

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:21-OCT-1997 15:46:46.00

SUBJECT: Re: Directive on Modified Assault Weapons -- Uzi and Galil

TO: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Phil:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:21-OCT-1997 13:29:12.00

SUBJECT: ltr. to Sarah Brady

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

TEXT:
MC:

Rahm doesn't need to look at this necessarily, but I had told correspondence last week that it might be worth running by him. I know he (Rahm) spoke w/Sarah Brady before the safety locks event, and I just wanted to make sure his call and the proposed POTUS letter were coordinated. Substantively, it's fine though. We got the appropriators to drop out the offending provision that Brady et.al wrote in about.

Jose'

----- Forwarded by Jose Cerda III/OPD/EOP on 10/21/97
01:26 PM -----

Michelle Crisci

10/21/97 10:30:11 AM
Record Type: Record

To: Jose Cerda III/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP
cc:
Subject: ltr. to Sarah Brady

CAN YOU GUYS CALL TRACY!!

----- Forwarded by Michelle Crisci/WHO/EOP on 10/21/97
10:15 AM -----

Tracy F. Sisser 10/21/97 10:26:57 AM

Record Type: Record

To: Michelle Crisci/WHO/EOP
cc: Reuben L. Musgrave Jr./WHO/EOP
Subject: ltr. to Sarah Brady

Michelle -

I was wondering if Rahm had a chance to take a look at the draft for the letter to Sarah Brady, M. Kristen Rand, and Michael Beard regarding the

import of surplus mil. weapons and child safety locks. My director would like to send the letters for signature as soon as possible. Please let me know if you need any other info.

Thank you very much.

Tracy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:21-OCT-1997 15:30:09.00

SUBJECT: Directive on Modified Assault Weapons -- Uzi and Galil

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

CC: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Karen A. Popp (CN=Karen A. Popp/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

CC: Tracey E. Thornton (CN=Tracey E. Thornton/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Michelle Crisci (CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:
Phil:

Attached please find a proposed directive that DPC, Treasury and WH Counsel have been working on to respond to concerns that Senator Feinstein raised to the President in a recent meeting -- and to letters from some 30 Senators and 30 Members. The directive calls on Treasury to temporarily suspend the importation of certain modified assault weapons, including the Uzis and Galils that have been highlighted in press reports. About 35,000 of these weapons have come into the country over the past 2 years. The directive also asks Treasury to re-examine whether or not these weapons meet the "sporting purposes" test in the 1968 Gun Control Act. If -- after review -- they do not, they will be permanently banned from importation. This is the same action that President Bush took with assault rifles (like the AK-47) in 1989, and that President Clinton took in 1993 with respect to assault pistols.

Rahm asked me to get this to you forthwith. You can call him if you have any timing/process questions. Leanne and I would be happy to answer any other questions you may have from a policy perspective.

Jose'

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D49]MAIL404016394.216 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

--- **DRAFT** ---
(10/17/97...6pm)

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

Subject: Importation of Uzi and Galil Firearms

The historic Violent Crime Control and Law Enforcement Act of 1994 banned 19 specific assault weapons, duplicates of those 19 firearms and certain other semiautomatic weapons possessing various military style features. The Administration and Congress worked to ban these deadly firearms because -- as the weapon of choice for gangs and drug dealers -- they were being recovered at numerous crime scenes and resulting in criminals being better armed than some of the nation's law enforcement officers. Last year, in part as a result of the ban on assault weapons, fewer police officers were slain in the line of duty than in any year since 1960, and fewer law enforcement officers were killed by assault weapons.

In addition to the prohibitions contained in the 1994 ban on assault weapons, the 1968 Gun Control Act further restricts the importation of firearms unless they are determined to be particularly suitable for or readily adaptable for sporting purposes. To enforce this law, the Treasury Department has developed a factoring system to determine whether handguns meet this sporting purposes test and are thus importable. The Department also determined that semiautomatic assault type rifles do not meet the sporting purposes test and are not importable.

I am now informed that 2 of the 19 assault weapons that were specifically banned from importation in 1989, the Galil and the Uzi, have been redesigned in order to circumvent the ban. The Galil and Uzi, which are manufactured by Israel Military Industries, were banned because -- in their military configurations -- they were found to have no legitimate sporting purpose. It is now appropriate to determine whether the redesigned weapons would have legitimate sporting purposes in this country and are suitable for continued importation under the provisions of the Gun Control Act of 1968.

My Administration has aggressively enforced all applicable laws to keep non-sporting firearms and other munitions posing a threat to public safety from entering the country. Therefore, I direct you to:

- 1) Take the necessary steps to reexamine and determine whether the sporting purposes test should be modified with respect to the importation of the Galil, Uzi and any other firearms that have been similarly adapted or re-engineered since the 1989 ban on the importation of semiautomatic assault rifles or the 1994 ban on semiautomatic assault weapons;
- 2) Effective immediately, suspend action on pending and future applications to import these weapons until this review is complete.

Nothing herein shall be construed to require actions contrary to applicable provisions of law.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:21-OCT-1997 13:30:51.00

SUBJECT: Juvie hearing

TO: NELSON_J (NELSON_J @ A1 @ CD @ LNGTWY [UNKNOWN]) (CPC)
READ:UNKNOWN

TEXT:

FYI. Jose'

----- Forwarded by Jose Cerda III/OPD/EOP on 10/21/97

01:30 PM -----

Leanne A. Shimabukuro

10/21/97 11:00:55 AM

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc:

Subject: Juvie hearing

FYI: Shay isn't testifying-- it will be our friend Kent. Paul Evans is also slated to testify. I mentioned to Kinney that we should make sure to mention the Jamie Fox stats (he isn't a witness); she said we should be able to see Kent's testimony sometime this afternoon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:21-OCT-1997 13:33:04.00

SUBJECT: Re: border memo

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

READ:UNKNOWN

TEXT:

Did you send this to EK or Laura?

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:21-OCT-1997 21:07:09.00

SUBJECT: INS Meeting on Commerce, State, Justice Appropriations Bill

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Add to schedule. cj3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/21/97

09:06 PM -----

Rajiv Y. Mody

10/21/97 05:19:11 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP, Maria Echaveste/WHO/EOP, Janet Murguia/WHO/EOP, Karen E. Skelton/WHO/EOP

cc:

Subject: INS Meeting on Commerce, State, Justice Appropriations Bill

This is just a reminder that there will be a meeting with INS at 4:45 in the Roosevelt Room to discuss the Commerce, State, Justice Appropriations Bill. Please let me know if you cannot attend. Thank you.

--Rajiv

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:21-OCT-1997 23:51:15.00

SUBJECT: Quickie Talking Points on Still to be signed Assaults Directive

TO: Karen A. Popp (CN=Karen A. Popp/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Karen:

With respect to not suspending the existing imports for Uzis, Galils and other such weapons, I understand that the Bush Administration did in fact suspend current imports, was sued and won. While I've briefly seen the issues outlined in that court in that case -- and I recognize that they're not the same now -- is Treasury being too cautious by simply taking this off the table? Are there other issues we could highlight today (intent behind passage of ban, requests by some 60 odd Senators and Reps, etc.), that would help us defend such action. I just want to double check since we're finally sending this up to the President, and I know he'll want to know.

Jose'

----- Forwarded by Jose Cerda III/OPD/EOP on 10/21/97
11:42 PM -----

Jose Cerda III
10/21/97 11:38:38 PM
Record Type: Record

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

cc:

Subject: Quickie Talking Points on Still to be signed Assaults Directive

Rahm, et. al.:

I've attached a DRAFT of some positive talking points for any Q's we may get tomorrow on the NBC or the LA Times stories on assaults. I understand from the LA Times reporter that Senator Feinstein is quoted as saying that our action is "worthless"...or something like that. I tried very hard to put our action into a broader context -- our long-term record on imports, China, curios and relics, etc. -- but don't know if I succeeded.

These talking points try and address Senator Feinstein's minimizing of our directive in the LA Times piece -- but they're stretching a bit. Also, I will visit w/Counsel and Treasury one more time about trying to cover the existing Uzi and other permits. I did speak to ATF Counsel tonight, and

they insist we can't act on the current permits. While the Bush Administration did this in 1989, was sued...and won, all of our lawyers say that this was an entirely different situation. More than a million assault rifles had been approved for import, and many were being recovered at crime scenes. With respect to the Uzis, not a one has even come in. In any event, we better do this soon. The increased media coverage is sure to result in new applications for imports.

Rahm, Elena, Bruce -- let me know if you think these talking points work.

Jose'

Message Sent

To:

Michelle Crisci/WHO/EOP

Bruce N. Reed/OPD/EOP

Elena Kagan/OPD/EOP

Barry J. Toiv/WHO/EOP

Leanne A. Shimabukuro/OPD/EOP

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D33]MAIL47262049Q.216 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

**DIRECTIVE ON THE IMPORTATION OF ASSAULT-TYPE WEAPONS
(10/22/97)**

- **Two-part directive to be signed.** This week the President will sign a directive ordering the Treasury Department to: (1) temporarily suspend any pending and future applications to import modified assault weapons, and (2) reexamine -- and, if necessary, modify -- the criteria used to keep non-sporting weapons out of the country.
- **Taking action before assault-type weapons flood our streets.** Over the past few years, firearms manufacturers have adapted -- or "sporterized" -- certain assault weapons to circumvent the ban on their importation. There are about 30 models of these firearms -- including the new Uzi American and Galil Sporter, which have already been mentioned in the press. To date, only limited numbers of these weapons -- about 10,000 in 1995 and 25,000 in 1996 (and no Uzis) -- have actually been imported. By acting now, the Administration can avert the type of crisis faced by the Bush Administration in 1989. At that time, permits for more than a million assault rifles had been approved, and an increasing number of assault rifles were being recovered at crime scenes.
- **Directive to be broader than Senator Feinstein's request.** While Senator Feinstein has essentially asked the Administration to revoke the existing permit to import several thousand Uzis and Galils, the long-term impact of the President's directive could be much broader. By conducting a thorough review and amending the sporting purposes test as appropriate -- the directive covers many more weapons and is likely to have a broader long-term impact. Instead of just focusing on a single permit, the President's directive is intended to permanently ban the next generation of assault-type weapons.
- **Unprecedented record on firearms imports.** This Administration has done more than any other in using every tool and legal authority available to keep non-sporting, military surplus and other firearms out of the country. Under the President's leadership, literally, millions of firearms -- of all sorts -- have been blocked from importation. For instance:
 - In 1993, the President issued a directive to close the loophole that allowed certain assault pistols to be imported (despite the Bush Administration's 1989 ban on the importation of assault rifles).
 - In 1994, the President fought for and signed the Assault Weapons Ban into law as part of comprehensive crime legislation. When

efforts to kill the ban were succeeding (August '94 vote on crime bill rule), the President fought with the nation's law enforcement officers to make sure the Assault Weapons Ban was not dropped from the final bill. As a result, 19 specific assault weapons, duplicates of those 19 firearms and certain other semiautomatic weapons possessing various military style features were banned from importation.

- In 1994, the President (when granting MFN status to China) used his authority under the Arms Export Control Act to ban the importation of Chinese munitions. By taking this action, he stopped the potential importation of millions of assault-type rifles (SKS) and high-capacity magazines.

(The Administration negotiated a voluntary restraint agreement with the Russians to limit the number of firearms, clips and ammunition coming into the country as a result of increased trade with Russia).
NB: need to confirm date/details of this agreement.

- And, both in 1996 and 1997, the Administration worked to defeat congressional amendments to force the importation of military surplus firearms. These military weapons, which were provided to foreign governments for free or at low costs -- and by the millions, included concealable handguns (.45 caliber semiautomatic pistols) and rifles that could be easily converted into fully automatic weapons (M1 carbines).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:21-OCT-1997 15:48:22.00

SUBJECT: Re: Directive on Modified Assault Weapons -- Uzi and Galil

TO: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Phil:

I'm not sure if Rahm is trying to get anything on the schedule, possibly a photo for release, but my guess is we'll want to do it before the end of the week.

Jose'

**Clinton Presidential Records
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[EMAIL] and Tape Restoration Project [Email]**

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Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-21

Subject: HR2610, Nat'l Narcotics Leadership Act passed by voice vote

Creator: Jose Cerda III

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-OCT-1997 12:12:30.00

SUBJECT: Re: Empowerment Zones Round II

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

READ:UNKNOWN

TO: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Do we need to be in on this meeting? I wouldn't mind, but I understand if
not. jc3

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-OCT-1997 13:59:46.00

SUBJECT: Bending the Law -- just kidding!

TO: Karen A. Popp (CN=Karen A. Popp/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Any luck yet in trying to pull the lawyers together later today. Please
page me and/or Elena when you think we might be ready.

