

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 055 - FOLDER -002

[03/18/1996-03/26/1996]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ron Klain to Elena Kagan. Subject: Oh, you know (1 page)	03/21/1996	P6/b(6)
002. email	David Fein to Elena Kagan, et al. Subject: pressing question (1 page)	03/22/1996	Personal Misfile
003. email	Ron Klain to Elena Kagan at 10:51:00.00. Subject: Larry (1 page)	03/25/1996	P6/b(6)
004. email	Kumiki Gibson to Elena Kagan, et al. Subject: Sat night (1 page)	03/25/1996	Personal Misfile
005. email	Ron Klain to Elena Kagan at 18:26:00.00. Subject: Larry (1 page)	03/25/1996	P6/b(6)

COLLECTION:

Clinton Presidential Records
 Automated Records Management System (Email)
 WHO ([Kagan])
 OA/Box Number: 500000

FOLDER TITLE:

[3/18/1996 - 3/26/1996]

2009-1006-F
ke718

RESTRICTION CODES

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

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

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

- 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]

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.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Ellen S. Seidman (SEIDMAN_E) (OPD)

CREATION DATE/TIME:18-MAR-1996 09:14:59.21

SUBJECT: Products points

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-MAR-1996 09:23:42.18

TEXT:

I've added three bullets on the top about where we are and made a small change in the bankruptcy bullet. I'm sending these on to Commerce (better something now than perfection later), but if anyone else is going to use these things, we probably should continue working. I'll call Jacoby and see if I can find out what's going on. Ellen

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

ATT CREATION TIME/DATE:18-MAR-1996 09:14:00.00

ATT BODYPART TYPE:p

TEXT:

PRINTER FONT 12_POINT COURIER

TALKING POINTS ON PRODUCT LIABILITY BILL

The President has stated that he will veto H.R. 956 in its present form because it unduly and inequitably impinges of the traditional prerogatives of the states in this area of law and unfairly tilts the legal playing field against consumers.

The Administration has long stated that it supports enactment of limited but meaningful products liability reform at the federal level, but has also stated that any such legislation must fairly balance the interests of consumers with those of manufacturers and sellers and must respect the important role of the states.

Following passage of the bill in the Senate, the President stated that, while the Senate bill was an improvement on the far broader House bill, there were two major problems that would lead him not to support it: (i) a cap on punitive damages, which are meant to punish and deter egregious wrongdoing and (ii) establishment of several -- rather than joint -- liability for noneconomic damages such as pain and suffering. The Conference Report on H.R. 956 does not respond to these problems, and in addition, moves backwards toward the House bill by, for example, effectively severely shortening the statute of limitations against a company that goes into bankruptcy or reorganization and shortening the statute of repose from 20 years to 15.

If H.R. 956 becomes law in its present form:

? Injured victims of defective products may not receive the full measure of their damages.

A victim of a defective product who incurs noneconomic damage -- such as pain and suffering -- will have to sue every person or business that contributed to the injury. If one of the wrongdoers has died or gone bankrupt or otherwise become unavailable to suit, the victim will not receive the portion of noneconomic damages for which that wrongdoer is responsible. Under current law, the other wrongdoers pick up this portion of the damages award; under this bill, the innocent victim suffers.

Remember that companies that manufacture and sell defective products stand a much higher than usual chance of going

bankrupt; consider, for example, manufacturers of asbestos or breast implants or intra

□

-uterine devices. For this reason, the situation described above is very likely to occur in products liability cases.

? The incentive for companies to engage in egregious misconduct, such as knowingly manufacturing and selling

defective products, will dramatically increase.

□

The bill's cap on punitive damages invites wealthy potential defendants, deciding whether to manufacture or sell a defective product, to weigh the costs of wrongdoing against the potential gains or profits. Punitive awards prevent sellers and manufacturers from engaging in such coldblooded analysis by making deliberate wrongdoers pay more than the harm they have caused. Under this bill, there is no such deterrence of wrongful conduct.

The provision of the bill allowing judges to exceed the cap in certain circumstances does not cure this problem, given the clear intent of Congress that "the occasions for additional awards will be very limited."

? Injured victims of defective products may not even be able to bring suit.

A victim of a defective product manufactured by a company that has gone bankrupt may not even be able to bring suit under this bill. This is because the bill, unlike the prior Senate version, does not stop the statute of limitations from running when a bankruptcy court (as often happens) issues an order preventing pending lawsuits from going forward and new lawsuits from being brought.

