. Indeed, in only her third year on the faculty she received the Law School's annual award for Excellence in Teaching -- the first and only untenured member of the faculty ever to receive that honor.

Elena has also flourished as a scholar. Most of her research arises out of her interest in freedom of expression. Because this is also my field of study, I am intimately familiar with her work. In her short time on the faculty, she has completed two major articles, as well as several lesser pieces. In her first major work, published in *The Supreme Court Review*, Elena offered a careful, innovative and powerful analysis of the Court's decision in *R.A.V.* (the cross-burning case). In this article, Elena dissected the opinions of the Court and put forth an original and already influential reinterpretation of the central issue presented in the case.

In her second major work, soon to be published in *The University of Chicago Law Review*, Elena sets forth an ambitious and novel understanding of the Court's overall First Amendment jurisprudence. In this article, Elena surveys the entire corpus of First Amendment doctrine and demonstrates that most, if not all, of this doctrine can be explained by the Court's concern with improper governmental motivation -- that is, with its concern that laws regulating speech may consciously or unconsciously be the result of governmental favoritism for or hostility to particular ideas and viewpoints. This is an innovative and provocative thesis which persuasively challenges most of the accepted understandings of existing First Amendment jurisprudence. This article will inform and, indeed, shape academic and legal discourse about freedom of speech for years to come. On the basis of these articles, Elena was promoted last year to the rank of full Professor, with tenure.

It is important to understand that Elena is not one of those all-too-common legal scholars whose primary interest is in abstract theory, divorced from legal doctrine. To the contrary, Elena is a lawyer's scholar. She takes courts, precedents and doctrine seriously. She believes that law matters. She writes in the best tradition of Paul Freund, Harry Kalven and Thomas Emerson. I am confident that, when she returns to the Law School and again turns her energy and curiosity to scholarly research, she will emerge as one of the leading constitutional voices of her generation.

Finally, I should note that Elena is a valued colleague. In only a few short years she has come to be regarded as a central figure in the Law School's decision making structure. As Dean, I sought her advice regularly on a broad range of issues, including faculty appointments, student concerns and institutional policies. She is strikingly forthright, honest and direct. She has wisdom beyond her years, and always offers thoughtful and sensible advice. She listens. She is a person of integrity, independence and commitment to principle. I trust her completely, and I know that every one of my colleagues

-- regardless of seniority or ideology -- shares that trust. It is thus no surprise that, when we speculate about the future, Elena is invariably mentioned as a possible future Dean of the Law School.

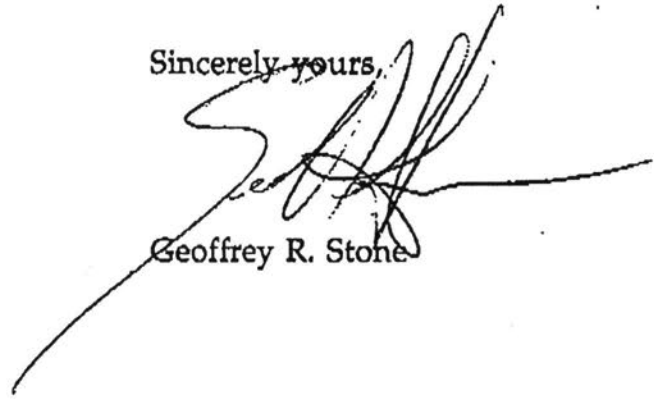
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Although Elena may be on the young side for the position under consideration, she is a truly remarkable person. She is a serious individual who cares deeply about the law, and she has the intellectual and personal skills to fulfill her responsibilities to the very highest degree. Although I would hate to see her remain away from the Law School any longer (I miss her), I am compelled in good conscience to recommend her enthusiastically and without qualification for the position of Assistant Attorney General for the Office of Legal Counsel. She would be a treasure.

If I can be of any further assistance in this matter, please feel free to call or write me at any time.

With warm best wishes.

Sincerely yours,



Geoffrey R. Stone

GRS:cm

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IN EASTERN EUROPE

TELEPHONE: 812.702.9498  
FAX: 812.702.0730

electronic mail: [cass\\_sunstein@law.uchicago.edu](mailto:cass_sunstein@law.uchicago.edu)

May 20, 1996

President Bill Clinton  
The White House  
Washington, D.C. 20500

Dear Mr. President:

I have heard that Elena Kagan, a professor at this law school now on leave at the White House, is a candidate for head of the Office of Legal Counsel. I write because I know Elena well and because I think she would be a wonderful choice.

Having worked at OLC in the early 1980s, I have a sense of the Office's functions and needs, and I think that Elena is unusually well-suited to the job. As a lawyer, she is both brilliant and entirely level-headed -- in academia at least, a fairly unusual combination of skills. When she approaches legal issues, she shows a lot of creativity and imagination, but she's also got outstanding judgment, real maturity, and a fine sense of proportion. It's perhaps unnecessary to say that despite her relative youth, she has a wide understanding of many areas of the law. Her work on the first amendment is a nice example; it takes a big step back from the law, organizes it wonderfully, and makes sense of a range of areas not normally grouped together. In fact she has a terrific head start on the questions with which OLC deals, and she's an amazingly fast learner.

Elena also deals wonderfully with people. She's one of the fairest and most decent people I know, and she is exceptionally well-liked and admired by a wide range of people at the law school -- moderates, conservatives, liberals, and everyone else. As a lawyer she's not at all "political," but she is very well-attuned to people and audiences, and she has a terrific sense what to say and when to say it. In fact she's established herself very quickly as the very best teacher at the law



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I'm sure that there are a number of excellent choices to head OLC, but as someone who knows Elena and the Office well, I hope you won't mind if I suggest that this would be a terrific match. Very best wishes.

Sincerely,

A handwritten signature in black ink, appearing to be 'Cass R. Sunstein', written in a cursive style.

Cass R. Sunstein



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Dear Mr. President:

I've heard reports that Walter Dellinger's former position — head of the Office of Legal Counsel at the Department of Justice — might go to any of several people, and I hope you won't mind my imposing on you with my own views on the matter.

If the rumors I've heard are correct, Elena Kagan is not necessarily at the top of the current list to fill the position. Elena is a professor of constitutional law at the University of Chicago Law School who has taken a leave of absence to serve as an associate White House counsel. I had spoken to the Attorney General at an earlier stage of the process to tell her what I thought of Elena, and I hope the rumors I now hear are wrong. I know quite a lot about all of the people being discussed, and I think Elena is the one who clearly stands out as being genuinely capable of filling Walter Dellinger's shoes.

That's a hard task, because obviously Walter is an extraordinary person and has done a splendid job as head of the Office of Legal Counsel. I think the world of how well he's discharged that important duty.

Having known Elena since she was a student of mine quite some time ago and having watched her meteoric rise to tenure and her current position with Jack Quinn at the White House, I have to say that I am an enormous admirer of her intellectual and moral qualities. She is one of the most insightful constitutionalists of her generation. I have seen her work at close range, and her writing is always illuminating and imaginative. She has a degree of wisdom well beyond her years and a degree of judgment and maturity that is quite remarkable. Her views are thoughtful, moderate, and balanced, and she has no private agenda.

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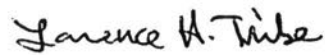


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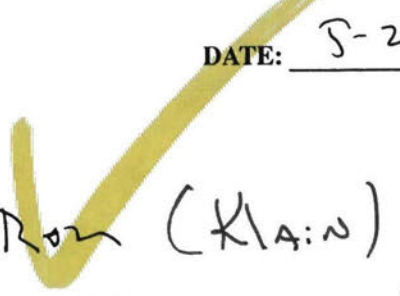
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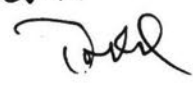
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DATE: 5-20

TO:  Ron (Klain)

FROM: Staff Secretary

fyi- Three very strong  
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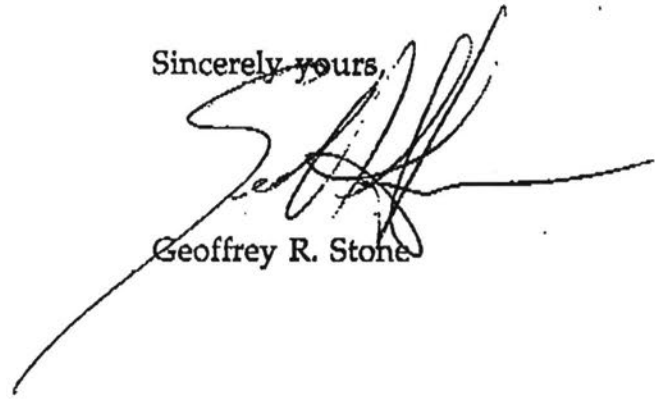
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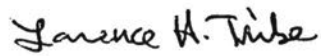
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Sincerely,

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Laurence H. Tribe

Tony Lake

memo  
original to  
LAIR

THE PRESIDENT HAS SEEN

5-20-96

From your desk

Whenever happens  
to this unit -  
I tried a couple of  
times to call - What's the  
status -  
did it happen? PK



Mr. President:

2/3/96

Attached is a Lake/Griffin memo that you have already seen. However, the background information is no longer correct, and the NSC has submitted a revised version.

5-20-96

## THE WHITE HOUSE

WASHINGTON

REVISED

ACTION

February 3, 1996

rec'd 3:24 pm

## MEMORANDUM FOR THE PRESIDENT

2/3/96

## FROM:

ANTHONY LAKE   
PATRICK GRIFFIN

## SUBJECT:

Representative Goodling's Concerns About Chinese  
Detainees in York County, PennsylvaniaPurpose

To provide background and talking points for a phone conversation with Representative Goodling.

Background

Representative Goodling is concerned about the continued detention by INS of 82 Chinese nationals in York County, Pennsylvania. According to his staff, Representative Goodling would like the Administration either to release or deport the migrants. They have been the subject of considerable publicity in the York-area media, where advocates have sought their release.

**Background:** The detainees were passengers on the merchant vessel *Golden Venture*, a smuggling ship that ran aground on Long Island in June 1993. All current detainees were found excludable and ineligible for asylum. Deportation has been delayed while the detainees seek judicial review of their cases. Among other things, petitioners have alleged that improper interference by White House officials prejudiced the substantive adjudication of their cases. After extensive court-ordered discovery lasting two years, the district court ruled last week that the petitioners had not presented sufficient evidence of impropriety in the administrative process to warrant an evidentiary hearing. We now expect petitioners' appeal to proceed to adjudication.

**Administrative Relief:** In addition to the ordinary opportunities for relief from exclusion and deportation that the law affords, these cases have been reviewed under special INS procedures for an extraordinary form of relief outside the context of asylum. The procedures, instituted at your direction in 1994, provide for release from detention and protection from deportation for asylum-seekers who credibly claim that they 1) face imminent danger of forced abortion or involuntary sterilization; 2) have

cc: Vice President  
Chief of Staff



suffered or would suffer severe harm for refusing to submit to an abortion or sterilization; or 3) have suffered or would suffer severe harm because they violated other unreasonable family planning restrictions. Prior to deportation of these individuals, INS intends to review their files yet again to ensure proper implementation of the administrative guidance.

Several dozen Chinese asylum-seekers (including a number who arrived on the *Golden Venture*) were granted relief under this policy and were released from custody. Those remaining in custody were determined not to be eligible for this relief.

**Conditions of detention:** INS is confident that these aliens are being detained in humane and appropriate conditions. Even counsel to the aliens has indicated that he has no complaints concerning their treatment at the detention facility.

**Conversations with Representative Goodling:** NSC staff spoke to Representative Goodling by phone on Thursday. He expressed concern about the length of detention and about the treatment the detainees would face upon return to China. He also mentioned that he had read about U.S. resettlement of some 200 Bosnians and asked why the Bosnians were being treated better than the detained Chinese. Each of these questions is addressed in the talking points at Attachment A. Representative Goodling was cordial on the phone and reiterated his strong interest in speaking to you on this matter.

#### **RELATED ISSUES: THE SMITH AMENDMENT AND CHINESE DETAINEES AT BAKERSFIELD, CALIFORNIA**

Although Representative Goodling is unlikely to mention the issue, you should know that the House version of the State Department Authorization Bill contains an amendment offered by Representative Chris Smith which would make victims of coercive family planning eligible for asylum. In essence, this amendment would provide statute-based protection to those who are now provided administrative relief. The Senate bill has no comparable measure and we may soon be asked for our view on the Smith Amendment, which both State and Justice strongly oppose. We are preparing a separate decision memorandum for you on the Smith Amendment.

Separately, we intend to proceed with the deportation of another group of about 140 Chinese men and women who have now exhausted (or have declined further) avenues for legal appeal and are detained in Bakersfield, California. All had full access to the asylum process and, if claims related to abusive family planning

were made, had their cases reviewed under the administrative scheme you approved in 1994. In addition, each of these cases was reviewed yet again over the past several months to ensure compliance with the 1994 guidance. Under these circumstances, we see no obstacle to the deportation of these persons.

RECOMMENDATION

That you call Representative Goodling and make the points attached at Tab A.

Attachment

Tab A Talking Points

TALKING POINTS:  
PHONE CONVERSATION WITH REPRESENTATIVE GOODLING

- The NSC staff has briefed me about your concerns. Agree that these cases should proceed expeditiously, consistent with petitioners right to appeal their cases.
- The long delay in these cases is a product of petitioners' efforts to appeal in the federal courts.
- Petitioners had full opportunity to apply for asylum and have been deemed excludable.
- Beyond normal asylum process, these cases were further reviewed under special INS procedures for extraordinary form of relief.
- Procedures provide for release of those who credibly claim they have suffered or would suffer severe harm due to opposition to abusive family planning practices.
- Several dozen Chinese claimants have been released under these procedures over the past year, including some from the Golden Venture.
- I will ensure through the Justice Department that the guidance to provide protection for deserving claimants has been adhered to in these cases.

If asked to release claimants pending final disposition of cases:

- The Immigration and Nationality Act provides for detention of claimants in exclusion cases like these.
- Alien smuggling is a violent practice that we need to deter, in part by being tough on enforcement.
- Absent a credible claim for asylum, it is our general policy that aliens smuggled through criminal syndicates should be detained pending final determination of their status so as to ensure repatriation if asylum status is denied.
- Our policy is working: this form of alien smuggling by boat has diminished markedly since we initiated our enforcement policies.

- That being said, the INS has individually reviewed these cases to determine if parole should be granted pending the appeal process.

If asked about the safety of return of any persons to China:

- Our procedures are designed to ensure that those who risk persecution are not returned, and many hundreds of Chinese have been protected in recent years through asylum and the special procedures INS has implemented.
- But those who do not merit protection can and should return home.

If asked about the resettlement of 200 Bosnians:

- We provide asylum and resettle people of many different nationalities, including Chinese.
- The Bosnians in question are among some 800 who escaped from the terrible abuses in Srebrenica and Zepa -- these are people who experienced the killings of their wives, children and neighbors and suffered indescribable trauma based on their ethnicity and religion.
- They clearly met our refugee criteria -- as have many Chinese.

If asked about allegations of political interference in these cases:

- Last week, District Court ruled, after extensive discovery, that claimants had not made the requisite showing of impropriety to justify an evidentiary hearing into these allegations.

If asked about conditions of detention:

- Aliens are being detained in humane and appropriate conditions.
- Even their counsel has indicated that he has no complaints concerning their treatment at the detention facility.
- Not aware of any actual or threatened hunger strike by any of the detainees within the last 18 months; no reported suicide attempts or threats involving any of these detainees.



THE WHITE HOUSE  
WASHINGTON  
January 27, 1996

96 JAN 27 A10:10

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE  
PATRICK GRIFFIN

SUBJECT: Representative Goodling's Concerns About Chinese Detainees in York County, Pennsylvania

Purpose

To provide background and talking points for a phone conversation with Representative Goodling.

Background

**Representative Goodling's Concerns:** Representative Goodling is concerned about the continued detention of 82 Chinese nationals who have been denied asylum status and are being detained by INS in York County, Pennsylvania. According to his staff, Representative Goodling would like the Administration either to release or deport the migrants. They have been the subject of considerable publicity in the York-area media, where advocates have sought their release.

**Background:** The detainees were passengers on the merchant vessel *Golden Venture*, a smuggling ship that ran aground on Long Island in June 1993. All current detainees were found excludable and ineligible for asylum, but deportation has been held up because they filed a federal lawsuit. The District Court ruled on Wednesday that the petitioners had not presented sufficient evidence of impropriety in the administrative process to warrant an evidentiary hearing and we now expect the litigation to move along quickly.

**Administrative Relief:** In addition to the ordinary opportunities for relief from exclusion and deportation that the law affords, these cases have been reviewed under special INS procedures for an extraordinary form of relief outside the context of asylum. The procedures, instituted at your direction in 1994, provide for release from detention and protection from deportation for asylum-seekers who credibly claim that they 1) face imminent danger of forced abortion or involuntary sterilization; 2) have suffered or would suffer severe harm for refusing to submit to an abortion or sterilization; or 3) have suffered or would suffer

President  
Staff

severe harm because they violated other unreasonable family planning restrictions. Prior to deportation of these individuals, INS intends to review their files yet again to ensure proper implementation of the administrative guidance.

Several dozen Chinese asylum-seekers (including a number who arrived on the *Golden Venture*) were granted relief under this policy and were released from custody. Those remaining in custody were determined not to be eligible for this relief.

**Conditions of detention:** INS is confident that these aliens are being detained in humane and appropriate conditions. Even counsel to the aliens has indicated that he has no complaints concerning their treatment at the detention facility.

We are not aware of any actual or threatened hunger strike by any of the detainees within the last 18 months. Prior to that time, there was one instance of a hunger strike which lasted approximately four days but did not result in any illness or injury.

There have been no reported suicide attempts or threats involving any of these detainees.

The detainees are provided ample access to counsel and other visitors. The facility also provides access to various religious services. The detainees are given access to both indoor and outdoor recreational activities, including basketball, volleyball and arts and crafts.

The facility provides the detainees with the opportunity to attend lessons in English as a second language.

#### **RELATED ISSUES: THE SMITH AMENDMENT AND CHINESE DETAINEES AT BAKERSFIELD, CALIFORNIA**

Although Representative Goodling is unlikely to mention the issue, you should know that the House version of the State Department Authorization Bill contains an amendment offered by Representative Chris Smith which would make victims of coercive family planning eligible for asylum. In essence, this amendment would provide statute-based protection to those who are now provided administrative relief. The Senate bill has no comparable measure and we may soon be asked for our view on the Smith Amendment, which both State and Justice strongly oppose. We are preparing a separate decision memorandum for you on the Smith Amendment.



Separately, we intend to proceed with the deportation of another group of about 140 Chinese men and women who have now exhausted (or have declined further) avenues for legal appeal and are detained in Bakersfield, California. All had full access to the asylum process and, if claims related to abusive family planning were made, had their cases reviewed under the administrative scheme you approved in 1994. In addition, each of these cases was reviewed yet again over the past several months to ensure compliance with the 1994 guidance. Under these circumstances, we see no obstacle to the deportation of these persons.

RECOMMENDATION

That you call Representative Goodling and make the points attached at Tab A.

Attachment

Tab A Talking Points

TALKING POINTS:  
PHONE CONVERSATION WITH REPRESENTATIVE GOODLING

- Tony Lake has briefed me about your concerns. Agree that these cases should proceed expeditiously.
- But delays were due to litigation brought by claimants -- not possible for Executive Branch to interfere in judicial process.
- All detainees were provided right to apply for asylum and were found excludable.
- Beyond ordinary opportunities for relief from exclusion and deportation, cases have been reviewed under special INS procedures for extraordinary form of relief outside context of asylum.
- Procedures provide for release from detention and protection from deportation for asylum-seekers who credibly claim that they 1) face imminent danger of forced abortion or involuntary sterilization; 2) have suffered or would suffer severe harm for refusing to submit to an abortion or sterilization; or 3) have suffered or would suffer severe harm because they violated other unreasonable family planning restrictions.
- In fact, several dozen Chinese claimants have been released under these procedures over the past year.
- Those still in custody were deemed not to be eligible for relief.
- I will ensure that our guidance to provide protection for deserving claimants is being carried out in these cases.

If asked about allegations of political interference in these cases:

- The Administration rejects these allegations.
- On Wednesday, District Court ruled that claimants had not shown *prima facie* evidence of interference that would justify an evidentiary hearing in these cases.

If asked to release claimants pending final disposition of cases:

- The Immigration and Nationality Act provides for detention of claimants in cases like these.
- The Attorney General has not exercised her discretion to order release -- first, because INS determined that these individuals do not have credible claims and second, because the claimants were transported to the U.S. via a criminal alien smuggling operation.
- Alien smuggling is a violent practice that we need to deter, in part by being tough on enforcement.
- In 1993, we embarked on a plan to combat alien smuggling, including efforts to deter smuggling through interdiction and return from outside the U.S. -- before the migrants arrive at our borders -- and through use of detention in cases involving criminal syndicates.
- Our policy is working: this form of alien smuggling by boat has diminished markedly since we initiated our enforcement policies.

If asked about conditions of detention:

- Aliens are being detained in humane and appropriate conditions.
- Even their counsel has indicated that he has no complaints concerning their treatment at the detention facility.
- Not aware of any actual or threatened hunger strike by any of the detainees within the last 18 months; no reported suicide attempts or threats involving any of these detainees.

cc to Liz Montoya. Ren 5/20  
Phil  
THE WHITE HOUSE  
WASHINGTON  
May 17, 1996

THE PRESIDENT HAS SEEN  
5/20/96

MR. PRESIDENT:

Attached are two memos: 1) from Counsel recommending that you issue an EO establishing a Presidential Emergency Board as requested by the National Mediation Board (NMB); 2) from Bob Nash recommending the members of the Board. This action will temporarily avert a strike and attempt to settle a dispute between railroads represented by the National Railway Labor Conference and employees represented by several unions: the Railway Signalmen, the Machinists, the Electrical Workers and the Sheet Metal Workers. *This will be the third Emergency Board you have appointed in the last two weeks.*

The dispute affects over 40 companies across the country (e.g., Conrail, Union Pacific, CSX, Arkansas Memphis Bridge). On April 17, the NMB released the parties from negotiations for a 30-day cooling off period after the unions would not submit to binding arbitration.

Appointment of the Board freezes the dispute for 60 days. If the parties do not accept the Board's recommendation after the freeze, a strike or lockout is possible. Congress may then legislatively impose a settlement.

Leon, Harold and Secretary Pena concur in Counsel's recommendation. If you approve, we will have the EO executed. *You should act on the Board today.*

☒ Approve    ☐ Disapprove    ☐ Discuss

Bob Nash's memo is at Tab A for your action.

Todd Stern  
Phil Caplan

THE WHITE HOUSE

WASHINGTON  
May 16, 1996

96 MAY 17 AIO: 27

MEMORANDUM FOR THE PRESIDENT

FROM:

JACK QUINN *JmQ*  
COUNSEL TO THE PRESIDENT

KATHLEEN M. WHALEN *KMW*  
ASSOCIATE COUNSEL TO THE PRESIDENT

THROUGH:

LEON E. PANETTA  
CHIEF OF STAFF

SUBJECT:

Establishment of Presidential Emergency Board  
No. 230

On May 9, 1996, the Chairwoman of the National Mediation Board (NMB) requested that you establish a Presidential Emergency Board to mediate a dispute between railroads represented by the National Railway Labor Conference and their employees represented by the Brotherhood of Railroad Signalmen (BRS), the International Association of Machinists & Aerospace Workers, AFL-CIO (IAM&AW), the International Brotherhood of Electrical Workers (IBEW), and the Sheet Metal Workers International Association (SMWIA).

The parties have been engaged in labor negotiations pursuant to the Railway Labor Act (the "Act"), 45 U.S.C. §§ 151 to 188. The NMB released the parties for a 30-day cooling-off period on April 17 and 18, 1996, after the Unions declined to submit to binding arbitration. At the end of the 30-day period -- i.e., May 18 and 19 -- the parties have the right to exercise self-help, and the Unions have indicated that they will strike. Because the strike would have an immediate adverse impact on the public by depriving much of the country of essential transportation service, the NMB has requested that an emergency board be created on May 17, 1996.

Under the Act, you have the discretion to establish an Emergency Board to review and make recommendations regarding such a dispute. The creation of an Emergency Board would freeze the status of the conditions out of which the labor dispute arose for 60 days: the Board must submit its report to you within 30 days of its creation, and then for 30 days thereafter the parties may not resort to self-help. After those 60 days, in the event that the parties do not accept the Board's recommendations, they again are free to exercise self-help. At that time, in order to avert the severe impact of a strike or lockout, Congress may legislatively impose a settlement on the parties.



You must determine whether to create an Emergency Board. We recommend that you do establish such a Board. You recently established Emergency Board Nos. 228 (National Railway Labor Conference and the Transportation Communication International Union) and 229 (National Carriers' Conference Committee and the Brotherhood of Maintenance of Way Employees). This recommendation is supported by Leon Panetta, Harold Ickes, and Secretary Peña.

The NMB has submitted names of mediators who are identified in the attached memorandum from Bob Nash. We recommend that you sign the attached Executive Order establishing Presidential Emergency Board No. 230 and appoint the individuals recommended by Bob Nash.