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-OCT-1997 09:41:00.00

SUBJECT: Re: Letters not received

TO: rfarzad (rfarzad @ phoenix.Princeton.EDU @ INET @ LNGTWY [UNKNOWN])
READ:UNKNOWN

TEXT:
Roben:

I missed Fed-Ex late Thursday night, so I sent them Friday morning and paid for Saturday morning delivery. I have the receipt at home and can dig-up a tracking number if you think they've gotten lost. Otherwise, they should arrived by Saturday morning at the latest. Did you speak to the Rhodes folks on Friday or after the weekend. I am sorry about the inconvenience, and hope we can straighten this out. Let me know if you need me to call anyone(Fed-Ex, Rhodes).

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-OCT-1997 14:12:18.00

SUBJECT: weekly again

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

TEXT:
FYI.

----- Forwarded by Jose Cerda III/OPD/EOP on 10/22/97
02:09 PM -----

Elena Kagan
10/22/97 01:59:26 PM
Record Type: Record

To: Jose Cerda III/OPD/EOP
cc:
Subject: weekly again

also, i think it might be a good idea to give the POTUS an update on
crack, the juvenile justice bill, and ONDCP reauthorization.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-OCT-1997 09:44:20.00

SUBJECT: Re: draft erskine letter

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

TEXT:

GSA letter looks fine. Let's send it to EK, and include a brief note about suggesting that EB double-check w/Counsel to make sure the letter is appropriate.

jc3

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[EMAIL] and Tape Restoration Project [Email]**

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This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-22

Subject: INS Meeting on Commerce, State, Justice Appropriations Bill

Creator: Jose Cerda III

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-OCT-1997 14:12:26.00

SUBJECT: weekly

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

TEXT:

FYI.

----- Forwarded by Jose Cerda III/OPD/EOP on 10/22/97

02:09 PM -----

Elena Kagan

10/22/97 01:57:28 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc:

Subject: weekly

could you write weekly items on the assault weapons directive (if we haven't done it yet) and the treasury proposals on gun shows and ammo clips? thanks.

**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

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This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-22

Subject: Re:

Creator: Jose Cerda III

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-OCT-1997 12:03:20.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Barry:

I was able to confirm that we did in fact enter into a VRA w/the Russians in April of 96. At the time, more than 3 million permits for firearms and billions of permits for ammunition were pending. We took the unprecedented step of using a VRA to keep many (no exact number) of these firearms out. The agreement listed about 20 specific firearms that we importable, and specifically prohibited certain ammunition. This applied to all Russian firearms and ammunition -- whether in Russia or not -- and to all weapons in Russia -- whether of Russian make or not. Our action was severely criticized by the NRA, and at least Chuck Schumer came out at the time and said we didn't go far enough.

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-OCT-1997 17:42:01.00

SUBJECT: Upcoming Hearings

TO: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

FYI. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/22/97

05:39 PM -----

Ronald E. Jones

10/22/97 03:41:54 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP, Francis S. Redburn/OMB/EOP, Joslyn G. Mack/OMB/EOP

cc: James J. Jukes/OMB/EOP

bcc:

Subject: Upcoming Hearings

HUD Congressional Affairs staff tell me the hearing is pure oversight and that the following people are expected to testify but the list is still tentative:

Gloria Robinson, HUD

Karl Scholz, Treasury DAS for Tax Analysis

two people from GAO

Dick Cowden,

David Capara

Diane Lupke, Nat. Council for Urban Econ. Dev.

the Director of the Philadelphia EZ

the Mayor of Norfolk

a rep from the Nat'l Assoc of State Development Directors

Jose Cerda III

10/22/97 02:12:54 PM

Record Type: Record

To: Ronald E. Jones/OMB/EOP@EOP

cc: Paul J. Weinstein Jr./OPD/EOP@EOP

Subject: Re: Upcoming Hearings

Ron:

Do we know anything about the EZ hearings next week in Ways and Means?
Who's testifying? Any specific points of focus? Etc.

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-OCT-1997 14:13:00.00

SUBJECT: Re: Upcoming Hearings

TO: Ronald E. Jones (CN=Ronald E. Jones/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Ron:

Do we know anything about the EZ hearings next week in Ways and Means?
Who's testifying? Any specific points of focus? Etc.

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-OCT-1997 13:55:49.00

SUBJECT: assaults

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

TEXT:

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D69]MAIL43383559G.216 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

...Assaults Directive Notes...

1. Attached is draft directive on a new class of modified -- or sporterized -- assaults. Generally, it suspends action on all pending (add #) and future imports for these weapons until Treasury re-examines the criteria under which non-sporting firearms are allowed into the country. This action mirrors your 93 action to ban assault pistols and the 89 action by Bush to ban __ assault rifles.

2. The one difference between these actions -- and the question you must decide -- is whether or not the Administration should take the additional step of temporarily suspending permits that have already been granted. Gun control advocates such as Senator Feinstein and Handgun Control argue that you have the authority to do this and should. Administration lawyers believe that there is a substantial litigation risk if we do. They are concerned that the factual circumstances surrounding the 89 decision were different and are not present now. While acknowledging this risk, we are concerned that, in addition to the existing permit for 2,600 Galils to be imported (none of which have actually been entered the country), there are existing permits for some 300,000 other sporterized firearms -- and that a large number of these firearms could be imported during the review period called for in the directive.

3. Option 1: Only suspend action on pending and future permits (approx. # and growing). Existing permits (300,000) could be exercised during the review period, but not afterwards if the sporting purposes test is changed and the specific firearms do not meet the new test. Administration lawyers believe this is entirely defensible. DiFi and HCI would complain that this action is sufficiently bold.

Option 2: In addition to suspending action on pending and future permits, existing permits would be suspended during the review period. After the review period, permits for guns that are deemed to continue to meet the sporting purposes test could be imported; permits for guns that don't continue to meet the SP test would be revoked. Administration lawyers believe that this option presents a substantial litigation risk. Although the Bush Administration won a similar case on appeal in 1989, the court cited a combination specific facts that warranted such extreme and emergency action, including -- #s, here, increased traces, high-profile shootings. Arguable only of these circumstance exists today (compare #s). Moreover, the lawyers also believe that -- while not likely -- there is an additional risk that the court could question the Administration's broad authority to interpret the sporting purposes test.

Option 3: An alternative might be to view the above options as a two-step process. That is, you could sign a directive that (1) immediately suspends

action on the importation of pending and future permits; and (2) requires Treasury to monitor the levels of importation/criminal use of firearms coming into the country under existing permits and to suspend those permits if there is a measurable/significant upturn in the factors being monitored

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-OCT-1997 09:49:56.00

SUBJECT: Re: volunteer summit

TO: Michele Cavataio (CN=Michele Cavataio/OU=PIR/O=EOP @ EOP [PIR])

READ:UNKNOWN

TEXT:

MC:

Her name is Diana Fortuna, and -- yes -- she's still here. You can reach her at 6-5570.

So, is your Halloween fete still on? What are you, Laurie and Boo going as?

jc3

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Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-23

Subject: MCCAFFREY REJECTS HOUSE DRUG-FIGHT
GOALS

Creator: Jose Cerda III

**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-23

Subject: Assaults Directive

Creator: Jose Cerda III

**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-24

Subject: [no subject]

Creator: Jose Cerda III

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-OCT-1997 12:19:07.00

SUBJECT: Assaults Directive

TO: Karen A. Popp (CN=Karen A. Popp/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Per our conversation. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/24/97

12:18 PM -----

Jose Cerda III
10/23/97 02:42:31 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Bruce N. Reed/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP
Subject: Assaults Directive

EK:

I was thinking... If all else fails (or to reduce litigation risks) can't we add a hybrid and third component to the directive that requires Treasury to monitor the continued levels of importation and crime gun tracings of the sporterized weapons currently permitted to enter the country, and -- if Treasury finds that there are substantial increases in the number of these firearms being imported (i.e., from thousands to tens of thousand or more), or if there is an increase in the number of these firearms being recovered at crime scenes (i.e., percentage/# traced increases within the next 30 days) -- temporarily suspend existing permits, too.

Such a provision, I would think, would allow some imports to continue; not immediately result in a TRO; cover the criticism that existing permits for hundred of thousand of weapons are wide open; give us more time to establish a factual predicate to act on all permits, if necessary; and allow us -- hopefully with a stronger case -- to immediately suspend imports if their numbers balloon or their presence at crime scenes increases. This, of course, would not protect us from criticism if there were just one high-profile shooting with one of these weapons (which ATF claims has not happened to date) -- and may only be postponing the inevitable (increases in imports, legal challenges to overall action, etc.)

Just a thought...Also, Rahm mentioned to me that we should plan to sit down with the Senators and Administration lawyers -- before we finalize

our decision -- to make sure their bought into our decision -- whatever it ends up being. I'll come up with a list of the usual gun suspects for meetings.

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-OCT-1997 12:26:06.00

SUBJECT: Bilingual Education

TO: William R. Kincaid (CN=William R. Kincaid/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

EK: I don't the answer to this. Did SM ask you about already, or should we ask Mike and/or Bill? Mike and/or Bill: Is their a simple answer to this?

Jose' and/or Joe

----- Forwarded by Jose Cerda III/OPD/EOP on 10/24/97
12:23 PM -----

Sylvia M. Mathews

10/22/97 02:53:31 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Jose Cerda III/OPD/EOP

cc:

Subject: Bilingual Education

What is our position on this issue? I just don't know.

**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

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This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-24

Subject: Proposed Directive on Modified Assault Weapons

Creator: Jose Cerda III

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-OCT-1997 12:14:09.00

SUBJECT: ivory towers

TO: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Mike:

I'm sure you have a perspective on this issue. Maybe we can talk about this at the Monday meeting.

Jose'

----- Forwarded by Jose Cerda III/OPD/EOP on 10/24/97
12:13 PM -----

Bruce N. Reed

10/24/97 10:36:09 AM

Record Type: Record

To: Jose Cerda III/OPD/EOP, Elena Kagan/OPD/EOP, Thomas L. Freedman/OPD/EOP

cc:

Subject: ivory towers

This may be a phony issue, but maybe not. In any event, it's the sort of phony issue we would normally be doing a lot about.

COLLEGE COP-OUT: CLOSING THE
BOOKS ON CAMPUS CRIME

By Robyn Gearey

You're a high-school senior, or maybe the parent of one, and you're weighing an application to the University of Pennsylvania. It's Ivy League all right, but it's an urban campus--right there in the heart of Philadelphia--and, well, it doesn't have the greatest reputation for safety. So you ask the school for a copy of its crime statistics. When the university obliges, you find that there were no murders, just a handful of rapes in the past three years, and a mere eighteen armed robberies in 1995. That doesn't sound quite as bad as you thought.

But it turns out the University of Pennsylvania has neglected to inform

you of a few small things. Like the fact that, according to campus police logs, the number of armed robberies in 1995 was closer to two hundred. Like the fact that these statistics do not include the shooting of Patrick Leroy, a senior who was shot on one of the main walkways through campus on September 25, 1996. Why has Penn been so circumspect? Maybe because it's trying to keep up with the competition.

Schools neglect to report as many as 75 percent of the crimes committed on their campuses, according to one recent study. A handful of watchdog groups, led by the Pennsylvania-based Security on Campus (SOC), are trying to change this: in 1990, pressure from the group helped convince Congress to pass the Student Right-to-Know and Campus Security Act (CSA). The law requires schools to compile annual crime statistics from both campus police and other school officials, and then distribute the data to students and staff--as well as any prospective students or staff who request it. But based on interviews with activists, federal officials, and college administrators, it seems clear that only a small percentage of colleges are in full compliance with the law.

College officials complain, with some reason, that they face conflicting legal mandates: while CSA requires schools to make information about crime public, there is also the 1974 Family Educational Rights and Privacy Act (ferpa), which prevents schools receiving federal funding from releasing a student's educational record without his permission. Many college officials have interpreted that to extend to records of disciplinary proceedings concerning alleged crimes committed on campus. But two state supreme courts have ruled--quite rightly--that ferpa's privacy provisions don't preclude reporting anonymous statistics. And it's hard to believe the colleges have only the students' interests at heart when they fail to meet even the less controversial demands of the law. A 1996 study conducted by University of Cincinnati professor Bonnie Fisher and her colleague Chunmeng Lu found that just 37 percent of the 785 schools surveyed complied with the unambiguous requirement that crime statistics be made available to prospective students.

Recently the Department of Education has investigated a handful of schools accused of not complying with the law. According to the Department, Moorhead University, a Minnesota school

with over 6,000 students, underestimated its annual crime rate and under reported illegal incidents at fraternities. After some back-and-forth between the school and the government, federal officials reexamined Moorhead's compliance several months later. Again, the university failed to pass muster: "We believe that the institution has not demonstrated a serious commitment to its obligations under the Campus Security Act and has discounted the seriousness of the issues raised by this office."

Soon the Education Department cited other schools: Virginia Tech had neither "accurately compiled" nor "accurately disclosed" crimes at its Blacksburg, Virginia, campus; in particular, the school had not disclosed an alleged rape in September 1994. Miami University of Ohio was cited for violating six separate CSA provisions: it had "fail[ed] to properly gather the required crime statistics from all pertinent sources," and its office of judicial affairs was not reporting crimes "as a general policy."