Again, remember that companies that manufacture and sell defective products stand a much higher than usual chance of going bankrupt. For this reason, the change in the bill's statute of limitations provision matters greatly.

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

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: James J. Jukes (JUKES_J) (OMB)

CREATION DATE/TIME:18-MAR-1996 11:59:39.60

SUBJECT: Product Liability Veto Message

TO: Elena Kagan (KAGAN_E) (WHO)
READ:18-MAR-1996 12:19:15.45

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:18-MAR-1996 12:10:41.64

CC: James C. Murr (MURR_J) (OMB)
READ:18-MAR-1996 12:01:11.58

CC: Jeffrey A. Weinberg (WEINBERG_J) (OMB)
READ:18-MAR-1996 12:00:18.13

TEXT:

Our normal practice would be to ask Justice, as lead agency, to draft a veto message. If either of you is planning to take a first cut at it and would like me to so inform Justice (or if you have already so informed Justice), please let me know. Thanks.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: James Castello (CASTELLO_J) (WHO)

CREATION DATE/TIME:18-MAR-1996 12:28:02.19

SUBJECT: Sorry To Intrude on Your Meeting

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-MAR-1996 13:01:52.03

TEXT:

I just wanted to drop off a package, which I ended up putting face-down on your desk because (by coincidence) it's a package that Kitty Kolbert sent to me last month. The package is self-explanatory but I have a comment or two to add so give me a call sometime today and I'll fill you in. Thanks.

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME:18-MAR-1996 14:39:38.46

SUBJECT: PAGER CONFIRMATION - O'CONNOR,JENNIFER M.

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-MAR-1996 14:49:20.38

TEXT:

PAGE FOR O'CONNOR,JENNIFER M., WAS TRANSMITTED 18-MAR-1996 14:34:24.99

TEXT TRANSMITTED WAS:

CALL ME 67594

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Kathleen M. Wallman (WALLMAN_KM) (WHO)

CREATION DATE/TIME:18-MAR-1996 15:01:13.15

SUBJECT: abortion letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-MAR-1996 16:19:29.66

TEXT:

Did we reach a decision about whether and how to respond to the second Dole letter?

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)

CREATION DATE/TIME:19-MAR-1996 10:16:44.25

SUBJECT: RCRA

TO: Elena Kagan (KAGAN_E) (WHO)

READ:19-MAR-1996 11:37:34.95

TEXT:

Have you done any work on RCRA (the bill dealing with land disposal of hazardous waste)? OMB is sending me a Presidential signing statement to review, but I'm happy to pass it on to you if you're already familiar with this. Please let me know ASAP. Thank you.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Thomas C. Jensen (JENSEN_T) (CEQ)

CREATION DATE/TIME:19-MAR-1996 10:21:14.80

SUBJECT: Meeting Notice

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ:20-MAR-1996 20:16:17.70

TO: FAX (9-720-5437, Greg Frazier) (TLXA1MAIL_\F:9-720-5437\C: Greg Fraier\\
READ:NOT READ

TO: FAX (9-720-4732, Jim Lyons) (TLXA1MAIL_\F:9-720-4732\C: Jim Lyons\\)
READ:NOT READ

TO: FAX (9-208-6956, Ann Shields) (TLXA1MAIL_\F:9-208-6956\C: Ann Shields\\
READ:NOT READ

TO: FAX (9-208-4684, George Frampton) (TLXA1MAIL_\F:9-208-4684\C: George Frampto
READ:NOT READ

TO: FAX (9-208-3144, Bob Armstrong) (TLXA1MAIL_\F:9-208-3144\C: Bob Armstrong\
READ:NOT READ

TO: FAX (9-514-0557, Lois Schiffer) (TLXA1MAIL_\F:9-514-0557\C: Lois Schiffer\
READ:NOT READ

TO: FAX (9-482-6318, Doug Hall) (TLXA1MAIL_\F:9-482-6318\C: Doug Hall\\)
READ:NOT READ

TO: FAX (9-260-0500, Steve Herman) (TLXA1MAIL_\F:9-260-0500\C: Steve Herman\\
READ:NOT READ