\_\_\_\_\_ Agree

\_\_\_\_\_ Disagree

TAB A

THE WHITE HOUSE

WASHINGTON

May 17, 1996

*Bob Nash*

MEMORANDUM TO THE PRESIDENT

FROM: BOB J. NASH, Assistant to the President and  
Director of Presidential Personnel

RE: EMERGENCY BOARD FOR CERTAIN RAILROADS  
REPRESENTED BY THE NATIONAL RAILWAY LABOR  
CONFERENCE AND THEIR EMPLOYEES REPRESENTED BY  
THE BROTHERHOOD OF RAILROAD SIGNALMEN, THE  
INTERNATIONAL ASSOCIATION OF MACHINISTS &  
AEROSPACE WORKERS, THE INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL WORKERS, AND THE  
SHEET METAL WORKERS INTERNATIONAL ASSOCIATION  
(PA)

---

I. BACKGROUND

A dispute exists between certain railroads represented by the National Railway Labor Conference and their employees represented by the Brotherhood of Railroad Signalmen, the International Association of Machinists & Aerospace Workers, the International Brotherhood of Electrical Workers, and the Sheet Metal Workers International Association. The dispute covers the organizations' proposals and the carriers' counterproposal, concerning changes in rates of pay, work rules, and other working conditions. According to the National Mediation Board the situation appears to be extremely critical, since a strike is possible. This dispute threatens to substantially interrupt interstate commerce to such a degree that a section of the country would be deprived of essential transportation service.

II. DISCUSSION

If a dispute exists, under the Railway Labor Act, as amended, between a carrier and its employees, and if in the judgement of the National Mediation Board, it threatens to substantially interrupt interstate commerce to such a degree as to deprive any section of the country of essential transportation service, the National Mediation Board shall notify the President. The President may then, at his discretion, create an emergency board to investigate and report on said dispute. The emergency board shall be composed of individuals selected by the President, provided that no member appointed shall be pecuniarily or otherwise interested in any organization of employees or any carrier. In anticipation of the necessity of a Board being created in the next few days, you should select three individuals to serve as Board members.

*6*

### III. RECOMMENDATION

I recommend that you appoint the following individuals:

**RICHARD MITTENTHAL** of Michigan to serve as Chair of the Emergency Board. Mr. Mittenthal began his career in 1952 as an attorney-advisor to Ivar Peterson, Member of the National Labor Relations Board. Since 1954, he has served as a full-time arbitrator for labor-management disputes. Mr. Mittenthal has taught at the University of Michigan School of Law and Wayne University School of Law. He has published many articles on the topic of arbitration in various law reviews, law journals, and arbitration journals. He is a member of the Michigan Bar Association, Labor Law Section, Industrial Relations Research Association, serving as President Detroit Chapter from 1977 to 1978, and the National Academy of Arbitrators, serving as President from 1978 to 1979. He received his A.B. from Cornell University, and his LL.B. from the New York University School of Law.

Sponsor: National Mediation Board

Approve: \_\_\_\_\_

Disapprove: \_\_\_\_\_

**ROBERT M. O'BRIEN** of Massachusetts to serve as Member of the Emergency Board. Mr. O'Brien is a full-time arbitrator, mediator, and fact finder in the public and private sector. He currently serves as a permanent arbitrator for four boards including the Boston Police Patrolmen's Association and the City of Boston. From 1968 to 1971 he served as the legal counsel to U.S. Speaker of the House of Representatives, the Honorable John W. McCormack. He is a member of the Boston Bar Association, the National Academy of Arbitrators, and the Industrial Relations Research Association. Mr. O'Brien graduated cum laude from Boston College with a B.S. in Economics, and a J.D. from Boston College Law School.

Sponsor: National Mediation Board

Approve: \_\_\_\_\_

Disapprove: \_\_\_\_\_

**M. DAVID VAUGHN** of Maryland to serve as a Member of the Emergency Board. Mr. Vaughn is a full-time arbitrator and mediator. He is a permanent member of over 20 boards and has served on two Presidential Emergency Boards. Since 1983, Mr. Vaughn has served as Adjunct Professor at the Georgetown University Law Center. He has also taught at the Delaware School of Law, and The American University School of Business. He is a member of the National Academy of Arbitrators and served as Chair from 1990 to 1992. Mr. Vaughn is also a member of the American Arbitration Association, and the National Association of Railroad Referees and has served as Secretary-Treasurer since 1991. He received a B.A. from the University of Michigan and received a J.D. from the University of Michigan Law School.

Sponsor: National Mediation Board

Approve: \_\_\_\_\_

Disapprove: \_\_\_\_\_

THE WHITE HOUSE

WASHINGTON

May 20, 1996

Jack --

Three small points on the bio page attached to your memo on the OLC position:

First, in Elena's bio you describe her as a former Professor at the U. of C. She is in fact a Professor there on leave. This seems to me to be a material point. It is one thing to have taught at the U. of C. for a few years, another to be a tenured Professor on leave for government service.

Second, in addition to Princeton and Harvard, Elena also attended Oxford and earned an M. Phil. in Politics.

Third, I don't know where Beth went to college, but I note this information is missing.

Todd



THE WHITE HOUSE  
WASHINGTON

May 17, 1996

96 MAY 17 P 11:43

MEMORANDUM FOR THE PRESIDENT

FROM: JACK QUINN

SUBJECT: MEETING OR PHONE CALL WITH THE ATTORNEY  
GENERAL ON PERSONNEL

I have previously spoken to you about the fact that Solicitor General Drew Days will step down this summer to return to Yale Law School and that, when he does, Walter Dellinger will serve as Acting Solicitor General. As you know, this occasions a decision about who will take Walter's place running the Justice Department's Office of Legal Counsel.

The only decision you need to make at this time is to select a temporary head of OLC; it is highly unlikely that any permanent replacement would be confirmed before your reelection. Each of the candidates, however, will expect to be the eventual nominee.

It is important that you either see the Attorney General or call her on the phone about this matter. She expects to have a conversation with you and, if we put this off until Walter moves at the end of June, it will be argued that you have less flexibility in making a choice and can choose only from the people presently at DOJ.

Identified below are what I see as the most reasonable options.

Option 1:

Part A: Acting Head of OLC: Beth Nolan or Elena Kagan

Part B: Deputy Solicitor General: Joel Klein

Explanation: This option would place Elena or Beth in the top OLC position. Either would do a terrific job for you.

The Attorney General may object to Beth and Elena on the ground that a new person should not be brought in from the outside at this late date. That, however, is just a reason to put one of them in as a deputy immediately; she would move up as Acting Head of the office this

summer. And, Beth, having been at OLC for four years, is no stranger to its workings.

Of Elena, it is also said that it is unacceptable to the Attorney General to bring in a person directly from the White House because this will "politicize" the function of OLC. That is simply not true and unfairly impugns Elena's ability to exercise independent judgment.

Part B of this option would position Joel in the office that he hopes eventually to head and where his talents would, in my view, be better utilized. (Note that you do not need to make the "Part B" decision, but it is available to you should you find it helpful.)

### Option 2:

Part A:        Acting Head of OLC:        Seth Waxman  
                  Principal Deputy of OLC:    Beth Nolan or Elena Kagan

Part B:        Deputy Solicitor General:    Joel Klein

Explanation: This option places Seth Waxman in the position where the AG desires to have him. On the other hand, this option makes the least sense, it seems to me, given that Seth is no more qualified than the other candidates and has no particular connection to you or the White House generally. We are led to believe, by the way, that Seth intends to move on, probably back to the private sector, in January, thus creating the opportunity for Elena or Beth to move up. (This could well change, of course, once Seth were placed in charge on a temporary basis.) If, therefore, you were to incline toward this option, you could indicate that Seth should only serve in this position until January and that Elena or Beth should at that time be considered a very serious candidate to succeed him. If Seth were to seek to remain at DOJ, we would urge that he be put in a different slot after January.

### Option 3:

Part A:        Acting Head of OLC:        Joel Klein  
                  Principal Deputy of OLC:    Beth Nolan or Elena Kagan

Part B:        Deputy Solicitor General:    Seth Waxman

Explanation: This arrangement would put Joel in the position he currently desires. And, if Walter were to remain in the Solicitor General's office after January, Joel could be considered to head OLC on a permanent basis.

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
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| 001. memo | Jack Quinn to POTUS re: Meeting or Phone Call [partial] (1 page) | 05/17/1996 | b(6) |
|-----------|------------------------------------------------------------------|------------|------|

### COLLECTION:

Clinton Presidential Records  
Staff Secretary  
Todd Stern  
OA/Box Number: 7697

### FOLDER TITLE:

Chron Files May 20-24, 1996: Monday, May 20, 1996

2019-0774-S

rs3318

### RESTRICTION CODES

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

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

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

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.

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]



If both Walter and Joel were to move on, then Elena or Beth would have an opportunity to move up to head of OLC. I am dubious, however, that either Elena or Beth would take a deputy position under Joel.

(b)(6)

**RECOMMENDATION:**

As I have told you previously, I will work hard to make any one of these options that you may prefer work well.

I prefer Option 1. I have a real sense of personal commitment and loyalty to both Beth and Elena, and I am confident that either of them would do a terrific job for you in this capacity. I can and will speak to you privately about their relative merits. Between them, however, the Deputy Attorney General and Walter (and I believe the Attorney General) would clearly prefer Beth -- on the basis of her having had four years of experience working at OLC and being older (44 years old, compared to Elena's 36 years old), as well as because Beth was on the Attorney General's vetting team and, so, has a relationship with her.

Based on all of this, I recommend that you select either Beth Nolan or Elena Kagan and, again, will discuss their relative merits with you in person.

cc: Bob Nash



She is on leave as  
**Elena Kagan** is an Associate Counsel to the President. Previously, she was a Professor at the University of Chicago Law School (1991-1995). She taught courses in Constitutional Law (First Amendment, Equal Protection and Due Process), Labor Law and Civil Procedure. During the summer of 1993, Ms. Kagan served the Senate Judiciary Committee as the principal aide for Ruth Bader Ginsburg's confirmation hearings. Before going to Chicago, Ms. Kagan was a litigation associate at Williams & Connolly (1989-1991). She received her B.A. from Princeton University (*summa cum laude*, Phi Beta Kappa), and her law degree *magna cum laude* from Harvard Law School. She clerked on the U.S. Court of Appeals for the D.C. Circuit and then (for Justice Marshall) on the Supreme Court. Ms. Kagan has written extensively on constitutional law issues. At age 36 she is as old or older than two of the people who ran OLC in the last 10 years (Mike Luttig under Bush and Charles Cooper under Reagan).

an  
M. Ph. L.  
in politics  
from  
Oxford

**Joel Klein** is currently the Principal Deputy Assistant Attorney General of the Antitrust Division at the DOJ. From 1993-1995, Mr. Klein served as Deputy Counsel to the President. Previously, he was a partner of the appellate litigation law firm of Klein, Farr, Smith & Taranto, and, before that, partner at the D.C. litigation firm of Rogovin, Stern & Huge. Mr. Klein has argued ten cases before the U.S. Supreme Court and twenty cases before the various federal courts of appeals. He received his B.A. *magna cum laude* from Columbia College and graduated *magna cum laude* from Harvard University. He clerked on the U.S. Court of Appeals for the D.C. Circuit and then (for Justice Powell) on the Supreme Court. Joel has passionate supporters and detractors. The Vice President and Mack McLarty have indicated their strong support of Joel's running OLC. Others, both in my office and elsewhere in the West Wing, feel strongly that he should not.

**Beth Nolan** is a Professor at George Washington University Law School. She returned to G.W. after serving as an Associate Counsel to the President (1993-1995). Before joining the faculty of G.W. in 1985, Ms. Nolan was an Attorney-Adviser in the Office of Legal Counsel at DOJ (1981-1985). She graduated *magna cum laude* from Georgetown University Law Center in 1980 and clerked on the U.S. Court of Appeals for the Third Circuit. She has written extensively in the area of ethics, conflicts and constitutional issues. Bruce Lindsey, Cheryl Mills and others who worked with her in the counsel's office voice great respect for her talent, her legal skills and her dedication to service in this Administration. Bruce and Cheryl support Beth's selection.

college?

**Seth Waxman** is an Associate Deputy Attorney General at DOJ and, as such, works for Jamie Gorelick. Prior to joining the Clinton Administration, he was Jamie's partner (1991-1994) at the Washington law firm of Miller, Cassidy, Larroca & Lewin where he had practiced since 1978. Mr. Waxman received his Bachelor of Arts *summa cum laude* from Harvard College and his law degree from Yale Law School, where he was the Managing Editor of the Yale Law Journal. The Attorney General and the Deputy Attorney General support Seth's selection.



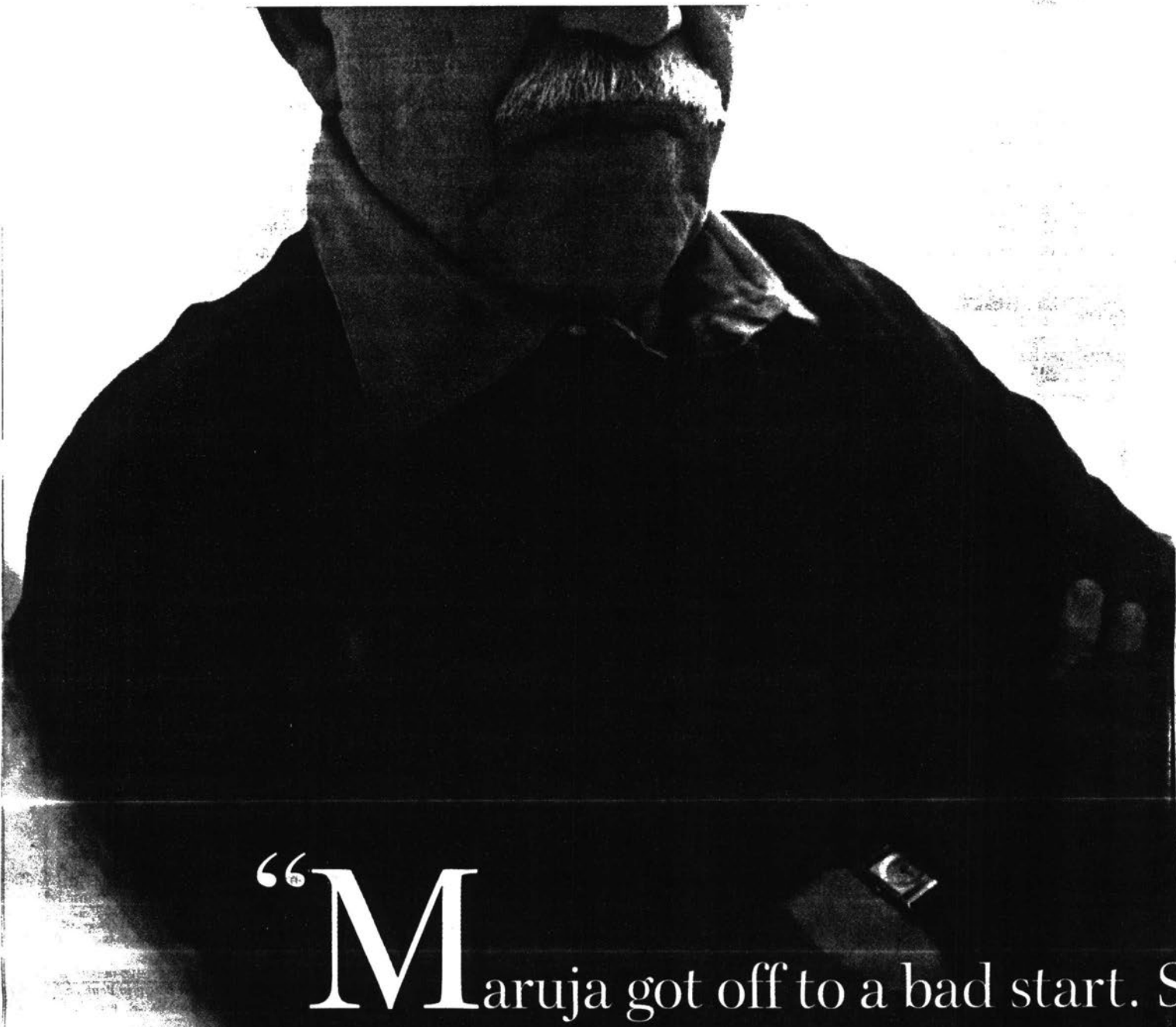
March 11th

THE PRESIDENT HAS SEEN

5-20-96

interesting if you  
haven't read already  
Potential idea for  
shows support on p. 45-

Be



“M”  
Maruja got off to a bad start. S

For Gabriel García Márquez, the boundaries between his imagination and the real world keep shifting. And that's OK with him. BY BROOK LARMER, TIM PADGETT AND DAVID SCHRIEBERG

THE PRESIDENT HAS SEEN

5-20-96

# Politics & Prose

**W**HEN THE PHONE CALL CAME EARLY ONE MORNING last week, Gabriel García Márquez instantly recognized the caller's voice: it was the same man whose story about his wife's kidnapping had compelled the Nobel Prize-winning novelist to write a nonfiction book on Colombia's violent drug culture. Hours earlier, he had sent the final proofs for the book—called “News of a Kidnapping”—to his publisher. The caller, though, brought news of another kidnapping, this one involving the brother of ex-president César Gaviria. The cap-

tors, he said, had just made an odd proposal in a letter released to the media: they wanted García Márquez to become president of Colombia. “Gabo,” the letter read. “Let us tell you, with a lump in our throats: Nobel, please, save the fatherland!”

García Márquez hung up the phone, sat up in bed and marveled to himself: “I’m living my own book!” Life has a way of imitating art in the complicated world of Latin America’s most powerful literary figure. Like the imaginative landscape depicted in such classics as “One Hundred Years of Solitude” and “The Autumn of the Patri-

arch,” it is a world where politics and prose are entwined, where tragedy and comedy coexist, and where truth can be stranger—and more compelling—than fiction. The kidnappers’ plea, for all its implausibility to the outside world, did not seem so absurd in Colombia, where Gabo is considered something of a national treasure. The episode merely showed how García Márquez, at 69, is still at the height of his powers, wielding both his creative ge-

nius and his leftist politics. As the nation tuned in, he rejected the kidnappers’ request, but he offered them some blunt advice: “Bury your weapons, take off your masks, and come out and promote your ideas . . . under a constitutional order.” In other words, chicos: **GET REAL.**

It is advice that García Márquez is taking to heart with an exuberance that defies his age. For nearly three decades, the son of a Colombian telegraph operator has defined the voice of Latin America with his magical realism, a style that blends fantasy and

he curled up on the mattress, closed her eyes,

reality so effortlessly that it can seem perfectly natural for a priest to levitate when he drinks chocolate or for a whole town to suffer a plague of insomnia. "One Hundred Years of Solitude," published in 1967, has sold more than 20 million copies in more than 30 languages. The epic helped Gabo win the 1982 Nobel Prize—and admirers from as far away as Europe, Africa and the Middle East. Even now, "García Márquez is the most popular author in the Arab world," says Riad el-Rayyes, a Lebanese publisher. Part of the fascination is his anti-imperialist politics; but it's the spirit of his novels—dreamlike and revolutionary—that appeals most. "For the Arabs," el-Rayyes says, "it's as if he is fantasizing on their behalf."

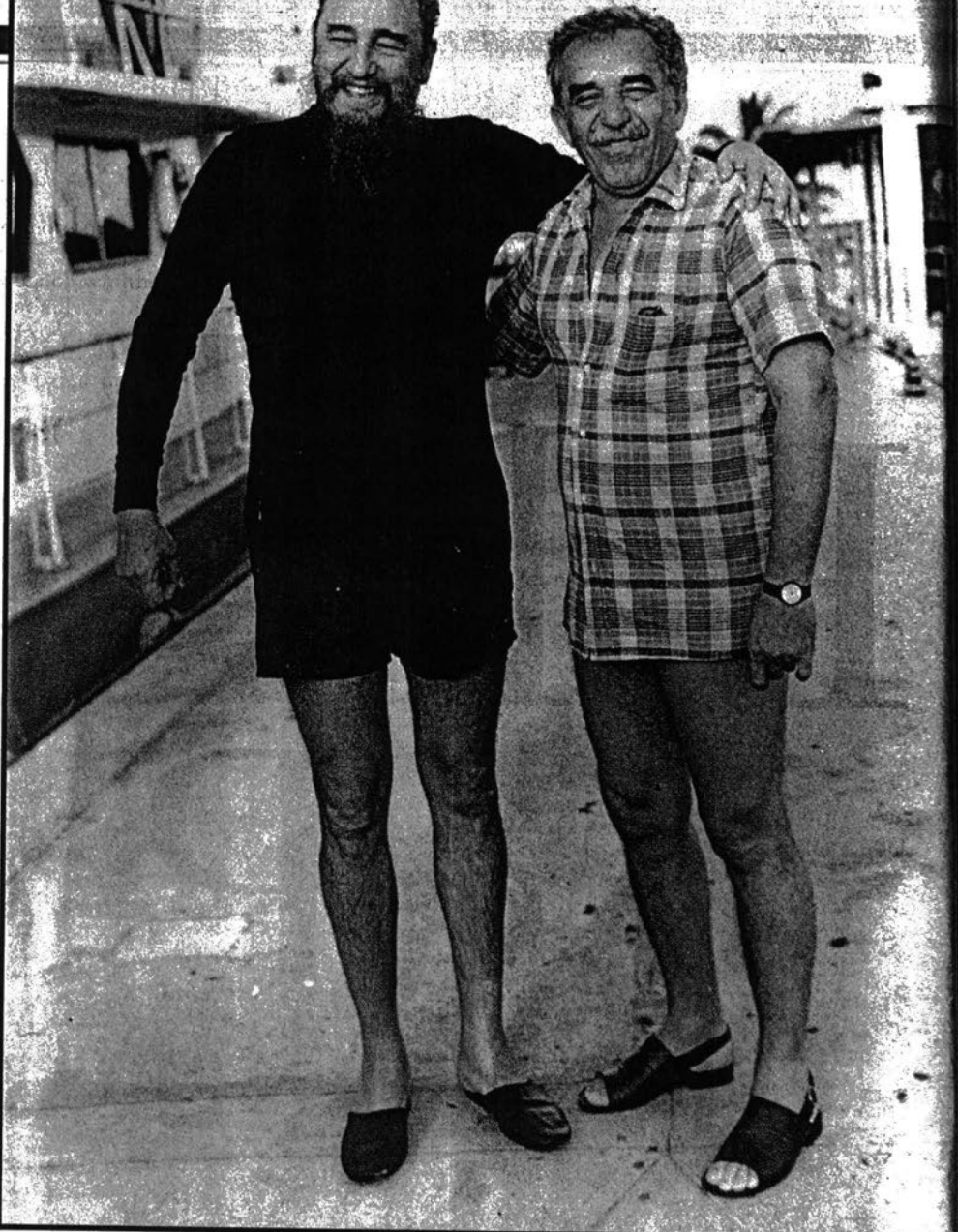
**B**UT GABO'S FANTASIES ARE now getting more down to earth. His current burst of creativity displays a deeper sense of realism—and a smaller dose of magic. In a series of exclusive interviews with *NEWSWEEK*, García Márquez insisted that he has not shifted philosophically, but is merely adapting to changing realities. His fans around the world would forgive him if he repaired to the nearest hammock, lived off royalties and scribbled his memoirs. But Gabo refuses to rest. Over the past month alone, he has finished a nonfiction book ("News of a Kidnapping"), completed a powerful film ("Oedipus the Mayor" debuts at Cannes next month), worked on three novellas (about love), conducted a journalism workshop, supervised his film institute in Cuba, met with his former nemeses in the Colombian Army and chatted with various presidents about how to handle political crises.

What makes the aging laureate run so hard? Part of it is simply that García Márquez—a short, stocky man with a bushy mustache and what one writer has called a cauliflower nose—is bubbling over with ideas, words, images. He can't help himself. "If I stop, I die," he says. But his energy is compounded by a sense of insecurity that dates back to childhood, when he had to lose the rough exterior of the provincial kid, the bad dresser with tacky taste. These days, Gabo always wants to be in control, whether it's whispering in the ear of a president or filtering what his friends say about him. "Talking about Gabo is very difficult," says one friend. "He wants the copyright. He has said that to talk about him is to run the risk of losing his friendship." But García Márquez can't control time. And with it slipping away, he runs even harder in pursuit of his two main obsessions: rescuing the art of storytelling and preserving his own legacy.

But García Márquez is also driven by a loftier mission: the political, social and cultural integration of Latin America, a continent forever crippled by its internal divisions. It is the ideal of

Simón Bolívar, the failed 19th-century unifier whose agonizing last days were depicted in García Márquez's 1990 novel, "The General in His Labyrinth." "For me, what is fundamental is the ideology of Bolívar: the unity of Latin America," he says. "That is the only cause I'd die for." It is an old dream, but Gabo realizes that the region's more quixotic forms of politics (revolution) and literature (magical realism) are no longer suitable. In a region that has moved beyond dictatorship into a more ambiguous era, when berets have given way to briefcases, less romantic means are required: in politics, it means building civil society within a legal order; in culture, it means taking an unflinching look at reality. García Márquez, in the autumn of his patriarchy, is madly rushing to the fore on both fronts.