The University of Pennsylvania is one of two schools that remain under scrutiny (the other is Clemson University in South Carolina) and it's not hard to see why. According to The Philadelphia Inquirer, the school routinely fails to report crimes that occur on the streets and sidewalks connecting campus buildings as well as on property the school leases to businesses. For example, there are the discrepancies, reported by the Inquirer, between university police records on robberies and Penn's 1995 crime report. And then there is the fact that Penn excluded the shooting of Patrick Leroy from its report the following year. The university's explanation for the omission: technically speaking, the shooting was on a public walkway that traverses the campus.

Penn is also awaiting another judgment: the Daily Pennsylvanian newspaper reports that a former student is suing the school on grounds that university officials neither reported nor acted on a rape charge she filed with a university police officer in November 1994. The plaintiff claims that she was dissuaded from filing criminal charges because the university assured her it would handle the matter. According to the article, the university claims the rape never occurred, despite a statement from the officer at the time that a sexual assault complaint had been made.

One can certainly sympathize with college officials struggling to balance the requirement to release crime figures and the need to protect student privacy. Indeed, representatives from the colleges

under investigation counter the Education Department's charges by saying that the reporting requirements are ambiguous. For example, CSA does not explicitly say that crimes committed on public roads or walkways need to be reported--even if those paths are heavily traveled by students and within campus boundaries. And many college officials also realize that violating a student's right to privacy invites lawsuits.

But one reason to question the colleges' explanations is that many institutions actively discourage victims from reporting crimes--even to campus police. A 1992 survey of campus police and security personnel conducted by William Whitman, director of the Campus Safety and Security Institute, found that "students who were victims of reportable violent crimes" were encouraged "not to report the crimes to campus police/security. If the attacker was another student, they encouraged the victim to use the campus judicial system"--where, of course, it's easier to keep things quiet. Sheldon Steinbach, vice president and general counsel for the American Council on Education (ACE), denies that schools would do that, but Whitman reported that "several [college] Directors of Security were told they could look for a new job if they ever revealed the institution's true statistics." The Education Department hasn't always helped matters, either. According to a March General Accounting Office report, "the Department has been slow to monitor compliance" with CSA and was over a year late in submitting a required report on campus crime to Congress. More seriously, GAO charged that, although the Department and independent auditors had identified violations at sixty- three colleges since the law's enactment, the Department failed to impose sanctions against any of the violators.

The Education Department blames these failures on a confusion over reporting requirements and difficulties getting complete data from colleges. However, Department officials have also contributed to the general confusion over what colleges are required to do under CSA. In April of 1994, the Department ruled that privacy laws should not prevent schools from releasing statistics of how many crimes occurred, so long as those statistics did not include names or other identifying details. Then, this July, the Ohio supreme court issued a broad ruling that disciplinary records do not qualify as educational records--and, thus, cannot be kept confidential. You'd think the Education Department would applaud such a ruling. Not so. Apparently alarmed that a state court

had made too sweeping a rejection of the privacy provisions in FERPA, an Education Department official sent a letter to several colleges in Ohio, criticizing the court's ruling. Whatever the intent of that letter, the effect was to give colleges added credibility in their claim that FERPA laws trump crime reporting laws.

Congress may soon step in to rectify what the universities and the Department of Education have not. The reason has a lot to do with Ben Clery and his parents, Howard and Connie, who, in 1987, founded Security on Campus after Ben's sister Jeanne was beaten, raped, and murdered in her dorm room at Lehigh University. Through its sponsorship of the CSA, the group has almost single-handedly forced the issue of campus crime into the spotlight. Before CSA was passed, most colleges did not compile crime statistics at all: fewer than 5 percent submitted information to the FBI's voluntary crime reporting program.

Because many colleges still seem to be shirking their reporting responsibilities, Security on Campus is now promoting another measure: the Accuracy in Campus Crime Reporting Act (ACCRA), introduced this February in the House by Tennessee Republican John Duncan. In theory, ACCRA would clear up any lingering confusion over just what CSA covers. ACCRA would say explicitly which campus officials must document criminal incidents for inclusion in the CSA-required annual report. It also would require that colleges submit these statistics to the Education Department, which would make them available to the public. The bill's more controversial provisions would require colleges to maintain open crime logs and to make campus judicial hearings open to the public. And, for the first time, violations of the law would provoke mandatory sanctions: at least 1 percent of the school's federal funding per violation.

Congress held preliminary hearings on the proposal in July, in conjunction with the reauthorization of the Higher Education Act, and more hearings are scheduled for later this month. But while the bill has fifty-nine co-sponsors in the House, it has a formidable opponent in ACE, which represents some 3,600 postsecondary schools. "Some [of the law's proposals] are highly destructive," says ACE's Steinbach. Especially in hard-to-prosecute sexual assault cases, he argues, a campus court may be the only recourse available--and many victims even prefer it. "Students often want the

judicial procedure because it's a confidential setting," says Steinbach, who is similarly troubled by the open-court requirement: "Imagine this," Steinbach says ominously, "you're alleging a rape and all the guy's frat brothers show up at the hearing. How willing are people going to be to testify if they're intimidated?"

On the issue of reporting crime, Steinbach is equally skeptical. These officials "aren't trained in how to determine what is a crime." Furthermore, he points out, "Some students may want to talk to someone [about an incident] but not report it. This could discourage students from seeking counseling" and, in cases where a crime is only reported to a school counselor, "threaten the doctor-patient relationship."

ACE has been lobbying hard against the bill, as have such smaller groups as the National Association of Student Personnel Administrators. In a four-page letter to accra's sponsor, several of the measure's opponents wrote, "We are concerned that [accra] may not provide the most effective solution" to campus crime problems. The bill's reporting requirements, the letter said, would have a "chilling effect on victims" and be "unduly burdensome" for college authorities. Having the Education Department act as a central repository for annual crime reports is "a waste of taxpayer money"; and opening records of criminal activity "will have a devastating impact" on accused students.

Concern over the proposal to open campus disciplinary proceedings to the public may be plausible, but opposition to the reporting of anonymous statistics seems pretty indefensible. Students and parents have a right to know how prevalent crime on campus is. Several courts have said so, as has Congress. Steinbach scoffs that "Security on Campus is obsessed with reporting as if reporting is a panacea for campus crime." But the disclosure laws are not about reducing crime--they're about making educated choices more effective. You'd think that's a goal universities and colleges would support.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-OCT-1997 19:30:50.00

SUBJECT: Meeting w/Jeremy

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

EW: Please add to my schedule. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/24/97

07:30 PM -----

James Boden

10/24/97 06:16:38 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc:

Subject: Meeting w/Jeremy

Just a reminder, we will meet with Jeremy to go over the NIJ budget request on Friday 10/30 at 10:00am in his office which is at 810 7th st. I can swing by your office on Fri morning to go over.

Jim

**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

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This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-24

Subject: Re: Proposed Directive on Modified Assault Weapons

Creator: Jose Cerda III

**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-24

Subject: [no subject]

Creator: Jose Cerda III

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-OCT-1997 19:33:52.00

SUBJECT: Re: Stuff

TO: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Man, you're good! jc3

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-OCT-1997 11:03:44.00

SUBJECT: Hate Crimes

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Please add to my schedule. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/27/97

12:03 PM -----

Marjorie Tarmey
10/27/97 10:05:26 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Suzanne Dale/WHO/EOP
Subject: Hate Crimes

We would like to meet tomorrow, Tuesday, Oct 28, at 4:00 pm to discuss open issues re the Hate Crimes Conference. Please let me know if you are available to meet. Thanks.

Message Sent

To:

Mickey Ibarra/WHO/EOP
Jose Cerda III/OPD/EOP
Mary L. Smith/OPD/EOP
Thomas L. Freedman/OPD/EOP
Richard Socarides/WHO/EOP
Marsha Scott/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-OCT-1997 17:56:38.00

SUBJECT: Tentative FY99 Budget Process Schedule for Wednesday Meeting

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

READ:UNKNOWN

TEXT:

FYI. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/27/97

06:56 PM -----

Paul J. Weinstein Jr.

10/27/97 04:22:04 PM

Record Type: Record

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

cc:

Subject: Tentative FY99 Budget Process Schedule for Wednesday Meeting

Budget Schedule

1. The OMB Director's review through November. These are internal meetings.
2. Cross-Cuts potentially to occur the week prior to Thanksgiving.
3. Agency passbacks the week of Thanksgiving.
4. Agency appeals to the Director starting the first week of December.
5. Budget options presented to President mid-December.
6. Final NEC budget meetings with POTUS third week of December.

Message Sent

To:

Bruce N. Reed/OPD/EOP

Michael Cohen/OPD/EOP

Thomas L. Freedman/OPD/EOP

Jose Cerda III/OPD/EOP

Christopher C. Jennings/OPD/EOP

Elena Kagan/OPD/EOP
Jennifer L. Klein/OPD/EOP
Cynthia A. Rice/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-OCT-1997 13:47:31.00

SUBJECT: Budget/State of the Union Meeting

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:

Essence, please add to my schedule.

Leanne, put your thinking cap on and lets talk about this before then.
Maybe as soon as late today. This will give us tomorrow to do any
necessary homework. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/27/97
02:46 PM -----

Paul J. Weinstein Jr. 10/27/97 01:34:41 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Laura Emmett/WHO/EOP, Cathy R. Mays/OPD/EOP
Subject: Budget/State of the Union Meeting

There will be a meeting in Bruce's office at 9:00 this Wednesday to
discuss DPC priorities for the FY99 budget and State of the Union. Please
come with your list of priorities. Please make copies. Thanks.

Message Sent

To:

Michael Cohen/OPD/EOP
Jose Cerda III/OPD/EOP
Christopher C. Jennings/OPD/EOP
Jennifer L. Klein/OPD/EOP
Thomas L. Freedman/OPD/EOP
Cynthia A. Rice/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-OCT-1997 11:04:29.00

SUBJECT: Hate Crimes mtg

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Sorry, time change. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/27/97

12:04 PM -----

Marjorie Tarmey
10/27/97 10:58:57 AM

Record Type: Record

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

cc: Suzanne Dale/WHO/EOP

Subject: Hate Crimes mtg

4:00 does not work for several people. Can you 5:00 pm on Tuesday, Oct 28
in Maria's office?

Message Sent

To: _____
Mickey Ibarra/WHO/EOP
Jose Cerda III/OPD/EOP
Mary L. Smith/OPD/EOP
Thomas L. Freedman/OPD/EOP
Richard Socarides/WHO/EOP
Marsha Scott/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-OCT-1997 13:39:15.00

SUBJECT: Weekly Comments on Assaults Directive

TO: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Phil:

Any luck in getting a copy of the President's comments, if any, to the section in our weekly report on the directive? Even an e-mail would be great before our 2:30pm meeting today to try and close this out. (Elena mentioned that she didn't review this part of the weekly when she took a look at it yesterday.)

Thanks,

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-OCT-1997 19:11:00.00

SUBJECT: Re: Natl. Day of Concern about Young People and Gun Violence

TO: Tracy F. Sisser (CN=Tracy F. Sisser/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

CC: Lana Dickey (CN=Lana Dickey/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

CC: Carmen B. Fowler (CN=Carmen B. Fowler/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Thank you. Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-OCT-1997 12:01:46.00

SUBJECT: Central Americans Meeting TOMORROW

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

EW: fyi.jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/28/97

01:01 PM -----

Laura Emmett

10/28/97 11:12:01 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Marjorie Tarmey/WHO/EOP, Essence P. Washington/OPD/EOP, Jessica L. Gibson/WHO/EOP
Subject: Central Americans Meeting TOMORROW

There will be a meeting tomorrow on the Central American Immigration Issue. The meeting will take place on Wednesday at 2:30 in room 476. Please let me know if you cannot attend.

Attendees

Elena Kagan, DPC

Jose Cerda, DPC

Leanne Shimabukuro, DPC

Maria Echaveste, OPL

Rob Weiner, Counsel

Peter Jacoby, Leg Affairs

Janet Murguia, Leg Affairs

Steve Warnath, Pres' Crime Prev Council

Scott Busby, NSC

Phil Bartz, DOJ

Alan Erenbaum, INS

David Martin, INS

Message Sent

To:

Maria Echaveste/WHO/EOP

Peter G. Jacoby/WHO/EOP

Robert N. Weiner/WHO/EOP

Jose Cerda III/OPD/EOP

Leanne A. Shimabukuro/OPD/EOP

WARNATH_S @ A1 @ CD @ LNGTWY

Janet Murguía/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-OCT-1997 19:55:35.00

SUBJECT: Re: Central Americans

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

READ:UNKNOWN

TEXT:

Good job. jc3

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-OCT-1997 16:36:22.00

SUBJECT: Crack Powder

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Please add to schedule. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/29/97

05:34 PM -----

Charles A. Blanchard
10/29/97 04:29:47 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Crack Powder

The next meeting of the Crack Cocaine Working Group will be next Monday, Nov. 3 at 1 pm in OEOP 211. This is an important meeting. We will finalize the draft Joint Strategy document, which all of you should receive by the end of the day from Liz Fine at DoJ.