TO: Kathleen A. McGinty (MCGINTY_K) (CEQ)
READ:19-MAR-1996 11:19:13.05

TO: Shelley N. Fidler (FIDLER_S) (CEQ)
READ:19-MAR-1996 10:23:19.43

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ:20-MAR-1996 21:23:39.83

TO: Ron Cogswell (COGSWELL_R) (OMB)
READ:19-MAR-1996 10:43:34.17

TO: Mark A. Weatherly (WEATHERLY_M) (OMB)
READ:19-MAR-1996 10:19:04.87

TO: Christine L. Nolin (NOLIN_CL) (OMB)
READ:20-MAR-1996 09:56:04.11

TO: Elena Kagan (KAGAN_E) (WHO)
READ:19-MAR-1996 11:36:54.27

TO: Martha Foley (FOLEY_M) (WHO)
READ:19-MAR-1996 10:22:25.71

TO: Kris Balderston (BALDERSTON_K) (WHO)

READ:19-MAR-1996 13:40:45.69

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:19-MAR-1996 10:22:46.60

TO: Dinah Bear (BEAR_D) (CEQ)
READ:19-MAR-1996 10:18:35.27

TO: Remote Addressee (TLXA1MAIL_\F:97205437\C:Anne Kennedy\\)
READ:NOT READ

TO: FAX (92084684,Don Barry) (TLXA1MAIL_\F:92084684\C:Don Barry\\)
READ:NOT READ

TO: FAX (94821041,Bob Ziobro) (TLXA1MAIL_\F:94821041\C:Bob Ziobro\\)
READ:NOT READ

TO: Remote Addressee (TLXA1MAIL_\F:97204732\C:Mark Gaede\\)
READ:NOT READ

TO: Remote Addressee (TLXA1MAIL_\F:92085242\C:Nancy Hayes\\)
READ:NOT READ

TO: FAX (92191792,Kris Clark) (TLXA1MAIL_\F:92191792\C:Kris Clark\\)
READ:NOT READ

TO: FAX (96902730,Mike Gippert) (TLXA1MAIL_\F:96902730\C:Mike Gippert\\)
READ:NOT READ

TO: FAX (92085584,John Leshy) (TLXA1MAIL_\F:92085584\C:John Leshy\\)
READ:NOT READ

TO: FAX (95144240,Jim Kilbourne) (TLXA1MAIL_\F:95144240\C:Jim Kilbourne\\)
READ:NOT READ

TO: Remote Addressee (TLXA1MAIL_\F:95140557\C:Peter Coppelman\\)
READ:NOT READ

TO: Thomas C. Jensen (JENSEN_T) (CEQ)
READ:19-MAR-1996 10:42:18.74

TO: Ruth D. Saunders (SAUNDERS_R) (OMB)
READ:19-MAR-1996 10:23:34.58

TO: Remote Addressee (TLXA1MAIL_\F:915033266254\C:Tom Tuchman\\)
READ:NOT READ

TO: FAX (92083877,Bob Baum) (TLXA1MAIL_\F:92083877\C:Bob Baum\\)
READ:NOT READ

TO: FAX (95140557,Ellen Athas) (TLXA1MAIL_\F:95140557\C:Ellen Athas\\)
READ:NOT READ

TO: FAX (95140557,Jean Williams) (TLXA1MAIL_\F:95140557\C:Jean Williams\\)
READ:NOT READ

TO: FAX (95140557,Michelle Gilbert) (TLXA1MAIL_\F:95140557\C:Michelle Gilbert\\)
READ:NOT READ

TO: FAX (95140557,Ted Boling) (TLXA1MAIL_\F:95140557\C:Ted Boling\\)

READ:NOT READ

TO: FAX (95140557,Al Ferlow) (TLXA1MAIL_\F:95140557\C:Al Ferlow\\)
READ:NOT READ

TO: FAX (95640070,Richard Sanderson) (TLXA1MAIL_\F:95640070\C:Richard Sanderson
READ:NOT READ

TEXT:

The EOP/Agency timber policy working group will meet as regularly scheduled today, Tuesday, March 19th, at 2:00 p.m. in the CEQ conference room (722 Jackson Place).

The agenda will include:

1. Recent events update
 - Review of legislative situation
 - Other
2. Litigation update and issues
 - First and Last sales
 - Murrelet case
3. New information issue
4. Other business

Thanks for your cooperation.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Ellen S. Seidman (SEIDMAN_E) (OPD)

CREATION DATE/TIME:19-MAR-1996 11:36:19.89

SUBJECT: Elena, the meachine's not working. Is this readable?