Bolivarian dreams, however, only make García Márquez's politics more confusing—and controversial. He envisions a Latin America that can stand together against imperialism (read: the United States). "Our great problem is the search for identity," he



REVISTA SEMANA

and for several days, did not open them again





**Defining the voice of Latin America:** With Castro (left), receiving the Nobel Prize in Stockholm (above), as a reporter in the 1950s (right)

## A Patriarch's Life

**1927:** Born in Aracataca.

**1947-1949:** Studies law.

**1948-1955:** Begins work as a journalist.

**1954:** First novella, "Leaf Storm," accepted for publication.

**1955-1957:** Works as roving correspondent.

**1958:** Marries Mercedes Barcha Pardo.

**1959-61:** In Cuba, works for news agency. Publishes "No One Writes to the Colonel."

**1967:** "One Hundred Years of Solitude" published.

**1974:** Investigates Latin American human-rights abuses.

**1975:** Publishes "The Autumn of the Patriarch."

**1981:** Flees Colombia, fearing arrest.

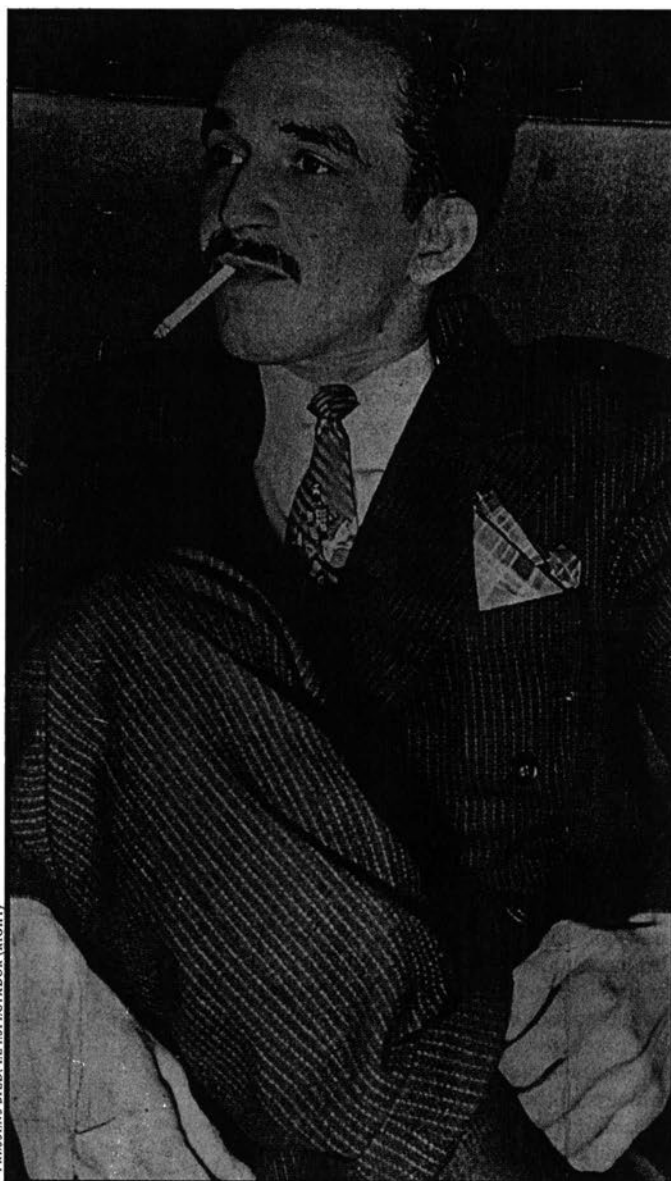
**1982:** Wins Nobel Prize for Literature.

**1985:** Publishes "Love in the Time of Cholera."

**1989:** Publishes "The General in His Labyrinth"; counsels Castro to move toward democracy.

**1994:** Publishes "Of Love and Other Demons."

PRESSENS BILD. EL ESPECTADOR (RIGHT)



says. "We haven't found it yet." Except, in his mind, in Cuba. Reportedly a dues-paying communist in his youth—though he has denied it—García Márquez was so thrilled by Fidel Castro's 1959 victory that he quickly joined the revolutionary news agency, *Prensa Latina*, serving for a time in New York. His views have mellowed a bit since then, but he has not abandoned Castro, a man who, over years of sharing books, fish recipes and late-night bull sessions, has become his "best friend." García Márquez insists that the friendship and its perks (including a government-supplied mansion in Havana with a Mercedes and a driver) have not clouded his judgment. "If it weren't for Cuba," he says pointedly, "the United States would be in Patagonia by now."

Critics contend that Gabo's politics are still tinted by magical realism. Where Cuba is concerned, even Gabo admits as much. "I am partial," he says. "I always see it from a positive side." Gabo avoids or downplays such ugly realities as Cuba's political repression, its economic backwardness or the recent shoot-down of two

civilian planes flown by a Cuban exile group. He calls the last "an unfortunate event that nobody wanted, least of all Fidel." He's reluctant to say more about Castro on the record—"I don't want to burn my source," he told *NEWSWEEK*, smiling—but he has no shortage of opinions about imperialism.

Such extreme views have not prevented García Márquez from crossing ideological lines—a virtue that gives him a pragmatic edge. "He has a great mobility that allows him to be an interlocutor with very different people," says Plinio Apuleyo Mendoza, Colombia's ambassador to Italy, a longtime friend who has become a Castro foe. "That makes him a very useful man." In Cuba, for example, he is a Castro apologist. But he has tried to nudge the Comandante toward a democratic opening. He has also stepped up efforts to get dissident writers out of prison, most notably helping Norberto Fuentes get safe passage to Miami in 1994. (Fuentes's note of appreciation: a magazine article last month skewering Gabo as the dictator's message boy.) In Mexico, where García Márquez

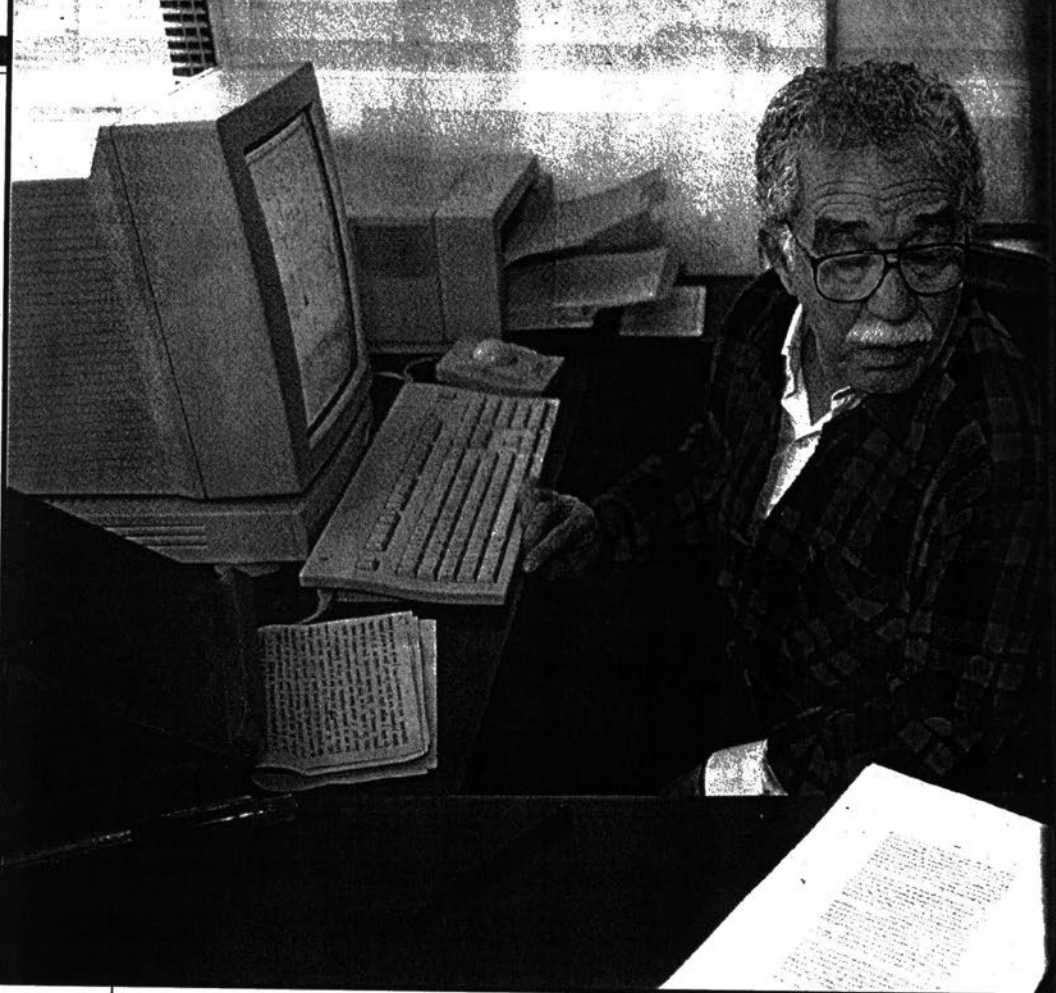
# except when she had to, trying to attain the



now lives half the year, he became an unlikely confidant of now disgraced former president Carlos Salinas de Gortari, a neoliberal reformer. And when asked if he had a message for Marcos—the masked leader of the Zapatista peasant rebellion and an avid Gabo fan—he said that the time for old-style revolutions was over and that the rebels would be better off “building their own ships and looking for their own horizons.” The blunt advice left Marcos brooding for days in his jungle redoubt.

**T**HERE ARE OTHER telling signs of García Márquez's political evolution. His vitriolic attacks on the United States, which for years denied him a visa, have been tempered. When a reporter asked him if he worried that U.S. interests would prevent the growth of a truly Latin American culture, he scoffed: “That’s the world. It’s living with progress.” Gabo dined with Bill Clinton in 1994, and came away gushing about the president’s breadth of knowledge and restless curiosity. (It didn’t hurt having his ego stroked: Clinton’s daughter, Chelsea, told him he was her favorite author.) In Colombia, too, García Márquez has broken down old walls. In early April he met for two hours with top army officers—members of the same outfit that forced him into exile 15 years ago. Given his disdain for the military, many old friends thought the meeting was odd. But Gabo was proud of his summit, as though it symbolized his new realism. As he wrote in the Colombian edition of the magazine *Cambio 16*: “My obsession with different styles of power is more than literary—[it’s] almost anthropological.”

Power, not politics, is what truly fascinates García Márquez. His novels are full of tyrants, visionaries and iron-willed pillars of resistance. Even in “News of a Kidnapping,” he is clearly captivated by the power of Pablo Escobar, the late boss of the Medellín drug cartel. “No Colombian in history had had or exercised a talent like his to shape public opinion,” he writes. “No other had greater power of corruption.” This fixation on power, friends say, helps explain how he can be attracted by such wildly different figures as Clinton, Salinas, Castro and François Mitterrand. Gabo seems equally mes-



Where life imitates art: Working on the manuscript of 'News of a Kidnapping'

## ‘News of a Kidnapping’: An Exclusive Excerpt

A first look at the English version

**G**abriel García Márquez granted *NEWSWEEK* exclusive rights to print a brief excerpt from his forthcoming “News of a Kidnapping.” The selections that follow were translated by Edith Grossman, who has translated several of García Márquez’s works into English.

THE LIGHT IN THE ROOM WAS SO DIM that it took a moment for their eyes to adjust. It was a space no larger than two by three meters, with one boarded-up window. Two men were sitting on a single

mattress that had been placed on the floor: they wore hoods, like the men in the first house, and were absorbed in watching television. Everything was dismal and oppressive. In the corner to the left of the door, on a narrow bed with iron posts, sat a spectral woman with limp white hair, dazed eyes, and skin that adhered to her bones. She gave no sign of having heard them come in; not a glance, not a breath. Nothing: a corpse could not have seemed so dead. Maruja had to restrain her shock when she realized who it was.

“Marina!” she whispered.

Marina Montoya had been kidnapped three months earlier and everyone thought

privacy she needed to think with more clarity





for prisoners condemned to death. Marina did not move a muscle. Maruja squeezed her hand and shuddered. Marina's hand was not cold, not warm; it conveyed nothing....

AT NIGHT THE SILENCE was total and the solitude immense, interrupted only by a demented rooster with no sense of time who crowed whenever he felt like it. Barking dogs could be heard on the horizon, and there was one very close by that sounded to them like a trained guard dog. Maruja got off to a bad start. She curled up on the mattress, closed her eyes, and for several days did not open them again except when she had to, trying to attain the privacy she needed to think with more clarity. Not that she slept for eight hours at a time: she would doze off for half an hour and wake again to the same reality, the same agony waiting to ambush her. It was a permanent dread: the constant physical sensation in her stomach of something hard, coiled and

ready to explode into panic. Maruja ran the complete film of her life in an effort to hold onto good memories, but disagreeable ones always intervened....

THE CONDITION common to all the kidnappers was absolute fatalism. They knew they were going to die young, they accepted it and cared only about living for the moment. They made excuses to themselves for their reprehensible work: it meant helping the family, buying nice clothes, having motorcycles, and ensuring the happiness of their mothers, whom they adored above all else in the world and for whose sakes they were willing to die. They venerated the Holy Child and Our Lady of Mercy, and prayed to them every day with perverse devotion, imploring their protection and forgiveness and making vows and sacrifices so that their crimes would be successful. After the Infant Jesus, they adored Rovignol, a tranquilizer that allowed them to commit movie exploits in real life. "You mix it with beer and feel good right away,"

explained one guard. "Then you get a knife and steal a car and take a ride. The fun is the scared look on their faces when they hand over the keys." They hated everything else: the politicians, the government, the state, the law, the police, all of society. Life, they would say, is shit....

MARUJA FELT READY TO SNAP, ESPECIALLY because of the crazed Barrabás, who liked to wake her by pressing the barrel of his machine gun against her temple. Her hair began to fall out. The pillow covered with strands of her hair depressed Maruja from the moment she opened her eyes at dawn.

She knew that each of the guards was different, but they all suffered from alternating insecurity and suspicion. Maruja exacerbated these feelings with her own terror. "How can you live like this?" she would demand without warning. "What do you believe in?" "Do you have any feelings of friendship?" Before they could respond she cornered them: "Does the word commitment mean anything to you?" They did not reply, but their silent answers to her questions must have been disquieting, because instead of becoming defiant they deferred to Maruja. Only Barrabás stood up to her: "Fucking oligarchs!" he once shouted back. "Did you really think you'd run things forever? Not anymore, damn it: it's all over!" Maruja, who had been so afraid of him, met the challenge with the same rage.

"You kill your friends, your friends kill you, you all end up killing each other," she screamed. "Who can understand you? Bring me somebody who'll tell me what kind of animals you people are."

Driven, perhaps, to desperation because he couldn't kill her, Barrabás smashed his fist into the wall and broke the bones in his wrist. He bellowed like a savage and burst into tears of fury. Maruja would not allow herself to be softened by compassion....

EDITH GROSSMAN has also translated "Love in the Time of Cholera," "The General in His Labyrinth," "Strange Pilgrims" and "Of Love and Other Demons" for García Márquez.

The Spanish-language edition of "News of a Kidnapping" will be published in the United States by Penguin USA at the same time Spanish editions appear in Spain, Mexico, Colombia and Argentina. The English version will be published in the United States by Knopf.



she was dead. Her brother, Don Germán Montoya, had been General Secretary to the President of the Republic, and a powerful figure in the Virgilio Barco government. His son, Alvaro Diego, a dedicated, capable manager at Probolsa, had been abducted by the drug dealers to force a negotiation with the government. Don Germán, it seems, had agreed to arrange it in exchange for his son, who was released, but the government did not keep its part of the bargain. Months later, the kidnapping of his sister Marina could only be interpreted as blatant reprisal, since by then she no longer had exchange value. The Barco government was out of office, Germán Montoya was now Colombia's ambassador to Canada, and the thought in everyone's mind was that they had kidnapped Marina for the sole purpose of killing her.

After the initial outcry over her abduction, which had mobilized national and international public opinion, Marina's name disappeared from the newspapers. Maruja and Beatriz knew her well but found it difficult to acknowledge her presence. As far as they were concerned, the fact that they had been brought to the same room could only mean that they were in the cell

# Not that she slept for eight hours at a time: she

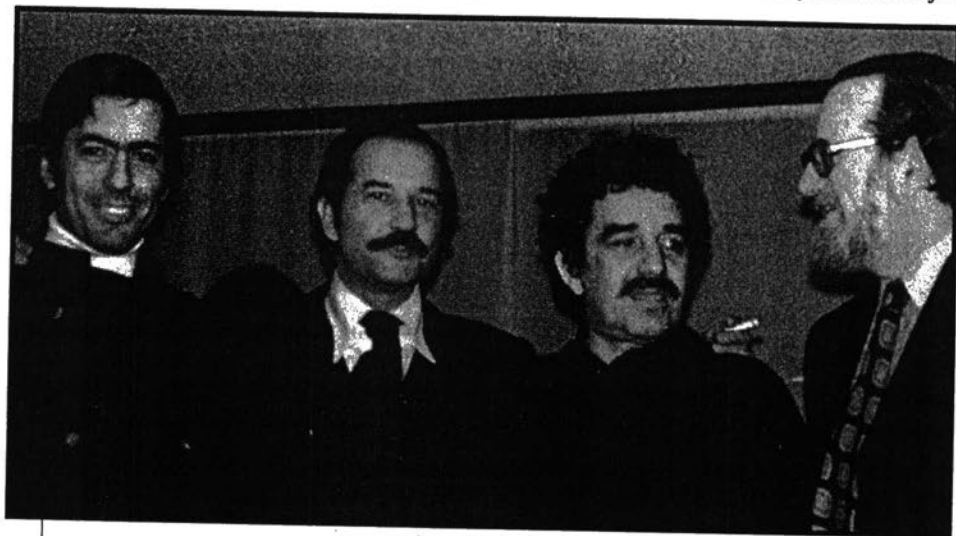


merized by his own power, and he is well aware that it is more a function of his fame than of his engaging personality. "Nobody pays attention if you don't sell a lot of books," he says. "The person who has fame has a role . . . because people listen and he has credibility."

García Márquez greedily accumulates power, but he seems committed to wielding it in pursuit of his Bolivarian dream. The most likely venue for Latin American unity, in his view, is not in traditional politics but in the more spontaneous terrain of culture. The art of storytelling, in this context, is not superfluous. If writers can narrate the reality of the region, he contends, they will not only find fantastic tales, they will also spotlight problems that need work.

For García Márquez, getting real is not just a public service, but process of creative renewal. He "challenges himself," says a friend. "I think he's come to a point where he says, 'Magical realism—I been there, done that, so what can I do so I won't dry creatively?'"

The answer, increasingly, has been a return to his roots in journalism. García Márquez will always be remembered for his novels, but journalism has always been as important to him as fiction. In the 1950s, when he worked as a correspondent for the Bogotá daily *Espectador*, he reveled in squeezing every drop of detail from a story. And that's just what he has done in "News of a Kidnapping," which began as a one-year project and expanded into a three-year obsession. The book, the longest piece of straight report-



## From the Boom Days to the Boomerang

The new generation of Latin American writers carries on a rich tradition. BY CARLOS FUENTES

**B**ACK IN 1965, GABRIEL García Márquez bid goodbye to his friends, stocked his refrigerator, instructed his wife, Mercedes, to take no calls and open no doors, and sat down to write the novel he had carried with him since he was born. From his Mexico City fortress, a year later, he sent me the first 100 pages of "One Hundred Years of Solitude." I remember writing a letter to another member of the boom generation, the Argentine Julio Cortázar: "I've just read a masterpiece. Gabo's novel liberates us all." "One Hundred Years of Solitude" went on to become the most widely read, the most famous and perhaps the

best novel in Spanish since "Don Quixote."

Gabo and the boom generation, of course, descended from other great Latin American writers, notably Borges, Asturias and Carpentier. But I do think that the boom gained more readers for the Latin American novel, both locally and worldwide, than it had ever had before. It broke down provincial barriers, communicated the cultures of the Continent, and renovated language and the imagination. The boom writers took on big themes and giant chunks of history, as if nothing had been said before—which was, often as not, the case. García Márquez, of course, retold the history of Latin America as if he were

writing the Bible, from Genesis in the depths of the jungle to Exodus via a Spanish galleon stranded on top of a mountain. Redemption was a more problematic proposition. Whatever their ideological stances, the boom authors did not include political manifestoes in their novels. Sometimes they were more experimental, like Cortázar in his fabled "Hopscotch," a novel that can be read like a pack of cards in any way that the reader prefers. Yet the big theme is there: it is a new twist on the Jamesian dilemma of Europe and America, but it is also a very Argentine vision of both the comic and tragic sides of urban life and urban dwellers, lost, funny, communicating from Parisian café to Buenos Aires madhouse via two creaky planks over the abyss.

Sometimes they were more realistic, like Peruvian Mario Vargas Llosa, who, with equal ease, could explore the life of the modern but backward jungle regions of the Amazon in "The Green House" or the complex fabric of corrupt political and family relations in "Conversations in the Cathedral," which I consider the best political novel ever written in Latin America. Sometimes they could be as madly and beautifully symbolic as José Donoso in "The Obscene Bird of Night," a baroque nightmare peopled by mutes, hags and sewn-up child monsters—but revealing the profound divisions and arrogance of Chile's class system in the era previous to Allende and Pinochet. The master of refined humorism was another Peruvian, Alfredo Bryce.

Do I dare to eat a peach? Do I dare to take on the totality of Mexico's post-revolutionary history, as I did in "The Death of Artemio Cruz"? In the 1960s, why not? We were young, bold, infinitely ambitious, bonded by friendship. Politics separated many of us; age and death reaped their own gray harvests. Cortázar died in 1981. García Márquez and I have endowed a

would doze off for half an hour and wake aga



ing in his 49-year career, chronicles nine kidnappings—all but one involving journalists—that occurred in 1990 and 1991 as drug lord Pablo Escobar bent the government to his will.

Will it sell? Gabo is talking it up every chance he gets. The events in the book are so extraordinary, he says, that it “appears more like a novel than all my novels.” After last week’s surreal episode, who can argue? The book’s Colombian publisher hopes that it will draw people who want to read the country’s best writer grappling with its biggest story. But sales prospects for the English-language edition, due out early next year, are far less certain. Regardless, colleagues are already marveling at how Gabo has placed himself, once again, in the cultural vanguard. Says Epigmenio Ibarra, a top Mexican television journalist and Gabo friend: “Here’s the maestro pushing us again, keeping his finger on the next page.”

And the pages keep turning. Days after the book comes out next week, Gabo’s newest film collaboration, “Edipo Alcalde” (“Oedipus the Mayor”), will debut at the Cannes Film Festival. The movie, written by García Márquez and directed by fellow Colombian Jorge Alí Triana, is a dark retelling of the Sophocles tragedy set in a contemporary Colombian town. The film’s gritty violence, which includes an angry priest coercing confession out of a boy guerrilla at gunpoint, leaves no one a hero. García Márquez, whose previous screen efforts have fallen flat, may do better this time: it has masterful direction, superb cinematography and star power—Oedipus is played by Jorge Perugorria, the Cuban star of “Strawberry and Chocolate.” The 54-year-old Triana hopes that the film will help spark a boom for Latin American film that emulates the literary boom of Gabo’s generation. “We’re finding our own

chair with his name at the University of Guadalajara in Mexico. Yet the Nobel Prize awarded García Márquez in 1982 was exceptional in that it was not a disguised posthumous homage. Gabo went on to write some of his best books, including the latest, “News of a Kidnapping.”

Meanwhile, the boom gave way to what I call the boomerang, the new generation of Latin American narrators. They are among the most varied, numerous and perhaps richest generation of writers we have ever known. But they lack something that we had: a good distribution system, based in Buenos Aires, from where books were sent in small numbers and low prices to booksellers and readers throughout Latin America. From the north, the Mexican publishing houses complemented the Argentine distribution system. The military dictatorships in Buenos Aires destroyed this, along with most of the Argentine literary and cultural life. The heads of state of Latin America, meeting every year for highly rhetorical summits, would do better to propose policies for book distribution, education and public libraries as the basis of Latin American unity. As things stand, I have to travel to Buenos Aires to discover the wealth of contemporary Argentine literature, and South American writers have to travel to Mexico to obtain the books of our best new writers.

Yet the wealth is there. The boomerang writers no longer have to take on the big slices of history; they can concentrate on more personal, intimate stories. They do not have to defy academic language, the tyranny of genre or the artificial choice between nationalism and cosmopolitanism. The boom did that for them. They can tell stories as original as César Aira’s search for a little girl’s pink dress in the pampa, or Matilde Sánchez’s touching tale of a young Argentine woman’s political exile in Europe, writing to herself the letters her father does not send her. And across

the border, in Chile, the variety of the new Chilean novel (fathered by Donoso) includes Gonzalo Contreras and his immensely desolate tales of life in the small towns by the highways of Chile; Carlos Cerda and his novels of political exile in Berlin, where Chileans of the left discover that all is not roses in communism, or Arturo Fontaine and his acid novels of economics and personal life under the Pinochet dictatorship—no bed of roses, either.

Like Fontaine in Chile, Martín Caparrós and Tomás Eloy Martínez in Argentina do rediscover the political and historical lessons of the boom—but like Martínez in

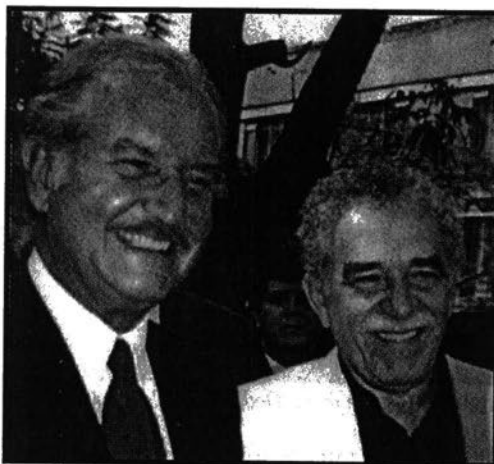
machismo. Yet another striking event is narrative in Spanish from Puerto Rico. And the prince of Puerto Rican writers is Luis Rafael Sánchez, who has imagined the ultimate tropical traffic jam in old San Juan in “Macho Camacho’s Beat.”

Neither the old nor the new Latin American writers believe that this is a post-ideological era. How can it be, in a world of rising xenophobia, racism, tribalism, religious fundamentalism and yet another implacable ideology, the fundamentalism of the marketplace? We wake up every morning and realize that we live in a Latin America where 200 million people earn

less than \$60 a month and where, every day, 10 million people go out looking for work and do not find it.

So if less ideological in the sense of having to choose between yesterday’s communism without freedom and today’s capitalism without justice, maybe Latin American writers are more committed to the grass-roots issues affecting daily life in our poor, unjust societies. In any case, unlike their North American brethren, our writers will continue to sport many hats, as proven by Vargas Llosa’s campaign for the Peruvian presidency, García Márquez’s deep involvement in Colombian politics or my own activism in favor of democratic change in Mexico. But boom or boomerang, our writers are keeping alive the Latin American tradition of the uncertain border between “reality” and “imagination.” After all, we’re all children of La Mancha, the descendants of Don Quixote. Are those windmills really giants? Is the peasant girl Aldonza really the princess Dulcinea?