Message Sent

To:

Francis X. Kinney/ONDCP/EOP
Carol A. Bergman/ONDCP/EOP
Leroy J. Jones/ONDCP/EOP
Robert F. Housman/ONDCP/EOP
Sammie C. Grizzle/ONDCP/EOP
Daniel Schecter/ONDCP/EOP
Dennis E. Greenhouse/ONDCP/EOP
Hoover Adger Jr./ONDCP/EOP
Alejandra Y. Castillo/ONDCP/EOP
Robert S. Weiner/ONDCP/EOP
Jose Cerda III/OPD/EOP
Peter G. Jacoby/WHO/EOP
Elena Kagan/OPD/EOP
Leanne A. Shimabukuro/OPD/EOP
Karen A. Popp/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-OCT-1997 19:24:29.00

SUBJECT: Draft Assaults Memo

TO: Michelle Crisci (CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D11]MAIL46221710X.316 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

October 30, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
RAHM EMANUEL

SUBJECT: "Sporterized" Assault Weapons Directive

Attached is a draft directive on the importation of a new class of modified, or "sporterized," assault weapons. As you know, the 1994 Crime Bill bans 19 specific assault weapons, their duplicates, and certain other semiautomatic weapons with military-style features. The 1968 Gun Control Act more generally prohibits the importation of firearms that are not "generally recognized as particularly suitable or readily adaptable to sporting purposes." In recent years, certain gun manufacturers have redesigned "assault-type" weapons in minor ways to circumvent the 1994 ban and to meet the criteria currently used to apply the sporting purposes provision of the 1968 Act. This directive is intended to address importation of such redesigned weapons.

The directive essentially mirrors the action you took in 1993 to ban the importation of assault pistols and the action President Bush took in 1989 to ban the importation of assault rifles. Everyone agrees that the directive should: (1) require Treasury to reexamine, and if necessary, modify the criteria used to keep non-sporting weapons out of the country; and (2) temporarily suspend the approval of all pending and future applications for permits to import sporterized assault weapons. Although only a limited number of these firearms has come into the country since passage of the assault weapons ban (approximately 14,000 in 1994, 12,000 in 1995, 30,000 in 1996, and nearly 20,000 to date this year -- as opposed to nearly 160,000 in 1993), applications are now pending to import as many as 1.1 million more of these firearms. The directive would halt importation of these firearms while Treasury conducts its review -- and depending on the outcome of that review, could lead to a permanent ban on such weapons.

As you know, we have not yet resolved whether the Administration should take the additional step of temporarily suspending permits that already have been granted. While ATF originally estimated that 300,000 sporterized assault weapons could be legally imported under roughly 50 existing permits, the Bureau now puts the figure at about 600,000. The difference is due largely to ATF staff's approval last week of 3 permits for an additional 175,000 sporterized firearms -- action taken in the face of an informal departmental directive not to act on pending applications until the scope of this directive was determined.

We have pressed Treasury, Justice, and White House Counsel to develop the strongest

possible case for temporarily suspending existing permits. Despite our efforts, Justice litigators continue to have serious doubts that we have a sufficient factual basis for taking this action. They point out that, in upholding the Bush Administration's suspension of existing permits in 1989, the court relied on a combination of specific facts, including: a large number of approved and pending permits for assault rifles; a 57% increase in the number of assault rifles recovered at crime scenes; and several highly publicized shootings involving assault rifles, such as the Stockton, CA murders. Arguably, the same combination of circumstances does not exist today. While the number of approved and pending permits is comparable, the 145% increase in the number of sporterized weapons traced since 1994 is largely attributable to an expanded tracing program (indeed, other makes of guns have shown a larger increase in tracings), and no highly publicized crimes have involved these weapons.

Given these circumstances, Justice litigators believe that a court is very likely to enjoin our suspension of existing permits. Justice also points out that a loss on this issue could undermine our ability to defend any future action taken by Treasury to modify the test for non-sporting weapons: for example, a court that believes we stepped over the line in suspending existing permits may doubt whether we have a bona fide basis for modifying the criteria used to apply the sporting purposes test. The Justice Department, however, has stated clearly that it will defend in court an Administration decision to suspend existing permits.

You have the following options with respect to the scope of the directive:

Option 1: Suspend action only on pending and future permits (covering about 1.1 million firearms). Allow imports under the 50 existing permits (covering 600,000 firearms) during the review period. If Treasury ultimately changes the sporting purposes test, revoke permits for firearms inconsistent with the new criteria. Treasury and Justice lawyers believe this option is entirely defensible. Senator Feinstein and other Members of Congress would complain that this action is not sufficiently bold.

Option 2: Suspend action on pending and future permits, and require Treasury to closely monitor the levels of importation and criminal use of sporterized firearms during the review period. Instruct Treasury to suspend existing permits if it uncovers a sufficient factual basis for doing so -- including an increase in importation and/or criminal use of such weapons -- during its review process. Although this solution will not be acceptable to Senator Feinstein, it may dampen criticism from others -- and substantially reduce our litigation risk.

Option 3: In addition to suspending pending and future permits, also suspend the 3 permits for 175,000 firearms erroneously issued last week. Because ATF granted these permits in violation of an informal departmental directive, Treasury and Justice lawyers believe we have a slightly better basis to suspend these permits than to suspend others previously granted. As with Option 1, Senator Feinstein and other gun control advocates will not view this action as sufficient.

Option 4: In addition to suspending action on pending and future permits, temporarily

suspend all existing permits (50 permits for 600,000 firearms) while ATF reviews the sporting purposes criteria. After this review, if Treasury changes the sporting purposes test, revoke permits for firearms inconsistent with the new criteria. Justice litigators believe that this option presents a substantial litigation risk and could undermine our ability to defend future action by Treasury to modify the sporting purposes test. Additionally, key Treasury staff would spend much of the review period in court -- and not necessarily working on re-examining the sporting purposes test.

Recommendation:

Chuck Ruff strongly believes that...

We are comfortable with either Option 2 or Option 4. (Option 3 only calls attention to our own error, and Option 1 looks weak in not holding out even the possibility of a suspension of existing permits.) Option 4 looks stronger to start with, but may well result in a quick loss in court. Option 2 will be subject to immediate criticism by Feinstein and others, but may hold up best over time.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-OCT-1997 19:55:54.00

SUBJECT: Assaults Memo

TO: Karen A. Popp (CN=Karen A. Popp/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Karen:

Attached please find our draft memo. Bruce and Elena have already reviewed it, and Rahm took it home w/him tonight. Also, Elena spoke to Chuck briefly on another matter and asked me to drop off a copy -- along w/the President's recent note to us. I'll be around for a bit if you want to discuss; otherwise, let's talk in the morning.

Jose'

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D58]MAIL446627104.316 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

October 30, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
RAHM EMANUEL

SUBJECT: "Sporterized" Assault Weapons Directive

Attached is a draft directive on the importation of a new class of modified, or "sporterized," assault weapons. As you know, the 1994 Crime Bill bans 19 specific assault weapons, their duplicates, and certain other semiautomatic weapons with military-style features. The 1968 Gun Control Act more generally prohibits the importation of firearms that are not "generally recognized as particularly suitable or readily adaptable to sporting purposes." In recent years, certain gun manufacturers have redesigned "assault-type" weapons in minor ways to circumvent the 1994 ban and to meet the criteria currently used to apply the sporting purposes provision of the 1968 Act. This directive is intended to address importation of such redesigned weapons.

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As you know, we have not yet resolved whether the Administration should take the additional step of temporarily suspending permits that already have been granted. While ATF originally estimated that 300,000 sporterized assault weapons could be legally imported under roughly 50 existing permits, the Bureau now puts the figure at about 600,000. The difference is due largely to ATF staff's approval last week of 3 permits for an additional 175,000 sporterized firearms -- action taken in the face of an informal departmental directive not to act on pending applications until the scope of this directive was determined.

We have pressed Treasury, Justice, and White House Counsel to develop the strongest

possible case for temporarily suspending existing permits. Despite our efforts, Justice litigators continue to have serious doubts that we have a sufficient factual basis for taking this action. They point out that, in upholding the Bush Administration's suspension of existing permits in 1989, the court relied on a combination of specific facts, including: a large number of approved and pending permits for assault rifles; a 57% increase in the number of assault rifles recovered at crime scenes; and several highly publicized shootings involving assault rifles, such as the Stockton, CA murders. Arguably, the same combination of circumstances does not exist today. While the number of approved and pending permits is comparable, the 145% increase in the number of sporterized weapons traced since 1994 is largely attributable to an expanded tracing program (indeed, other makes of guns have shown a larger increase in tracings), and no highly publicized crimes have involved these weapons.

Given these circumstances, Justice litigators believe that a court is very likely to enjoin our suspension of existing permits. Justice also points out that a loss on this issue could undermine our ability to defend any future action taken by Treasury to modify the test for non-sporting weapons: for example, a court that believes we stepped over the line in suspending existing permits may doubt whether we have a bona fide basis for modifying the criteria used to apply the sporting purposes test. The Justice Department, however, has stated clearly that it will defend in court an Administration decision to suspend existing permits.

You have the following options with respect to the scope of the directive:

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Recommendation:

Chuck Ruff strongly believes that...

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**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-29

Subject: Cut at Assaults Memo

Creator: Jose Cerda III

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-OCT-1997 16:36:23.00

SUBJECT: Mtg. tomorrow

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

----- Forwarded by Jose Cerda III/OPD/EOP on 10/29/97
05:34 PM -----

Laura Emmett
10/29/97 04:30:17 PM
Record Type: Record

To: Jose Cerda III/OPD/EOP
cc:
Subject: Mtg. tomorrow

You and Elena will go over to INS to meet with Doris Meisner for a 12:00 meeting. (Discuss substance w/ EK) Car #12 will leave from the West Basement at 11:45 and will return at 1:00. INS is located at 425 I street, suite 7100

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-1997 10:29:47.00

SUBJECT: Re: I swear that I don't have a gun

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

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

TEXT:
JT:

Here are two files to get you up to speed on the assaults directive. One is a series of talking points I prepared for Rahm and the press office whilst we were contemplating this action; and the second is our draft memo to the Pres. on the substance of the directive -- so that we can actually tape this thing tomorrow. Leanne and I will try and pull some other things together, but we may be out of pocket for the next couple of hours.

I don't know to what extent Rahm wants to get into other crime issues, but there are at least two pontential things to add: (1) a conference committee is is looking to resurrect the provision we've fought to allow millions of military surplus guns to enter the coutry; and (2) the results of a new Brady survey by the Treasury Dept./ATF showing that more than 90% of the nation's Chief Law Enforcement Officers are still doing Brady checks, despite the Supreme Court's decision that they are not required to do so (just good ol' law enforcement sense).

Jose'

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D98]MAIL43929320M.316 to ASCII.
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

===== ATTACHMENT 2 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D98]MAIL43929320N.316 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 2 =====

JOSE CERDA III

- **Two-part directive to be signed.** This week the President will sign a directive ordering the Treasury Department to: (1) temporarily suspend any pending and future applications to import modified assault weapons, and (2) reexamine -- and, if necessary, modify -- the criteria used to keep non-sporting weapons out of the country.
- **Taking action before assault-type weapons flood our streets.** Over the past few years, firearms manufacturers have adapted -- or "sporterized" -- certain assault weapons to circumvent the ban on their importation. There are about 30 models of these firearms -- including the new Uzi American and Galil Sporter, which have already been mentioned in the press. To date, only limited numbers of these weapons -- about 10,000 in 1995 and 25,000 in 1996 (and no Uzis) -- have actually been imported. By acting now, the Administration can avert the type of crisis faced by the Bush Administration in 1989. At that time, permits for more than a million assault rifles had been approved, and an increasing number of assault rifles were being recovered at crime scenes.
- **Directive to be broader than Senator Feinstein's request.** While Senator Feinstein has essentially asked the Administration to revoke the existing permit to import several thousand Uzis and Galils, the long-term impact of the President's directive could be much broader. By conducting a thorough review and amending the sporting purposes test as appropriate -- the directive covers many more weapons and is likely to have a broader long-term impact. Instead of just focusing on a single permit, the President's directive is intended to permanently ban the next generation of assault-type weapons.
- **Unprecedented record on firearms imports.** This Administration has done more than any other in using every tool and legal authority available to keep non-sporting, military surplus and other firearms out of the country. Under the President's leadership, literally, millions of firearms -- of all sorts -- have been blocked from importation. For instance:
 - In 1993, the President issued a directive to close the loophole that allowed certain assault pistols to be imported (despite the Bush Administration's 1989 ban on the importation of assault rifles).
 - In 1994, the President fought for and signed the Assault Weapons Ban into law as part of comprehensive crime legislation. When efforts to kill the ban were succeeding (August '94 vote on crime bill

rule), the President fought with the nation's law enforcement officers to make sure the Assault Weapons Ban was not dropped from the final bill. As a result, 19 specific assault weapons, duplicates of those 19 firearms and certain other semiautomatic weapons possessing various military style features were banned from importation.