TO: Elena Kagan (KAGAN_E) (WHO)

READ:19-MAR-1996 11:37:51.06

TEXT:

=====
ATT CREATION TIME/DATE:18-MAR-1996 09:13:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Ellen S. Seidman

ATT SUBJECT: Products points

ATT TO: Elena Kagan (KAGAN_E)

TEXT:

I've added three bullets on the top about where we are and made a small change in the bankruptcy bullet. I'm sending these on to Commerce (better something now than perfection later), but if anyone else is going to use these things, we probably should continue working. I'll call Jacoby and see if I can find out what's going on. Ellen

=====
END ATTACHMENT 1

=====
ATT CREATION TIME/DATE:18-MAR-1996 09:14:00.00

ATT BODYPART TYPE:p

TEXT:

=====
END ATTACHMENT 2

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Odetta S. Walker (WALKER_O) (WHO)

CREATION DATE/TIME:19-MAR-1996 15:11:53.04

SUBJECT: Memo from Kathy Wallman

TO: Christopher D. Cerf (CERF_C) (WHO)

READ:19-MAR-1996 15:38:13.54

TO: Dawn Chirwa (CHIRWA_D) (WHO)

READ:20-MAR-1996 10:16:26.03

TO: Peter Erichsen (ERICHSEN_P) (WHO)

READ:21-MAR-1996 11:57:05.11

TO: David Fein (FEIN_D) (WHO)

READ:19-MAR-1996 15:13:33.89

TO: James "David" Fielder (FIELDER_J) (WHO)

READ:15-APR-1996 12:19:31.34

TO: Elena Kagan (KAGAN_E) (WHO)

READ:19-MAR-1996 17:09:54.30

TO: Ira Kaye (KAYE_I) (WHO)

READ:19-MAR-1996 15:28:35.26

TO: Marvin Krislov (KRISLOV_M) (WHO)

READ:25-MAR-1996 09:51:16.03

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)

READ:26-MAR-1996 17:04:31.77

TO: Cheryl D. Mills (MILLS_C) (WHO)

READ:19-MAR-1996 16:29:55.90

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)

READ:19-MAR-1996 18:21:48.37

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)

READ:19-MAR-1996 15:14:10.79

TO: Jack M. Quinn (QUINN_J) (WHO)

READ:26-MAR-1996 09:45:16.28

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)

READ:19-MAR-1996 15:12:37.26

TO: Jane C. Sherburne (SHERBURNE_J) (WHO)

READ:20-MAR-1996 20:38:51.65

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)

READ:19-MAR-1996 17:38:06.78

TO: Rob S. Wexler (WEXLER_R) (WHO)

READ:19-MAR-1996 16:50:00.79

TO: Kathleen M. Whalen (WHALEN_K) (WHO)

READ:19-MAR-1996 15:12:48.39

TO: Wendy S. White

(WHITE_WS) (WHO)

READ:19-MAR-1996 16:50:22.44

TO: Jon Yarowsky

(YAROWSKY_J) (WHO)

READ:20-MAR-1996 18:37:39.76

TO: Sally Paxton

(PAXTON_S) (WHO)

READ:20-MAR-1996 18:29:28.72

TEXT:

APB:

Please contact Kathy Wallman if you are interested in and available for either of the following projects:

1. Developing position on legislation to create a private right of action to enforce child support; and/or
2. Should U.S. seek cert in a case in which the 8th Circuit held unconstitutional a law under which the U.S. purchases land to be held in trust for Native Americans?

Thank you.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Ronald E. Jones (JONES_RE) (OMB)

CREATION DATE/TIME:19-MAR-1996 15:41:19.97

SUBJECT: Change to Due Date for LRMs

TO: Elena Kagan (KAGAN_E) (WHO)
READ:19-MAR-1996 17:12:05.16

TO: Dennis Burke (BURKE_D) (OPD)
READ:19-MAR-1996 15:42:21.79

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:21-MAR-1996 11:33:35.26

TO: Mary Jo Siclari (SICLARI_M) (OMB)
READ:19-MAR-1996 15:49:51.39

TO: James A. Nix (NIX_JA) (OMB)
READ:19-MAR-1996 15:54:58.11

TO: Antonio E. Chavez (CHAVEZ_A) (OMB)
READ:19-MAR-1996 15:46:23.53

TO: Margaret E. Evans (EVANS_ME) (OMB)
READ:19-MAR-1996 15:48:14.13

TO: Edward H. Chase (CHASE_E) (OMB)
READ:19-MAR-1996 15:41:38.36

TO: Michael F. Crowley (CROWLEY_M) (OMB)
READ:19-MAR-1996 15:41:39.08

TEXT:

