

NLWJC- Kagan

Counsel - Box 004 - Folder 015

Administrative Stuff

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. form	Security Determination (1 page)	12/08/1995	P6/b(6)
001b. form	SF 312 (2 pages)	12/21/1995	P6/b(6)

COLLECTION:

Clinton Presidential Records
 Counsel's Office
 Elena Kagan
 OA/Box Number: 8248

FOLDER TITLE:

Administrative Stuff

2009-1006-F
ke692

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

April 8, 1996

MEMORANDUM TO JACK QUINN
KATHY WALLMAN

FROM: CHRIS CERF

RE: Transition

Personnel Security Office

Responsible for the supervision and management of the White House Personnel Security Office. In addition to Craig Livingstone, the director, the office is staffed by two full time employees, a part time former FBI agent, and two interns. Responsibilities include: reviewing full field background investigations and related information for all White House staff; resolving issues that may arise (e.g., unpaid student loans, prior contacts with law-enforcement, tax concerns, etc.); working with the Secret Service to address and resolve any concerns; overseeing issuance of security clearances; supervising the termination process when issues cannot be resolved; and dealing with press and congressional inquiries.

The office is running smoothly, but still takes approximately 10-15% of my time.

Health Care Task Force Litigation

While the case has been resolved on the merits, Judge Lamberth has yet to rule on plaintiff's application for attorney's fees and sanctions. This is a very sensitive matter, which will require a good deal of attention when the court rules, e.g., press strategy, whether to appeal, etc. Working with DOJ will continue to be challenge, as they have a history of trying to make sure that any accusatory finger gets pointed at the White House rather than the Civil Division.

Debt Ceiling Production

The Joint Economic Committee of the Congress has asked for all White House documents relating to the management of the debt ceiling crisis. We interpreted their original request as covering WH documents found at Treasury in the course of its compliance efforts. We joined issue with the Committee on one of those documents by asking for a clear statement of need, a prerequisite to the initiation of an accommodation dialogue. The Committee has now responded and broadened its request by requesting all relevant WH documents, whether or not they were

found at Treasury. The next step likely will be a standard document request asking WH staff to produce any responsive documents to Counsel's Office for review.

Tobacco

✓ This issue will continue to be very hot and time consuming in the next several months. I am asked for legal advice on tobacco-related issues virtually daily. Work includes: (1) reviewing all DOJ filings and participating in strategy decisions in pending litigation in Greensboro; (2) reviewing all White House and Presidential comments about tobacco to make sure they cannot be understood as compromising the integrity of the rulemaking process; (3) participating in decisions concerning legislative strategy; (4) monitoring tobacco-related Presidential events; (5) dealing with congressional and private requests for information; (6) working closely with HHS and FDA General Counsel on all of the above.

Counterterrorism/Habeas Corpus Reform

In all likelihood, a Counterterrorism bill will be on the President's desk on April 19th. Although the most controversial issue in the bill is habeas corpus reform, the principal focus at the moment are the anti-terrorism provisions that were amended out of the bill on the House side. In the next 20 days, there will be much work to do, most or all of which I will be here for: (1) finalizing the Administration's position on the bill (a lengthy SAP is in progress); (2) working on signing (or veto?) statement; (3) working with DOJ on best way to articulate its constitutional concerns; and (4) staying in touch with the communities that are concerned about various aspects of the bill (e.g., the Inc. Fund.)

FOIA Reform

Clinger has circulated an unfiled bill that would dramatically alter the landscape for congressional investigations of the executive branch. In essence, it would give Congress an immediately-enforceable judicial cause of action under the FOIA to gain access to executive branch documents. DOJ has drafted a response, which OMB is reviewing.

Equitable Tolling

Jack has a draft of the latest decision memo on this. Once the President indicates his preferred course of action, there will be some need for follow up with both Treasury and Martha Foley, who is monitoring the fiscal consequences of any legislation in this area.

Multi Ethnic Placement Act

Last year, with substantial input from Counsel's office and OLC, HHS issued guidelines governing the implementation of MEPA. Several states have challenged HHS views that their adoption laws are inconsistent with MEPA. Occasionally, I get questions from OPD about contacts issues and, where appropriate, implementation issues.

Striker Replacement Litigation

DOJ filed a petition for rehearing and rehearing en banc several weeks ago. Assuming that it is denied, we will need to make sure that DOJ files a cert petition. They may be reluctant, but the President has made clear that he wants to go the last mile on this.

Immigration E.O.

We are following up on Rahm's question about a recent news account of an INS enforcement action. That action may ultimately trigger a debarment action against the affected government contractor.

Assisted Suicide

Both the Ninth Circuit case and the Second Circuit case are likely to go to the Supreme Court. Given the President's prior statements on the underlying policy issue, it doesn't make any sense for DOJ to seek to participate as amicus. DOJ appears to agree, but we should monitor this as the situation evolves. Trey is up to speed on this.

Legal Service Corporation

✓ LSC is in a fight for its life. I've been working with Melanne Verveer, Martha Foley, and Bob Litan, and the situation appears to be on an acceptable path. While LSC will get far less money this fiscal year than it needs, it will at least be funded. The devil is in the details, however, and the situation needs to be carefully monitored.

FAA Independence

OLC believes that the House version of the FAA reform bill is unconstitutional on separation of power grounds. The Senate version does not suffer from the same infirmity, but the evolution of the bill needs to be carefully monitored. Bob Litan of OMB is tracking legislative developments and will keep us informed if things appear to be going in an unhelpful direction.

THE WHITE HOUSE

WASHINGTON

January 16, 1996

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: JACK QUINN *JQ*
COUNSEL TO THE PRESIDENT

KATHLEEN WALLMAN *KW*
DEPUTY COUNSEL TO THE PRESIDENT

STEPHEN NEUWIRTH *SN*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: CONTACTS WITH AGENCIES

This memorandum reiterates White House policies on contacts between White House staff and federal agencies. It is very important that you review these policies and become familiar with them. They must be strictly enforced, and we need your cooperation in doing that. A "quick reference" guide summarizing this memorandum is attached for your convenience. You can call any one of us if you have any questions.