- In 1994, the President (when granting MFN status to China) used his authority under the Arms Export Control Act to ban the importation of Chinese munitions. By taking this action, he stopped the potential importation of millions of assault-type rifles (SKS) and high-capacity magazines.

- And in 1996, The Administration took the unprecedented step of entering into a voluntary restraint agreement with the Russians to limit the number of firearms, clips and ammunition coming into the country as a result of increased trade with Russia. At the time, permits for millions of firearms and billions of rounds of ammunition were pending.

- And, both in 1996 and 1997, the Administration worked to defeat congressional amendments to force the importation of military surplus firearms. These military weapons, which were provided to foreign governments for free or at low costs -- and by the millions, included concealable handguns (.45 caliber semiautomatic pistols) and rifles that could be easily converted into fully automatic weapons (M1 carbines).

October 30, 1997

MEMORANDUM FOR THE PRESIDENT

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RAHM EMANUEL

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Recommendation:

Chuck Ruff strongly believes that...

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-1997 17:35:03.00

SUBJECT: Curios Letter

TO: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Does this work for you, Peter? I'm going to put through the process once you've looked at it.

Jose'

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D96]MAIL458556200.316 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

October 30, 1997

The Honorable Bob Livingston
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to convey to you the Administration's strong objection to the inclusion of a provision in the FY 1998 Commerce, Justice and State Appropriations Conference Report to allow the importation military surplus weapons. The Administration has repeatedly opposed such a provision, and the President's senior advisers would recommend that he veto the bill if it is included in the final legislation.

The Administration finds it unacceptable that -- in the same appropriations bill that funds the nation's law enforcement priorities, such as putting more police on our streets -- the Committee is considering language that could flood our streets with millions of military surplus weapons. These weapons -- especially M-1 carbines, M-1 Garrands and M-1911 .45 caliber pistols -- were designed for military purposes and have been provided to foreign governments as a form of military aide over the past several decades. Moreover, thousands of these firearms have already been used in crimes -- including to take the lives of police officers. Opening the door to more of these weapons would only make matters worse.

Sincerely,

Franklin Raines

**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-30

Subject: Three current versions of directive

Creator: Jose Cerda III

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-1997 11:13:51.00

SUBJECT: Re: CJS

TO: Alice E. Shuffield (CN=Alice E. Shuffield/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TEXT:

Alice:

I'm concerned about a few things:

(1) The inserting of language to allow the importation of certain military surplus firearms (so-called curios and relics). Peter Jacoby thinks we should send up a veto threat letter if we know this is on the table, and Rahm seems to be in agreement. I understand Rep. Mollohan has a version of the language previously stripped from the Treas./Postal approps. that he'll be trying to get in. If so, we are thinking of adding something on this to the Saturday radio address on guns.

(2) Earmarking COPS funding or restricting our uses of funds in general (including language not allowing a small portion of funds to be used for non-hiring purposes (as provided for in the Crime Act) or restricting the use of last year's unobligated funds.

(3) Overall funds/uses for juvenile crime purposes. I understand Biden may call Rahm to ask the WH to weigh in more heavily on this issue.

Thanks,
Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-1997 19:12:15.00

SUBJECT:

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The INS story is very good news. The put out a press release today saying that they had removed more than 110,000 criminal aliens this year. That's 62% more than last year -- and 20% more than their goal for this year.

I'm sending you their press release/info by fax,

Jose'

**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

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This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-30

Subject: Assaults Directive

Creator: Jose Cerda III

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-1997 16:24:39.00

SUBJECT: Briefing on Performance Measures

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Please add to my schedule. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/30/97

05:24 PM -----

Charles A. Blanchard
10/30/97 12:49:00 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Briefing on Performance Measures

This is just to confirm that John Carnevale and I will give a briefing to DPC staff tomorrow, Friday, Oct. 31 at 3:00 pm in OEOB 211. If you have any questions, please give me a call at 5-6621. Thanks!

Chuck Blanchard

Message Sent

To:

Jose Cerda III/OPD/EOP
Leanne A. Shimabukuro/OPD/EOP
Laura Emmett/WHO/EOP
Elena Kagan/OPD/EOP
John T. Carnevale/ONDCP/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-1997 13:45:31.00

SUBJECT: : Crack Powder

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

----- Forwarded by Jose Cerda III/OPD/EOP on 10/30/97
02:45 PM -----

Charles A. Blanchard
10/30/97 11:45:10 AM
Record Type: Record

To: Charles A. Blanchard/ONDCP/EOP
cc: See the distribution list at the bottom of this message
Subject: : Crack Powder

Our crack powder meeting time has changed. It will now be at 11:30 am
(NOT 1 pm) in OEOB 211, next Monday, November 3rd. The draft Joint
DOJ/ONDCP Strategy document is being faxed to the Working Groups as we
speak.

Message Copied

To:

Francis X. Kinney/ONDCP/EOP
Carol A. Bergman/ONDCP/EOP
Leroy J. Jones/ONDCP/EOP
Robert F. Housman/ONDCP/EOP
Sammie C. Grizzle/ONDCP/EOP
Daniel Schecter/ONDCP/EOP
Dennis E. Greenhouse/ONDCP/EOP
Hoover Adger Jr./ONDCP/EOP
Alejandra Y. Castillo/ONDCP/EOP
Robert S. Weiner/ONDCP/EOP
Jose Cerda III/OPD/EOP
Peter G. Jacoby/WHO/EOP
Elena Kagan/OPD/EOP
Leanne A. Shimabukuro/OPD/EOP
Karen A. Popp/WHO/EOP
Laura Emmett/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-1997 13:58:54.00

SUBJECT:

TO: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Phil:

I'm adding Chuck Ruff's final edits to our decision memo for the directive right now. I will forward memo, directive(s) to you by hand and e-mail shortly.

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-1997 15:24:46.00

SUBJECT: Three current versions of directive

TO: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D67]MAIL47846520O.316 to ASCII,

The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

===== ATTACHMENT 2 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D67]MAIL48846520P.316 to ASCII,

The following is a HEX DUMP:

===== END ATTACHMENT 2 =====

===== ATTACHMENT 3 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D67]MAIL48846520Q.316 to ASCII,

The following is a HEX DUMP:

===== END ATTACHMENT 3 =====

--- **DRAFT** ---
(10/17/97...6pm)

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

Subject: Importation of Uzi and Galil Firearms

The historic Violent Crime Control and Law Enforcement Act of 1994 banned 19 specific assault weapons, duplicates of those 19 firearms and certain other semiautomatic weapons possessing various military style features. The Administration and Congress worked to ban these deadly firearms because -- as the weapon of choice for gangs and drug dealers -- they were being recovered at numerous crime scenes and resulting in criminals being better armed than some of the nation's law enforcement officers. Last year, in part as a result of the ban on assault weapons, fewer police officers were slain in the line of duty than in any year since 1960, and fewer law enforcement officer was killed by assault weapons.

In addition to the prohibitions contained in the 1994 ban on assault weapons, the 1968 Gun Control Act further restricts the importation of firearms unless they are determined to be particularly suitable for or readily adaptable for sporting purposes. To enforce this law, the Treasury Department has developed a factoring system to determine whether handguns meet this sporting purposes test and are thus importable. The Department also determined that semiautomatic assault type rifles do not meet the sporting purposes test and are not importable.

I am now informed that 2 of the 19 assault weapons that were specifically banned from importation in 1989, the Galil and the Uzi, have been redesigned in order to circumvent the ban. The Galil and Uzi, which are manufactured by Israeli Military Industries, were banned because -- in their military configurations -- they were found to have no legitimate sporting purpose. It is now appropriate to determine whether the redesigned weapons would have legitimate sporting purposes in this country and are suitable for continued importation under the provisions of the Gun Control Act of 1968.

My Administration has aggressively enforced all applicable laws to keep non-sporting firearms and other munitions posing a threat to public safety from entering the country. Therefore, I direct you to:

- 1) Take the necessary steps to reexamine and determine whether the sporting purposes test should be modified with respect to the importation of the Galil, Uzi and any other firearms that have been similarly adapted or re-engineered since the 1989 ban on the importation of semiautomatic assault rifles or the 1994 ban on semiautomatic assault weapons;
- 2) Effective immediately, suspend action on pending and future applications to import these weapons until this review is complete.

Nothing herein shall be construed to require actions contrary to applicable provisions of law.

October 31, 1997

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

Subject: Importation of Modified Assault Weapons

The historic Violent Crime Control and Law Enforcement Act of 1994 banned 19 specific assault weapons, duplicates of those 19 firearms and certain other semiautomatic weapons possessing various military style features. The Administration and Congress worked to ban these deadly firearms because -- as the weapon of choice for gangs and drug dealers -- they were being recovered at numerous crime scenes and resulting in criminals being better armed than some of the nation's law enforcement officers. Last year, in part as a result of the ban on assault weapons, fewer police officers were slain in the line of duty than in any year since 1960, and fewer law enforcement officers were killed by assault weapons.

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My Administration has aggressively enforced all applicable laws to keep non-sporting firearms and other munitions posing a threat to public safety from entering the country. Therefore, I direct you to:

- 1) Take the necessary steps to reexamine and determine whether the sporting purposes test should be modified with respect to the importation of the Galil, Uzi and any other firearms that have been similarly adapted or re-engineered since the 1989 ban on the importation of semiautomatic assault rifles or the 1994 ban on semiautomatic assault weapons;
- 2) Effective immediately, suspend action on pending and future applications to import these weapons until this review is complete.

Nothing herein shall be construed to require actions contrary to applicable provisions of law.

October 31, 1997

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

Subject: Importation of Modified Assault-Type Weapons

The historic Violent Crime Control and Law Enforcement Act of 1994 banned 19 specific assault weapons, duplicates of those 19 firearms and certain other semiautomatic weapons possessing various military style features. The Administration and Congress worked to ban these deadly firearms because -- as the weapon of choice for gangs and drug dealers -- they were being recovered at numerous crime scenes and resulting in criminals being better armed than some of the nation's law enforcement officers. Last year, in part as a result of the ban on assault weapons, fewer police officers were slain in the line of duty than in any year since 1960, and fewer law enforcement officers were killed by assault weapons.

In addition to the prohibitions contained in the 1994 ban on assault weapons, the 1968 Gun Control Act further restricts the importation of firearms unless they are determined to be particularly suitable for or readily adaptable for sporting purposes. To enforce this law, the Treasury Department has developed a factoring system to determine whether handguns meet this sporting purposes test and are thus importable. The Department also determined that semiautomatic assault type rifles do not meet the sporting purposes test and are not importable.

I am now informed that 2 of the 19 assault weapons that were specifically banned from importation in 1989, the Galil and the Uzi, have been redesigned in order to circumvent the ban. The Galil and Uzi, which are manufactured by Israel Military Industries, were banned because -- in their military configurations -- they were found to have no legitimate sporting purpose. It is now appropriate to determine whether the redesigned weapons would have legitimate sporting purposes in this country and are suitable for continued importation under the provisions of the Gun Control Act of 1968.

My Administration has aggressively enforced all applicable laws to keep non-sporting firearms and other munitions posing a threat to public safety from entering the country. Therefore, I direct you to:

- 1) Take the necessary steps to reexamine and determine whether the sporting purposes test should be modified with respect to the importation of the Galil, Uzi and any other firearms that have been similarly adapted or re-engineered since the 1989 ban on the importation of semiautomatic assault rifles or the 1994 ban on semiautomatic assault weapons;

- 2) Effective immediately, suspend action on pending and future applications to import these weapons until this review is complete; and
- 3) During this review period, closely monitor the continued importation and criminal use of these modified assault-type weapons, and -- if you determine that circumstances warrant additional action -- take any other appropriate action including the suspension of existing permits.

Nothing herein shall be construed to require actions contrary to applicable provisions of law.

**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-10-30

Subject: Letter on Curios and Relics

Creator: Jose Cerda III

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-1997 16:06:17.00

SUBJECT: directives and memo

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

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

TEXT:
Memo with revisions. We will walk over hard copies of all.

Directive 5 is option #1
Directive 6 is option #3
Directive 7 is option #2

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D99]MAIL492295203.316 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

===== ATTACHMENT 2 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D99]MAIL403295204.316 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 2 =====

===== ATTACHMENT 3 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D99]MAIL413295205.316 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 3 =====

===== ATTACHMENT 4 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D99]MAIL413295206.316 to ASCII,

The following is a HEX DUMP:

===== END ATTACHMENT 4 =====

October 31, 1997

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

Subject: Importation of Uzi and Galil Firearms

The historic Violent Crime Control and Law Enforcement Act of 1994 banned 19 specific assault weapons, duplicates of those 19 firearms and certain other semiautomatic weapons possessing various military style features. The Administration and Congress worked to ban these deadly firearms because -- as the weapon of choice for gangs and drug dealers -- they were being recovered at numerous crime scenes and resulting in criminals being better armed than some of the nation's law enforcement officers. Last year, in part as a result of the ban on assault weapons, fewer police officers were slain in the line of duty than in any year since 1960, and fewer law enforcement officer was killed by assault weapons.