CARLOS FUENTES is the author of “The Old Gringo” and many other works of fiction and nonfiction. His new book, “A New Time for Mexico,” will be published in June.



Bonded by friendship: Fuentes (left) with Gabo

his novel about Eva Perón, history now appears as a sick, though vastly comic, nightmare. Women other than Eva Perón hold sway over vast territories of Latin American literature. And in Mexico, a brilliant man-and-wife team, Héctor Aguilar Camín and Angeles Mastretta, write novels in which he powerfully delves into the nether world of Mexican politics, while she gives her own historically based tales, a very feminine, tender, introspective counterpoint to her husband’s vigorous

n to the same reality, the same agony waiting

DATE: 5-21

TO: Jack ~~Don~~

FROM: Staff Secretary

Attached are 3  
(extremely impressive) letters  
that came in today  
endorsing Elena for the  
OLC job. She asked that  
I send them to you before  
I forward them to the  
President. I plan on

sending them to him  
tonight. (And I  
would have agreed you  
in any event.)

Bill



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May 20, 1996

President William J. Clinton  
The White House  
Washington, D.C. 20530

Dear President Clinton:

I recently learned from a colleague that Elena Kagan may be under consideration for appointment as Assistant Attorney General for the Office of Legal Counsel. In the hope that this is true, I am writing to put in my two cents in support of her appointment.

I first met Elena some six years ago when I was Dean of the University of Chicago Law School and she was a young lawyer at Williams & Connolly. I had heard wonderful things about her from a variety of sources, including Ab Mikva, a graduate of Chicago, for whom Elena had clerked. I set about trying to recruit her to join the faculty. In our very first meeting, I saw in Elena all the qualities that Ab and others already had described -- she was a tough, independent, smart lawyer with a clear academic bent. After a year of cultivation, she joined the faculty in the fall of 1991. She has been a great success as a teacher, scholar and colleague.

Elena has focused most of her teaching in the fields of constitutional law, labor law and civil procedure. She is a rigorous, engaging and lively teacher. She demands the best from her students, and they delight in meeting her expectations. She probes, challenges and tests her students' assumptions, and she encourages them to challenge hers. From her very first course, she was regarded by the students as a simply brilliant teacher. Indeed, in only her third year on the faculty she received the Law School's annual award for Excellence in Teaching -- the first and only untenured member of the faculty ever to receive that honor.

President William J. Clinton  
May 20, 1996  
Page two

Elena has also flourished as a scholar. Most of her research arises out of her interest in freedom of expression. Because this is also my field of study, I am intimately familiar with her work. In her short time on the faculty, she has completed two major articles, as well as several lesser pieces. In her first major work, published in *The Supreme Court Review*, Elena offered a careful, innovative and powerful analysis of the Court's decision in *R.A.V.* (the cross-burning case). In this article, Elena dissected the opinions of the Court and put forth an original and already influential reinterpretation of the central issue presented in the case.

In her second major work, soon to be published in *The University of Chicago Law Review*, Elena sets forth an ambitious and novel understanding of the Court's overall First Amendment jurisprudence. In this article, Elena surveys the entire corpus of First Amendment doctrine and demonstrates that most, if not all, of this doctrine can be explained by the Court's concern with improper governmental motivation -- that is, with its concern that laws regulating speech may consciously or unconsciously be the result of governmental favoritism for or hostility to particular ideas and viewpoints. This is an innovative and provocative thesis which persuasively challenges most of the accepted understandings of existing First Amendment jurisprudence. This article will inform and, indeed, shape academic and legal discourse about freedom of speech for years to come. On the basis of these articles, Elena was promoted last year to the rank of full Professor, with tenure.

It is important to understand that Elena is not one of those all-too-common legal scholars whose primary interest is in abstract theory, divorced from legal doctrine. To the contrary, Elena is a lawyer's scholar. She takes courts, precedents and doctrine seriously. She believes that law matters. She writes in the best tradition of Paul Freund, Harry Kalven and Thomas Emerson. I am confident that, when she returns to the Law School and again turns her energy and curiosity to scholarly research, she will emerge as one of the leading constitutional voices of her generation.

Finally, I should note that Elena is a valued colleague. In only a few short years she has come to be regarded as a central figure in the Law School's decision making structure. As Dean, I sought her advice regularly on a broad range of issues, including faculty appointments, student concerns and institutional policies. She is strikingly forthright, honest and direct. She has wisdom beyond her years, and always offers thoughtful and sensible advice. She listens. She is a person of integrity, independence and commitment to principle. I trust her completely, and I know that every one of my colleagues

President William J. Clinton  
May 20, 1996  
Page three

-- regardless of seniority or ideology -- shares that trust. It is thus no surprise that, when we speculate about the future, Elena is invariably mentioned as a possible future Dean of the Law School.

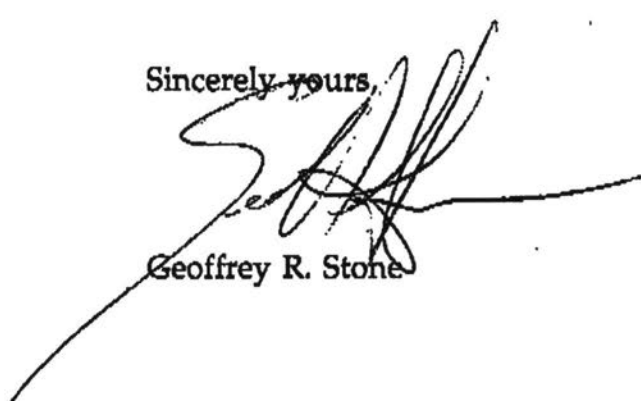
Last year, Ab Mikva -- borrowing back what he first "gave" us -- persuaded Elena to take a leave of absence from the faculty to join him in the office of Counsel to the President. I trust that Elena has performed well in that role, and that her colleagues in that office, as well as others who have worked with her in the past year, will confirm all I have said above.

Although Elena may be on the young side for the position under consideration, she is a truly remarkable person. She is a serious individual who cares deeply about the law, and she has the intellectual and personal skills to fulfill her responsibilities to the very highest degree. Although I would hate to see her remain away from the Law School any longer (I miss her), I am compelled in good conscience to recommend her enthusiastically and without qualification for the position of Assistant Attorney General for the Office of Legal Counsel. She would be a treasure.

If I can be of any further assistance in this matter, please feel free to call or write me at any time.

With warm best wishes.

Sincerely yours,



Geoffrey R. Stone

GRS:cm

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CASS R. SUNSTEIN  
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May 20, 1996

President Bill Clinton  
The White House  
Washington, D.C. 20500

Dear Mr. President:

I have heard that Elena Kagan, a professor at this law school now on leave at the White House, is a candidate for head of the Office of Legal Counsel. I write because I know Elena well and because I think she would be a wonderful choice.

Having worked at OLC in the early 1980s, I have a sense of the Office's functions and needs, and I think that Elena is unusually well-suited to the job. As a lawyer, she is both brilliant and entirely level-headed -- in academia at least, a fairly unusual combination of skills. When she approaches legal issues, she shows a lot of creativity and imagination, but she's also got outstanding judgment, real maturity, and a fine sense of proportion. It's perhaps unnecessary to say that despite her relative youth, she has a wide understanding of many areas of the law. Her work on the first amendment is a nice example; it takes a big step back from the law, organizes it wonderfully, and makes sense of a range of areas not normally grouped together. In fact she has a terrific head start on the questions with which OLC deals, and she's an amazingly fast learner.

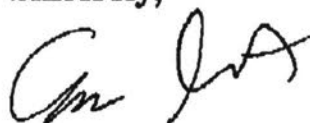
Elena also deals wonderfully with people. She's one of the fairest and most decent people I know, and she is exceptionally well-liked and admired by a wide range of people at the law school -- moderates, conservatives, liberals, and everyone else. As a lawyer she's not at all "political," but she is very well-attuned to people and audiences, and she has a terrific sense what to say and when to say it. In fact she's established herself very quickly as the very best teacher at the law



school (I say this with some chagrin). I've also seen her in a range of administrative capacities, and she's an excellent leader. In fact she is widely regarded as a strong candidate to become the next Dean of this law school. From what I've seen, I imagine that she would deal very well with the Congress and with other potentially adversarial bodies. It helps that she has a terrific sense of humor and is extremely reluctant to treat other people as adversaries.

I'm sure that there are a number of excellent choices to head OLC, but as someone who knows Elena and the Office well, I hope you won't mind if I suggest that this would be a terrific match. Very best wishes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cass R. Sunstein', with a stylized flourish at the end.

Cass R. Sunstein

HARVARD UNIVERSITY  
LAW SCHOOL

LAURENCE H. TRIBE  
*Ralph S. Tyler, Jr. Professor  
of Constitutional Law*



HAUSER HALL 420  
CAMBRIDGE, MASSACHUSETTS 02138  
(617) 495-4621

May 20, 1996

President William J. Clinton  
The White House  
Washington, D.C.

Dear Mr. President:

I've heard reports that Walter Dellinger's former position — head of the Office of Legal Counsel at the Department of Justice — might go to any of several people, and I hope you won't mind my imposing on you with my own views on the matter.

If the rumors I've heard are correct, Elena Kagan is not necessarily at the top of the current list to fill the position. Elena is a professor of constitutional law at the University of Chicago Law School who has taken a leave of absence to serve as an associate White House counsel. I had spoken to the Attorney General at an earlier stage of the process to tell her what I thought of Elena, and I hope the rumors I now hear are wrong. I know quite a lot about all of the people being discussed, and I think Elena is the one who clearly stands out as being genuinely capable of filling Walter Dellinger's shoes.

That's a hard task, because obviously Walter is an extraordinary person and has done a splendid job as head of the Office of Legal Counsel. I think the world of how well he's discharged that important duty.

Having known Elena since she was a student of mine quite some time ago and having watched her meteoric rise to tenure and her current position with Jack Quinn at the White House, I have to say that I am an enormous admirer of her intellectual and moral qualities. She is one of the most insightful constitutionalists of her generation. I have seen her work at close range, and her writing is always illuminating and imaginative. She has a degree of wisdom well beyond her years and a degree of judgment and maturity that is quite remarkable. Her views are thoughtful, moderate, and balanced, and she has no private agenda.

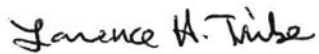
I'm sure that her time in the White House Counsel's office has given her valuable experience in the Administration. I have no doubt that she would discharge the challenging duties of the OLC position with extraordinary distinction and would be a truly knowledgeable source of advice on the sort of issues that Walter has handled so well. In

short, I think that the Attorney General couldn't have a better legal advisor.

At Harvard, we've been trying for some time now to persuade Elena to serve as a visiting Professor of Law. I think something has finally been tentatively arranged for 1997. But I hope that it will be delayed by Elena's tenure at the OLC.

Thank you very much for the opportunity to express my views.

Sincerely,

A handwritten signature in cursive script that reads "Laurence H. Tribe".

Laurence H. Tribe

## Foreign Affairs

THOMAS L. FRIEDMAN

# THE PRESIDENT HAS SEEN Lebanon's Aftermath

AMMAN, Jordan — It takes only a few hours in the Arab world to sense that Israel has done enormous damage to its standing among moderate Arab regimes by the way it handled the recent war in Lebanon and the shelling of Lebanese refugees at Qana.

Jordan is a case in point. Jordan is not Egypt. King Hussein has fostered a warm peace with Israel. When Israel first engaged in a tit-for-tat border war with the Hezbollah guerrillas in Lebanon, Jordan quietly looked the other way. But then came Qana — the U.N. outpost in south Lebanon that Israel shelled, it says accidentally, in response to a Hezbollah rocket attack from the same area. In addition to killing 102 Lebanese civilians at Qana, Israel drove 400,000 Lebanese from their homes as part of a deliberate strategy to depopulate south Lebanon and force the Lebanese Government to press Syria to cut a cease-fire deal.

What bothered the Jordanians, and other Arabs, was not just the deaths at Qana but, worse, that Israel never really apologized. There was a perfunctory expression of "regret" for the loss of civilian life, but that was it: Sorry. War is hell. Accidents happen. Jordanian officials remarked that if Shiite guerrillas had killed 102 Israeli civilians with one burst of shellfire, President Clinton probably would have come for their funerals, but when it's Lebanese who are killed, Israel can get by with a simple expression of "regret."

"There was never a real apology and that made it even harder for us," remarked one senior Jordanian official. "Before Qana, Jordan TV was very low-key. It kept saying, 'We hope the fighting in Lebanon will end soon.' After Qana, Jordan TV started talking about Israeli 'barbarism.' We had to. People were outraged. So now those of us who have made peace with Israel are on the defensive."

What is so frustrating to the Jordanians is that they believed they had entered into a new relationship with Israel and that this not only meant that Jordan had different responsibilities to Israel — like rallying to Shimon Peres's side at the Sharm el-Sheikh summit meeting after the Hamas suicide attacks — but that Israel had different responsibilities to Jordan, and to other Arabs who had not entered the fight. The Lebanese civilians had not entered the fight. The

Iran. That put Jordan and other Arab moderates in a tough position. "It was like no one in Israel asked, 'How might this affect our Arab friends?'" said the Jordanian official.

What is also scary for the Jordanians is that they understood Israel's need to retaliate for terrorist attacks. They understood that Hezbollah, with Syria's backing, was trying to provoke Israel. They were ready to cut Israel some slack. It's just that Israel's retaliation was so out of proportion, its apology so lacking, its effect on Lebanon so devastating (in a mini-war that didn't involve a single Israeli civilian death) that it became a symbol in Arab eyes for how much Israel can get away with these days — days when the U.S. is ex-

## Israel's shelling hurt its new allies.

traordinarily close with Israel, when there is no Soviet Union to speak up for the Arabs and when the need to get Mr. Peres re-elected, to keep the peace process alive, seems to override all other considerations.

Thankfully, some Israelis have begun to debate the meaning of Qana. In a remarkable essay in last weekend's Haaretz newspaper, the Israeli writer Arie Shavit wrote of the Lebanese: "We didn't kill them with prior intent. We killed them because the yawning gap between the unlimited sacrosanct importance which we attribute to our own lives and the very limited sacred character we attribute to the lives of others allowed us to kill them."

Yes, there are plenty of Arabs out there who want to use Qana as a pretext for not reconciling with Israel. These Israel-haters will never be satisfied with any Israeli apology. But that is not the Jordanians. They have done more in one year's peace with Israel than the Egyptians have in 18. Their angst is honest, and Israel and Washington should address it by aiding the victims of Qana and by reaffirming that under peace Arab lives will be as valued as Israeli lives. If not, then the meaning of peace to the Arabs will be nothing more than a grudging acknowledgment of Israel's



To UP  
Hag -

# Beyond the Crash Site

THE PRESIDENT HAS SEEN

By C. O. Miller

SEDONA, Ariz. Saturday's crash of a Valujet DC-9 is raising questions about safety precautions taken by new airlines entering the competition of commercial aviation. A Federal Aviation Administration memo revealed that Valujet planes had previously experienced serious mishaps, including an engine fire last year that burst into the passenger cabin on an Atlanta runway.

Valujet's compliance with F.A.A. regulations will be part of the National Transportation Safety Board's report when it finishes its investigation of the Florida crash. But the safety board has limited itself when it con-

*C. O. Miller, an air safety consultant, was head of accident investigations at the National Transportation Safety Board from 1968 to 1974.*

## A look at Valujet's safety program may yield lessons.

ducts its otherwise thorough investigations. It creates groups to report on everything from pilot performance to possible witnesses. But there is no "accident prevention management" investigation team.

If we are to prevent accidents, more is needed: In the Valujet inquiry, the board should also report on the airline's specific accident-prevention program. This would provide valuable lessons to other carriers, especially those that are rapidly expanding. At the same time, the F.A.A. should require such accident-prevention programs — that go beyond the minimal regulatory standards — at each airline.

These would be tailored by the carriers themselves, with the involvement of top managers, and should involve everything from a unified accident prevention plan to specific policies — say, takeoff and landing rules that go beyond the F.A.A.'s visibility-ceiling requirements.

The agency took a small step in this direction in January when it required each airline to name a safety director. But it did not define the qualifications of this person or provide guidance for what such a director should do.

The F.A.A. has seldom, if ever, viewed safety within an airline as requiring a specifically designed accident prevention program that goes beyond adherence to its regulations. Yet the elements of successful programs, in the literature for decades, have been used by airlines with good safety records.

In fairness to the F.A.A. and Valujet — as well as the public — we deserve to know the management story associated with Flight 592's tragic fate. □



# History Standards Get It Wrong Again

By John Patrick Diggins

"In the beginning," wrote the British philosopher John Locke, "all the world was America." In our "beginnings," write the authors of the National History Standards, all of us belonged to pre-Columbia America and Islamic West Africa, and the earliest American settlers were "deeply affected" by the "great convergence" of Europeans, Africans and Native Americans. Locke believed that America would escape the very conditions of oppression that the standards hail as our "beginnings."

Locke had America in mind when he first articulated the doctrine of rights, natural and inalienable, criticized slavery and patriarchal authority, defended women's right to divorce and to inherit property, and formulated a labor theory of value as the basis of ownership.

No sooner is the Lockean background to the Declaration of Independence mentioned in the standards than the discussion turns to slavery, after

Marxist-Leninism (the Mexican excepted) are cited as products of the American Revolution can only mean that historians are as confused about endings as they are about beginnings. Will students subjected to such "standards" know anything of the origins of the right to have rights and of the philosophical foundations of the Declaration and the Constitution?

They will know everything about various figures rescued from oblivion. Students are asked to "appraise the survival strategies employed by Native Americans such as Speckled Snake, Red Eagle, Sequoyah, Tenskwatawa, Tecumseh, Osceola, and Black Hawk."

The standard's non-Western orientation and its cavalier treatment of the cold war aroused a storm of controversy when the document appeared in 1994. While professional historical associations endorsed the standards, the Senate, more in touch with the American people, voted overwhelmingly to condemn them. Recently they have been revised, and some historians who had once been critical now support them. Yet the standards still rest on assumptions that are dubious if not preposterous. The most glaring contradiction is that its authors seek to inculcate political values characteristic of the Western world that cannot be derived from what they would have students learn about the non-Western world.

"Knowledge of history is the precondition of political intelligence,"

the standards announce. If, as the standards assert, "by studying the choices and decisions of the past, students can confront today's problems and choices with a deeper awareness of the alternatives before them," how, then, will this "deeper awareness" take place? Knowledge of pre-Columbia America and 16th-century Africa, in which there existed no such freedom of choice, has little to do with the "political intelligence" essential to modern citizenship. When dealing with early histo-

ry, the standards ask students to examine "cultural and ecological interactions" such as tribal customs and food gathering. While it may be a good thing to have students understand other cultures, such an exercise has nothing to do with political freedom. Cultures, as the anthropologist Ernest Gellner cautions, are not our "choice" but our "fate."

Can there be freedom without change? Can there be progress when there is only repetition? The Mexican author Octavio Paz questioned whether the pre-Columbia world could even be regarded as historical.

Meso-American civilization negated history more completely than even ancient China, he wrote. "From the Mexican high plateau to the tropical lands of Central America, for more than two thousand years, various cultures and empires succeeded one another and none of them had historical consciousness. Meso-America did not have history but myths and, above all, rites."

No doubt the "convergence" thesis was concocted so that the national history standards could deal with far more than traditional white America and thereby represent its present diverse ethnic population. Yet the disparity between the standards' announced goals and its contrived means suggests the extent to which ideology has replaced pedagogy. "Without historical knowledge and inquiry," the standards proclaim, "we cannot achieve the... fulfillment for all our citizens of the nation's democratic ideals." Yet the standards have students begin the study of history immersed in past cultures whose people perpetuated undemocratic rites and other systems of submission.

Rather than having "converged," America broke free of the very immobile environments that the standards would have us regard as our roots. Alexis de Tocqueville and Max Weber demonstrated the genius of "American exceptionalism." Freedom flowered in America because of two unique and possibly unrepeatable conditions: the absence of feudalism and the presence of a Calvinist-Lockeanism that bred the Protestant ethic and the "spirit" of capitalism as well as natural rights: our "everlasting heirloom." □



Igor Kopenitsky

Ideology is the winner. John Locke is the loser.

which students are asked to "show how the ideas that inspired" the American Revolution "influenced the 20th-century revolutions in Mexico, Russia, China, Cuba, and Vietnam." That revolutions made in the name of

John Patrick Diggins, a professor of history at the Graduate Center of the City University of New York, is author of a forthcoming book on Max Weber.

THE PRESIDENT HAS SEEN

5-20-94

Hilly

I mentioned  
the graduate  
winner at the  
Conf. as Sandy  
asked -

Pls. tell him

Thanks

Bo



MR. M. LEVIN  
DISTRICT, MICHIGAN  
COMMITTEE:  
WAYS AND MEANS  
SUBCOMMITTEES:  
HUMAN RESOURCES  
OVERSIGHT

*Gene Hilley wanted to see this for panel 2*



*Give copy to Laura right away*

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(810) 868-4444

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

THE PRESIDENT HAS SEEN

5-20-96

May 16, 1996

Mr. John Hilley  
Assistant to the White House  
for Legislative Affairs  
The White House  
Washington, DC 20500

Dear John:

It just recently came to my attention that the White House is hosting a Conference on Corporate Responsibility today. Given the current anxiety in the workplace and tension between employers and their workers, I believe that this a very important matter and applaud the decision to hold the conference.

The Ways and Means Committee recently considered the "Small Business Job Protection Act." This measure included a provision to temporarily reinstate Section 127 to the tax code which relates to employer provided education assistance. This important provision, which expired at the end of 1994, allowed employees to exclude from their income employer-provided education payments up to a maximum of \$5,250. While the bill reinstated 127, it modified it so that graduate assistance would be ineligible at the beginning of 1996.

During the mark-up, I offered an amendment to reinstate graduate eligibility. The amendment was adopted on a vote of 18-14 with wide bipartisan support. Then something peculiar happened. The Chairman of the Ways and Means Committee forced a motion to reconsider the vote and then summarily defeat it on a straight party-line vote.

It was my belief that we should not penalize employees for a responsible action by their employer. Unfortunately, the Chairman of the Ways and Means did not look at this way.

\* I believe that it is important that the President or Vice President mention this action during the second panel session scheduled for this afternoon. The actions by Ways and Means Republicans in this instance are completely unexplainable. This is about helping people get up the ladder of success.

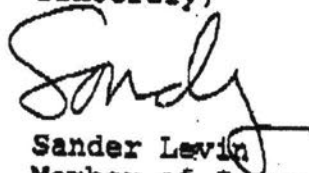
*Directly to Hilley  
for review  
Hilley to follow M*



By denying graduate assistance they are putting a ceiling on learning. This action sends a wrong message to employers at a time when we should be encouraging them to do more, not less.

Again, I hope that you can bring this to the President's or Vice President's attention before the beginning of the second panel planned for today. Education and training are the cornerstone of competitiveness. Employees should not be punished through taxes for accepting education benefits for employers who are willing to offer them, no matter what level.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sander", with a long horizontal flourish extending to the right.

Sander Levin  
Member of Congress

**FAX**

THE PRESIDENT HAS SEEN

5-20-96

Date 05/17/96

Number of pages including cover sheet

TO: The President

FROM: Carolyn Staley  
Nat. Institute for Literacy

Phone

Phone (202) 632-1526

Fax Phone

Fax Phone (202) 632-1512

CC:

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please Comment

Hey there: A few musical funnies for Friday:

Q: What's the difference between a saxophone and a lawnmower?

A: You can tune a lawnmower.

Q: How do you get 5 saxophones in tune?

A: Shoot 4 of them.

Q: What is the difference between an accordion and a trampoline?

A: You take off your shoes before jumping on a trampoline.

Q: What happens if you sing a country song backwards?

A: You get your job and your wife back.

Q: What's the difference between a clarinet and an onion?

A: People cry when you chop an onion into pieces.

Q: How do you get a guitarist to play quieter?

A: Put a sheet of music in front of him.

Clean and cute. I promise to look for some new material.



5-20-86

SAFE DRINKING WATER ACT

A Republican proposal in the House negotiations on a Safe Drinking Water Act reauthorization bill has attracted considerable attention in the past week.

Editorials sharply criticized the provisions inserted by the House Republicans. The Detroit Free Press stated the "worst feature of the House measure is a cost benefit test for water quality that would cancel out increasingly sophisticated EPA standards for use of disinfectants ...." The Tampa Tribune said the "legislation would allow more toxic chemicals in tap water and weaken the Safe Drinking Water's health standards. It would also make it difficult for citizens to obtain information about health threats from unsafe drinking water." The Thibodaux Daily Comet stated "we don't think relaxing drinking water quality standards is in the public's best interest."

We are continuing to work with the EPA and House Democrats to oppose these and similar proposals, while engaging positively to help forge a compromise bill.

NORWEGIAN WHALING

Norway plans to begin commercial whaling in the North Atlantic early next week. These plans are controversial for several reasons: most of the world has agreed to a moratorium on commercial whaling; Norway is proceeding without a "quota" (the number of whales it plans to kill) approved by the International Whaling Commission; and mounting evidence indicates that Norwegians are illegally exporting whale meat.

Yesterday you received a letter from more than 20 environmental groups urging the United States to act forcefully with respect to Norway's hunt. Today, NOAA Administrator James Baker issued a statement strongly protesting Norway's plans. If the hunt proceeds as scheduled, these environmental groups will urge you to use your authority to impose trade sanctions against Norway.