BASIC PRINCIPLES

Some contacts between White House staff and federal agencies are permitted, and some are prohibited. Unless you are certain that a particular contact is permissible, you should take care before making the contact to consult with the Counsel's Office. In general, the starting points for deciding whether a contact is appropriate will be:

- the type of agency involved (executive branch or independent), and
- the subject matter of the contact (policy or legislation, investigation or enforcement action, or rulemaking).

I. CONTACTS WITH EXECUTIVE BRANCH AGENCIES

Which agencies are covered by this section?

The principal Executive Branch agencies are the **Cabinet Departments**:

- the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, the Treasury, and Veterans Affairs.

Executive Branch agencies also include the Environmental Protection Agency, the Small Business Administration, and the Equal Employment Opportunity Commission.

Boards and commissions are generally considered Executive Branch agencies if their members are appointed, and removable without cause, by the President.

As discussed in Section II of this memorandum, separate policies apply to contacts with so-called "independent" agencies, such as the FCC, the FTC and the SEC.

Policy, legislation and administrative matters

General Rules: White House staff may communicate with executive branch agencies about policy, legislation or administrative matters.

Special Rules for DOJ: Because policy, legislative and administrative issues within the Department of Justice's purview may touch upon law enforcement or other litigation-related matters pending at the Department, you should advise the Counsel's Office when you commence communications with DOJ on any subject, including policy matters. Once you have informed our office about your contact with DOJ on a particular subject, you need not later inform us of communications on the same matter.

Special Rules for the IRS: Because of the sensitive investigative and enforcement powers of the IRS, and the confidential personal information the IRS handles, it is White House policy that **no member of the White House staff should have any communication of any type with the IRS without prior approval of the White House Counsel.** Note that communication about tax policy or legislation normally can be directed to the Assistant Secretary of the Treasury for Tax Policy.

Investigations, enforcement actions and adjudications

White House staff **should not** contact Executive Branch agencies concerning investigations, enforcement actions, or adjudications. This prohibition means White House staff should not ask an agency even for a status report about a pending matter of this type, or ask an agency official to meet with a private party or Member of Congress to discuss such a pending matter.

- "Investigations" are matters related to investigating or reviewing potential or actual administrative, criminal, or civil charges for alleged violations of law or regulations by specific individuals or entities.
- "Enforcement actions" are matters related to pursuing administrative, criminal, or civil charges for alleged violations of law or regulations by specific individuals or entities.

- "Adjudications" are matters decided at an administrative or judicial hearing, or other proceeding, in which a department or agency determines the rights of particular individuals or entities.

While there may be rare, special circumstances when it is appropriate for the White House to communicate with an agency about a pending investigation, enforcement action, or adjudication, **such communication should be undertaken only by the Counsel's Office. In the case of the Justice Department, any such communication must be initiated by either the White House Counsel or the Deputy Counsel.**

Outside inquiries: If you receive a written or oral inquiry or request from an outside party -- including a Member of Congress -- concerning an investigation, enforcement action, or adjudication pending at an Executive Branch agency, **you should contact the Counsel's Office for guidance on how to proceed.** Normally, it will be appropriate to advise that outside party of the general White House policy against contacts on such matters, and to suggest that any inquiries concerning the pending matter be made directly to the relevant agency, if appropriate.

Contacts from agencies: By the same token, if anyone at any Executive Branch agency contacts you about any pending investigation, enforcement action, or adjudication, **you should promptly advise the Counsel's Office, which will determine how to proceed and will report back to you as appropriate.**

Rulemaking Matters

1. **Status checks are generally permitted:** White House staff may contact executive branch agencies regarding a pending rulemaking matter if the purpose of the communication is not to influence the outcome of a pending rulemaking proceeding (e.g., a status inquiry).
2. **Other contacts must be cleared in advance with your supervisors:** If the purpose of the contact is to influence the outcome of a pending rulemaking, White House staff should, prior to making the contact, (a) obtain approval from the Assistant or Deputy Assistant to the President who is their principal supervisor, and (b) coordinate the contact with the Administrator of OIRA, who will advise on the appropriateness of the contact.
3. **No "passing on" oral comments from outsiders:** Input from the public -- that is, persons not employed by the Executive Branch, Congress or the federal judiciary -- must be submitted **in writing** if it is to be incorporated into the rulemaking process. **Thus, non-written comments from the public should not be communicated by the White House staff to agencies, OIRA or anyone else involved in the rulemaking process.** However, non-written comments from Members of Congress or other federal employees should be forwarded to the Administrator of OIRA.

4. **Forward written comments from outsiders:** Any written communications from the public, or from Members of Congress or other federal employees, on pending rulemaking matters are to be forwarded by the recipient to the relevant department or agency for inclusion in the public docket. A copy of any such written communications should also be forwarded to the Administrator of OIRA.

II. CONTACTS WITH INDEPENDENT AGENCIES

Which agencies are covered by this section?

Congress has created a number of so-called independent agencies. These agencies are called "independent" because of the rulemaking and enforcement jurisdiction they have been delegated by Congress, and because the principal officials are removable by the President only for specified "cause."

The principal independent agencies are the Federal Communications Commission, the Federal Trade Commission, and the Securities and Exchange Commission.

Other independent agencies include:

Commodity Futures Trading Commission
Consumer Product Safety Commission
Federal Deposit Insurance Corporation
Federal Election Commission
Federal Maritime Commission
Federal Reserve Board
Interstate Commerce Commission
National Credit Union Administration
National Labor Relations Board
National Transportation Safety Board
Nuclear Regulatory Commission
Occupational Safety and Health Review Commission
United States International Trade Commission

As discussed in Section I of this memorandum, separate policies apply to contacts with Executive Branch agencies, such as the Cabinet agencies.

Investigations, enforcement actions or adjudications

White House staff should not contact any independent agency concerning a pending investigation, enforcement action or adjudication. White House staff should assume that such communications are prohibited.

Any inquiries concerning an investigation, enforcement action or adjudication at an independent agency should be referred to the Counsel's Office for handling.

While there may be rare, special circumstances when it is appropriate to communicate with an independent agency about an investigation, enforcement action or adjudication, such communication should be undertaken only by the Counsel's Office.