In addition to the prohibitions contained in the 1994 ban on assault weapons, the 1968 Gun Control Act further restricts the importation of firearms unless they are determined to be particularly suitable for or readily adaptable for sporting purposes. To enforce this law, the Treasury Department has developed a factoring system to determine whether handguns meet this sporting purposes test and are thus importable. The Department also determined that semiautomatic assault type rifles do not meet the sporting purposes test and are not importable.

I am now informed that 2 of the 19 assault weapons that were specifically banned from importation in 1989, the Galil and the Uzi, have been redesigned in order to circumvent the ban. The Galil and Uzi, which are manufactured by Israeli Military Industries, were banned because -- in their military configurations -- they were found to have no legitimate sporting purpose. It is now appropriate to determine whether the redesigned weapons would have legitimate sporting purposes in this country and are suitable for continued importation under the provisions of the Gun Control Act of 1968.

My Administration has aggressively enforced all applicable laws to keep non-sporting firearms and other munitions posing a threat to public safety from entering the country. Therefore, I direct you to:

- 1) Take the necessary steps to reexamine and determine whether the sporting purposes test should be modified with respect to the importation of the Galil, Uzi and any other firearms that have been similarly adapted or re-engineered since the 1989 ban on the importation of semiautomatic assault rifles or the 1994 ban on semiautomatic assault weapons;
- 2) Effective immediately, suspend action on pending and future applications to import these weapons until this review is complete.

Nothing herein shall be construed to require actions contrary to applicable provisions of law.

October 31, 1997

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

Subject: Importation of Modified Assault Weapons

The historic Violent Crime Control and Law Enforcement Act of 1994 banned 19 specific assault weapons, duplicates of those 19 firearms and certain other semiautomatic weapons possessing various military style features. The Administration and Congress worked to ban these deadly firearms because -- as the weapon of choice for gangs and drug dealers -- they were being recovered at numerous crime scenes and resulting in criminals being better armed than some of the nation's law enforcement officers. Last year, in part as a result of the ban on assault weapons, fewer police officers were slain in the line of duty than in any year since 1960, and fewer law enforcement officers were killed by assault weapons.

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I am now informed that 2 of the 19 assault weapons that were specifically banned from importation in 1989, the Galil and the Uzi, have been redesigned in order to circumvent the ban. The Galil and Uzi, which are manufactured by Israel Military Industries, were banned because -- in their military configurations -- they were found to have no legitimate sporting purpose. It is now appropriate to determine whether the redesigned weapons would have legitimate sporting purposes in this country and are suitable for continued importation under the provisions of the Gun Control Act of 1968.

My Administration has aggressively enforced all applicable laws to keep non-sporting firearms and other munitions posing a threat to public safety from entering the country. Therefore, I direct you to:

- 1) Take the necessary steps to reexamine and determine whether the sporting purposes test should be modified with respect to the importation of the Galil, Uzi and any other firearms that have been similarly adapted or re-engineered since the 1989 ban on the importation of semiautomatic assault rifles or the 1994 ban on semiautomatic assault weapons;

- 2) Effective immediately, suspend all existing permits and action on pending applications for permits to import these weapons until this review is complete.

Nothing herein shall be construed to require actions contrary to applicable provisions of law.

October 31, 1997

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

Subject: Importation of Modified Assault-Type Weapons

The historic Violent Crime Control and Law Enforcement Act of 1994 banned 19 specific assault weapons, duplicates of those 19 firearms and certain other semiautomatic weapons possessing various military style features. The Administration and Congress worked to ban these deadly firearms because -- as the weapon of choice for gangs and drug dealers -- they were being recovered at numerous crime scenes and resulting in criminals being better armed than some of the nation's law enforcement officers. Last year, in part as a result of the ban on assault weapons, fewer police officers were slain in the line of duty than in any year since 1960, and fewer law enforcement officers were killed by assault weapons.

In addition to the prohibitions contained in the 1994 ban on assault weapons, the 1968 Gun Control Act further restricts the importation of firearms unless they are determined to be particularly suitable for or readily adaptable for sporting purposes. To enforce this law, the Treasury Department has developed a factoring system to determine whether handguns meet this sporting purposes test and are thus importable. The Department also determined that semiautomatic assault type rifles do not meet the sporting purposes test and are not importable.

I am now informed that 2 of the 19 assault weapons that were specifically banned from importation in 1989, the Galil and the Uzi, have been redesigned in order to circumvent the ban. The Galil and Uzi, which are manufactured by Israel Military Industries, were banned because -- in their military configurations -- they were found to have no legitimate sporting purpose. It is now appropriate to determine whether the redesigned weapons would have legitimate sporting purposes in this country and are suitable for continued importation under the provisions of the Gun Control Act of 1968.

My Administration has aggressively enforced all applicable laws to keep non-sporting firearms and other munitions posing a threat to public safety from entering the country. Therefore, I direct you to:

- 1) Take the necessary steps to reexamine and determine whether the sporting purposes test should be modified with respect to the importation of the Galil, Uzi and any other firearms that have been similarly adapted or re-engineered since the 1989 ban on the importation of semiautomatic assault rifles or the 1994 ban on semiautomatic assault weapons;

- 2) Effective immediately, suspend action on pending and future applications to import these weapons until this review is complete; and
- 3) During this review period, closely monitor the continued importation and criminal use of these modified assault-type weapons, and -- if you determine that circumstances warrant additional action -- take any other appropriate action including the suspension of existing permits.

Nothing herein shall be construed to require actions contrary to applicable provisions of law.

October 30, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
RAHM EMANUEL

SUBJECT: "Sporterized" Assault Weapons Directive

Attached is a draft directive on the importation of a new class of modified, or "sporterized," assault weapons. As you know, the 1994 Crime Bill bans 19 specific assault weapons, their duplicates, and certain other semiautomatic weapons with military-style features. The 1968 Gun Control Act more generally prohibits the importation of firearms that are not "generally recognized as particularly suitable or readily adaptable to sporting purposes." In recent years, certain gun manufacturers have redesigned "assault-type" weapons in minor ways to circumvent the 1994 ban and to meet the criteria currently used to apply the sporting purposes provision of the 1968 Act. This directive is intended to address importation of such redesigned weapons.

The directive essentially mirrors the action you took in 1993 to ban the importation of assault pistols and the action President Bush took in 1989 to ban the importation of assault rifles. Everyone agrees that the directive should: (1) require Treasury to reexamine, and if necessary, modify the criteria used to keep non-sporting weapons out of the country; and (2) temporarily suspend the approval of all pending and future applications for permits to import sporterized assault weapons. Although only a limited number of these firearms has come into the country since passage of the assault weapons ban (approximately 14,000 in 1994, 12,000 in 1995, 30,000 in 1996, and nearly 20,000 to date this year -- as opposed to nearly 160,000 in 1993), applications are now pending to import as many as 1.1 million more of these firearms. The directive would halt importation of these firearms while Treasury conducts its review -- and depending on the outcome of that review, could lead to a permanent ban on such weapons.

As you know, we have not yet resolved whether the Administration should take the additional step of temporarily suspending permits that already have been granted. While ATF originally estimated that 300,000 sporterized assault weapons could be legally imported under roughly 50 existing permits, the Bureau now puts the figure at about 600,000. The difference is due largely to ATF staff's approval last week of 3 permits for an additional 175,000 sporterized firearms -- action taken in the face of an informal departmental directive not to act on pending applications until the scope of this directive was determined.

We have asked Treasury, Justice, and White House Counsel to develop the strongest possible case for temporarily suspending existing permits. Justice litigators continue to have

serious doubts that we have a sufficient factual basis for taking this action. They point out that, in upholding the Bush Administration's suspension of existing permits in 1989, the court relied on a combination of specific facts, including: a large number of approved and pending permits for assault rifles; a 57% increase in the number of assault rifles recovered at crime scenes; and several highly publicized shootings involving assault rifles, such as the Stockton, CA murders. Arguably, the same combination of circumstances does not exist today. While the number of approved and pending permits is comparable, the 145% increase in the number of sporterized weapons traced since 1994 is largely attributable to an expanded tracing program (indeed, other makes of guns have shown a larger increase in tracings), and no highly publicized crimes have involved these weapons.

Given these circumstances, Justice litigators believe that a court is very likely to enjoin our suspension of existing permits. Justice also points out that a loss on this issue could undermine our ability to defend any future action taken by Treasury to modify the test for non-sporting weapons: for example, a court that believes we stepped over the line in suspending existing permits may doubt whether we have a bona fide basis for modifying the criteria used to apply the sporting purposes test. The Justice Department, however, has stated clearly that it will defend in court an Administration decision to suspend existing permits.

You have the following options with respect to the scope of the directive:

Option 1: Suspend action only on applications for pending and future permits (covering about 1.1 million firearms). Allow imports under the 50 existing permits (covering 600,000 firearms) during the review period. If Treasury ultimately changes the sporting purposes test, revoke permits for firearms inconsistent with the new criteria. Treasury and Justice lawyers believe this option is entirely defensible. Senator Feinstein and other Members of Congress would complain that this action is not sufficiently bold.

Option 2: Suspend action on pending and future permits, and require Treasury to closely monitor the levels of importation and criminal use of sporterized firearms during the review period. If during the review period, the Secretary determines that circumstances warrant additional action, including suspension of existing permits, then Treasury would be directed to take such action. Although this solution will not be acceptable to Senator Feinstein, it may dampen criticism from others -- and substantially reduce our litigation risk.

Option 3: In addition to suspending action on pending and future permits, temporarily suspend all existing permits (50 permits for 600,000 firearms) while ATF reviews the sporting purposes criteria. After this review, if Treasury changes the sporting purposes test, revoke permits for firearms inconsistent with the new criteria. Justice litigators believe that this option presents a substantial litigation risk and could undermine our ability to defend future action by Treasury to modify the sporting purposes test. Additionally, key Treasury staff would spend much of the review period in court -- and not necessarily working on re-examining the sporting purposes test.

Recommendation:

Chuck Ruff believes that, although it would be consistent with the Justice Department's professional obligations to defend the revocation of existing permits, there is a substantial risk that any ensuing litigation would ultimately undermine ATF's ability to make defensible changes in the sporting purposes criteria. Not only would discovery reveal the current weaknesses in ATF's analysis -- and thus potentially in the predicate for any changes it may propose -- but an adverse decision in the district court (and in the court of appeals) would adversely affect our ability to defend challenges to the new criteria. Thus, he would prefer Option 2.

We are comfortable with either Option 2 or Option 3. (Option 1 looks weak in not holding out even the possibility of a suspension of existing permits.) Option 3 looks stronger to start with, but may well result in a quick loss in court. Option 2 will be subject to immediate criticism by Feinstein and others, but may hold up best over time.

Please let me have your signoff/changes to the SAP. Also could you please check with Rahm Emanuel. Michael Deich has requested that we make sure that you and Rahm are okay with the SAP.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-NOV-1997 14:02:50.00

SUBJECT: Re: Curios & Relics

TO: Michael F. Crowley (CN=Michael F. Crowley/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

CC: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Harry G. Meyers (CN=Harry G. Meyers/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Michael Deich (CN=Michael Deich/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Alice E. Shuffield (CN=Alice E. Shuffield/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Alan B. Rhinesmith (CN=Alan B. Rhinesmith/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Charles E. Kieffer (CN=Charles E. Kieffer/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TEXT:
Mike:

I just spoke w/Peter; he prefers the stronger letter. He wants to run it by Hilley one more time before we make the final decision to go w/it. Can we get him the final/stronger draft ASAP, and then go w/it if Hilley is set to send it to the Hill.

Thanks,
Jose'

**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies a responsive email, already made available within another FOIA request.

Collection: Elena Kagan Systematic Project

Bucket: OPD

Creation Date: 1997-11-03

Subject: Re: Drug Policy Meeting

Creator: Jose Cerda III

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-NOV-1997 13:17:29.00

SUBJECT: Re: Curios & Relics

TO: Michael F. Crowley (CN=Michael F. Crowley/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Charles E. Kieffer (CN=Charles E. Kieffer/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Alan B. Rhinesmith (CN=Alan B. Rhinesmith/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Michael Deich (CN=Michael Deich/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Harry G. Meyers (CN=Harry G. Meyers/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

TEXT:

I am not too concerned about the changes -- and I don't know if the letter has gone forward. But the point of it was not so much to respond to the specific language being circulated on the hill (no one has asked us for our position), but to hand leg. affairs the strongest/veto letter possible on the issue in general for their use in final negotiations. The rewrite diminishes that some.