Due to a change in the date for Senate Governmental Affairs hearing on nuclear weapons proliferation, the deadlines for the DOD and Justice testimonies (LRMs 3816 and 3834 respectively) have been extended to 5:00 PM Wednesday.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Elisabeth Blaug (BLAUG_E) (CEQ)

CREATION DATE/TIME:20-MAR-1996 08:47:43.27

SUBJECT: headwaters

TO: Elena Kagan (KAGAN_E) (WHO)

READ:20-MAR-1996 08:53:04.28

TEXT:

I haven't forgotten about getting you that Headwaters memo--I'm missing a page (a key one at that) and am trying to get it from the originator, so I should get it to you by this afternoon. I'd like to reiterate that we very much would like your involvement in this. We're setting up a meeting with John Garamendi again, which hopefully you'll be able to attend. I know Katie wants to meet with you as well before that meeting, which Rob will set up as soon as I pull together what events have taken place in the last week or so--should be in the next couple days. Thanks!

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:20-MAR-1996 08:52:19.21

SUBJECT: whoops - meant ato copy you

TO: Elena Kagan (KAGAN_E) (WHO)

READ:20-MAR-1996 10:09:48.55

TEXT:

woke up this am realizing i hadn't copied you on this - sorry - had thought waiting until you had a chance to read this am, but Katie wanted it out soon as possible. Hope you agree with not very short summary. Will call after staff mtg. and budget mtg.

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

ATT CREATION TIME/DATE:19-MAR-1996 21:36:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Dinah Bear

ATT SUBJECT: Timber rider decisions

ATT TO: Martha Foley (FOLEY_M)

ATT TO: T J Glauthier (GLAUTHIER_T)

ATT TO: Jennifer M. O'Connor (OCONNOR_J)

ATT TO: Barbara C. Chow (CHOW_B)

TEXT:

Katie asked that I summarize the results of discussions that took place this afternoon and evening involving two difficult issues related to the timber rider.

1. "First" and "Last" sales: these are the 2 sales on the Umpqua National Forest that were withdrawn by the Forest Service in 1990 for failure to meet the requirements of the original \$318. They are considered to be some of the most damaging sales outside of the murrelet sales - and would severely impact runs of Coho salmon and cuthroat trout (both of which are proposed for listing under the Endangered Species Act). Judge Hogan has issued an injunction ordering us to release the sales.

Jim Lyons has had several discussions over the past few days with representatives of Scott Timber who hold these sales and with the environmental plaintiffs to develop a package of replacement timber that would meet the purchasrs' needs and avoid having to release these units. Despite some very preliminary progress, Scott timber moved cutting equipment on the sale unit today. Jim has now gotten Scott to agree to hold off on cutting for one more day, and Jack Ward Thomas was directed tonight to proceed to develop a replacement timber offer over the next 24 hours. That timber will be in the matrix area of the President's Forest Plan in an area near Scott's mill. Jack also raised the issue of replacing that timber out of the Plan with additional timber, but was directed not to deal with the issue at this time, as we may be

able to make up the volume at a later point. These sales contain approximately 11 million board feet. Meanwhile, Justice and USDA lawyers are working on a rulemaking that would be necessary to give the Forest Service the authority to offer replacement timber directly to the purchaser without going through the normal bidding process.

It is certainly possible that at the end of the day (tomorrow), Scott timber will still decide to proceed with cutting. We will develop a statement for possible White House use that would explain that we have no other choice but to release the sales, what we tried to do avoid that and explain why the Hatfield/Gorton language that's being proposed is an unsatisfactory solution.

2. The murrelets sales: these are the sales tied up in the litigation over the question of how to determine whether marbled murrelets, a threatened seabird, are "known to be nesting". We argued our case in front of Judge Hogan and lost. Judge Hogan then granted a 60 day stay of his injunction to release these sales. We appealed his decision to the 9th Circuit, which has set oral argument in May. Unfortunately, Hogan's stay runs out on Monday and the timber companies are arguing that they want to harvest the sales immediately - prior to the 9th Circuit decision - because the statute expires on Sept. 30th and if they wait too long, they won't be able to get all of their timber.