Rulemaking proceedings

Congress has assigned certain rulemaking jurisdiction to independent agencies such as the FCC, the FTC and the SEC. White House staff should not communicate with independent agencies about rulemaking matters. White House staff should assume that such communications are prohibited.

Any inquiries concerning rulemaking by an independent agency should be referred to the Counsel's Office for handling.

While there may be rare, special circumstances when it is appropriate to communicate with an independent agency about a rulemaking matter, the White House Counsel's Office must approve any such communication in advance.

Policy, legislation and administrative matters

Any other communications with independent agencies, including discussions of policy or legislation, should be approved in advance by the Counsel's Office to ensure that the communication is appropriate and that no special rules apply. (Advance approval can be provided for categories of contacts.) The sole exception to this policy is communication on routine administrative matters (e.g., obtaining an address or phone number, or requesting publicly available documents).

WHITE HOUSE CONTACTS POLICY: A QUICK SUMMARY

CONTACTS WITH EXECUTIVE BRANCH AGENCIES

TYPE OF CONTACT	GENERALLY PERMITTED?	STEPS TO TAKE
Contact executive branch agency about policy, legislation or administrative matter	YES (except for IRS) -- but advise Counsel's Office <u>before</u> contact with DOJ	No need to consult with Counsel's Office prior to contact (but advise Counsel's Office <u>before</u> contact with DOJ)
Contact executive branch agency about investigation, enforcement action or adjudication	NO	Seek guidance from the Counsel's Office. Refer written or oral inquiries about such matters to the Counsel's Office.
Contact executive branch agency about rulemaking matter for purpose of <u>influencing outcome</u> of a rulemaking proceeding	YES (except for IRS), IF prior approval of White House supervisor <u>and</u> the Administrator of OIRA BUT, do <u>not</u> "pass on" comments from outsiders, except when outsider comments are in writing AND advise Counsel's Office <u>before</u> contact with DOJ	Obtain prior approval of the Assistant or Deputy Assistant to the President who supervises you, <u>and</u> the Administrator of OIRA. NOTE: White House staff may not forward to agencies non-written comments from members of the public on rulemaking matters. Written comments should be forwarded to appropriate agency for inclusion in the public record, with copy to Administrator of OIRA.
Contact executive branch agency solely for <u>status report</u> on pending rulemaking proceeding	YES (except for IRS)	No need to consult with Counsel's Office prior to contact (but advise Counsel's Office <u>before</u> contact with DOJ)

CONTACTS WITH INDEPENDENT AGENCIES

TYPE OF CONTACT	GENERALLY PERMITTED?	STEPS TO TAKE
Contact independent agency about investigation, enforcement action or adjudication	NO	Refer any inquiries about such matters to the Counsel's Office.
Contact independent agency about rulemaking matter	NO	Refer any inquiries about such matters to the Counsel's Office.
Contact independent agency about policy, legislation or administrative matter	NO, unless approved in advance by White House Counsel's Office	Consult with White House Counsel's Office before any such contact. (Sole exception is routine administrative matters -- e.g. obtaining publicly-available documents or phone numbers.)

Executive Branch Agencies

Department of Agriculture
 Department of Commerce
 Department of Defense
 Department of Education
 Department of Energy
 Department of Health and Human Services
 Department of Housing and Urban Development
 Department of Interior
 Department of Justice
 Department of Labor
 Department of State
 Department of Transportation
 Department of the Treasury
 Department of Veterans Affairs
 Environmental Protection Agency
 Small Business Administration
 Equal Employment Opportunity Commission

Independent Agencies

Federal Communications Commission
 Federal Trade Commission
 Securities and Exchange Commission
 Commodities Futures Trading Commission
 Consumer Products Safety Commission
 Federal Deposit Insurance Corporation
 Federal Election Commission
 Federal Maritime Commission
 Federal Reserve Board
 Interstate Commerce Commission
 National Credit Union Administration
 National Labor Relations Board
 National Transportation Safety Board
 Nuclear Regulatory Commission
 Occupational Safety and Health Review Commission
 United States International Trade Commission

NOTE: THIS DOCUMENT IS ONLY A SUMMARY. FOR MORE INFORMATION, CONSULT THE MEMORANDUM FOR ALL WHITE HOUSE STAFF, DATED JANUARY 16, 1996, ON CONTACTS WITH AGENCIES, OR CONTACT THE COUNSEL'S OFFICE.

KAGAN, ELENA
WHITE HOUSE OFFICE

GENERAL COUNSEL

OE08

125

THE WHITE HOUSE

WASHINGTON

September 13, 1995

MEMORANDUM FOR JUDITH MILLER
General Counsel,
Department of Defense

FROM: ABNER J. MIKVA *AJM*
Counsel to the President

SUBJECT: Detailee

I am writing to request that the Department of Defense provide a detailee to my office to provide secretarial assistance to Victoria Radd and Elena Kagan, both Associate Counsels to the President. As you know, the White House Counsel's office participates in much work involving the agencies, including the Department of Defense; in recent months, for example, the Counsel's Office played a substantial role in military base closing decisions. Given the cross-cutting nature of our work and our own lack of staff, many departments have provided this office with detailees, especially to provide secretarial and clerical assistance. The Department of Defense, to the best of my knowledge, has not provided this office with any detailees. If the Department could lend a person to this office, it would be greatly appreciated.

Judge --

In Vicky's and my continuing efforts to get a secretary, I spoke with Judy Miller, General Counsel to the Department of Defense, about the possibility of her sending over a detailee. She asked for a memo from you, providing a "rationale" for why DOD should provide us with a detailee; she specifically suggested that the memo include some discussion of issues the Counsel's office deals with that involve or interest DOD. This is obviously an awkward memo to write; attached is my best shot (though perhaps not a very good one). Even if this memo goes out, I have no confidence it will succeed. If not, Vicky and I obviously would be grateful for anything else you can do.

Elena

Oh
ajm

THE WHITE HOUSE

WASHINGTON

August 29, 1995

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF

FROM: BOB MCNEELY *Bob McNeely*
DIRECTOR, WHITE HOUSE PHOTOGRAPHIC SERVICES

RE: THE WHITE HOUSE PHOTO OFFICE

In anticipation of the upcoming campaign schedule, the photo office must give absolute priority to conducting the President's official photographic business. In order to process the ever increasing volume of photographic materials, the photo office will be closed to foot traffic for personal requests beginning September 1, 1995.