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-NOV-1997 13:11:15.00

SUBJECT: NAFTA Points

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

READ:UNKNOWN

TEXT:

----- Forwarded by Jose Cerda III/OPD/EOP on 11/04/97
01:11 PM -----

Robert F. Housman

11/04/97 12:23:08 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc:

Subject: NAFTA Points

Jose, I had someone fax you these...here is the promised email version

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D27]MAIL449594708.316 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

The NAFTA and Drugs: Improving Cooperation, No Discernable Impact on Trafficking/Use

- **There is no established link (statistically valid/scientific method) that NAFTA has had any impact on U.S.-Mexico drug trafficking, or drug abuse in America generally.**
- **During the lifespan of NAFTA (1992-1997), there has been no appreciable change in overall drug use in America; use has remained stable.**
- **NAFTA has increased legal cross-border traffic.** Over the last six years, the volume of inbound commercial traffic has nearly doubled (1.9 million arrivals in 1991 to 3.5 million arrivals in 1996). In 1996 alone, the U.S. experienced a 25% increase in the number of commercial conveyances entering from Mexico. These numbers reflect economic growth for both nations.
- **NAFTA has helped increase U.S.-Mexico cooperation on the drug front.**
 - The Zedillo administration has increased the powers of law enforcement, criminalized money laundering, and is rooting out corruption.
 - Mexican drug seizure and eradication rates have led the world.
 - Mexico and the U.S. have signed an alliance against drugs, a joint threat assessment and are developing a joint strategy to fight drugs – all historic firsts.
- **Absent NAFTA-driven economic growth, the economic pressures that lure people to drug trafficking and corruption would only be intensified in Mexico.**
- **To respond to increased cross-border traffic, the US has increased inspection and enforcement along the Southwest border.**
 - Over 25% (906,000) of the 3.5 million commercial conveyances entering the U.S. were subject to a strictly defined narcotics search -- up from 670,000 in 1994.
 - The number of Border Patrol agents guarding our Southwest Border has doubled-- from 3,389 in FY93 to 6,213 at the end of FY97. The number of Customs (489 in FY 97 up from 416 in FY93), DEA (902 in FY98 up from 806 in FY97), FBI (894 in FY98 up from 804 in FY97), and INS (6,213 in FY97 up from 3,160 in FY90) enforcement officers/agents and US marshals have also increased.
 - Spending on Southwest border counter-drug efforts has increased: Customs up 72% (FY93-FY97); FBI up 23% (FY92-97); DEA up 55% (FY92-97); INS up 158% (FY90-97); and, US Attorneys up 87% (FY90-97).
 - From 1993 to 1996, US seizures of cocaine (33 to 36 metric tons) and marijuana (208 to 405 metric tons) increased -- however, the size of these increases, coupled with the substantial increase in enforcement at the Southwest border, do not seem to reflect a major change in the amount of drugs at the border.

- **The US is also implementing a range of new initiatives to combat drug trafficking at the Southwest border, including deploying new technologies, increasing intelligence capabilities, and putting in place the HIDTA program to better coordinate anti-drug law enforcement efforts.**
 - Since 1995, advance x-ray systems have been deployed at the 4 major ports of entry for cargo; 4 more major ports will receive this technology in 1998. Smaller-scale technologies are also in widespread use fighting drugs: 17 smaller-scale, pallet sized x-ray units are also in use along the border and all ports are using BUSTER density detection devices.
 - Customs is also now procuring mobile x-ray systems and field testing gamma-ray examination technologies along the border.
 - The Administration created the Southwest Border HIDTA to attack drug trafficking. From FY1990-97, funding for this HIDTA increased from \$11 to \$36.8 million.
 - The Administration launched the Land Carrier Initiative to work with legitimate land-based commercial carriers to improve security of their cargo and improve searches of their shipments at the border. (This complements the Air Carrier program, which targets air cargo.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-NOV-1997 14:59:36.00

SUBJECT: Drugs-Border-NAFTA

TO: Jason S. Goldberg (CN=Jason S. Goldberg/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Lael Brainard (CN=Lael Brainard/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

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

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

TO: Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:
Gene, et.al.:

Attached please find talking points on the relationship between NAFTA and drug use/trafficking. They were prepared last week by the Drug Office, and outline our best response to the criticisms that NAFTA -- as a result of the near doubling in inbound commercial traffic -- has resulted in increased drug use/trafficking in the U.S. Basically, the argument goes like this:

1. Since NAFTA's approval in 1992, overall drug use has remained the same.
2. Since NAFTA, Mexico has toughened its anti-drug efforts -- it has beefed up law enforcement, criminalized money laundering, rooted out corruption and led the world in seizing and eradicating drugs.
3. To respond to post-NAFTA increased border traffic, the Administration has increased inspections and enforcement at the border; deployed new technologies; and improved intelligence.

You may want to edit these a bit, but the basic factoids that matter are here. I'll check w/Treasury and DOJ to see if we've missed anything. Gene, let me know if you need anything else.

Jose' ===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D19]MAIL41547570M.316 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

The NAFTA and Drugs: Improving Cooperation, No Discernable Impact on Trafficking/Use

- **There is no established link (statistically valid/scientific method) that NAFTA has had any impact on U.S.-Mexico drug trafficking, or drug abuse in America generally.**
- **During the lifespan of NAFTA (1992-1997), there has been no appreciable change in overall drug use in America; use has remained stable.**
- **NAFTA has increased legal cross-border traffic.** Over the last six years, the volume of inbound commercial traffic has nearly doubled (1.9 million arrivals in 1991 to 3.5 million arrivals in 1996). In 1996 alone, the U.S. experienced a 25% increase in the number of commercial conveyances entering from Mexico. These numbers reflect economic growth for both nations.
- **NAFTA has helped increase U.S.-Mexico cooperation on the drug front.**
 - The Zedillo administration has increased the powers of law enforcement, criminalized money laundering, and is rooting out corruption.
 - Mexican drug seizure and eradication rates have led the world.
 - Mexico and the U.S. have signed an alliance against drugs, a joint threat assessment and are developing a joint strategy to fight drugs -- all historic firsts.
- **Absent NAFTA-driven economic growth, the economic pressures that lure people to drug trafficking and corruption would only be intensified in Mexico.**
- **To respond to increased cross-border traffic, the US has increased inspection and enforcement along the Southwest border.**
 - Over 25% (906,000) of the 3.5 million commercial conveyances entering the U.S. were subject to a strictly defined narcotics search -- up from 670,000 in 1994.
 - The number of Border Patrol agents guarding our Southwest Border has doubled-- from 3,389 in FY93 to 6,213 at the end of FY97. The number of Customs (489 in FY 97 up from 416 in FY93), DEA (902 in FY98 up from 806 in FY97), FBI (894 in FY98 up from 804 in FY97), and INS (6,213 in FY97 up from 3,160 in FY90) enforcement officers/agents and US marshals have also increased.
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- **The US is also implementing a range of new initiatives to combat drug trafficking at the Southwest border, including deploying new technologies, increasing intelligence capabilities, and putting in place the HIDTA program to better coordinate anti-drug law enforcement efforts.**
 - Since 1995, advance x-ray systems have been deployed at the 4 major ports of entry for cargo; 4 more major ports will receive this technology in 1998. Smaller-scale technologies are also in widespread use fighting drugs: 17 smaller-scale, pallet sized x-ray units are also in use along the border and all ports are using BUSTER density detection devices.
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 - The Administration created the Southwest Border HIDTA to attack drug trafficking. From FY1990-97, funding for this HIDTA increased from \$11 to \$36.8 million.
 - The Administration launched the Land Carrier Initiative to work with legitimate land-based commercial carriers to improve security of their cargo and improve searches of their shipments at the border. (This complements the Air Carrier program, which targets air cargo.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-NOV-1997 15:13:31.00

SUBJECT: Drug P/C

TO: Robert F. Housman (CN=Robert F. Housman/OU=ONDCP/O=EOP @ EOP [ONDCP])
READ:UNKNOWN

TEXT:
Rob:

FYI. Do you guys have any info on this? We haven't seen the report. I suspect you will want to be prepared to repond if necessary. Also, I circulated your talking points to key WH and Fast-Track folks who wanted to know how to respond.

Jose'
----- Forwarded by Jose Cerda III/OPD/EOP on 11/04/97
03:11 PM -----

Russell W. Horwitz
11/04/97 03:09:20 PM
Record Type: Record

To: Lael Brainard/CEA/EOP, Jose Cerda III/OPD/EOP
cc:
Subject: Drug P/C

----- Forwarded by Russell W. Horwitz/OPD/EOP on 11/04/97
03:09 PM -----

Glen M. Weiner
11/04/97 03:06:27 PM
Record Type: Record

To: Michelle Crisci/WHO/EOP
cc: Russell W. Horwitz/OPD/EOP, Thomas D. Janenda/WHO/EOP
Subject: Drug P/C

Just so you know:

4:15 p.m. DRUGS-FAST TRACK Rep. Maxine Waters, House minority leader Rep. Richard Gephardt, House minority whip Rep. David Bonior and others hold a news conference to release a report showing how

current trade treaties, such as NAFTA, have made drug smuggling easier.

Location: House triangle.

Contact: Marcela Howell, 202-225-2201.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-NOV-1997 15:31:57.00

SUBJECT: Drugs-Border-NAFTA

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

READ:UNKNOWN

TEXT:

...fyi...jc3...

----- Forwarded by Jose Cerda III/OPD/EOP on 11/04/97

03:30 PM -----

Jose Cerda III

11/04/97 03:03:48 PM

Record Type: Record

To: Susan A. Brophy/WHO/EOP, Victoria Radd/WHO/EOP

cc:

Subject: Drugs-Border-NAFTA

Bruce wanted to make sure I forwarded these to you.

Jose'

----- Forwarded by Jose Cerda III/OPD/EOP on 11/04/97

03:03 PM -----

Jose Cerda III

11/04/97 02:59:26 PM

Record Type: Record

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

cc: Leanne A. Shimabukuro/OPD/EOP

Subject: Drugs-Border-NAFTA

Gene, et.al.:

Attached please find talking points on the relationship between NAFTA and drug use/trafficking. They were prepared last week by the Drug Office, and outline our best response to the criticisms that NAFTA -- as a result of the near doubling in inbound commercial traffic -- has resulted in increased drug use/trafficking in the U.S. Basically, the argument goes like this:

1. Since NAFTA's approval in 1992, overall drug use has remained the same.
2. Since NAFTA, Mexico has toughened its anti-drug efforts -- it has beefed up law enforcement, criminalized money laundering, rooted out corruption and led the world in seizing and eradicating drugs.
3. To respond to post-NAFTA increased border traffic, the Administration has increased inspections and enforcement at the border; deployed new technologies; and improved intelligence.

You may want to edit these a bit, but the basic factoids that matter are here. I'll check w/Treasury and DOJ to see if we've missed anything. Gene, let me know if you need anything else.

Jose'

Message Sent

To:

Gene B. Sperling/OPD/EOP
Lael Brainard/CEA/EOP
Melissa Green/OPD/EOP
Michelle Crisci/WHO/EOP
Bruce N. Reed/OPD/EOP
Jason S. Goldberg/WHO/EOP

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D47]MAIL486195700.316 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

The NAFTA and Drugs: Improving Cooperation, No Discernable Impact on Trafficking/Use

- **There is no established link (statistically valid/scientific method) that NAFTA has had any impact on U.S.-Mexico drug trafficking, or drug abuse in America generally.**
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- **NAFTA has increased legal cross-border traffic.** Over the last six years, the volume of inbound commercial traffic has nearly doubled (1.9 million arrivals in 1991 to 3.5 million arrivals in 1996). In 1996 alone, the U.S. experienced a 25% increase in the number of commercial conveyances entering from Mexico. These numbers reflect economic growth for both nations.
- **NAFTA has helped increase U.S.-Mexico cooperation on the drug front.**
 - The Zedillo administration has increased the powers of law enforcement, criminalized money laundering, and is rooting out corruption.
 - Mexican drug seizure and eradication rates have led the world.
 - Mexico and the U.S. have signed an alliance against drugs, a joint threat assessment and are developing a joint strategy to fight drugs -- all historic firsts.
- **Absent NAFTA-driven economic growth, the economic pressures that lure people to drug trafficking and corruption would only be intensified in Mexico.**
- **To respond to increased cross-border traffic, the US has increased inspection and enforcement along the Southwest border.**
 - Over 25% (906,000) of the 3.5 million commercial conveyances entering the U.S. were subject to a strictly defined narcotics search -- up from 670,000 in 1994.
 - The number of Border Patrol agents guarding our Southwest Border has doubled-- from 3,389 in FY93 to 6,213 at the end of FY97. The number of Customs (489 in FY 97 up from 416 in FY93), DEA (902 in FY98 up from 806 in FY97), FBI (894 in FY98 up from 804 in FY97), and INS (6,213 in FY97 up from 3,160 in FY90) enforcement officers/agents and US marshals have also increased.
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-NOV-1997 15:03:54.00

SUBJECT: Drugs-Border-NAFTA

TO: Victoria Radd (CN=Victoria Radd/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Susan A. Brophy (CN=Susan A. Brophy/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Bruce wanted to make sure I forwarded these to you.