- **Timber Theft:** On May 17, Secretary Glickman requested that the Forest Service reconsider creating a national timber theft detection and prevention team to provide training, oversight, and guidance of regional timber theft prevention and investigation efforts. Recent news articles on the Forest Service's timber theft prevention and investigation efforts have created the perception that the Forest Service may be turning a blind eye on timber theft. USDA wants to ensure that the timber theft prevention and investigation program is strong and vigorous. The Secretary requested a report back from the Forest Service on this request to strengthen the program.
- **Food Stamp Contracting:** On May 8, the House Agriculture Committee held one of several hearings on the use of federal funds authorized in the Food Stamp Program to obtain services from private contractors, specifically the food stamp focus groups conducted under a sub-contract with Lake Research Inc. in 1995. Committee staff has indicated that a second hearing focusing on Team Nutrition will likely be held in June. The GAO has stated that it will expedite a review of USDA-wide procurement procedures.

#### DEPARTMENT OF ENERGY

✓  
✓  
**Gas Prices:** DOE conducted the first sale of oil from the Strategic Petroleum Reserve but accepted no offer because the bids were predictably too low. DOE emphasized that market gas prices have fallen since your announcement of the sale.

*CA: Need to check with DOE*  
**Radar for Land Mines:** On May 7, DoD announced a \$300,000 grant to Lawrence Livermore National Laboratory to design a detection system for land mines. The proposed land mine radar will be based on technology developed by DOE for radar sensors for nuclear warheads. Plans include versions of the radar to be mounted on robots and vehicles. The story received positive coverage in CA.

**State Energy Conservation Funding:** DOE will distribute among all States \$44.1 million of oil overcharge funds. These funds were obtained from U.S. oil companies that violated Federal price controls in the 1970's. Fund allocations are based on State oil consumption during this decade. These funds can be used in State energy programs. CA will receive approximately \$4 million and NY will receive approximately \$3.4 million.

- **\$13.8 Million for Rural Power Development:** Secretary O'Leary is preparing to announce in Syracuse, NY the first award of a cooperative agreement to commercialize biomass energy systems. This will positively impact global climate change while providing a vital economic stimulus to rural America. Biomass energy is based on the conversion of agricultural crops called feed stocks into usable commercial energy.



- **Final 1992 Abortion Data:** This week, CDC is releasing final abortion surveillance data from 1992. There was a 2.1 percent decrease in reported abortions from 1991 to 1992. While this summary provides final statistics and in-depth analysis of the 1992 data, preliminary 1993 data on abortion were already released in March and show a continued decline in both the number and ratio of abortions.
- **Arkansas Family Planning Demonstration Project:** HHS continues to work with Arkansas on its section 1115 family planning demonstration. The state is submitting a revised budget neutrality formula that will compare fertility rates under the demonstration to a baseline fertility rate. The state has promised to submit the additional information by May 20. The new budget neutrality approach is acceptable to the Department. Under the demonstration, the state will extend Medicaid coverage for family planning services to low-income women not otherwise eligible for Medicaid.
- **Taxotere Approved for Breast Cancer:** On May 15, FDA approved Taxotere (docetaxel) for advanced breast cancer. Made by Rhone-Poulenc Rorer, taxotere is indicated for patients whose cancer has progressed despite treatment with standard regimens.
- **Suspension of Head Start Grantee:** On May 17, HHS will announce the immediate suspension of the Child Opportunity Program, Inc. (COP) Head Start grantee serving Denver and several surrounding communities. The suspension is based on severe and widely publicized problems of fiscal mismanagement, turmoil in governance, and lack of coherent leadership documented by a recent on-site review team.
- **Withdrawal of Diabetes Treatment Product from German Market:** German health authorities are withdrawing an Eli Lilly product, Glucagon, from the German market because it may contain the infectious agent for bovine spongiform encephalitis. Last week, FDA staff reviewed the safety of Glucagon and unanimously agreed on its safety.
- **Florida Medicaid Exemption to Expire:** Several Florida HMOs providing services to Medicaid beneficiaries are nearing the end of their 3-year waiver period to meet the terms of the 75/25 rule which requires that at least 25 percent of the enrollees in a Medicaid managed care plan be commercially insured. The State initially intended to ask HCFA for a modification of the rule. HHS has been working with the State so that these plans will not have to disenroll Medicaid beneficiaries. Under the modifications there would be a requirement to submit to increased quality assurance monitoring and begin offering services through the states' recently developed rural health network. On May 15, the State asked for an exemption for 8 additional plans. HCFA is reviewing the demonstration merits of this request.

What's the total of the number?

Let's see what the number is

5-20-96

- **Hamas Official Certified Extraditable:** On May 7, a district judge in the Southern District of New York certified the extraditability of Mousa Abu Marzook, admitted leader of the political wing of the Islamic Resistance Movement ("Hamas"). Israel had requested Marzook's extradition for numerous charges relating to multiple shooting and bombing incidents.

- **Vallejo, CA:** In March, DEA San Francisco deployed its Mobile Enforcement Team to Vallejo, California at the request of the town's police chief. Crime and violence in Vallejo has risen sharply in recent years, due in large part to the expanding drug trade. Since the MET deployment in March, DEA Agents and local counterparts have arrested 31 defendants and have seized weapons, cash, as well as methamphetamine, cocaine, heroine, and marijuana.

**Juvenile Indicted as Adult For Operating Drug Business in Illinois:** The defendant, age 17, was charged with four counts of distributing cocaine and crack, while age 16. The indictment is the first in which a juvenile has been prosecuted as an adult under federal law in the Central District of Illinois.

**Attorney General's Schedule:** On May 17, the Attorney General will travel to CA to meet with the Anti-Violent Crime Initiative Task Force and to deliver the Commencement Address for UC Davis School of Law. On May 19, the Attorney General will travel to NY to deliver the Commencement Address for Hilbert College. On May 22, Attorney General Reno will travel to Chicago to address the Chicagoland Chamber and Women's Bar Association.

**Press Inquiries:** *US News and World Report* has inquired about the actual number of COPs on the beat vs. the number that has been funded. *NBC* asked about the study the Justice Department will be conducting on bomb making information on the internet and the protection of the first amendment. *LA Times* asked about their recent story claiming the US Attorney's office was not prosecuting drug cases because of a lack of jail space and prosecutorial discretion. *CBS* asked about your Thursday GOPS grant announcements for a program that was supposed to be non-partisan.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

- **Seven Cities to Receive First-Time Funding under Ryan White:** On Monday, you will sign into law the reauthorization of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act. You will also announce Title I awards, including funding to seven new metropolitan areas, and Title II awards to states for the rest of FY 1996, as well as the availability of \$52 million in additional funds to states for drug reimbursement.



for the submission of briefs regarding access to the videotape from all interested parties by May 24. The orders under appeal reaffirm that schedule and thereby defer resolution of the First Amendment and common law issues for a short period. DOJ's brief on your behalf was filed on May 15.

- **Government Files Brief On May 15, In Expedited Ninth Circuit Appeal Involving Challenge To Provisions Of Department Of Defense's Policy Governing Military Service By Homosexuals:** Holmes v. California Army National Guard. An officer in the United States Army National Guard and the California Army National Guard was discharged pursuant to the statements provision of the military's policy governing service by homosexuals after he stated that he was gay and failed to rebut the presumption that he engages in, and likely would engage in, homosexual acts. He sued the U.S. and CA, and the district court held that his discharge violated equal protection and the First Amendment. DOJ appealed, and the Ninth Circuit ordered that the appeal be expedited and consolidated for purposes of oral argument with Watson v. Perry. DOJ's brief in Holmes was filed on May 15, and oral argument will be scheduled for the week of July 8.

*Lead* } **Judge Faults FAA In Air Crash Case:** Last week, Judge Tauro informed counsel at a hearing in Boston on Even, et al. v. United States that he had decided that the FAA controllers should bear 100% of the responsibility for the crash of a light aircraft on an apparent missed-approach attempt at the Lawrence, MA, airport. He will issue findings and conclusions shortly and then determine whether to proceed with damages issues or certify the liability question for interlocutory appeal.

- **Piscataway Affirmative Action Case:** On May 14, the U.S. Court of Appeals for the Third Circuit heard oral argument en banc in Board of Education v. Township of Piscataway, New Jersey v. Taxman, a suit under Title VII of the 1964 Civil Rights Act challenging the School Board's decision to lay off a white teacher and retain an equally qualified black teacher. The board claims that this was done to promote the racial diversity of the Piscataway high school business department. The lower court had ruled in favor of the plaintiff, holding that the Board's decision violated Title VII. At that time, the United States, acting through Justice, was a party in the case, having brought the case on the plaintiff's behalf. When the case reached the court of appeals, a panel of the Third Circuit allowed the US to withdraw as party-plaintiff, but denied the DOJ's motion to file an amicus brief in support of the Board. After the case was argued before the panel, but before the panel reached a decision, the Court of Appeals, on its own initiative, ordered rehearing of the case en banc. Because the panel had denied the Justice Department's motion to file an amicus brief, the United States did not participate at the oral argument before the panel, and did not participate in the oral argument before the en banc Court.

- **Multi-Employer Pension Plans:** The Pension Benefit Guaranty Corporation (PBGC), which is overseen by the Secretaries of Treasury, Labor and Commerce, is about to send to Congress its report on the financial condition multi-employer insurance program. The program is financially sound, and projections show it should remain strong into the future. At the end of fiscal year 1995 it had a surplus of \$192 million, with assets of \$477 million and liabilities of \$285 million. However the PBGC recommends increasing the level of program guarantees to multi-employer pension plans to account for inflation, by a formula that would double the maximum annual guarantee. This recommendation was announced last month as part of the Administration's pension incentive.

#### DEPARTMENT OF COMMERCE

- **Economic Indicators:**

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| U.S. International Trade in Goods and Services                     | May 17 |
| Advance Report on Manufacturers' Shipments, Inventories and Orders | May 24 |
| Gross Domestic Product and Corporate Profits                       | May 30 |
| New One-Family Houses Sold and For Sale                            | May 30 |
| Personal Income and Outlays                                        | May 31 |
- **Secretary's Schedule:** On May 20, The Secretary will deliver a speech to the Pacific Basin Economic Council. On May 23, he is planning a trip to NC where he is expected to announce a foreign trade zone and an EDA grant.
- **Ireland:** From May 19-25, Under Secretary Eizenstat will visit Belfast and Dublin to discuss the Administration's support for the peace process in Northern Ireland.
- **Minority Ownership Report:** NTIA's Minority Telecommunications Development Program is preparing to release a report that lists minority owners of radio and television stations within the U.S. The report also studies a sample minority and non-minority owned broadcasting properties for the purpose of comparing different economic development approaches that are designed to increase minority participation in the broadcast industry.
- **Cuba:** Commerce is working with the Departments of State and Treasury to decide if the United States will allow certain flights providing humanitarian aid to approved projects for the Cuban people. Currently, the Department is prohibiting regular charter flights following the downing of two U.S. civilian aircraft in February.

Let  
me to  
check w/  
my family



THE WHITE HOUSE  
WASHINGTON

May 16, 1996

Mr. President:

We have sent copies to Leon,  
Laura, Tony, John Emerson and  
John Hilley.

Todd Stern



American International Group, Inc.

**BOEING**



**Honeywell**



**Rockwell**



May 10, 1996

96 MAY 14 P5:32

The President  
The White House  
Washington, D. C. 20500

Dear Mr. President:

We write to urge your immediate leadership in framing the public debate for this year's challenging effort to extend China's most-favored-nation (MFN) status.

These are difficult times for U.S.-China relations. Bilateral tensions in the areas of security, proliferation, human rights and trade have seriously challenged the stability of this vital relationship. Yet China's increasing strength and prominence in the international economy demand that the United States and China forge a long-term workable relationship that allows us to address our differences satisfactorily, while maintaining the proper focus on our countries' mutual interests.

We recognize and acknowledge the importance of the range of security, proliferation, social and commercial concerns the U.S. presently has with China. We know you and your Administration continue to make serious efforts to address outstanding issues, and we applaud your efforts.

As you acknowledged in your decision to renew China's MFN status last year, we believe our approach to doing business and to corporate responsibility fosters positive change in China. Our management, personnel, ethical, environmental, health, safety, manufacturing, quality and other "best practices" have a profoundly positive impact on the lives of our Chinese employees and others in China, contributing to continued reform and democratization.

Page Two  
Mr. President  
May 10, 1996

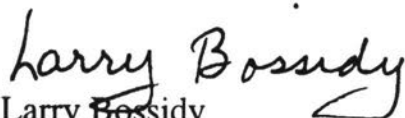
We are encouraged by indications that there is growing bipartisan support for unconditional renewal of China's MFN status and to maintaining stable commercial ties with China. We cannot emphasize strongly enough how important unconditional MFN renewal is to the competitiveness of our companies. Together, our companies' 1995 sales to China totaled more than \$5.8 billion. Our 1995 exports to China from the United States were roughly \$3.27 billion, enabling us to support tens of thousands of high-wage American jobs around the country at our facilities and those of our suppliers. Our cumulative projected sales to China over the next ten years are more than \$200 billion, and our cumulative projected U.S. exports to China for that period are greater than \$80 billion.

Mr. President, it may be that some will choose to politicize the extension of China's MFN status again this year. They may seek to withdraw or condition China's MFN status, or to adopt alternative legislation that does not challenge MFN extension directly but nonetheless threatens to derail U.S. policy towards China. In so doing, they would undermine this vital bilateral relationship, would damage U.S. credibility in the Asia-Pacific region, and would threaten American jobs and exports.

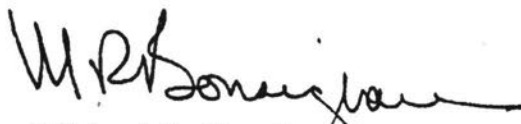
Your 1994 decision to pursue U.S. interests with China on human rights, proliferation and trade through engagement required courage and vision. We urge you now to seize the initiative as soon as possible in making the case for continued engagement in this critically important strategic relationship, starting with a pledge to renew MFN without conditions this year and to oppose alternative legislation. We pledge our active support to work toward congressional endorsement of this policy, and stand ready to work with you and your Cabinet in the coming weeks to achieve this important outcome.

Sincerely,

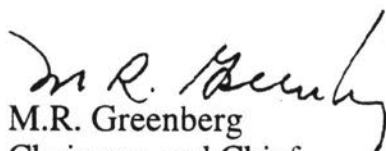
Page Three  
Mr. President  
May 10, 1996



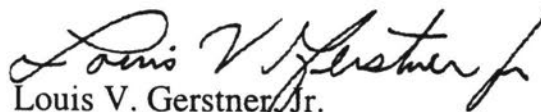
Larry Bossidy  
Chairman and Chief  
Executive Officer  
AlliedSignal, Inc.



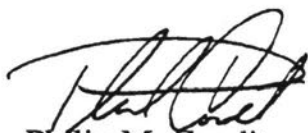
Michael R. Bonsignore  
Chairman and Chief  
Executive Officer  
Honeywell, Inc.



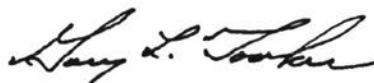
M.R. Greenberg  
Chairman and Chief  
Executive Officer  
American International Group, Inc.



Louis V. Gerstner, Jr.  
Chairman and Chief  
Executive Officer  
IBM Corporation



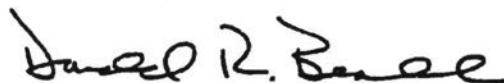
Philip M. Condit  
President and Chief  
Executive Officer  
The Boeing Company



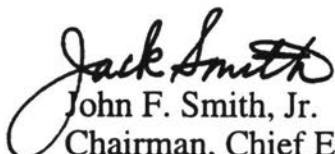
Gary L. Tooker  
Vice Chairman and Chief  
Executive Officer  
Motorola, Inc.



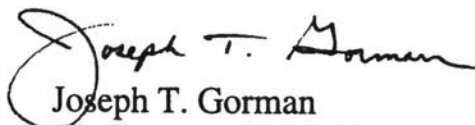
John F. Welch, Jr.  
Chairman of the Board and  
Chief Executive Officer  
General Electric Company



Donald R. Beall  
Chairman of the Board and  
Chief Executive Officer  
Rockwell International Corporation



John F. Smith, Jr.  
Chairman, Chief Executive  
Officer and President  
General Motors Corporation



Joseph T. Gorman  
Chairman and Chief  
Executive Officer  
TRW Inc



Page Four  
Mr. President  
May 10, 1996

cc: The Honorable Bruce Babbitt  
The Honorable Jesse Brown  
The Honorable Warren Christopher  
The Honorable Henry G. Cisneros  
The Honorable Daniel R. Glickman  
The Honorable Laura D'Andrea Tyson  
The Honorable Albert Gore Jr.  
The Honorable Michael Kantor  
The Honorable Anthony Lake  
The Honorable Hazel R. O'Leary  
The Honorable Leon E. Panetta  
The Honorable Federico F. Peña  
The Honorable William J. Perry  
The Honorable Robert R. Reich  
The Honorable Janet Reno  
The Honorable Richard W. Riley  
The Honorable Robert E. Rubin  
The Honorable Donna E. Shalala

THE WHITE HOUSE  
WASHINGTON

THE PRESIDENT HAS SEEN  
5-20-96

96 MAY 16 P1:04

May 16, 1996

Mr. President,

FYI

Jack Quinn: 20

BERNARD W. NUSSBAUM

51 WEST 52<sup>ND</sup> STREET

NEW YORK, N.Y. 10019

May 13, 1996

Hon. Jack Quinn  
Counsel to the President  
of the United States  
The White House  
Washington, D.C. 20500

Dear Jack:

Being held in contempt. Now that's a  
tough White House Counsel. Makes all his predecessors look like pussycats.

Good luck.

Sincerely,

A handwritten signature in dark ink, appearing to be "B. W. Nussbaum" with a stylized flourish.

BWN:mi

THE WHITE HOUSE

WASHINGTON

May 18, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: HELEN HOWELL *HeH*

SUBJECT: Recent Information Items

We are forwarding the following recent information items:

(A) **Tom Vellenga follow-up on China's potential aircraft deals.** Via Leon. *Orders for American aircraft.* The Chinese have an estimated \$4 billion in outstanding but unfinalized orders with Boeing and McDonnell-Douglas. Tom indicates that these orders may be delayed but eventually will be signed, barring the loss of MFN status. *The AE-100.* China has signed a letter of intent with the British-French Airbus consortium to buy Airbus' services in building China's next passenger plane, the AE-100. However, Commerce believes that China would prefer to buy Boeing's expertise, and is simply playing politics to bring down Boeing's price, and reap rewards in other non-trade areas. *What to do?* It is difficult for the USG to do anything other than maintain MFN and have senior officials pressure the Chinese on these aircraft deals, unless we are willing to back off other concerns such as IPR, non-proliferation and human rights. If you want to do more -- given that Boeing's union would rather see planes built in Seattle than in China, and the French may be willing to share more technology than we would allow Boeing to share -- Tom suggests asking Tyson, Kantor, and Barshefsky to make a recommendation on whether that would be wise, and if so, how to help.

CC: *Don*  
*McDon*  
*Ray*  
*Levin*  
(B) **Sec. Cisneros follow-up on Sen. Dole's voucher proposal and attacks on your housing policies.** Via Kitty Higgins. Henry provides a detailed response to Dole's criticisms of HUD, explains your Administration's transformation of public housing (demolishing the worst developments and replacing them with low-rise housing, improving the management of troubled PHAs, reducing the number of HUD employees, designating 72 urban empowerment zones and enterprise communities, etc.), and he sets the record straight on vouchers -- in 1995, you proposed a plan to convert all public housing to vouchers, and Congress rejected the plan, agreeing to provide vouchers for only 10% of public housing.

CC: *Leon*  
*Kelly*  
(C) **Higgins/Martinez follow-up on Congressman Bill Richardson's concerns about the New Mexico grant announcement.** Late last year, DOE committed to Richardson to allocate \$5 million to help northern New Mexico adjust to job cuts at the Los Alamos National Laboratory. DOE says they gave Richardson the option of announcing the grant, and did not provide the information to other members of the New Mexico delegation until instructed to do so by his staff. However, even though he received advance notice, the press coverage quoted Sens. Domenici and Bingaman as prominently



THE PRESIDENT HAS SEEN  
5-20-96

THE WHITE HOUSE  
WASHINGTON

96 MAY 14 P8:17

May 13, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: KITTY HIGGINS *Kitty*  
Assistant to the President  
Secretary to the Cabinet

SUBJECT: FOLLOW-UP TO WEEKLY CABINET REPORT

Secretary Cisneros has collected the attached information in response to your interest in the following item from the Cabinet Report from the Week of April 26 - May 3.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Response to Dole's Voucher Proposal and Attack on Clinton Housing Policies:**

On April 29, Majority Leader Dole, in his remarks before the National Association of Realtors, criticized HUD and the current public housing system and instead proposed a plan to voucher out public housing. HUD is primarily working with columnists and editorial writers to respond to Dole's remarks. *Time* and *Newsweek* are working on stories to be printed in the next two weeks. Secretary Cisneros will interview with *Washington Post* columnist Richard Cohen in the next several days and is expected to appear on PBS's *NewsHour with Jim Lehrer* on May 8th, possibly with Senator Dole. The story will also be featured on *ABC's Weekend News Tonight*.

*What's the diff in what's being done by Clinton & what Dole wants to do?*

## BACKGROUND

### Senator Bob Dole

1. Voucher out public housing
2. Vouchers give families housing choice.
3. HUD is "landlords of misery."
4. "I think their [HUD's] goals are commendable. They want to reduce the number of homeless. They want to expand housing opportunities and open housing markets to minorities..."
5. "...I wonder about their methods."
6. HUD is intruding on citizen's First Amendment rights.

### The Record

1. In April 1995, the Administration sent a major housing reform bill to Congress which included a plan to convert all public housing to vouchers. Congress rejected this plan, agreeing to provide vouchers for only 10% of public housing.
2. Congress voted to eliminate new vouchers for the first time in 20 years.
3. The Administration, with the support of Congress, is implementing the most far-reaching transformation of public housing since the 1960s:
  - demolishing the worst developments and replacing them with attractive, low-rise housing that is indistinguishable from neighboring private homes;
  - turning around management of troubled PHAs through innovative local partnerships, court-appointed receivers, or full takeovers;
  - strengthening incentives to reward working families and linking housing to technology-based learning, jobs, and services; and
  - placing tougher expectations on residents by implementing stricter screening and evictions and cracking down on gangs, drugs and violent crime.
4. Congress made deep cuts in housing programs:
  - cut homeless funding by 26% (original Senate proposal cut program by 32%); eliminated all new rental vouchers; raised rents on the poorest residents; voted to sunset the Low-Income Housing Tax Credit; voted to cut Community Development Block Grants in half.
5. Working with Congress, HUD's reinvention is long underway emphasizing: greater local control, private sector partnerships, zero tolerance for bad management, work and personal responsibility, stronger families, a downsized agency and better customer service.
6. Clinton Administration overhauled existing policy governing fair housing complaints and issued new guidelines that protect free speech rights. The new policy was adopted and codified by Congress in the FY 1996 Omnibus Appropriations Act.

## Comparison

### Old HUD

### Clinton HUD

45 days to process an FHA loan for a single family home

one day process

120 days to process and send FHA refunds back to consumers

7-day process

13,600 employees

reducing to 7,500

260 programs

30 programs, reducing to 3 funds

Empowerment Zones promised; zero delivered

72 designated urban empowerment zones and enterprise communities

12 forms for a grant application

one plan

22 large troubled housing agencies

12 large troubled PHAs remain:  
3 under HUD control  
6 innovative partnerships with mayors  
3 court-appointed receivers

22,000 units demolished in previous 12 years

30,000 units to be demolished in 4 years

185 multifamily properties in inventory

74 properties, reduced inventory by 60 percent and saved taxpayers \$1.5 billion

19 civil rights suits against agency

only 1 suit remains; nearly settled

50 management deficiencies identified by Inspector General

only 16 remain

# The Washington Post

## Coming to Terms on Housing

**B**OB DOLE made a speech to the National Association of Realtors the other day in which he laid out a partial national housing policy. Among other things, he said that if elected president he would press to dismantle the public housing program, "one of the last bastions of socialism in the world." Instead of giving grants to local housing authorities, the government would give vouchers to the tenants. The tenants could use the vouchers to stay in the projects or find other housing, as they chose. The projects would in effect be privatized; they would have to compete to survive.

The voucher idea is textbook Republicanism. The party has struggled for years to get the government out of the business of providing housing directly to the poor. More than half of all federal housing subsidies are already provided through a voucher program that derives from this impulse and dates from the Nixon-Ford administrations. So Sen. Dole's proposal hardly comes as a surprise—and in fact it might well be the right answer to the problems of the public housing system. Let the consumers and the market in each city help determine which projects deserve to be kept open and which should be shut down.

The only slight awkwardness, if you could call it that, is that Mr. Dole is not the only person recently to have called for the use of vouchers in place of public housing. Speaking for the Clinton administra-

tion, Housing and Urban Development Secretary Henry Cisneros proposed pretty much the same thing a year ago—and Mr. Dole's Republican Congress turned it down. But the ironies work in both directions, for Mr. Cisneros made the proposal not just because he thought it was a good way to break up the worst of the projects and reform the public housing system but because he thought the idea would appeal to the Republicans and help save his department, which they were threatening to close. The Republicans, to the contrary, heard from local housing officials who said the voucher idea represented too great a shift of power from government to citizen-tenants and would be disruptive. What would happen to the projects? Where else might the tenants go? Those were the kinds of uncertainties that finally prevailed.

Now Mr. Dole suggests he would go ahead anyway. On the face of it, he and Mr. Clinton appear to agree that public housing is, for all the familiar reasons, in need of a shake-up, and vouchers are a way to provide it. We think that's probably right—and hats off to the political system if, in its erratic, chancy way, it turns out to have produced a healthy change. A shift to vouchers, if one occurs, ought not become the pretext for a cut in housing aid to the poor—there's a danger of that. But if in fact it can provide an alternative to the worst of public housing, why not try it?