We are pleased to continue to provide copies to staff of one-on-one pictures with the President and/or First Lady, but these requests must be submitted via fax, interoffice mail, or e-mail. A photo request form is attached for your convenience.

In addition, all outside photo requests, other than official portraits, should be directed to the photo office. We are happy to return these pictures to the requesting office for forwarding, if needed.

As a reminder, most event pictures, receiving lines, and one-on-one photos with the President are automatically ordered by the White House Photographers. A few weeks should be allowed for editing, lab time, and distribution to the staff contact for each event.

Please contact our staff if you have any questions or require assistance. Thank you for your patience and cooperation as we respond to the growing number of picture requests.

PHOTO OFFICE INFO

ROOM 475

PHONE 456-6709

FAX 395-5247

E-MAIL WIENER_L OR HENNESSY_K

MON-FRI 8:30 - 6:30

**PERSONAL PHOTO REQUEST FORM FOR
STAFF, INTERNS, AND VOLUNTEERS**

-COPY ID PHOTO HERE-

If you had a one-on-one photo with President Clinton or Mrs. Clinton, please fill out this form completely and attach a photo of yourself for identification purposes, or simply xerox your pass in the space above.

Date of meeting _____

Location (be specific) _____

Event _____

Detailed physical description _____
(including attire)

Your name _____

Home or office address _____
(where you would like your photo sent)

Home or work phone _____

PLEASE ALLOW 4 TO 8 WEEKS FOR DELIVERY

PHOTO OFFICE USE ONLY

Contact Sheet Status	_____	Color	BW	
Roll	Frame	Size	Quantity	Borders

REMARKS:

THE WHITE HOUSE
WASHINGTON

July 17, 1995

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF
OFFICE OF THE VICE PRESIDENT STAFF
OFFICE OF POLICY DEVELOPMENT STAFF

FROM: JODIE R. TORKELSON
ASSISTANT TO THE PRESIDENT
FOR MANAGEMENT AND ADMINISTRATION

RE: Use of the Roosevelt Room

Please be reminded that the Roosevelt Room is no longer available for special events (i.e., receptions, ceremonies, parties). This room is primarily reserved for meetings involving the President, the Vice President, the Chief of Staff or the Deputy Chiefs of Staff. All parties and other special events should be scheduled elsewhere.

We regret any inconvenience this may cause your offices. However, we hope you appreciate our mutual need to reduce the number of unofficial visitors in the West Wing and the disruption these events can cause, and to keep the Roosevelt Room open for official meetings and briefings. Your cooperation will be greatly appreciated.

Based on availability, such events should more properly be scheduled in the Indian Treaty Room, the White House Conference Center or at an off-site location. To reserve the Indian Treaty Room, contact the White House Administrative Office on extension 62500; the Conference Center can be reached on extension 67507.

Also, with prior permission from the Office of Management and Administration, the White House Staff Mess may be used in some exceptional cases to host events of this nature.

Thank you.

THE WHITE HOUSE

WASHINGTON

July 20, 1995

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: TODD STERN 
PHIL CAPLAN 

SUBJECT: Briefing Book Deadlines

Too many briefing materials for the President's daily briefing book and trip books have been coming in late. This includes event memos, background material, talking points and speeches. We need to tighten up the process so that our office has an opportunity to ensure that materials are in good shape and can get the President his briefing books on time.

We propose the following new schedule for the daily book, to take effect July 24:

Daily briefing book

All materials should be submitted to our office by 4 pm the day before the event, with an outside deadline of 6 pm. This will allow us to assemble the book, have edits made where necessary, and send the book to the President at a reasonable hour. You should assume that, as a general matter, materials submitted to us after 6 pm will not be included in the briefing book forwarded to the Residence.

Trip books

Background materials such as economic, political or local issue briefings for the states to which the President is travelling, or substantive updates on issues especially relevant to the trip (immigration, crime, timber, whatever) should be submitted to our office by 6 pm two nights before the trip -- for example, by Tuesday evening for a trip leaving Thursday morning.

[Note that, in the relatively near future, we are going to begin integrating all background memos prepared for a given state into a single, unified briefing memo on the state, which should result in a more concise, user-friendly product.]

Materials for specific events -- i.e., the basic event memo and any talking points or background related to the event -- should be submitted to our office by 3 pm the day before the trip. (The only exception to this is if the event in question is still too much in flux to prepare a memo. In such cases, memos should be submitted as soon as possible once the event is buttoned down.)

Multiple Day Trips. *Background materials* that relate to the 2d or following days of a trip should still be submitted two nights before the President departs from the White House. Similarly, *event materials* for subsequent days should still be submitted by 3 pm the day before the President departs. For example, background materials for a Thursday-Friday trip would be due Tuesday evening, while event materials would be due by 3 pm Wednesday.

Once again, the purpose for these deadlines is to allow us time to review materials, suggest needed changes, and make sure the President's book is in good shape formally and substantively. When a flood of material -- background memos, event memos, Qs and As, talking points, speeches -- all arrives at 7 or 8 o'clock the night before a trip, we can't do this job right.

If you've got questions about anything, please call Todd or Phil.

THE WHITE HOUSE
WASHINGTON

July 14, 1995

MEMORANDUM TO WHCA CUSTOMER SERVICE

FROM: ANDREA S. RUTLEDGE
SUBJECT: Pager Reassigned

Please reassign Ms. Clarissa Cerda's pager (PIN 4159) to Ms. Elena Kagan, new Associate Counsel to the President. Please reassign the pager when Ms. Cerda checks out today, July 14, 1995.

Ms. Cerda was an Assistant Counsel to the President. Thank you for your assistance and support.

cc: Devere Patton
Elena Kagan

Dan Beattie
225-4071

THE WHITE HOUSE

WASHINGTON

July 10, 1995

MEMORANDUM FOR JODIE TORNELSON
DEPUTY ASSISTANT TO THE PRESIDENT
FOR WHITE HOUSE ADMINISTRATION

COPY: ANDREA RUTLEDGE
DIRECTOR, WHITE HOUSE ADMINISTRATION

FROM: MARNA MADSEN *MM*
ADMINISTRATIVE CONTACT
COUNSEL'S OFFICE

SUBJECT: Elena Kagan

Effective 7/10/95, Elena Kagan will be a new Associate Counsel to the President. She will need the following:

Mess Privileges
Carpet Privileges
Lexis/Nexis account
Library Access
Pager
Press Clips (could we reassign Clarissa Cerda's to her?)