Jose'

----- Forwarded by Jose Cerda III/OPD/EOP on 11/04/97

03:03 PM -----

Jose Cerda III

11/04/97 02:59:26 PM

Record Type: Record

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

cc: Leanne A. Shimabukuro/OPD/EOP

Subject: Drugs-Border-NAFTA

Gene, et.al.:

Attached please find talking points on the relationship between NAFTA and drug use/trafficking. They were prepared last week by the Drug Office, and outline our best response to the criticisms that NAFTA -- as a result of the near doubling in inbound commercial traffic -- has resulted in increased drug use/trafficking in the U.S. Basically, the argument goes like this:

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here. I'll check w/Treasury and DOJ to see if we've missed anything.
Gene, let me know if you need anything else.

Jose'

Message Sent

To: _____

Gene B. Sperling/OPD/EOP

Lael Brainard/CEA/EOP

Melissa Green/OPD/EOP

Michelle Crisci/WHO/EOP

Bruce N. Reed/OPD/EOP

Jason S. Goldberg/WHO/EOP

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D17]MAIL41377570N.316 to ASCII,

The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

The NAFTA and Drugs: Improving Cooperation, No Discernable Impact on Trafficking/Use

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 5-NOV-1997 11:17:16.00

SUBJECT: Re: Preparation of Your Certificate

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

Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TEXT:

David:

Thanks. Here's the information. Let me know if you need anything else.

Jose' Cerda III (the apostrophe is meant to be an accent; no worries if
you can't do it)

Special Assistant to the President for Domestic Policy
Chicago, Illinois

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 6-NOV-1997 11:00:34.00

SUBJECT: National Day of Concern About Young People and Gun Violence

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

READ:UNKNOWN

TEXT:

Shima: Did you take a look at this. Except for double-checking -- or reconsidering using the old budget numbers -- it seemed okay. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 11/06/97

10:59 AM -----

Lana Dickey

11/06/97 10:56:08 AM

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc:

Subject: National Day of Concern About Young People and Gun Violence

Do you have comments on the draft. We need to get this released this morning.

Jim Murr, Legislative Reference Unit, OMB, deleted a sentence in the 3rd paragraph, 7th line:

"We have also proposed funding for 1,000 after-school initiatives in communities across the country . . ."

He said, "They cannot substantiate the 1,000 after-school initiatives clause. It seems the White House uses the number often, but there is no foundation for it."

As a matter of reference, OMB is our liaison with the agencies for proclamation drafts. They make sure that the language we use is commemorative. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 6-NOV-1997 12:18:31.00

SUBJECT: Belated Qs/As

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Per you request...jc3

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D73]MAIL42527490N.316 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

**Crime/Drugs
Questions and Answers
November 5, 1997**

Directive on "Sporterized" Assault Weapons

Q. What are you directing the Treasury Department to do with respect to the modified assault-type weapons that have been reported in the press? How many and what kinds of firearms are at issue?

A. Over the past few years, firearms manufacturers have modified, or "sporterized", certain dangerous assault weapons to circumvent the ban on their importation required by the 1968 Gun Control Act and the 1994 Crime Bill.. There are about 30 models of these firearms that are being manufactured in about 12 different countries, including modified Uzis and AK-47s. While only a limited numbers of these weapons have been imported to date -- and about 20,000 so far this year -- applications are now pending to import more than a million of these firearms.

My directive orders the Treasury Department to reexamine and, if necessary, modify the criteria used to ensure that only legitimate sporting weapons enter into the country. The directive temporarily suspends the importation of all [existing permits and] pending and future applications to grant permits for these "sporterized" semi-automatic assault weapons until the Treasury has completed its review.

My Administration has as much as possible -- and used every tool available -- to keep millions of non-sporting, military surplus and other firearms posing a threat to public safety from entering the country and flooding our streets. In 1993, I banned the importation of assault pistols and toughened requirements for federal gun dealers. In 1994, I banned the importation of millions of assault-type weapons and ammunition clips from China. And I fought for and signed the Assault Weapons Ban into law as part of our historic 1994 omnibus crime bill. I've taken these actions to help ensure that criminals are not better armed than our police. And I believe that due in part to our efforts, last year fewer police officers were slain in the line of duty than in any year since 1960.

[Q. We understand that there are already-approved permits to import tens of thousands of these weapons-- including Galils from Israel. Why didn't you act on these already-approved permits? Didn't President Bush do this in 1989 when he banned the importation of certain assault rifles?

A. First of all, by not acting on pending and future applications we are putting a stop to requests to import more than a million of these firearms while Treasury conducts its review. That's a pretty significant step. Second, the directive also requires Treasury to

monitor how many of these firearms are being imported under current permits during the review period and if they are being recovered at crime scenes. Based on this scrutiny, Treasury can take the additional step of temporarily suspending existing permits, too.

The most important point of this directive, however, is not the scope of its temporary suspension, but of its potential final impact. This directive ensures that -- in light of the new assault-type weapons that are coming into the country -- we are making every effort to guarantee that only legitimate sporting weapons that comply with the law enter into the country. That's the point of Treasury's review.

Q. Does this mean that you are planning to permanently ban these firearms from importation?

A. Not necessarily. The directive does not tell the Treasury Department what guns should or should not be allowed into the country. However, pursuant to the 1968 Gun Act, the Treasury Department has an obligation to ensure that only legitimate sporting weapons are imported. Thus, the proposed review will determine what changes, if any, are needed to continue enforcing this provision of law. And ultimately, those firearms that fail to meet the sporting purposes test will be permanently banned.

COPS Program

Q. Is it true that many cities are not planning to keep the police officers funded through your COPS program because they can't afford them without federal funding?

A. I don't think so. Each police department that received a COPS grant signed an agreement to make a good faith effort to retain the additional officers when their federal funding expires. Every indication is that the vast majority of the more than 10,000 police departments receiving COPS funding will keep their commitments and retain these officers. Most cities have indicated that these new officers are making a difference, and that they intend to keep them on board. Equally important, most cities today are in better fiscal shape now than they were five years ago, so they are in a better position to continue funding these officers.

Some cities may have difficulties in retaining their officers, and I know that the Attorney General has committed to work with them -- particularly if there is economic hardship involved. Overall, I think the COPS initiative has been a huge success. We have already funded over 65,000 officers and deputies in just three years, and communities across the country are telling us its helping them drive down the crime rates.

Southwest Border/Drugs

Q. What are you doing about the flow of drugs coming across our Southwest Border? Hasn't the problem been exacerbated by the NAFTA?

A. I think it is important to point out that NAFTA has actually helped increase cooperation between the U.S. and Mexico on the drug front. The Zedillo administration has increased their law enforcement, criminalized money laundering and is rooting out corruption. Mexican drug seizures and eradication rates have led the world. And for the first time ever, we have signed an alliance with Mexico and are working together to develop a joint strategy to fight drugs.

I also want to point out that we have substantially expanded our inspection and enforcement efforts along the Southwest border to respond to the increased border traffic.

We've increased the number of commercial vehicle narcotics searches by one-third; doubled the number of Border Patrol agents; and significantly increased the number of DEA, Customs, FBI and INS enforcement officers and agents on the border.

Still, there's more we can do in the form of improved cooperation and using new technologies to help police our borders. General McCaffrey has been working very hard on these issues, and also I look forward to discussing them with President Zedillo when he visits next week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 6-NOV-1997 10:04:45.00

SUBJECT: Re: URGENT -- SAP for ONDCP Reauthorization

TO: Ronald E. Jones (CN=Ronald E. Jones/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TEXT:

Ron:

You've probably sent the SAP up already, but it looks fine to me.

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 7-NOV-1997 17:40:24.00

SUBJECT: Additional Weekly Item

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Laura:

Thought of one more thing....

Stalking Report -- Next week, the Attorney General may release a report showing that an estimated 1.4 million women are the victims of stalkers each year -- and that as many as 1 out of 12 women will be stalked during the course of their lives. The Justice Department will simultaneously release a manual of "best practices" for prosecutors to address stalking.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 7-NOV-1997 17:06:46.00

SUBJECT: Weekly Items

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

For the weekly:

Brady Bill -- Next week, the Department of Justice expects to sign a memorandum of understanding (MOU) between the Attorney General, the Ohio Attorney General and the Franklin County Sheriff (OH) to ensure that background checks are conducted for all prospective handgun purchasers in Ohio. As you know, since the Supreme Court's Prinze decision, the Ohio Bureau of Criminal Identification and Investigation (BCI&I) has only been conducting background checks on a voluntary basis. Under the proposed MOU, the Franklin County Sheriff will initiate all background checks of purchasers who do not consent to a background check. Arkansas is now the only state not conducting background checks on a voluntary basis.

Crime Statistics -- Next Sunday, the Department of Justice is tentatively scheduled to release both the 1996 Bureau of Justice Statistics Crime Victimization Survey and the FBI's Uniform Crime Report for the first half of 1997. While we won't be able to review the findings of these reports until next week, we expect them to show a continued drop in the crime rates.

COPS -- On Thursday, November 6th, the COPS office announced that it would fund 96 innovative state and local law enforcement projects and 21 Community Policing Demonstration Centers to provide the latest community policing information and model strategies for police and sheriffs throughout the country.

INS Reorganization -- On Friday, November 7th, the House Judiciary Subcommittee on Immigration held a hearing on the Commission on Immigration Reform's proposal to break-up INS. Although no witnesses from the Administration were invited, Bruce sent a letter to inform Subcommittee Chair Lamar Smith of DPC's intent to review the Commission's recommendations and work with the Subcommittee to improve the management and administration of the nation's immigration system.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 7-NOV-1997 16:09:25.00

SUBJECT: Central American Meeting Today

TO: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

I don't know if you saw this or had it in your schedule.

jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 11/07/97

04:09 PM -----

Laura Emmett

11/07/97 08:52:01 AM

Record Type: Record

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

cc: Marjorie Tarmey/WHO/EOP, Essence P. Washington/OPD/EOP, Jessica L. Gibson/WHO/EOP

Subject: Central American Meeting Today

There will be a meeting today on the Central American Immigration Issue. The meeting will take place at 5:00 in room 211. Please let me know if you cannot attend.

Attendees

Elena Kagan, DPC

Jose Cerda, DPC

Leanne Shimabukuro, DPC

Maria Echaveste, OPL

Rob Weiner, Counsel

Peter Jacoby, Leg Affairs

Janet Murguia, Leg Affairs

Steve Warnath, Pres' Crime Prev Council

Scott Busby, NSC

Phil Bartz, DOJ

Alan Erenbaum, INS

David Martin, INS

Message Sent

To:

Maria Echaveste/WHO/EOP

Peter G. Jacoby/WHO/EOP

Robert N. Weiner/WHO/EOP

Jose Cerda III/OPD/EOP

Leanne A. Shimabukuro/OPD/EOP

WARNATH_S @ A1 @ CD @ LNGTWY

Janet Murguia/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 7-NOV-1997 19:36:48.00

SUBJECT: Re: FYI--S. 1371--The Deadbeat Parents Punishment Act of 1997

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

CC: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:

I love it when the other policy teams get tough on crime! And I love the name of this bill!

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 7-NOV-1997 17:09:47.00

SUBJECT: Central American Meeting Today NOW at 6:00 in Room 211

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

fyi.jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 11/07/97
05:09 PM -----

Laura Emmett

11/07/97 04:37:24 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Marjorie Tarmey/WHO/EOP, Essence P. Washington/OPD/EOP, Jessica L. Gibson/WHO/EOP
Subject: Central American Meeting Today NOW at 6:00 in Room 211

This meeting will now begin at 6:00. Sorry for the late time and the last minute notice.

----- Forwarded by Laura Emmett/WHO/EOP on 11/07/97 04:44
PM -----

Laura Emmett

11/07/97 08:52:01 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Marjorie Tarmey/WHO/EOP, Essence P. Washington/OPD/EOP, Jessica L. Gibson/WHO/EOP
Subject: Central American Meeting Today

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Janet Murguia, Leg Affairs
Steve Warnath, Pres' Crime Prev Council
Scott Busby, NSC
Phil Bartz, DOJ
Alan Erenbaum, INS
David Martin, INS

Message Sent

To: _____
Maria Echaveste/WHO/EOP
Peter G. Jacoby/WHO/EOP
Robert N. Weiner/WHO/EOP
Jose Cerda III/OPD/EOP
Leanne A. Shimabukuro/OPD/EOP
WARNATH_S @ A1 @ CD @ LNGTWY
Janet Murguia/WHO/EOP

Message Sent

To: _____
Maria Echaveste/WHO/EOP
Peter G. Jacoby/WHO/EOP
Robert N. Weiner/WHO/EOP
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