Argument on this issue is set for Friday on front of Judge Hogan. Justice developed several options for consideration. Their recommendation - in the context of winning the stay motion on front of Judge Hogan - was to proactively offer replacement timber for all of the sales we claim under "known to be nesting". Their rationale was that this would offer Judge Hogan - or, alternatively, the 9th Circuit - some comfort that the needs of the purchaser, would be met, and thus the stay would be extended, increasing the probability of saving the murrelets nesting trees. However, there are a number of difficulties identified with related to making a commitment of this magnitude (240+ million board feet) which could in essence extend the life of the timber rider past this fiscal year.

Katie's direction on this point was to confine our argument on the motion to extend the stay to the considerable harm that would befall the birds should the trees fall before the 9th Circuit has a chance to issue their decision, to affirm that we would consider contract rights that were developed under the rider to last past Sept. 30th (but NOT the sufficiency language) and to state that we would (of course) honor those contract terms. (One implication of this could be that we buy-back sales under the contract terms after Sept. 30th). In short . . . to fight hard for the stay motion based on the equities to the birds, but to avoid anything that would extend the life of the timber rider.

Sorry this is so lengthy; please call me at 5-5754 if anyone wants even more details.

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

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Anna M. Briatico (BRIATICO_A) (OMB)

CREATION DATE/TIME:20-MAR-1996 12:46:37.96

SUBJECT: Please note -- Incoming LRM 3845 (FLSA Amendments)

TO: Mary I. Cassell (CASSELL_M) (OMB)

READ:20-MAR-1996 12:49:32.18

TO: Barry White (WHITE_B) (OMB)

READ:20-MAR-1996 15:14:36.05

TO: Larry R. Matlack (MATLACK_L) (OMB)

READ:20-MAR-1996 13:52:25.87

TO: Janet L. Himler (HIMLER_J) (OMB)

READ:20-MAR-1996 13:41:58.78

TO: Daniel J. Chenok (CHENOK_D) (OMB)

READ:20-MAR-1996 13:33:20.55

TO: Robert G. Damus (DAMUS_R) (OMB)

READ:20-MAR-1996 13:14:11.55

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)

READ:20-MAR-1996 12:54:06.34

TO: Michael T. Schmidt (SCHMIDT_MT) (OPD)

READ:20-MAR-1996 12:52:07.15

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)

READ:20-MAR-1996 12:53:51.35

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)

READ:20-MAR-1996 14:12:09.71

TO: Elena Kagan (KAGAN_E) (WHO)

READ:20-MAR-1996 12:54:50.55

CC: Janet R. Forsgren (FORSGREN_J) (OMB)

READ:20-MAR-1996 12:48:17.12

TEXT:

Please note -- you will be receiving a copy of LRM 3845 to review with a 4 p.m. deadline. The draft Labor report on HR 1227 and HR 2531 is for tomorrow's markup by the House Economic and Educational Opportunities Committee. Sorry about the short time frame but the deadline is firm. Thanks.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Odetta S. Walker (WALKER_O) (WHO)

CREATION DATE/TIME:20-MAR-1996 14:49:36.78

SUBJECT: Interesting APB from Kathy Wallman

TO: James Castello (CASTELLO_J) (WHO)
READ:NOT READ

TO: Christopher D. Cerf (CERF_C) (WHO)
READ:20-MAR-1996 16:34:45.12

TO: Dawn Chirwa (CHIRWA_D) (WHO)
READ:20-MAR-1996 14:51:24.77

TO: Peter Erichsen (ERICHSEN_P) (WHO)
READ:21-MAR-1996 11:58:00.42

TO: David Fein (FEIN_D) (WHO)
READ:20-MAR-1996 14:49:42.05

TO: James "David" Fielder (FIELDER_J) (WHO)
READ:15-APR-1996 12:32:37.25

TO: Elena Kagan (KAGAN_E) (WHO)
READ:20-MAR-1996 15:26:37.93

TO: Ira Kaye (KAYE_I) (WHO)
READ:20-MAR-1996 15:14:41.69

TO: Marvin Krislov (KRISLOV_M) (WHO)
READ:25-MAR-1996 09:51:39.50

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:26-MAR-1996 17:05:09.02

TO: Cheryl D. Mills (MILLS_C) (WHO)
READ:20-MAR-1996 15:17:21.38

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)
READ:20-MAR-1996 15:04:32.98