Thank you for your attention to these matters.

cc: E. Kagan

EJ

333-7737

THE WHITE HOUSE
WASHINGTON

MEMORANDUM

July 19, 1995

TO: All Photo Hardpass Holders
FROM: Melinda N. Bates *MB*
Director, Visitors Office
RE: Tour Access for Passholder Guests

To place your guests at the head of the line on the public, self-guided tours of the White House:

- ▶ Encourage them to stop first at the new **White House Visitor Center**, at 15th Street near E Street. The building has blue awnings and three large American flags above the entrance. The (optional) movie is about 25 minutes long. Allow 25 - 50 minutes to view the exhibits and souvenir area. This greatly enhances the self-guided tour experience.
- ▶ Meet them at the Liberty Bell replica on East Executive Avenue
- ▶ Walk with them to the Visitor Entrance. Obtain a **White House brochure** from the National Park Service ranger.
- ▶ Sign in your guests with the Secret Service officer holding the clipboard
 - ▶ You may bring up to 6 guests per day. No exceptions.
 - ▶ Passholder/guests entry begins at 10:30 a.m. and ends at noon. No exceptions. (It is usually less crowded at 11:00 a.m.)

Occasionally public tours are cancelled for official events with little notice. You should call the Visitors Office Tour Information line at 456-7041 for up-to-date information before bringing your guests to the gate.

Tickets for the Congressional guided tours are occasionally available for staff. Ask your office Administrative Contact. Group tours (10 - 50 participants) may be requested through the Contact, but access is extremely limited.

If your office is in the OEOB, you must use the outside route to East Executive Avenue rather than walking through the ground floor.

Thanks for your cooperation.

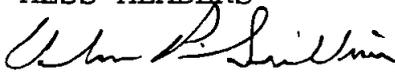
THE WHITE HOUSE

WASHINGTON

July 27, 1995

MEMORANDUM FOR WHITE HOUSE STAFF MESS MEMBERS

FROM:

ALAN P. SULLIVAN 
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT:

White House Staff Mess Limited Service

The White House Staff Mess will provide limited service and menu in order to support the President during his summer vacation and trip to Hawaii. The modified schedule will begin from the date the President departs for his vacation until he returns, tentatively scheduled for Monday, September 4, 1995. Limited service is defined as:

- Normal breakfast hours
- Normal lunch hours
- Normal carry-out service
- Dining room one will provide service. Dining room two and the Wardroom will be closed.
- No evening meal carry-out service
- Saturdays, August 19, 26, and September 2 the Staff Mess will be closed.

Thank you for your understanding.

August 23, 1995

OFFICE OF COUNSEL TO THE PRESIDENT

AREAS OF ASSIGNMENTS AND RESPONSIBILITIES INCLUDED BUT NOT LIMITED TO THE FOLLOWING:

CUMIKVA ABNER J. MIKVA (*SHERI SWEITZER*)
COUNSEL TO THE PRESIDENT

JEFF CONNAUGHTON
SPECIAL ASSISTANT TO THE COUNSEL
LRMs (Legislative Referral Memoranda (General))
Tort Reform
Securities Reform
Lobby Reform
Speeches

JAMES CASTELLO (*ODETTA WALKER*)
DEPUTY COUNSEL TO THE PRESIDENT

CUAT01 STEPHEN R. NEUWIRTH (*TRACY MITCHELL*)
ASSOCIATE COUNSEL TO THE PRESIDENT
Health Care Reform
Presidential Task Forces
Human Radiation Experiments
Gulf War Illnesses Advisory Committee
Contacts with Executive and Independent Agencies
White House Support for Proposed Legislation
National Economic Council Matters
Freedom of Information Act (FOIA) Policy
Federal Advisory Act (FACA)
Environmental Policy Matters
Environmental Justice
NAFTA and Trade Agreement Litigation
Religion/Religion in Schools
Anti-Lobbying Act
Mexican Peso/Congressional Requests
Ethanol (Renewable Oxygenates) Policy
Los Angeles Medicaid
Presidential Records Act
HIV/AIDS Advisory Committee/AIDS Policy Office
Executive Order on Native American Religious Sites
Executive Privilege
Base Closures

- CUAT05** **CHERYL D. MILLS (*MELISSA MURRAY*)**
ASSOCIATE COUNSEL TO THE PRESIDENT
 Travel – Official/Political
 Political Activity/Hatch Act
 Ethics (General)
 Employment Status (Conflict of Interest/WH Staff)
 Transition
 Presidential Disability
 Presidential Pardons
 Civil Rights
 National Endowment for the Arts/National Endowment for Humanities
 Waco
 POTUS Legal Defense Fund
 GAO Audits
 Appropriated Funds
 Supreme Court Judges-DC (w/Vicki)
 Federal Election Issues
 Alternate Designated Agency Ethics Official (AJM is designated)
 Executive Privilege
- CUAT16** **MARVIN KRISLOV (*TRACY MITCHELL*)**
ASSOCIATE COUNSEL TO THE PRESIDENT
 Presidential Nominees/Appointees
 FOIA Issues
Armstrong Case
 EEOC Matters
 Seal and Requests for President/White House Advertising
 Archives Issues
 Records Management Issues
 Administrative and Procurement Issues
 Correspondence
 Internship Program (Counsel's Office)
 Assassination Records
 Voting Rights Act
 Gay Rights
 Title IX
- CUAT19** **VICTORIA L. RADD (*RENEE WARREN*)**
ASSOCIATE COUNSEL TO THE PRESIDENT
 Supreme Court Appointments
 Judicial Nominations and Confirmations
 U.S. Attorneys and Marshals