# The Public Housing That Succeeds

By Nicholas Lemann

ONE of the endearing things about Senator Bob Dole is that he is so quintessentially the consensus-oriented legislator that his forays into the realm of wedge issues always have a tinnny, false feeling, as if he isn't emotionally connected to the words coming out of his own mouth. His statement last week that American public housing "is one of the last bastions of socialism in the world" is a good example. It's hard to believe that Mr. Dole was candidly revealing his most deeply held views.

Still, the idea that public housing has failed and should be abolished is something many Americans believe. High-rise public housing projects such as the notoriously dangerous and bleak Robert Taylor Homes in Chicago are the leading visual symbol of the idea that liberal Government programs, especially antipov- erty programs, don't work and may actually cause poverty to increase.

If public housing were in fact a bankrupt and doomed idea, it would be a very sad end to the oldest and most visible strategy in the struggle against poverty. Jacob Riis's "How the Other Half Lives," published in 1890 and arguably the first American book to propose a plan for improving conditions in urban slums, ended with a call for the construction of "model tenements." If Mr. Dole is right, the whole antipov- erty cause would be powerfully undermined.

THE truth, however, is that housing for the poor stands out among antipov- erty strategies as the area where the most progress has been made over the past generation and where there is the most cause for optimism. Senator Dole's comments were so completely wrong that they could help bring a halt to genuine progress rather than pull the plug on something unworkable.

Before the World War II, public housing in America was considered a great success. It "worked" in the sense of being clean, safe and, for most residents, a huge improvement over the slums where they had been living. There were long waiting lists for apartments.

Nicholas Lemann is the national correspondent for The Atlantic Monthly.

One reason for the projects' good reputation was that their constituency was not the very poor but people with jobs one notch higher on the economic ladder. (Probably the most famous product of the public housing of that era is Elvis Presley.) Most projects wouldn't admit single parents, and many wouldn't admit welfare recipients. Virtually all maintained strict rules about keeping apartments and hallways neat and about who was allowed to be where when. Those who broke the rules or committed crimes were swiftly kicked out.

Then in the late 1940's, the nation embarked on the course that led to the perception that public housing doesn't work: the construction of enormous high-rise projects. It wasn't just the architecture, or the mere presence of Government subsidies, that caused these places to go so horribly awry. There was also a big change in the tenant population, from carefully screened working people to the very poor. Because of

housing at a realtors' convention, because the real estate industry, by and large, supported the construction of the worst projects. In the 1950's and 60's, African-American migrants from the South were streaming into the big cities, and part of reason for the building of the projects was to contain them within the existing ghettos so as to avoid residential integration.

In any case, the mistake of the high-rise, all-poor projects was fairly quickly realized; in 1968, Congress banned the construction of any more of them. These projects have no defenders except for unaccountably loyal groups of residents. To set high-rise projects up as being the fruits of a real political position, as some critics of public housing have, is to create a straw man.

Under Secretary Henry Cisneros, the Department of Housing and Urban Development has begun demolishing about 30,000 of the worst high-rises. The agency is also trying to reinstate policies of giving preferences to people with jobs and swiftly kicking out criminals.

In his speech to the realtors, Senator Dole called for replacing public housing with a voucher system. But we already have a voucher system, called Section 8, which is perpetually underfinanced (partly because the real estate industry is so effective in lobbying against its expansion) and thus has very long waiting lists. Mr. Dole has repeatedly voted against increasing financing for the program, and he failed to support Mr. Cisneros's proposal last year for a major new housing voucher program.

There is an alternative to old-style public housing. In the decades since we stopped building new projects, hundreds of thousands of units for the poor have been created by local community development corporations, private groups that have sprung up around the country since the 70's. On the whole, this is housing that works. Those who haven't visited the South Bronx lately would be amazed to see how vastly areas thought of as desolate have been improved by the new and renovated housing that community groups have put up.

These groups do exactly what Mr. Cisneros is trying to do in public housing: Screen tenants, create a mix of working and very poor people, oust criminals, maintain security forces big enough for residents to feel safe and keep the overall scale of developments manageably small. It's not an exotic, high-risk formula.

Often people point to the success of the community development corporations as proving that the private sector can succeed where the Government has failed. The implication is that any involvement by the Government is fatally corrupting. But the community groups are heavily financed by the Government. More than three-quarters receive Federal dollars (Washington gives them more than \$300 million each year) and more than half receive state money. The experiments in tenant management pushed strongly by Jack Kemp, Secretary of Housing and Urban Development under President George Bush, were also federally financed.

It should be kept in mind, too, that the disastrous large-scale urban public housing projects were constructed and operated not by Washington but by local housing authorities. In recent years, HUD has begun taking over the management of projects from the most incompetent of the local authorities.

The view that Federal is always bad and state and local are always good just doesn't apply in public housing. The Federal Government pays for virtually all public housing and contracts with local organizations to run it. The key variables are whether the project's rules are sound and whether the local group in charge is competent.

The conditions in the worst public housing projects are horrifyingly bad and constitute a real moral crisis. It is outrageous that week after week children continue to lose their lives to the violence of the projects and we don't do anything about it. It doesn't do public housing residents who live in fear and misery any good to be told that what they're going through is attributable to "socialism" and therefore can't be helped.

**Dole sees a socialist failure. He's stuck on ancient history.**

changes in Federal rules, people who got jobs actually had to leave the building, and it became nearly impossible to kick out tenants who were criminals.

Even so, it's not all public housing that doesn't work. It's just the large-scale, all-poor, severely isolated projects that invariably fail. Just a few blocks from the Robert Taylor Homes are pleasant high-rise projects for senior citizens.

"Imagine, the United States Government owns the housing where an entire class of citizens permanently lives," Mr. Dole said, as if this were fantastically improbable. Yet in most industrial countries a much larger portion of the population lives in Government housing. Three percent of Americans live in public housing, as opposed to more than a fifth of the population in Great Britain, Germany, France and the Netherlands. What's unusual about American public housing is that it serves primarily the very poor.

It is paradoxical that Mr. Dole chose to stage his attack on public

1 (M) Clips on cattle issue. Via Leon.

(JN) Sec. Perry's address at the Penn State commencement last year. Via Sec. Perry through Leon.

We also received the following items:

12/11/95  
✓ Rasco memo on new Special Assistant for education. Mike Cohen will join the DPC staff as a full-time detailed employee from the Department of Education on June 10.

✓ United States Attorneys' Bulletin, "Immigration Forum." Attorney General Reno forwards this publication dedicated to promoting a national discussion among Federal prosecutors. She thanks you for your inspirational letter to the Bulletin, and says that, "the Assistant United States Attorneys and Trial Attorneys appreciate your support." *We are holding the publication in our office should you wish to review it.*

THE WHITE HOUSE

WASHINGTON

May 17, 1996

MEMORANDUM TO THE PRESIDENT

FROM: Carol H. Rasco



SUBJECT: New Special Assistant to the President for Education

I am pleased to share with you that Mike Cohen has agreed to accept a position on the DPC staff. He will join us full-time as a detailed employee from the Department of Education on June 10. Secretary Riley is very supportive and has been most cooperative.

Bruce, Jeremy and I are very much looking forward to having Mike on board!

cc: The First Lady



EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C. 20503

THE PRESIDENT HAS SEEN  
5-20-96

May 17, 1996

96 MAY 17 P8:02

MEMORANDUM TO THE PRESIDENT

FROM: KATHLEEN A. MCGINTY *KAM*

CC: LEON PANETTA

RE: CEQ WEEKLY REPORT

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FERC OPEN ACCESS RULE

The Federal Energy Regulatory Commission (FERC) rule promoting open access in transmission services in the electric utility industry continues to be controversial in the Northeast, though the states of Maine and Massachusetts have praised our actions to date. However, participants in an interagency process led by CEQ are currently working on a solution which will allow us to save consumers \$5.5 billion dollars annually while guarding against increases in air pollution.

As part of this process, on Monday, May 13th the Environmental Protection Agency (EPA) referred the issue of the FERC rule to CEQ for review under the National Environmental Policy Act (NEPA). At the same time, EPA concluded that there was no immediate threat to the environment and proposed that the FERC rule be allowed to take effect (probably July 9th). However, because of concerns about potential long-term environmental effects, EPA also proposed that Clean Air Act (CAA) authorities be used to address those effects, and that FERC agree to consider employing back-up mitigation actions in the future if EPA failed in exercising its CAA authorities.

Under CEQ's NEPA regulations, FERC has 25 days to answer issues raised by the EPA referral. As a bipartisan, independent commission, FERC's response must be prepared according to its own procedures and concluded by an act of the full Commission. However, the FERC's Chair, Betsy Moler, has called the EPA's suggestions "constructive," and we believe that a successful and speedy solution to this matter may be possible.



## ENDANGERED SPECIES

With the lifting of the ESA moratorium, several actions that have been pending for a long time are now coming to closure. The U.S. Fish and Wildlife Service (USFWS) announced on May 16th the designation of 3.9 million acres of land in Washington, Oregon, and California for protection of the marbled murrelet, a threatened seabird under the Endangered Species Act (ESA), whose nesting grounds have been diminishing because of logging (please note the attached article from the Oregonian, May 15th). The USFWS was required under a court imposed deadline to make an announcement for designating critical habitat for the murrelet.

While a designation of this magnitude could have required significant restrictions on logging and other activities and thereby generate enormous controversy, we have been ahead of the curve. Your Forest Plan already took into account the needs of the marbled murrelet; thus, new restrictions on timber harvests on federal lands are NOT going to be imposed as the result of this designation. Similarly, through our efforts to "reinvent" the Endangered Species Act by developing Habitat Conservation Plans with private land owners, the need for new restrictions there has been sharply limited. In fact, one of our most outspoken critics, the spokesman for the Northwest Forestry Association, begrudgingly said about this designation that, "I suppose the federal government should be commended for trying to minimize the economic impact."

Another listing that will be announced this coming Monday involves the red-legged jumping frog, a species in decline in California. The frog's range is now confined largely to the coastal area of California. It was proposed to be listed as endangered in 1994, but has recovered enough since then to be down-listed to threatened status. About 85 percent of its current range is on private lands; however, the state of California has already imposed restrictions on the "take" of any frogs. And, again, since we have been working cooperatively with developers and landowners, it appears that major development projects and general agricultural use will not be significantly affected by this listing. The ranching community could be affected through restrictions on the use of riparian areas; we are working with Interior to clarify what any such restrictions would be and how they would be characterized.

Finally, the Habitat Conservation Plan for the endangered Stevens' kangaroo rat in Riverside County, California, has been approved by all state and federal officials (please note the attached article from Greenwire, May 14th). The County hopes this will allow several housing developments to move ahead, although lawsuits have been filed against the plan. Interior is to be strongly commended for their outreach effort here that led to this success.

5-20-86

SAFE DRINKING WATER ACT

A Republican proposal in the House negotiations on a Safe Drinking Water Act reauthorization bill has attracted considerable attention in the past week. Editorials sharply criticized the provisions inserted by the House Republicans. The Detroit Free Press stated the "worst feature of the House measure is a cost benefit test for water quality that would cancel out increasingly sophisticated EPA standards for use of disinfectants ...." The Tampa Tribune said the "legislation would allow more toxic chemicals in tap water and weaken the Safe Drinking Water's health standards. It would also make it difficult for citizens to obtain information about health threats from unsafe drinking water." The Thibodaux Daily Comet stated "we don't think relaxing drinking water quality standards is in the public's best interest."

We are continuing to work with the EPA and House Democrats to oppose these and similar proposals, while engaging positively to help forge a compromise bill.

NORWEGIAN WHALING

Norway plans to begin commercial whaling in the North Atlantic early next week. These plans are controversial for several reasons: most of the world has agreed to a moratorium on commercial whaling; Norway is proceeding without a "quota" (the number of whales it plans to kill) approved by the International Whaling Commission; and mounting evidence indicates that Norwegians are illegally exporting whale meat.

Yesterday you received a letter from more than 20 environmental groups urging the United States to act forcefully with respect to Norway's hunt. Today, NOAA Administrator James Baker issued a statement strongly protesting Norway's plans. If the hunt proceeds as scheduled, these environmental groups will urge you to use your authority to impose trade sanctions against Norway.

5-20-96

## THE WHITE HOUSE

WASHINGTON

96 MAY 17 P7:19

May 17, 1996

MEMORANDUM TO THE CHIEF OF STAFF  
FROM RAHM EMANUEL RE.  
SUBJECT WEEKLY REPORT

**CRIME/DRUGS:** It goes without saying that this was a very important week in establishing the President's crimefighting credentials. The announcement of COPS grants received extensive coverage in local markets and the picture of the President at the Police Memorial ran against Senator Dole's resignation.

The signing of Megan's Law was covered live by CNN and should lead to positive coverage tonight on the networks. The Vice President followed-up on the signing with satellite interviews in key targeted markets.

I believe the most effective response we have to any charge or accusation Senator Dole makes related to crime is that he is covering up his votes against the Brady Bill and the Assault Weapon Ban. The media accepts that argument and it continues to brand Senator Dole as a tool of an extreme special interest group.

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The best follow up to this week is to issue a school truancy guide. Similar to the school uniform guide, this guide would show how committed the President is to improving the lives of young people in America. I am working with the Department of Education on such a guide.

I am meeting next week with ATF and Treasury officials to review their progress on the juvenile handgun tracking announcement.

The Department of Justice is also preparing to announce Domestic Violence grants and the Attorney General is writing a letter to governors on victims rights.

I have attached an article from the Arizona paper quoting the state Attorney General, Senator Dole's State Chair, praising our US Attorney. The article goes on to quote the Phoenix sheriff. I have also attached a letter from the district attorney in San Diego praising the work of United States Attorney Bersin.

**WELFARE:** The radio address this week will be on welfare reform and the Administration's support of the Wisconsin approach. Given

the previous coverage of the plan when it was passed out of the legislature, we should receive good coverage.

Bruce and I are also working on the paternity identification plan. This reform would actually be a change in regulations requiring mothers to identify the father in order to receive welfare benefits. We should leak this to the New York Times for Tuesday to upstage Bob Dole's welfare speech.

In addition to the paternity regulation, we have Health and Human Services and the Treasury Department working on a couple of child support enforcement announcements. The actions would either focus on new collection tools or a report on how many states have now adopted our driver license program.

We are now at 38 states reforming welfare through a Clinton approved waiver. In the next six weeks we will approve two more states, Maine and Kansas. (Kansas will be the 40th state; how sweet it is.)

**IMMIGRATION:** Next Thursday INS is signing a memo of understanding with the four largest meat packing companies. The companies collectively employ 60,000 workers and are notorious violators of immigration laws. This will be the first industry wide agreement ever to be reached. This signing will bring the industry into compliance with our new VIS program.

The following week in Florida, Doris and the Attorney General will announce a similar agreement with the Hotel industry in Orlando.

The Los Angeles Times is working on a story of how Senator Dole's record does not match his campaign rhetoric on this issue. I have been helping them develop the story as a review of the Senators record prior to his trip to the state on the 28th.

Sunday in San Diego, INS will release a report on the progress of their spring plan and then later in the week will announce new agents and technology to the east. This announcement will occur prior to Senator Dole's trip.

**RESEARCH:** My goal is to have by Tuesday a complete first cut of the major sections of the Presidents record. This report was prepared with the Senate Democrats in mind to respond to GOP Senate floor attacks. I would like to use one of Doug's political meetings to brief the President on the progress of our research.



THE WHITE HOUSE

WASHINGTON

96 MAY 17 P9:02

May 17, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: KITTY HIGGINS *Kitty*

SUBJECT: Summary of Cabinet Weekly Reports  
May 10 - 17, 1996

DEPARTMENT OF TREASURY

- **Secretary's Activities:** On May 21, Secretary Rubin will testify before the Senate Foreign Operations Subcommittee on funding for international financial institutions. On May 22, he will give the commencement address at Yeshiva University.
- **Summit of the Americas Ministerial Meeting:** On May 17-18, in New Orleans, Secretary Rubin will host a meeting of finance ministers from the 34 democracies in the Western Hemisphere. The agenda will include: combating money laundering, capital market developments, and infrastructure financing.
- **Savings Bonds:** Treasury staff are exploring ways to modify the Savings Bond program to make the securities more attractive to investors. This effort will focus on the tax benefits of using Savings Bonds to pay for college expenses.
- **Southern Church Fires:** On May 14, Assistant Secretary Jim Johnson met with Assistant Attorney General Deval Patrick, and several US Attorneys from states where church fires have occurred, to discuss coordination of the church fires investigations and possible prosecutions. A permanent Task Force including Johnson, Patrick and representatives of ATF and FBI will be formed.
- **Copycats Indicted:** On May 7, two men were arrested in San Francisco for operating a "comptroller warrant" scam patterned after the "certified bankers checks" used by a large number of the "Freeman" organization members currently in a stand-off with FBI officials in Montana. The men had prepared millions of dollars in false warrants which were used to trick individuals and financial institutions into honoring the documents and providing them with cash or other financial benefits. One of the defendants tried to use one of the comptroller warrants to pay the IRS an outstanding tax bill and claim a refund of over \$200,000.

- **Multi-Employer Pension Plans:** The Pension Benefit Guaranty Corporation (PBGC), which is overseen by the Secretaries of Treasury, Labor and Commerce, is about to send to Congress its report on the financial condition multi-employer insurance program. The program is financially sound, and projections show it should remain strong into the future. At the end of fiscal year 1995 it had a surplus of \$192 million, with assets of \$477 million and liabilities of \$285 million. However the PBGC recommends increasing the level of program guarantees to multi-employer pension plans to account for inflation, by a formula that would double the maximum annual guarantee. This recommendation was announced last month as part of the Administration's pension incentive.

#### DEPARTMENT OF COMMERCE

- **Economic Indicators:**

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| U.S. International Trade in Goods and Services                     | May 17 |
| Advance Report on Manufacturers' Shipments, Inventories and Orders | May 24 |
| Gross Domestic Product and Corporate Profits                       | May 30 |
| New One-Family Houses Sold and For Sale                            | May 30 |
| Personal Income and Outlays                                        | May 31 |
- **Secretary's Schedule:** On May 20, The Secretary will deliver a speech to the Pacific Basin Economic Council. On May 23, he is planning a trip to NC where he is expected to announce a foreign trade zone and an EDA grant.
- **Ireland:** From May 19-25, Under Secretary Eizenstat will visit Belfast and Dublin to discuss the Administration's support for the peace process in Northern Ireland.
- **Minority Ownership Report:** NTIA's Minority Telecommunications Development Program is preparing to release a report that lists minority owners of radio and television stations within the U.S. The report also studies a sample minority and non-minority owned broadcasting properties for the purpose of comparing different economic development approaches that are designed to increase minority participation in the broadcast industry.
- **Cuba:** Commerce is working with the Departments of State and Treasury to decide if the United States will allow certain flights providing humanitarian aid to approved projects for the Cuban people. Currently, the Department is prohibiting regular charter flights following the downing of two U.S. civilian aircraft in February.

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5-20-94

DEPARTMENT OF LABOR

- **Garment Industry:** On May 20, the Secretary will announce that some of the nation's largest and most prominent retailing stores are selling goods that have been produced at three garment factories where investigations revealed significant violations of the nation's minimum wage and overtime laws. Extensive press interest is expected.
- **Pension Announcement:** On May 23, Senator Daschle and Representative Gephardt are tentatively scheduled to hold a press conference to announce their introduction of your Retirement Savings and Security Act. The act is designed to expand pension opportunities for the 51 million working Americans who do not now have a pension. Secretaries Reich and Rubin will join in this announcement.
- **Olympics Guestworkers:** On May 15, the Employment and Training Administration (ETA) received the first H-2B foreign guestworker applications from the Atlanta Committee on the Olympics (ACOG). As of today, seven of the one hundred expected applications have been received for 38 jobs. The H-2B process is critical to protecting the interests of US workers. ETA is committed to processing the applications as efficiently as possible.
- **Employee Retirement Income Security Act (ERISA):** On May 7, the Department lawyers filed suit against the trustee of the Chapter One, Inc. Retirement Savings Plan. The complaint in this case alleged that the plan sponsor violated the ERISA by failing to make \$68,000 in employee contributions to the plan, failing to remit participant loan repayments to the plan, and failing to collect employer contributions that were also owed the plan.
- **GAO Report:** On May 8, GAO provided the Department a draft report entitled "Davis-Bacon Act: Process Weakness Contribute to Lack of Confidence in Labor's Prevailing Wage Rates." Although the report is somewhat critical of the wage survey process, it is not an indictment of Davis-Bacon. In fact, GAO acknowledged the many improvements in the process that DOL has implemented, including the recent additional verification requirements for third party data.
- ✓ **Hammer Award:** On May 9, the Wage and Hour Division was presented a Hammer Award in recognition of its garment initiative and success in working toward the eradication of garment sweatshops.
- **Railroads:** On May 13, The Emergency Board appointed in the dispute with the Transportation-Communications International Union opened its hearings in Washington, receiving testimony from, among others, AFL-CIO President Sweeney. On May 15, you signed an executive order creating an emergency board to help resolve the dispute involving the Brotherhood of Maintenance of Way Employees

## THE PRESIDENT HAS SEEN

5-20-94

(BMW). This presidential action prevents a work stoppage for 60 days. On May 18, cooling-off periods in the disputes with the International Association of Machinists, the International Brotherhood of Electrical Workers, and the Sheet Metal Workers International Association will all expire at 12:01 a.m. at which time the unions will be free to strike in the absence of settlements or the appointment of emergency boards.

- **Yale University:** Talks are continuing on a regular basis between Yale University and Locals 34 and 35 of the Hotel Employees and Restaurant Employees International Union. The locals, along with other unions, are threatening a protest during commencement activities in the absence of a settlement. Cabinet officials are not speaking at Yale commencements.
- **Detroit Newspapers:** Another meeting between Teamsters Local 372 and the Detroit Newspaper Agency (DNA) is scheduled for May 20. The parties met last on May 8 after which the union requested additional time to review the proposal to settle the ongoing strike at the *Detroit News* and the *Detroit Free Press*.

### DEPARTMENT OF TRANSPORTATION

- **Wayne County Airport:** On May 20, you and Secretary Peña will participate in the announcement of an agreement to expand Detroit Wayne County Airport. After DOT agreed to provide an additional \$150 million for improvements and expansion at the airport, Northwest agreed to an overall financing package with Wayne County. The project will create more than 30,000 jobs and generate economic benefits for the region. There is significant press interest in this event.
- **Denver International Airport (DIA):** The district attorneys special investigations unit on DIA has been disbanded after it failed to find any criminal wrongdoing during its 14-month probe.
- **Joint Air Bag Coalition:** On May 21, Secretary Peña will hold a news conference to announce a new coalition comprised of representatives from the automobile and insurance industries to stress the importance of using seatbelts with air bags.
- ✓ **Athens Airport:** On May 15, the Secretary made his determination that the Athens airport's security now meets the necessary security standards, and that the public notification of security shortcomings is to be rescinded.
- **City of Los Angeles Dept. of Airports v. DOT:** After conducting a proceeding to determine whether the landing fees charged by Los Angeles International Airport for its 1993-1994 and 1994-1995 fiscal years were reasonable, the Department determined that the airport's failure to use historic costs for the valuation of the airfield land in calculating landing fees was unreasonable, as Los Angeles was the only airport in the



country to have done so. The Department otherwise found the fees to be reasonable. The airport and a group of airline complaints are seeking review of the Department's decision in the D.C. Circuit. The Department filed its brief in support of the decision on May 9, and the Court has scheduled argument for September 6.

- **Alameda Corridor:** On May 29, John Emerson is scheduled to convene an interagency meeting to coordinate Federal efforts to assist the Los Angeles region to leverage economic development opportunities provided by the construction of the Alameda Corridor. The meeting will include officials from DOT, Commerce, Energy, EPA and possibly DoD.
- **Emergency Order Petitions:** The United Transportation Union petition filed on April 25 for an emergency order to prohibit the Wisconsin Central (WC) from operating trains with one-person crews is still pending. The Federal Railroad Administration (FRA) has received scores of letters, many of which are simply form letters, supporting the petition. FRA met with WC President Ed Burkhardt to discuss all of the concerns raised by the Administrator in her letter to Burkhardt last week. As a result of the meeting, Burkhardt agreed to postpone implementation of one-man operations for approximately 6-8 weeks. In the interim FRA is developing a response to the emergency order request.
- **Florida Passes Zero Tolerance and Graduated Licensing Laws:** On May 5, the Florida State Legislature passed two important impaired driving laws. The first, Zero Tolerance, sets the illegal BAC level at .02 for drivers under the age of 21 and imposes a 6-month license suspension (30-day hard suspension) for violators of this law. The second law, Graduated Licensing, requires a learners permit for a period of 6 months, nighttime driving restrictions, and lower point levels for suspension. Florida, and recently Kentucky, joined a handful of states that have significant components of a graduated licensing system recommended by NHTSA. Governor Chiles is expected to sign both laws.
- **Women's Transportation Seminar (WTS):** WTS has named Federal Highway Administration the 1996 National Employer of the Year and Federal Railroad Administrator Jolene Molitoris 1996 Member of the Year. On May 22, Administrator Molitoris will appear on *Prime Time Live* to discuss rail safety.
- **House Subcommittee Markup:** On May 22, House Subcommittee on Aviation has tentatively scheduled a mark up of legislation to reauthorize the Airport Improvement Program. Items that may be in the House AIP reauthorization bill include: airport noise discretionary funding, a dollar increase in the Passenger Facility Charge, a one year vice two year extension of the AIP, reduction of military airport program from 15 to 8, and continued funding of Letters of Intent for large airports.

5-20-96

- **FOIA Requests:** *Wall Street Journal* has requested records of inspections on ValuJet Airlines that began February 22. 20/20 has requested the audiotape and transcripts of cockpit to tower conversations for United Airlines Flight 976 from Buenos Aires to John F. Kennedy International Airport on October 20, 1995. WMBD-TV and WBBM-TV requested a copy of the tape and transcript of the communications between the aircraft carrying Illinois Governor Jim Edgar and the tower at the Greater Peoria Regional Airport on May 8.