**CUAT20 KATHLEEN WHALEN (*MARNA MADSEM*)
ASSOCIATE COUNSEL TO THE PRESIDENT**
Ethics (General)
Financial Disclosure
Government Ethics Regulations
Conflicts of Interest
Post Employment Questions
Gifts
Presidential Nominees & Appointees (Financial Clearance Process/Conflicts)
Ethics Training
Volunteers

**CUAT21 CHRISTOPHER D. CERF (*ANGIE POOLE-WALKER*)
ASSOCIATE COUNSEL TO THE PRESIDENT**
Affirmative Action
Tobacco
Magaziner Litigation
White House Security Clearances
Striker Replacement
Habeas Corpus
Anti-Terrorism Bill

**ELENA KAGAN
ASSOCIATE COUNSEL TO THE PRESIDENT**
Amtrak
Waco
Ruby Ridge
Abortion (w/James)
Encryption

**ROBERT VAN KIRK
ATTORNEY ADVISOR**
Judicial Selection

**KAREN MCSWEENEY
ATTORNEY ADVISOR**
Presidential Nominees and Appointments (Conflicts Clearance)
Ethics (General)
Financial Disclosure
Government Ethics Regulations

VICKI DIVOLL
VOLUNTEER ATTORNEY
Pollard Pardon
Presidential Pardons
General Correspondence

CLIFF MAUTON
PARALEGAL
Tracking Clearance Forms of Nominees and Appointees
Assistance on Clearance Process
Tracking Status of Nominees and Appointees
Liaison with Presidential Personnel, FBI, IRS

WHITEWATER:

JANE SHERBURNE (*KIM HOLLIDAY*)
SPECIAL COUNSEL TO THE PRESIDENT

CUAT22 DAVID FEIN
ASSOCIATE COUNSEL TO THE PRESIDENT

CUAT24 MIRIAM NEMETZ
ASSOCIATE COUNSEL TO THE PRESIDENT

NATALIE WILLIAMS
ASSOCIATE COUNSEL TO THE PRESIDENT

CUAT25 JON YAROWSKY
ASSOCIATE COUNSEL TO THE PRESIDENT

THE WHITE HOUSE
WASHINGTON

August 18, 1995

MEMORANDUM FOR ALL STAFF w/ BLUE PASSES

FROM: JODIE R. TORKELSON
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: West Wing Tours

West Wing tour hours will be extended while the President is on vacation. The doors to the Oval Office will remain closed during non-tour hours, so please do not ask to have them opened. Secret Service has been instructed to strictly enforce the scheduled tour hours to avoid disturbing staff members working in the West Wing. Please do not bring guests through the West Wing at other times without prior approval from Management & Administration.

The following schedule is effective through September 4th:

Monday-Friday	6pm-10pm
Saturday	12pm-10pm
Sunday	8am-10pm

Remember that interns cannot give tours and that staff may only escort up to 6 guests at a time.

Call the Staff Tour & Information Line (ext 62002) for updates and changes to the West Wing tour schedule.

THE WHITE HOUSE
WASHINGTON

August 4, 1995

MEMORANDUM For All Blue Photo Passholders

FROM: Melinda N. Bates *MB*
Director, Visitors Office

SUBJECT: Helicopter Departure of the President

On **Wednesday, August 9, at 8:20 a.m.**, the President is scheduled to arrive on the South Lawn to greet assembled staff and their guests. At **8:40 a.m.** he departs via Marine One. All staff with **blue** passes are cordially invited and may bring up to four guests.

- ▶ The lawn opens at **7:45 a.m.** and closes promptly at **8:05 a.m.**
- ▶ You may escort up to **four** guests. You must clear each guest through WAVES.
- ▶ Passholders are **required to stay with their guests until the President has departed.** You may not "drop them off" on the South Lawn. Passholders and guests must remain in the designated roped-off viewing area.
- ▶ Please do not bring food or beverages with you.
- ▶ You may not ask the President for an autograph, nor attempt to hand him anything.

To attend the departure you must have a **blue** photo pass and accompany your guests.

Tours will be in progress that morning. If your office is in the West Wing or OEOB, use the service route under the north portico to the booksellers area. Visitors Office staff will control access and direct you through the Kennedy Garden to the east side of the driveway. East Wing passholders should also use the outside route to the booksellers area. Please follow the guidance of Visitors Office staff so that Congressional tours are not interrupted.

Regardless of the location of your office, all staff and guests **must** exit the South Lawn through the Jacqueline Kennedy Garden and continue through the booksellers area to the north service drive. **No one may enter the residence.** East Wing passholders may return to their offices through the East Portico, while West Wing passholders must continue to West Executive Avenue. **No Residence or West Wing tours may be given during working hours.**

Thank you for your cooperation.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ADMINISTRATION
Washington, D.C. 20503

July 24, 1995

MEMORANDUM FOR ELENA KAGAN
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: MARY ANN NOWELL
DIRECTOR
LIBRARY AND RESEARCH SERVICES DIVISION

SUBJECT: After-Hours Access to the Law Library

After we receive a signed copy of this letter, you will be cleared for access to the Executive Office of the President Law Library in Room 528 of the Old Executive Office Building outside regular hours of operation. Your name will be added to an access list that we provide to the USSS Uniformed Division. This privilege is extended to you individually. You may not bring other members of your staff with you, send them in your place, or admit anyone else to the Library during your after-hours access.

To gain entrance to the Library after regular working hours, please identify yourself to the officers stationed at the 17th & G Street guard desk as being on the library access list. A Uniformed Division officer will then escort you to the Library and open the door for you. You should not remove any materials from the Library, and may be held responsible if items are discovered missing.

When you have completed your research, please telephone extension 54497 to arrange for an officer to meet you in the Library to secure the room as you leave. The room should be left as you found it, with lights and photocopiers turned off. If you leave the Library unsecured, the USSS will issue a security violation in your name.

If you require emergency and immediate reference assistance, please dial the White House Operators (0), and they will contact a librarian for you.

Thank you.

I agree to comply with the above regulations concerning after-hours library access.