#### UNITED STATES TRADE REPRESENTATIVE

- **NAFTA Trucking:** On May 17, Ambassador Barshefsky and Secretary Peña met to discuss final negotiations between DOT and Mexican government to reach acceptable safety standards pertaining to Mexican trucks enter the U.S. under NAFTA border trucking provisions. Further consultations will occur to build an interagency consensus before a final agreement is reached.

#### SMALL BUSINESS ADMINISTRATION



• **"Patient Capital" Project:** SBA has developed an Internet system for "angel investors" that is likely to be a major breakthrough in providing patient capital to emerging businesses and could be ready to be announced within the next 60-90 days.

- **Budget Hearing:** On May 23, the Administrator will testify before the Senate Appropriations subcommittee on SBA's FY '97 budget.
- **Administrator's Travel:** On May 18, Administrator Lader will address the annual CA Bankers Association annual convention in San Diego and keynote the meeting of the CA Pac-Port Conference. On May 19, Administrator Lader will deliver the commencement address at St. John's College in Santa Fe and join Representative Richardson in a disaster relief event.
- **Small Business Week Celebration:** On May 22, the Administrator will join Governor Dean to keynote the VT Small Business Week celebration. Similar events are happening across the country in preparation for the National Small Business Week celebration June 2-6.

#### DEPARTMENT OF JUSTICE

- **Department Files Brief On Your Behalf In Appeal By News Organizations Seeking To Obtain Immediate Access To Videotape Of Your Deposition Testimony:** The appellant organizations claim a right under the First Amendment and the common law to copy the videotape for immediate public broadcast while the trial is still under way. The district court has not yet resolved those claims, but has called



for the submission of briefs regarding access to the videotape from all interested parties by May 24. The orders under appeal reaffirm that schedule and thereby defer resolution of the First Amendment and common law issues for a short period. DOJ's brief on your behalf was filed on May 15.

- **Government Files Brief On May 15, In Expedited Ninth Circuit Appeal Involving Challenge To Provisions Of Department Of Defense's Policy Governing Military Service By Homosexuals:** Holmes v. California Army National Guard. An officer in the United States Army National Guard and the California Army National Guard was discharged pursuant to the statements provision of the military's policy governing service by homosexuals after he stated that he was gay and failed to rebut the presumption that he engages in, and likely would engage in, homosexual acts. He sued the U.S. and CA, and the district court held that his discharge violated equal protection and the First Amendment. DOJ appealed, and the Ninth Circuit ordered that the appeal be expedited and consolidated for purposes of oral argument with Watson v. Perry. DOJ's brief in Holmes was filed on May 15, and oral argument will be scheduled for the week of July 8.

George S.

**Judge Faults FAA In Air Crash Case:** Last week, Judge Tauro informed counsel at a hearing in Boston on Even, et al. v. United States that he had decided that the FAA controllers should bear 100% of the responsibility for the crash of a light aircraft on an apparent missed-approach attempt at the Lawrence, MA, airport. He will issue findings and conclusions shortly and then determine whether to proceed with damages issues or certify the liability question for interlocutory appeal.

- **Piscataway Affirmative Action Case:** On May 14, the U.S. Court of Appeals for the Third Circuit heard oral argument en banc in Board of Education v. Township of Piscataway, New Jersey v. Taxman, a suit under Title VII of the 1964 Civil Rights Act challenging the School Board's decision to lay off a white teacher and retain an equally qualified black teacher. The board claims that this was done to promote the racial diversity of the Piscataway high school business department. The lower court had ruled in favor of the plaintiff, holding that the Board's decision violated Title VII. At that time, the United States, acting through Justice, was a party in the case, having brought the case on the plaintiff's behalf. When the case reached the court of appeals, a panel of the Third Circuit allowed the US to withdraw as party-plaintiff, but denied the DOJ's motion to file an amicus brief in support of the Board. After the case was argued before the panel, but before the panel reached a decision, the Court of Appeals, on its own initiative, ordered rehearing of the case en banc. Because the panel had denied the Justice Department's motion to file an amicus brief, the United States did not participate at the oral argument before the panel, and did not participate in the oral argument before the en banc Court.

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- **Hamas Official Certified Extraditable:** On May 7, a district judge in the Southern District of New York certified the extraditability of Mousa Abu Marzook, admitted leader of the political wing of the Islamic Resistance Movement ("Hamas"). Israel had requested Marzook's extradition for numerous charges relating to multiple shooting and bombing incidents.

- **Vallejo, CA:** In March, DEA San Francisco deployed its Mobile Enforcement Team to Vallejo, California at the request of the town's police chief. Crime and violence in Vallejo has risen sharply in recent years, due in large part to the expanding drug trade. Since the MET deployment in March, DEA Agents and local counterparts have arrested 31 defendants and have seized weapons, cash, as well as methamphetamine, cocaine, heroine, and marijuana.

- **Juvenile Indicted as Adult For Operating Drug Business in Illinois:** The defendant, age 17, was charged with four counts of distributing cocaine and crack, while age 16. The indictment is the first in which a juvenile has been prosecuted as an adult under federal law in the Central District of Illinois.

**Attorney General's Schedule:** On May 17, the Attorney General will travel to CA to meet with the Anti-Violent Crime Initiative Task Force and to deliver the Commencement Address for UC Davis School of Law. On May 19, the Attorney General will travel to NY to deliver the Commencement Address for Hilbert College. On May 22, Attorney General Reno will travel to Chicago to address the Chicagoland Chamber and Women's Bar Association.

**Press Inquiries:** *US News and World Report* has inquired about the actual number of COPs on the beat vs. the number that has been funded. *NBC* asked about the study the Justice Department will be conducting on bomb making information on the internet and the protection of the first amendment. *LA Times* asked about their recent story claiming the US Attorney's office was not prosecuting drug cases because of a lack of jail space and prosecutorial discretion. *CBS* asked about your Thursday GOPS grant announcements for a program that was supposed to be non-partisan.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

- **Seven Cities to Receive First-Time Funding under Ryan White:** On Monday, you will sign into law the reauthorization of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act. You will also announce Title I awards, including funding to seven new metropolitan areas, and Title II awards to states for the rest of FY 1996, as well as the availability of \$52 million in additional funds to states for drug reimbursement.

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- **Final 1992 Abortion Data:** This week, CDC is releasing final abortion surveillance data from 1992. There was a 2.1 percent decrease in reported abortions from 1991 to 1992. While this summary provides final statistics and in-depth analysis of the 1992 data, preliminary 1993 data on abortion were already released in March and show a continued decline in both the number and ratio of abortions.
- **Arkansas Family Planning Demonstration Project:** HHS continues to work with Arkansas on its section 1115 family planning demonstration. The state is submitting a revised budget neutrality formula that will compare fertility rates under the demonstration to a baseline fertility rate. The state has promised to submit the additional information by May 20. The new budget neutrality approach is acceptable to the Department. Under the demonstration, the state will extend Medicaid coverage for family planning services to low-income women not otherwise eligible for Medicaid.
- **Taxotere Approved for Breast Cancer:** On May 15, FDA approved Taxotere (docetaxel) for advanced breast cancer. Made by Rhone-Poulenc Rorer, taxotere is indicated for patients whose cancer has progressed despite treatment with standard regimens.
- **Suspension of Head Start Grantee:** On May 17, HHS will announce the immediate suspension of the Child Opportunity Program, Inc. (COP) Head Start grantee serving Denver and several surrounding communities. The suspension is based on severe and widely publicized problems of fiscal mismanagement, turmoil in governance, and lack of coherent leadership documented by a recent on-site review team.
- **Withdrawal of Diabetes Treatment Product from German Market:** German health authorities are withdrawing an Eli Lilly product, Glucagon, from the German market because it may contain the infectious agent for bovine spongiform encephalitis. Last week, FDA staff reviewed the safety of Glucagon and unanimously agreed on its safety.
- **Florida Medicaid Exemption to Expire:** Several Florida HMOs providing services to Medicaid beneficiaries are nearing the end of their 3-year waiver period to meet the terms of the 75/25 rule which requires that at least 25 percent of the enrollees in a Medicaid managed care plan be commercially insured. The State initially intended to ask HCFA for a modification of the rule. HHS has been working with the State so that these plans will not have to disenroll Medicaid beneficiaries. Under the modifications there would be a requirement to submit to increased quality assurance monitoring and begin offering services through the states' recently developed rural health network. On May 15, the State asked for an exemption for 8 additional plans. HCFA is reviewing the demonstration merits of this request.

What's the total of the total?

Let's see what the answer is

- **FOIA Request:** *ABC News* has requested a copy of all requests asking for information related to Senator Robert Dole, his congressional staff or his presidential campaign, from July 1, 1994, to present; and all letters responding to such requests.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- **Press Inquiries:** On May 26, CNN's *Late Edition* will do a story on the Administration's achievements in transforming America's public housing. Secretary Cisneros was interviewed for this piece. The *Lehrer NewsHour* is expected to air a story in the next two weeks on a recent Dallas Public Housing Desegregation case ruling. This ruling has drawn heightened attention because it goes beyond the scope of any ruling in past housing discrimination cases, the remedy would be costly, and some provisions are barred by Federal Law. The ruling mandated that HUD provide housing opportunities for more than 5,000 residents and fund existing public housing developments. While HUD is supportive of the ruling's general goal to provide fair and equal housing opportunities for minorities, the Department is preparing to appeal certain provisions of the ruling.
- **HUD Hosts Public Housing Summit:** On May 29-30, HUD will host a national conference on the new challenges facing the public housing industry and its local partners. The Vice President has been invited to give the opening keynote address.

#### OFFICE OF NATIONAL DRUG CONTROL POLICY

- **California:** On May 21-23, Director McCaffrey will visit San Diego and Los Angeles to visit the southwest border and attend a DARE graduation.
- **FOIA Requests:** The public interest group, the National Security Archive, has submitted a request for all documents relating to your certification of Mexico as fully cooperating with the U.S. on drug control programs and policies.

#### SOCIAL SECURITY ADMINISTRATION

- **Office of the Inspector General's (OIG) Accomplishments:** SSA's OIG's semi-annual report, which is scheduled to be released at the end of May, will indicate that its efforts resulted in 326 criminal convictions and recovery of more than \$9.6 million in fines, judgments, and restitutions. This is the second IG report since SSA became an independent agency one year ago.
- **GAO Final Report, "SSA Disability: Program Redesign Necessary to Encourage Return to Work":** Conducted at the request of the Senate Special Committee on Aging, this review's objective was to determine why very few beneficiaries who receive Social Security Disability Insurance and/or Supplemental Security Income



benefits have left the rolls by returning to work. GAO believes that advances in technology and a trend toward including the disabled into the mainstream have created return-to-work potential. GAO recommends that SSA place greater priority on return-to-work, and that SSA develop a set of related legislative proposals. GAO expects to be asked to testify before the Senate Special Committee on Aging in about two weeks and will release the report shortly thereafter.

- **Personal Savings Accounts:** On May 20, the Senate Finance Committee's Subcommittee on Social Security and Family Policy will hold a hearing on proposals for personal savings accounts under Social Security.
- **Travel:** On May 18, Commissioner Chater will attend the Binghamton University commencement ceremony in NY. On May 22, Commissioner Chater will be in Denver to speak at the AARP biennial convention.

#### DEPARTMENT OF INTERIOR

- **CA Endangered Species Listing:** On May 20 the Department will comply with a federal court order by listing the Red-Legged Frog as threatened. Interior is working on a communications strategy which will focus on clear, plain-language information about the impacts the listing will have on development in CA.
- **CA Crude Oil Report:** The Department convened an inter-agency task force to address an issue of potential evaluation of California crude oil for federal royalty purposes dating back to the 1970's. The task force will outline recommendations for the Department to consider the and develop a strategy to pursue collection of any unpaid federal royalty.
- **National Assessment of Undiscovered Natural Gas for the OCS:** Interior has completed its second assessment of undiscovered natural gas and oil resources for the OCS. This assessment is based on new scientific methodology which shows higher estimates for both undiscovered economically recoverable oil and natural gas in offshore northern Alaska; in Monterey and southern California; and slight increases in the Atlantic. Undiscovered resources are slightly down in the Gulf of Mexico.
- **Seminole Decision:** On May 9, the Senate Indian Affairs Committee held a hearing on the consequences of the Supreme Court decision in the Seminole decision. The key issue facing the Department is whether the Secretary has the authority to set procedures authorizing Indian gaming when a state refuses to negotiate in good faith and enter into a compact. The Department issued an advance notice of proposed rule-making calling for comments from all interested parties on the appropriate response to the ruling.

- **Grand Canyon:** On May 20, the *Today Show* which is filming live from the Grand Canyon, will run an interview with Secretary Babbitt.

#### UNITED STATES DEPARTMENT OF AGRICULTURE

- **Travel:** On May 18, Secretary Glickman will give the commencement address for Santa Clara University School of Law. On May 19, the Secretary will address the National Restaurant Association in Chicago about the department's efforts to build its gleaning and food rescue program. On May 20, the Secretary will join Representative Durbin in IL for several activities.
- **Wheat Production Down:** Winterkill in the winter wheat production areas, coupled with dry conditions in the hard red winter areas, are expected to cripple this year's winter wheat harvest. Winter wheat acres to be harvested for grain are at the lowest level since 1972.
- **Vermont Forest Program:** An agreement was reached with Governor Dean to implement the Forest Legacy Program in VT under the newly enacted state grants provision of the Cooperative Forestry Assistance Act. The agreement will enable the state to pursue negotiations for the purchase of a conservation easement on 31,493 acres of timberland owned by John Hancock Mutual Life Insurance Company in northeast Vermont.
- **USDA To Release Trade Report:** On May 24, the Economic Research Service will release the *Former USSR International Agriculture and Trade Report*, which will reveal that FY96 U.S. agricultural exports to the countries of the former Soviet Union are projected to increase for the first time in four years to \$1.5 billion, up 30 percent from FY95.
- **Tongass:** Starting May 20, public meetings will run for three weeks on the Tongass National Forest Land Management Plan in 32 southeast Alaska communities. The revised supplement to the draft environmental impact statement and proposed Forest Plan has been mailed to more than 1,400 people in southeast Alaska and across the country, and reflects the preferred alternative recommended by the three Tongass forest supervisors and announced at an April 18 Senate hearing. The preferred alternative balances Forest commodity production with natural resource protection. Meetings will also be held in Anchorage, AK and Washington, D.C. in mid-June.
- **Civil Rights Forum:** On May 14, Secretary Glickman held a Civil Rights Forum: "Building Bridges for a Better USDA" to address employee concerns and state his commitment to diversity at USDA.



5.19.96

- **Timber Theft:** On May 17, Secretary Glickman requested that the Forest Service reconsider creating a national timber theft detection and prevention team to provide training, oversight, and guidance of regional timber theft prevention and investigation efforts. Recent news articles on the Forest Service's timber theft prevention and investigation efforts have created the perception that the Forest Service may be turning a blind eye on timber theft. USDA wants to ensure that the timber theft prevention and investigation program is strong and vigorous. The Secretary requested a report back from the Forest Service on this request to strengthen the program.
- **Food Stamp Contracting:** On May 8, the House Agriculture Committee held one of several hearings on the use of federal funds authorized in the Food Stamp Program to obtain services from private contractors, specifically the food stamp focus groups conducted under a sub-contract with Lake Research Inc. in 1995. Committee staff has indicated that a second hearing focusing on Team Nutrition will likely be held in June. The GAO has stated that it will expedite a review of USDA-wide procurement procedures.

#### DEPARTMENT OF ENERGY

✓  
• **Gas Prices:** DOE conducted the first sale of oil from the Strategic Petroleum Reserve but accepted no offer because the bids were predictably too low. DOE emphasized that market gas prices have fallen since your announcement of the sale.

✓  
• **Radar for Land Mines:** On May 7, DoD announced a \$300,000 grant to Lawrence Livermore National Laboratory to design a detection system for land mines. The proposed land mine radar will be based on technology developed by DOE for radar sensors for nuclear warheads. Plans include versions of the radar to be mounted on robots and vehicles. The story received positive coverage in CA.

✓  
• **State Energy Conservation Funding:** DOE will distribute among all States \$44.1 million of oil overcharge funds. These funds were obtained from U.S. oil companies that violated Federal price controls in the 1970's. Fund allocations are based on State oil consumption during this decade. These funds can be used in State energy programs. CA will receive approximately \$4 million and NY will receive approximately \$3.4 million.

- **\$13.8 Million for Rural Power Development:** Secretary O'Leary is preparing to announce in Syracuse, NY the first award of a cooperative agreement to commercialize biomass energy systems. This will positively impact global climate change while providing a vital economic stimulus to rural America. Biomass energy is based on the conversion of agricultural crops called feed stocks into usable commercial energy.

- **GAO audit started on Human Radiation Experiments:** The Senate Governmental Affairs Committee has requested GAO to determine the status of the Administration's efforts to implement 18 recommendations contained in the Advisory Committee on Human Radiation Experiments' October 1995 report. The recommendations are, in part, remedies to subjects of the government-sponsored radiation releases and experiments. In addition, GAO will collect specific information on current and planned efforts to notify and compensate victims of Cold War radiation experiments and efforts to protect subjects in future government-sponsored research.
- **Commencement Address:** On May 19, Secretary O'Leary will give the commencement address at Bennett College in Greensboro, NC.

#### DEPARTMENT OF EDUCATION

- **CBS News:** *CBS News* has requested from the Department information about any contracts for public opinion polls, focus groups, or discussion groups to address agency activities or programs; any contracts or agreements with public opinion or polling firms; any reports from such firms; and any memoranda or directives on hiring polling firms. The information is requested for 1994-96.

#### ENVIRONMENTAL PROTECTION AGENCY

✓ **New EPA Report on Clean Water:** On May 22, Administrator Browner will hold a press event in D.C. to release a new report, "Liquid Assets: A Summertime Perspective on the Importance of Clean Water to the Nation's Economy," The report shows that clean water is a vital commodity for major sectors of the U.S. economy, and it means jobs and profits. Next week the Administrator will travel to WI and MI to highlight the findings of this report.

✓ **Project XL:** EPA expects *The New York Times* to run a story in the next few days in about the Project XL initiative.

- **FOIA Request:** *ABC News* requested from EPA all documents relating to Senator Dole, his congressional staff or presidential campaign after July 1, 1994.

#### GENERAL SERVICES ADMINISTRATION

- **Federal Building Freeze:** The 1997 House Budget resolution places a moratorium on all new federal construction projects for the next 6 years. GSA is working with the appropriate congressional offices to provide specific information as to how each district/state would be affected by such a freeze.



## OFFICE OF PERSONNEL AND MANAGEMENT

- **Career Transition Center:** On May 14, Director King and local officials opened the Metro Area Reemployment Center. The event was a success and was well covered by the media.

## FEDERAL EMERGENCY MANAGEMENT AGENCY

- **Disaster Activities:** There were no new Presidential declarations this week. FEMA is monitoring flooding which occurred in the Midwest in MI and OH. A Preliminary Damage Assessment (PDA) is currently underway in North Dakota as a result of flooding. PDA's have been completed in CT, IN, KY, MN, MT, NJ, and WI due to flooding, and in ME due to a severe storm.
- **Wellton Mohawk Irrigation District:** FEMA exercised its discretion under the Stafford Act to fund the repair of the Wellton Mohawk Irrigation District's levee project in AZ, at a cost not to exceed \$44.2 million. This funding is subject to successful completion of all necessary environmental reviews. This levee project was damaged in the January 1993 flood.
- **Drought:** Inquiries have been received from southwestern States (notably NM) requesting FEMA to chair a task force to plan for and respond to the drought, which for some areas has been reported "worst in the century." On May 22, Director Witt and other Administration officials will meet with members of the NM delegation.
- **North Dakota:** On May 13, a meeting was held regarding the chronic flooding in the Devil's Lake Basin. The Army Corps of Engineers committed to develop an emergency outlet for Devil's Lake within the next 90 days.
- **Director's Schedule:** On May 20, the Director will give a speech to the 1996 National Flood Conference in Nashville, TN. On May 21, he will give a speech to NJ Office of Emergency Services Annual Emergency Management Conference. On May 23, he will give a speech to Neighborhoods USA national conference in Little Rock, AR.

## DEPARTMENT OF STATE

- **China:** The ring magnet issue was concluded after the State Department successfully negotiated public statements from both the U.S. and China, which, along with private diplomatic assurances by the Chinese made to the Secretary directly through our embassy in Beijing, represent a significant new commitment to nuclear cooperation by the Chinese. The arrangement provides for continued consultations on export controls, a major boost for our efforts to influence China's behavior. On IPR, USTR announced May 15, its preliminary sanctions list, which will go into effect in 30 days unless we



reach agreement with the PRC. The Chinese reacted with a sanctions threat of their own, but the State Department believes they can use the next 30 days to come to some understanding.

- **Iran/Bosnia:** Five separate Congressional investigations are underway into Iranian arms for Bosnia. The Senate Select Committee on Intelligence (SSCI) plans to hold open hearings next week with Strobe Talbott, James Woolsey, and Dick Holbrooke. The Committee provided the State Department and CIA a copy of its draft preliminary staff assessment for declassification. The report, which Committee Members had hoped to release May 15, is currently under interagency review. The Select Subcommittee of the HIRC, which the House established last week, is hiring staff, and the State Department expects to receive document requests in several weeks.

#### UNITED NATIONS

- **Vice President Gore in New York:** On May 21, the Vice President and Ambassador Albright will participate in a conference on U.S. relations with the UN. The purpose of this event, which will be attended by corporate CEOs, heads of foundations and NGOs, is to generate discussion about the important role of the UN and ideas about how to address the problem of U.S. arrears.
- **Liberia:** Following a visit to Monrovia, Special Envoy James Jonah told the Security Council on May 14, that he sees no immediate prospects of re-establishing peace in Liberia. Jonah doubted the faction leaders have the will for peace. The mandate for the current UN peacekeeping force expires at the end of the month. The Council will likely agree to a 2-3 month renewal, with a reduced deployment, in order to provide possible linkage and be ready for developments.
- **Iraq/986:** The "Oil for Food" talks will resume after the Secretary-General returns to New York on May 25. Depending on the reaction from Baghdad, a positive announcement could be made next week.
- **Commencement Exercises:** On May 19, Ambassador Albright will deliver the commencement address at Brandeis University and at Johns Hopkins SAIS University on May 22.

cc: The Vice President  
Leon Panetta  
Harold Ickes  
Evelyn Lieberman  
George Stephanopoulos  
Alexis Herman  
Carol Rasco  
Maggie Williams

Michael McCurry  
Doug Sosnik  
Marcia Hale  
Donald Baer  
Ron Klain  
Rahm Emanuel  
John Hilley

5-20-96

as Richardson. Richardson believes that others in the delegation were tipped-off by a senior official at DOE, but the Department says the embargo was not breached, and the Secretary has tried to reach Richardson several times.

*Need to Do  
Review*

**Morningstar follow-up on assistance for the New Independent States (NIS).** Via Tony. 1) Ambassadors Pickering and Miller, and Tom Dine are consulting their country teams about specific proposals for new, high-visibility initiatives in Russian and Ukraine that could be undertaken given our funding constraints. Mark Gearan is also enthusiastic about Peace Corps involvement. 2) Dick is working with Ambassador Pickering to establish a "Democracy Fund" in Russia, to direct small grants to support grassroots reform initiatives. 3) The USG accelerated delivery of a new humanitarian shipment of insulin and antibiotics to Vladivostok and it will arrive in the next 3 weeks. 4) In Ukraine, on the 10th anniversary of the Chornobyl accident, we delivered \$11 million worth of medical supplies for victims of the disaster.

**Betsy Myers follow-up on choice issues.** 1) Betsy forwards the letter Adele Simmons, President of the MacArthur Foundation, submitted to The Chicago Tribune in support of your veto of H.R. 1833. *A response is being prepared.* 2) She reports that a meeting has been set for May 28 in Chicago to develop outreach strategy to pro-choice Republican women. 3) She reminds you about the desire you expressed to meet again regarding ongoing H.R. 1833 strategy.

**McCurry memo on disaster assistance radio actualities recorded last week.** The actuality on the \$42 million DOT grant for Washington aired on 30 stations throughout the state. The announcement of the \$12 million grant to New York aired on 22 stations, and the actuality on the \$4.4 million grant to West Virginia aired on 6 stations. In addition, DOT placed your Oregon and Pennsylvania actualities on a toll-free telephone line which stations called to record your messages, and the Department faxed written statements on all 5 grant announcements to all radio and television stations in the relevant states.

**April 28 editorial on timber from The Oregonian.** Via Leon. "Budget Deal a Green-Letter Day -- For the Environment, the Long Arguments and the Final Deal were Worth It." Editorial states that your resistance to numerous provisions that would have weakened environmental and natural resource protection -- such as the continuation of the timber salvage rider and termination of ecosystem research on protection of salmon habitat -- produced significant gains.

*Colonna  
Gus*

**Report on the results of the General Aviation Revitalization Act.** Via Sec. Glickman. This legislation, which you signed in August 1994, established an 18-year limit on general aviation manufacturers' liability for aircraft with 19 seats and under. The report indicates that it will be instrumental in creating tens of thousands of new jobs and revitalizing an entire industry.

THE WHITE HOUSE  
WASHINGTON

96 MAY 13 P8:29

May 13, 1996

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE *AL*  
SUBJECT: Assistance to the New Independent States (NIS)

On April 30, you asked Dick Morningstar to look into whether we could pursue high-visibility assistance projects for the NIS, particularly in the Russian far east, that would demonstrate Western concern and support. The attached memorandum from Dick advises you of the steps being taken here and in the field to increase grassroots outreach through our assistance programs.

Attachment

Tab A Briefing Memorandum from Dick Morningstar

cc: Vice President  
Chief of Staff





Washington, D.C. 20520

May 10, 1996

BRIEFING MEMORANDUM FOR THE PRESIDENT

THROUGH: Sandy Berger *SB*  
Chip Blacker *CB*

FROM: Dick Morningstar *DM*  
Special Advisor to the President and Secretary of State  
on Assistance to the NIS

SUBJECT: NIS Assistance Update

We are taking the following steps to support high-visibility assistance projects in the NIS.

1. I spoke with Ambassadors Pickering and Miller and with Tom Dine about new, high-visibility initiatives in Russia and Ukraine that we could realistically undertake within our funding constraints. They were extremely supportive and will report back shortly, after consulting with their country teams, with specific proposals for both immediate and longer-term actions. The Peace Corps could also prove very helpful; I spoke to Mark Gearan who was very enthusiastic. In addition, I discussed with Joe Duffey possible follow-ons to the Bradley student exchange program, such as small "merit grants" to Russian and Ukrainian high schools.
2. Last year, in the smaller NIS countries we created a new mechanism, "The Democracy Funds", for our Ambassadors to direct small grants to support grassroots reform initiatives. One of the opportunities that I will discuss with Ambassador Pickering is the creation of such a fund in Russia, with an expanded scope to support high-visibility, community-based activities.
3. Vladivostok -- We accelerated the delivery of a new humanitarian shipment of insulin and antibiotics, now scheduled to arrive within the next 3 weeks. This shipment adds to the \$5 million of hospital supplies delivered to Vladivostok in mid-1995. I mentioned this in a meeting that Strobe, Jim Collins and I had with Mrs. Goryacheva, whom you met in Moscow, and who is in Washington this week.
4. In Ukraine, on the 10th anniversary of the Chornobyl accident, we delivered \$11 million worth of medical supplies for victims of the disaster. I was present for the delivery in Kiev; there was much media attention and the Ukrainians were greatly appreciative.

We will keep you informed as these initiatives move forward.

5-20-96

as Richardson. Richardson believes that others in the delegation were tipped-off by a senior official at DOE, but the Department says the embargo was not breached, and the Secretary has tried to reach Richardson several times.

*Need to do this*

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*Call to Glickman*

*(H)* **Report on the results of the General Aviation Revitalization Act.** Via Sec. Glickman. This legislation, which you signed in August 1994, established an 18-year limit on general aviation manufacturers' liability for aircraft with 19 seats and under. The report indicates that it will be instrumental in creating tens of thousands of new jobs and revitalizing an entire industry.



THE SECRETARY OF AGRICULTURE  
WASHINGTON

5/13/96

DECEMBER 14 1981  
Dear Mr. President -

The attached report  
on the results of the General  
Aviation Revitalization Act,  
which you signed in August 1994,  
indicates that this bill  
has been instrumental in the  
creation of many jobs and  
revitalizing an entire industry.  
I hope to see that you get  
adequate credit.

Dan R.



# The Results of the General Aviation Revitalization Act

## CESSNA PLANT

Cessna Aircraft Company will re-open single-engine aircraft production lines at its new \$40 million plant in Independence, Kansas, as a result of the passage of the General Aviation Revitalization Act. Production will begin in Fall 1996 with over 2,000 new jobs being created.



*O*n August 17, 1994, President Clinton signed into law the General Aviation Revitalization Act. In the 1980s and early 1990s, the American light aircraft industry was in serious decline, due in large part to the product liability environment. Production of new aircraft fell 95 percent from the highs of the late 1970s. Plants were closed. Over 100,000 jobs were lost. Today, the General Aviation Revitalization Act has set the tone for recovery. The entire aviation community and its workers are grateful to the Congress for passing this landmark legislation which helped revive the general aviation industry.

The General Aviation Revitalization Act (GARA), which established a time limit for general aviation manufacturers' liability on aircraft with 19 seats and under, has reversed the downward spiral in general aviation. The industry is on its way to recovery, with both employment and production increasing.



August 17, 1994: The General Aviation Revitalization Act Signed Into Law

APPROVED  
AUG 17 1994  
William Jefferson Clinton

"There is widespread agreement that the General Aviation Revitalization Act is having its intended effect."

—David R. Hinson, FAA Administrator, March 1996

## General Aviation Industry is Regaining World Leadership Position

As a result of the industry's virtual devastation by product liability lawsuits, Senator Nancy Kassebaum (R-Kan.) and Congressmen Dan Glickman (D-Kan.) and Jim Hansen (R-Utah) sponsored legislation which set an 18-year limit for manufacturer's liability on general aviation aircraft.

*"The product liability environment practically killed an important segment of the aviation industry. The cost of defending lawsuit after lawsuit caused us, by 1986, to stop building piston-engine aircraft."*

—Russell W. Meyer Jr., Chairman and CEO,  
Cessna Aircraft Company

...Today there is renewed hope for the future of General Aviation.

*"Showing what legal reform can do, the General Aviation Revitalization Act has helped bring U.S. firms back from the grave by limiting lawsuits on planes more than 18 years old."*

—The Brookings Review, Winter 1996



Mooney Aircraft has seen increases in production and new products.

PHOTO BY PAUL BOWEN



In 1995, The New Piper Aircraft, Inc. emerged from bankruptcy protection which it sought in 1991. Last year, both employment and production increased by 30 percent at The New Piper.



# an Industry

*"This legislation has eliminated the horrendous tail of lawsuits related to airplanes that were built 30 years ago. (Whittaker), as a result, has decided that we will re-enter the business vigorously."*

— Jay Fernandes, President, Whittaker Aerospace,  
California, CNN March 1996

## New Industry Jobs are Being Created

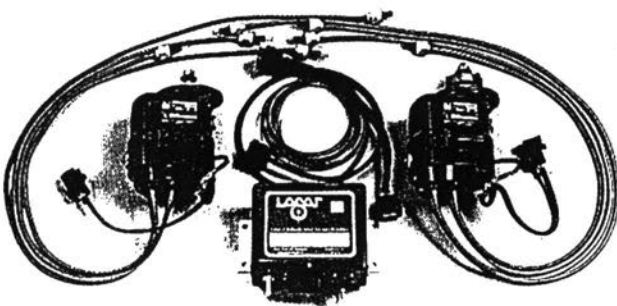
It is estimated that tens of thousands of new jobs will be created over the next five years. This will reverse the previous trend, under which manufacturers' employment had plummeted by 50 percent and U.S. market share was being lost to foreign competitors.

*"There is not one single company, government agency or individual that knows the significance of GARA more than The New Piper Aircraft, Inc. ...we are living proof. We are The New Piper because of GARA and its limiting effect on the enormous product liability tail."*

—Charles M. Suma, President/CEO, The New Piper Aircraft, Inc.

*"As promised, the passage of the General Aviation Revitalization Act has ushered in a period of expansion in the manufacturing of general aviation aircraft and component parts. New assembly lines have given aerospace workers new job opportunities."*

— John Goglia, Member, National Transportation Safety Board;  
former International Association of Machinists and  
Aerospace Worker's official



Unison has invested over \$2 million on their new electronic ignition system, LASAR.

## Investments in Research and Development are Being Renewed

In 1988, Unison Industries scrapped a year's worth of research on a totally new electronic ignition system. The reason, as stated by Unison's President Rick Sontag, was not economic or technical... *"it was the potential liability risk."* Today, Unison's new electronic ignition is entering the market.

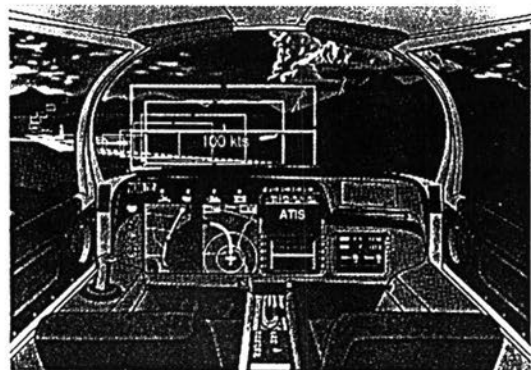
*"The recent changes in product liability, combined with emerging new technologies, create new opportunities for revitalization of U.S. general aviation."*

— Steve Hanvey, Vice President, Raytheon Aircraft Co.  
Chairman, AGATE Executive Council  
FAA General Aviation Forecast Conference, March 1996

Significant investments are crucial to General Aviation's future growth. The National Aeronautics and Space Administration (NASA) and 70 U.S. companies and universities have entered into a joint research and development program called Advanced General Aviation Transport Experiment (AGATE) which will provide new general aviation technologies.

## Optimism of Pilot Community Better Today than in Recent Years

The Aircraft Owners and Pilots Association (AOPA), the world's largest pilot organization, reports optimism of the pilot community is better today than in recent history. A dramatic shift took place following the passage of the General Aviation Revitalization Act.



Advanced General Aviation Transport Experiment (AGATE) is a joint program between NASA and industry.



## Industry Launches Effort to Attract New Student Pilots

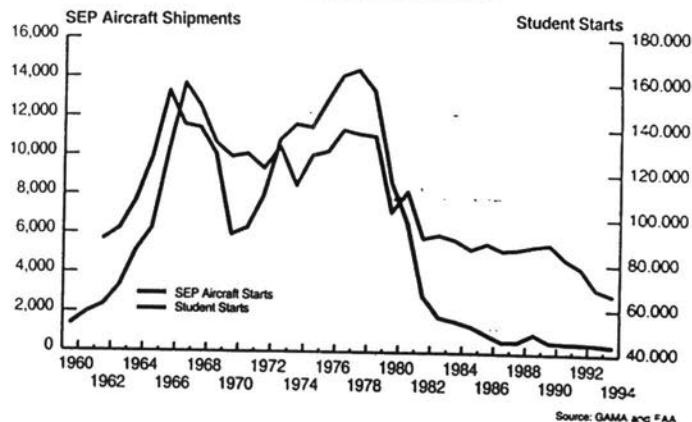
In 1994, fewer people learned to fly than in any year since WWII. To reverse this trend, the aviation community has now embarked on an exciting and innovative new program to encourage new student pilots. This program will be launched in early 1997.

General Aviation—the light and business aircraft industry—is an integral part of the national transportation system and the American economy. General Aviation is relied upon exclusively by more than 5,000 communities for their air transportation needs (scheduled airlines serve about 600). General Aviation is a \$15 billion industry which generates more than \$45 billion annually in economic activity.

Because of its efficiency and productivity, General Aviation has become an important business tool. The majority of hours flown by general aviation aircraft are for business and commercial purposes.

General Aviation exports one-third of its production and leads the world in development of new technology aircraft. *General Aviation is a National Resource.*

STUDENT STARTS & SINGLE-ENGINE PISTON AIRCRAFT SHIPMENTS ARE CORRELATED



The General Aviation industry has been through challenging times due to the product liability environment. Since passage of the legislation, the industry has begun to experience revitalization and is rebuilding for a brighter future. General Aviation manufacturers are...

- ♦ Creating new jobs
- ♦ Reopening production lines
- ♦ Regaining world leadership
- ♦ Investing in research and development
- ♦ Launching a renewed industry-wide effort to attract new pilots

*Together, we're bringing back an industry which is vital to American economic development.*



## GAMA MEMBERS

Advanced Industries, Inc. ♦ Aircraft Modular Products ♦ Aircraft Technical Publishers ♦ Airtechnics, Inc. ♦ AlliedSignal Aerospace Company  
 Allison Engine Company ♦ Ametek, Inc. ♦ B&D Instruments and Avionics, Inc. ♦ Century Flight Systems, Inc. ♦ Cessna Aircraft Company  
 Collins Commercial Avionics ♦ Commander Aircraft Company ♦ Cooper Industries ♦ Crane Co. ♦ The Dee Howard Company ♦ Dowty Aerospace Yakima  
 Dukes, Inc. ♦ Electrosystems, Inc. ♦ Erda, Inc. ♦ FlightSafety International, Inc. ♦ GEC-Marconi Aerospace Inc. ♦ BFGoodrich Aerospace  
 Grimes Aerospace ♦ Gulfstream Aerospace Corporation ♦ Hartzell Propeller Inc. ♦ Honeywell, Inc. ♦ Jeppesen ♦ Learjet Inc.  
 Lucas Aerospace Power Equipment Corporation ♦ Marathon Power Technologies ♦ Mooney Aircraft Corporation ♦ The Nordam Group  
 Northrop Grumman Corporation ♦ Parker Hannifin Corporation ♦ The New Piper Aircraft, Inc. ♦ PPG Industries, Inc. ♦ Precision Aerospace Corporation  
 Raytheon Aircraft Company ♦ Sabreliner Corporation ♦ SimuFlite Training International ♦ Sundstrand Corporation ♦ Teledyne Continental Motors  
 Textron Lycoming ♦ Trimble Navigation, Ltd. ♦ Unison Industries ♦ United Technologies Corporation ♦ Universal Avionics Systems Corporation  
 Whittaker Controls, Inc. ♦ Williams International ♦ Woodward Governor Company

THE WHITE HOUSE

WASHINGTON

May 18, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: HELEN HOWELL *He*

SUBJECT: Recent Information Items

We are forwarding the following recent information items:

*(A)* **Tom Vellenga follow-up on China's potential aircraft deals.** Via Leon. *Orders for American aircraft.* The Chinese have an estimated \$4 billion in outstanding but unfinalized orders with Boeing and McDonnell-Douglas. Tom indicates that these orders may be delayed but eventually will be signed, barring the loss of MFN status. *The AE-100.* China has signed a letter of intent with the British-French Airbus consortium to buy Airbus' services in building China's next passenger plane, the AE-100. However, Commerce believes that China would prefer to buy Boeing's expertise, and is simply playing politics to bring down Boeing's price, and reap rewards in other non-trade areas. *What to do?* It is difficult for the USG to do anything other than maintain MFN and have senior officials pressure the Chinese on these aircraft deals, unless we are willing to back off other concerns such as IPR, non-proliferation and human rights. If you want to do more -- given that Boeing's union would rather see planes built in Seattle than in China, and the French may be willing to share more technology than we would allow Boeing to share -- Tom suggests asking Tyson, Kantor, and Barshefsky to make a recommendation on whether that would be wise, and if so, how to help.

*cc: DM  
M. Deen  
R. Lewis*  
*(B)* **Sec. Cisneros follow-up on Sen. Dole's voucher proposal and attacks on your housing policies.** Via Kitty Higgins. Henry provides a detailed response to Dole's criticisms of HUD, explains your Administration's transformation of public housing (demolishing the worst developments and replacing them with low-rise housing, improving the management of troubled PHAs, reducing the number of HUD employees, designating 72 urban empowerment zones and enterprise communities, etc.), and he sets the record straight on vouchers -- in 1995, you proposed a plan to convert all public housing to vouchers, and Congress rejected the plan, agreeing to provide vouchers for only 10% of public housing.

*cc Leon  
H. Lewis*  
*(C)* **Higgins/Martinez follow-up on Congressman Bill Richardson's concerns about the New Mexico grant announcement.** Late last year, DOE committed to Richardson to allocate \$5 million to help northern New Mexico adjust to job cuts at the Los Alamos National Laboratory. DOE says they gave Richardson the option of announcing the grant, and did not provide the information to other members of the New Mexico delegation until instructed to do so by his staff. However, even though he received advance notice, the press coverage quoted Sens. Domenici and Bingaman as prominently



5-20-96

as Richardson. Richardson believes that others in the delegation were tipped-off by a senior official at DOE, but the Department says the embargo was not breached, and the Secretary has tried to reach Richardson several times.

*Need to Do  
During H&S*

**Morningstar follow-up on assistance for the New Independent States (NIS).** Via Tony. 1) Ambassadors Pickering and Miller, and Tom Dine are consulting their country teams about specific proposals for new, high-visibility initiatives in Russian and Ukraine that could be undertaken given our funding constraints. Mark Gearan is also enthusiastic about Peace Corps involvement. 2) Dick is working with Ambassador Pickering to establish a "Democracy Fund" in Russia, to direct small grants to support grassroots reform initiatives. 3) The USG accelerated delivery of a new humanitarian shipment of insulin and antibiotics to Vladivostok and it will arrive in the next 3 weeks. 4) In Ukraine, on the 10th anniversary of the Chornobyl accident, we delivered \$11 million worth of medical supplies for victims of the disaster.

*(L)* **Betsy Myers follow-up on choice issues.** 1) Betsy forwards the letter Adele Simmons, President of the MacArthur Foundation, submitted to The Chicago Tribune in support of your veto of H.R. 1833. *A response is being prepared.* 2) She reports that a meeting has been set for May 28 in Chicago to develop outreach strategy to pro-choice Republican women. 3) She reminds you about the desire you expressed to meet again regarding ongoing H.R. 1833 strategy.

*(H)* **McCurry memo on disaster assistance radio actualities recorded last week.** The actuality on the \$42 million DOT grant for Washington aired on 30 stations throughout the state. The announcement of the \$12 million grant to New York aired on 22 stations, and the actuality on the \$4.4 million grant to West Virginia aired on 6 stations. In addition, DOT placed your Oregon and Pennsylvania actualities on a toll-free telephone line which stations called to record your messages, and the Department faxed written statements on all 5 grant announcements to all radio and television stations in the relevant states.

*(G)* **April 28 editorial on timber from The Oregonian.** Via Leon. "Budget Deal a Green-Letter Day -- For the Environment, the Long Arguments and the Final Deal were Worth It." Editorial states that your resistance to numerous provisions that would have weakened environmental and natural resource protection -- such as the continuation of the timber salvage rider and termination of ecosystem research on protection of salmon habitat -- produced significant gains.

*Cal Lanna  
Glickman*

*(H)* **Report on the results of the General Aviation Revitalization Act.** Via Sec. Glickman. This legislation, which you signed in August 1994, established an 18-year limit on general aviation manufacturers' liability for aircraft with 19 seats and under. The report indicates that it will be instrumental in creating tens of thousands of new jobs and revitalizing an entire industry.



5-2096

THE WHITE HOUSE  
WASHINGTON

May 17, 1996

96 MAY 17 P5:16

## MEMORANDUM TO THE PRESIDENT

FROM: KITTY HIGGINS *Kitty*  
Assistant to the President and  
Secretary to the Cabinet

RAY MARTINEZ  
Special Assistant to the President  
for Political Affairs

RE: ENERGY DEPARTMENT'S EXPLANATION OF THE NM GRANT  
ANNOUNCEMENT

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As requested, we have attached the Department of Energy's explanation of Congressman Bill Richardson's concerns regarding a recent departmental grant announcement.

In short, the Department says that they gave the Congressman's office the option of announcing the grant. The Department did not provide the information to other members of the NM delegation until instructed by Richardson's staff. Although Rep. Richardson got the advance notice, all of the notifications were made in the same news cycle.

May 17, 1996

MEMORANDUM FOR THE PRESIDENT

Late last year, officials of the Department of Energy made a commitment to Congressman Bill Richardson that we would allocate \$5 million to northern New Mexico to assist the region in adjusting to job cuts at the Los Alamos National Laboratory. Mr. Richardson was assured that he would be allowed to announce this funding allocation.

This commitment was made after work force restructuring and the future of the University of California contract at the Laboratory became significant issues in the State of New Mexico. It was also made after the Department had committed \$5 million in September of 1995 to jump-starting economic adjustment activities in the region.

The announcement of the commitment to Mr. Richardson was mutually delayed to ensure that the first \$5 million allocation could be used wisely. Ultimately, Mr. Richardson and the Department jointly agreed that the announcement would be made on Monday, May 13, 1996.

The Department coordinated with Mr. Richardson's office, providing him with a draft of our announcement. We *did not* provide the announcement to other members of the New Mexico delegation *until instructed by Mr. Richardson's staff*. Predictably, staff for Senators Bingaman and Domenici expressed unhappiness that we had favored Mr. Richardson.

Even though Mr. Richardson got a jump, the press coverage of the announcement quoted Senators Domenici and Bingaman as prominently as Mr. Richardson.

Mr. Richardson believes that others in the delegation were tipped-off by a senior official of the Department. However, this same senior official received a call from Senator Domenici on Monday afternoon complaining that the Department had unfairly given Mr. Richardson a jump on other members of the New Mexico delegation. The Department carefully coordinated this announcement, and to the best of our knowledge, *the embargo was not breeched*.

The Secretary has tried to reach Mr. Richardson on numerous occasions to no avail.





ALBUQUERQUE

TUESDAY  
May 14, 1996

# JOURNAL

North

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## Justices Reject Foster Care Appeal

The U.S. Supreme Court has rejected Gov. Gary Johnson's appeal and has sent the N.M. foster care fight back to federal court.

PAGE C1

## Crashed Jetliner's Black Box Found

PAGE A1



ACCESS

■ The United States loves foreign computer whizzes — and thanks to Mexico, they can work here indefinitely. PAGE B1

# O'Leary To Extend UofC LANL Pact

## Domenici: Decision Good for Lab's Stability

DOUG McQUELLAN  
Staff Writer

After months of debate, U.S. Energy Secretary Hazel O'Leary will renew the University of California's oversight of the Los Alamos National Laboratory for up to five years, New Mexico's two senators said Monday.

The decision is a coup for the university, which faced unprecedented

opposition to a contract extension. Although the quality of the lab's scientific work has been praised, the quality of its management has been another story.

O'Leary's announcement, expected as early as today, will impose several performance standards for the university, which has managed the lab since it was founded more than 50 years ago for the top-secret Manhat-

tan Project.

The energy department will also extend the university's management contracts at Lawrence Livermore and Lawrence Berkeley National Laboratories in California.

Sen. Pete Domenici, R-N.M., said in a statement that the contract extension "is a good decision in terms of the stability of the lab as its mission is enhanced to take on stockpile stew-

ardship and proliferation efforts."

Stockpile stewardship is a multi-billion dollar effort by the DOE to maintain the reliability of the nation's nuclear weapons without resorting to underground nuclear tests.

One source familiar with the negotiations, who declined to be named, said the lab directors' support for an underground testing ban had made the energy department and the Clinton administration indebted to the directors.

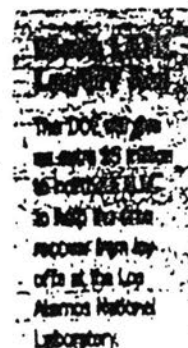
The Clinton administration is attempting to negotiate a comprehen-

sive test ban treaty with other nuclear nations, for which maintaining a U.S. ban on underground tests is essential.

"To get the U.S. to endorse a (treaty), we had to get the lab directors to say they could maintain a nuclear deterrent," the source said. "That was a very big deal."

The three lab directors are required to certify to the president every year that the nation's nuclear weapons are safe and reliable.

When asked about the contract



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See O'LEARY on PAGE 3



# O'Leary To Extend UofC LANL Pact

from PAGE 1

extension, Rick Malaspina, a university spokesman, said, "It would be appropriate for the university to comment only after a DOE announcement."

The university's contract expires in September 1997, and the university and the energy department will have to negotiate the specifics of the new contract, initially for two years with an option to extend to five if the university complies with the performance standards.

Critics of the contract extension said the university was an "absentee landlord" with little oversight of lab management.

The lab has also come under heavy criticism for last year's layoffs of more than 900 employees of the lab and of subcontractors. More than 100 of the lab employees are challenging the layoffs in state District Court.

And the lab has suffered safety problems. A lab security guard was fatally shot during training exercises in December 1994. A few months ago, a construction worker was nearly electrocuted when his jackhammer struck a live electrical wire. An unlicensed forklift operator was also injured when his forklift overturned and rolled on him.

Sen. Jeff Bingaman, D-N.M., who urged the energy department to

conduct an open competition for the lab management, said he will "follow this negotiation very carefully because we do need to correct some longstanding problems which relate to the Laboratory's involvement in northern New Mexico."

He said he believes the energy department "has been sensitized to the need to remain closely involved and the need to build performance criteria" in its contract discussions.

Rep. Bill Richardson, D-N.M., said in a statement, "I support DOE's conditional renewal because it will make everyone, including UC, more responsive to northern New Mexico. I think the concerns that Sen. Bingaman and I raised have made

this contract a stronger one."

The performance standards, or "milestones," will include community relations, environmental protection, safety and health, Domenici's office said.

Domenici spokesman Chris Gallegos said those standards still have to be worked out.

O'Leary's decision is a blow to a group of dissident current and former lab employees who believe the contract should be opened for bidding. The University of Texas also proposed that it be allowed to manage the lab in connection with other universities and possibly private companies.

## Extra \$5 Million Tagged for LANL Layoff Aid

*Journal Staff Report*

The U.S. Department of Energy has authorized an additional \$5 million for northern New Mexico job training and economic development in the wake of Los Alamos National Laboratory layoffs, New Mexico Congressional members said Monday.

The consultant for a three-county task force that oversees the money said the award is nice, but said the task force hasn't seen a penny of the first \$5 million that was promised months ago.

Larry Iceman, a consultant for the Northern New Mexico Defense Adjustment Task Force, said the group and the Energy Department have not come to terms on a variety of proposed projects for the initial \$5 million.

"They've agreed to the projects. We're having trouble getting them to agree to the paperwork," Iceman said.

Energy department officials visited northern New Mexico in December and promised to send promised aid as quickly as possible.

The task force will meet May 23 in Santa Fe. Iceman said the

group is planning to reorganize as a non-profit "community reuse organization" with a different composition.

The proposed organization would have 11 members, three each from the Los Alamos, Rio Arriba and Santa Fe Counties, one from the Eight Northern Indian Pueblos and one representing public schools and universities.

In a joint statement, Sens. Pete Domenici, R-N.M., and Jeff Bingaman, D-N.M., praised the extra funds.

"The cooperation by communities in northern New Mexico to improve economic conditions is paying off," Domenici said. "The lab can be used to foster greater economic activities in this tri-county area."

Bingaman said the money will help northern New Mexico make a transition to a "more diversified economy" that is not as dependent on the lab and federal funds.

Rep. Bill Richardson, D-N.M., said the money will "go a long way to ensure that the laid off workers and communities will be given every available opportunity to succeed as LANL undergoes changes."