Name _____ Date _____
Please sign one copy and return it to Room 528 OEOb. The second copy is for your records.

file: personnel

THE WHITE HOUSE
WASHINGTON

June 7, 1995

MEMORANDUM FOR ABNER J. MIKVA
Counsel to the President

FROM: DOUGLAS LETTER
Associate Counsel to the President

SUBJECT: Open Assignments

You asked me list my pending work assignments, and I have done so below. You indicated that you would like me to continue working on these matters after I return to the Department of Justice (on June 12, 1995). I have cleared this with my direct supervisor at the Civil Division, Robert Kopp. (As long as there is no conflict on any particular matter, Mr. Kopp sees no problem with your request since I continued to perform substantial Civil Division work, at his request, while assigned to the White House.) My understanding is that you will make any necessary arrangements on this matter with Deputy Attorney General Gorelick.

The following projects are currently ongoing:

1) **Line Item Veto.** I have been working with OMB and OLC primarily on this subject, which will continue to be open as the House and Senate go to conference.

2) **Term Limits.** I had drafted a memorandum for the President concerning what position the Administration should take regarding a possible constitutional amendment to allow each state to set term limits for its own representatives in Congress.

3) **Affirmative Action Review.** I have been working with Chris Edley and Michael Waldman, drafting parts of the report to the President regarding the various programs and options. My understanding is that they are currently doing more editing on this report, which should be ready soon. I authored several sections and have been providing some overall comments on different issues raised in the report. Specifically, I have written sections dealing with FCC, Agriculture, RTC, Treasury, and GSA programs, as well as issues of concern to the construction contractor industry. I am not certain what will be

happening in this area soon. My expectation is that we will be given a copy of the full draft report for comment.

4) **Private Securities Reform Legislation.** I have been working with you and Jeff Connaughton, as well as others, on this long-running project.

5) **Products Liability Reform Legislation.** I have been working with you and Jeff, as well as others, on this long-running project too.

6) **Senator Daschle Investigation.** You had asked me to monitor the investigation of conduct by Senator Daschle concerning the FAA. I have had several conversations with the DOT General Counsel about this matter. He expects the DOT Inspector General to issue a report at any moment, but has no idea what it will conclude.

7) **Paula Jones Litigation.** I have been working with you and the President's personal lawyers on this litigation in its current phase on appeal to the 8th Circuit.

8) **Romer and Gays in the Military Litigation.** I have been working with you and others on these matters, which will undoubtedly continue for quite some time.

9) **Amtrak Legislative Changes.** The Administration and Congress are considering changes to the structure of Amtrak. These proposals involve a constitutional question in the wake of the Supreme Court's recent ruling that Amtrak is a governmental agency. I had been working with DOT and Harold Ickes' office on this point.

10) **DC Financial Board.** I had worked closely with OLC and OMB on the development of the DC financial board scheme, but I think our work on that entity is now completed.

11) **Legal Services Corporation.** I worked with you and Chris Cerf on the reauthorization of the Legal Services Corporation, and prepared your House testimony on this subject. I am not sure what, if anything, will be needed in the future.

12) **Lopez.** I was working with DOJ and James concerning possible legislation after the Supreme Court's ruling striking down the statute regulating guns in school zones. Proposed legislation was sent to Congress.

13) I have been handling the dealings with Ruslan Orekhov, your counterpart in President Yeltsin's office. As you recall,

you informally accepted his invitation to visit him in Moscow this year, but left the precise date open. I can continue to coordinate with Mark D'Anastasio, Mr. Orekhof's contact here, if there are further dealings (and I would be happy to accompany you to Moscow, if you would find it helpful).

You had asked me to monitor several other areas, although my involvement in them has been minimal. They are: the motor voter cases being prosecuted by DOJ, the litigation concerning disputes with various Western counties involving land management, and the flat tax proposals. On the latter point, I was told that Gene Sperling is heading a group, and he has provided me with some material, but I have not been attending meetings. If you want me to push to take an active part in this group's meetings, I can certainly do so.

Unless you think I should do otherwise, my plan is to leave most of the files on these various matters in Room 123 OEOP, along with the files on other matters that I worked on and that are now completed. (You should know that I do not have computer files for most of the work I did here. This week, the hard disk drive on my computer broke, eliminating all of the files on it. I was told that there was no network backup.)

cc: James Castello
Bruce Lindsey

THE WHITE HOUSE
WASHINGTON

September 6, 1995

MEMORANDUM FOR ALL BLUE PASSHOLDERS

FROM: JODIE TORKELSON
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: West Wing Tour Guidelines

In order to facilitate the large number of people in the West Wing during tour hours, you must adhere to the following guidelines on West Wing tours.

- All West Wing tours should begin in the West Lobby on the first floor of the West Wing. Tours should then proceed to the Roosevelt Room, Oval Office, Cabinet Room, and Rose Garden. Passholders should escort their guests out of the West Wing through the West Lobby and enter the Press Briefing Room from the outside entrance.
- Tours are only allowed during official West Wing tour hours even when the President is not in the West Wing. Please call the staff tour information line at x62002 for updated information regarding West Wing tour cancellations or time changes.

Official West Wing tour hours are as follows:

Monday through Friday	8:00pm to 10:00pm
Saturday	1:00pm to 10:00pm
Sunday	8:00am to 10:00pm

- Blue passholders are allowed to escort up to six guests per tour. Another blue passholder must assist you with the tour if it exceeds the six guest limit or you will need prior approval from this office to conduct the tour. Note: Interns and volunteers are not allowed to escort tours through the West Wing.
- Be respectful of other passholders giving tours and limit the amount of time you spend in each area, especially in front of the Oval Office.
- Clear your guests through WAVES ahead of time! Indicate that your guests will be taking a West Wing tour even if they first enter EW, OEOP or other building. Enter this information in the comment section when sending a WAVES Appointment Request through OASIS.
- Tours will not be permitted when the President, Vice President or First Lady are in the West Wing. Please remember that other senior staff may be working in the West Wing during tour hours and to keep conversations low.
- When the West Wing is overloaded with people, the Secret Service may find it necessary to hold tours up in the West Lobby until some people have cleared out of the West Wing.

Please call Management and Administration at x62861 if you have further questions. Thank you for your cooperation.

THE WHITE HOUSE
WASHINGTON

October 23, 1995

MEMORANDUM TO WHITE HOUSE STAFF

FROM: NANCY HERNREICH 
DEPUTY ASSISTANT TO THE PRESIDENT
AND DIRECTOR OF OVAL OFFICE OPERATIONS

SUBJECT: RADIO ADDRESS POLICY

It has come to my attention that many staff members may not be aware of the guidelines for bringing guests to the President's Saturday morning Radio Address. Please review the following policy.

Spaces in the Radio Address may be reserved on the following priority basis:

1. Personal friends of the President visiting from out of town;
2. Photo opportunities that can not be scheduled during the regular work week;
3. Permanent White House staff and their **immediate** families;
4. Cabinet Secretaries and Appointees and their **immediate** families.

All requests should be sent to Rebecca Cameron either by mail (1FL, WW), fax (x66703) or e-mail (CAMERON_RA) at least **two weeks** prior to the date requested. No one will be permitted without reservations. Late requests will only be considered if there is room available. Staff should notify their guests that the Radio Addresses are subject to cancellation and will not be confirmed until the Friday before the address.

Staff requesting that family members attend the Radio Address **must** accompany them to the address.

We hope these guidelines will help to maintain this unique experience for you and your family, while at the same time preserving the President's time. Thank you for your cooperation.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. form	Security Determination (1 page)	12/08/1995	P6/b(6)

COLLECTION:

Clinton Presidential Records
Counsel's Office
Elena Kagan
OA/Box Number: 8248

FOLDER TITLE:

Administrative Stuff

2009-1006-F
ke692

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. form	SF 312 (2 pages)	12/21/1995	P6/b(6)

COLLECTION:

Clinton Presidential Records
Counsel's Office
Elena Kagan
OA/Box Number: 8248

FOLDER TITLE:

Administrative Stuff

2009-1006-F
ke692

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

THE WHITE HOUSE
WASHINGTON

May 14, 1996

MEMORANDUM FOR JACK QUINN
COUNSEL TO THE PRESIDENT

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

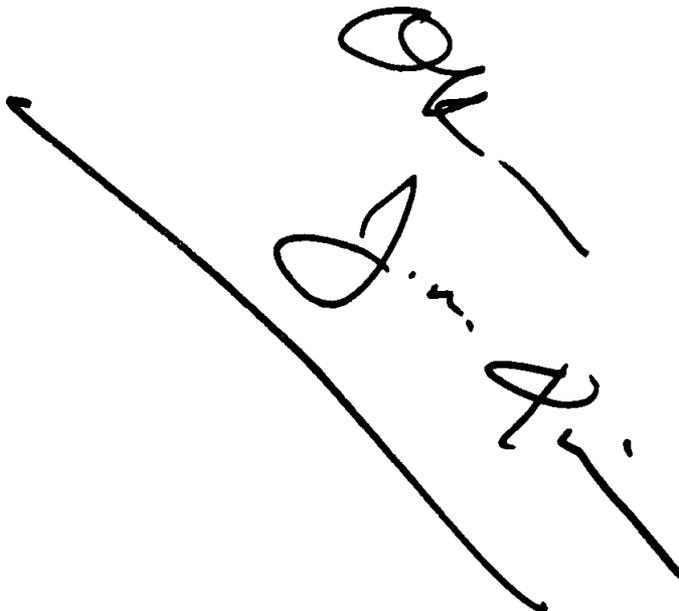
SUBJECT: Conflict of Interest Waiver for Elena Kagan

Attached is a conflict of interest waiver request from Elena Kagan. As you know, the President has delegated his waiver authority to you as Counsel to the President.

As a tenured professor in leave status, Elena has an interest in the University of Chicago Law School. Without a waiver, she would be restricted from participating in a particular matter that would have a direct and predictable effect on the University. She seeks a waiver that would permit her to speak at a luncheon gathering of local alumni.

I have reviewed this matter with OGE which concurs in my assessment. I recommend that you grant the waiver.

Attachment



A handwritten signature, likely of Jack Quinn, is written in black ink. The signature is slanted and appears to read 'Jack Quinn'. A long, thin horizontal line is drawn below the signature, extending from the left side of the page towards the right.

THE WHITE HOUSE

WASHINGTON

May 14, 1996

MEMORANDUM FOR JACK QUINN
COUNSEL TO THE PRESIDENT

FROM: ELENA KAGAN *ek*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Conflict of Interest Waiver Request

Pursuant to the provisions of 18 U.S.C. § 208(b), I am requesting a waiver from the prohibitions of 18 U.S.C. § 208(a) as described herein.

Section 208(a) prohibits me as an employee of the Executive Branch from participating personally and substantially in particular matters in which, to my knowledge, I have, or am deemed to have, a financial interest. You may issue a waiver of the prohibitions of section 208(a) on your written determination that my financial interest in a described matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from me or someone in my position.

As you know, I am on a leave of absence from the University of Chicago Law School. I continue to enjoy status as a professor with the privilege to return after my service in government. I have taken all steps necessary to resolve any potential conflicts between my position here and the University.

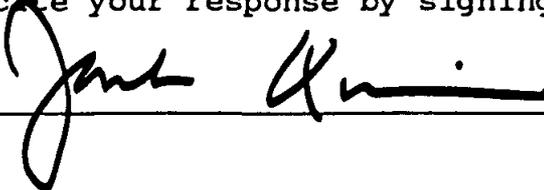
The Law School has invited me to speak at a luncheon for Washington-area alumni on Thursday, May 16. The topic is "Lawyering for the President." Attendees pay \$30 to cover the costs of the luncheon. The University is not raising funds based on my appearance.

Under the conflict statute, my continuing connection to the Law School prohibits me from acting in any particular matter in which the University has a financial interest unless I receive a waiver. The particular matter here is my determination to give an official speech to the alumni organization. The University's financial interest lies in its expenditures to host the luncheon and its anticipated giving of alumni who attend the event. Therefore, my appearance arguably will have an effect on the financial interests of the University. I, therefore, cannot speak at the event unless you determine that the University's interest is not so substantial as to be deemed likely to affect my services in this matter.

Therefore, I request that, pursuant to 18 U.S.C. § 208(b)(1), you determine that the financial interests described above are not so substantial as to affect the services I will provide to the Government in deciding to speak to the University of Chicago Law School alumni.

Please indicate your response by signing and dating below.

Waiver granted



Waiver denied

Date

5-16-96

cc: Kathi Whalen