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)
READ:20-MAR-1996 17:22:35.42

TO: Jack M. Quinn (QUINN_J) (WHO)
READ:26-MAR-1996 09:46:07.73

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)
READ:20-MAR-1996 15:10:24.72

TO: Jane C. Sherburne (SHERBURNE_J) (WHO)
READ:20-MAR-1996 20:40:37.49

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:NOT READ

TO: Rob S. Wexler (WEXLER_R) (WHO)

READ:20-MAR-1996 16:35:08.50

TO: Kathleen M. Whalen

(WHALEN_K) (WHO)

READ:20-MAR-1996 15:36:24.84

TO: Wendy S. White

(WHITE_WS) (WHO)

READ:21-MAR-1996 16:43:08.48

TO: Jon Yarowsky

(YAROWSKY_J) (WHO)

READ:20-MAR-1996 18:38:38.27

TEXT:

APB:

Please contact Kathy Wallman if you are interested in and available for the following project:

Whether the Administration has a position on a legislative proposal to criminalize female mutilation.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Cheryl L Sweitzer (SWEITZER_C) (WHO)

CREATION DATE/TIME: 21-MAR-1996 10:43:16.03

SUBJECT: Budget

TO: Donna Alberts (ALBERTS_D) (WHO)
READ: NOT READ

TO: Jana L. Blair (BLAIR_J) (WHO)
READ: 21-MAR-1996 14:23:31.76

TO: Pamela Brewington (BREWINGTON_P) (WHO)
READ: 21-MAR-1996 19:35:09.77

TO: Virginia Canter (CANTER_V) (WHO)
READ: NOT READ

TO: James Castello (CASTELLO_J) (WHO)
READ: NOT READ

TO: Christopher D. Cerf (CERF_C) (WHO)
READ: 21-MAR-1996 12:19:07.23

TO: Dawn Chirwa (CHIRWA_D) (WHO)
READ: 21-MAR-1996 11:54:25.80

TO: Jonathan Denbo (DENBO_J) (WHO)
READ: 21-MAR-1996 10:57:01.92

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)
READ: 21-MAR-1996 11:31:08.69

TO: Mark D. Fabiani (FABIANI_M) (WHO)
READ: 1-APR-1996 09:50:49.15

TO: David Fein (FEIN_D) (WHO)
READ: 21-MAR-1996 10:56:59.19

TO: Kimberly A. Holliday (HOLLIDAY_K) (WHO)
READ: 21-MAR-1996 10:43:29.57

TO: Edward F. Hughes (HUGHES_E) (WHO)
READ: 21-MAR-1996 11:25:37.87

TO: Rochester M. Johnson (JOHNSON_RM) (WHO)
READ: 21-MAR-1996 10:58:25.44

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 21-MAR-1996 12:26:53.69

TO: Marvin Krislov (KRISLOV_M) (WHO)
READ: 25-MAR-1996 10:17:18.66

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ: 26-MAR-1996 17:05:46.05

TO: D. Craig Livingstone (LIVINGSTON_D) (WHO)

READ:21-MAR-1996 11:09:54.42

TO: Clifford J. Mauton (MAUTON_C) (WHO)
READ:21-MAR-1996 10:43:29.91

TO: Cheryl D. Mills (MILLS_C) (WHO)
READ:21-MAR-1996 17:25:51.11

TO: Melissa M. Murray (MURRAY_MM) (WHO)
READ:21-MAR-1996 11:44:41.37

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)
READ:21-MAR-1996 12:15:41.65

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)
READ:21-MAR-1996 13:02:35.03

TO: Victoria L. Radd (RADD_V) (WHO)
READ:21-MAR-1996 16:45:17.41

TO: Stacy E. Reynolds (REYNOLDS_S) (WHO)
READ:21-MAR-1996 15:25:07.27

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)
READ:21-MAR-1996 11:06:52.26

TO: Jane C. Sherburne (SHERBURNE_J) (WHO)
READ:21-MAR-1996 12:41:06.57

TO: Robert A. VanKirk (VANKIRK_R) (WHO)
READ:NOT READ

TO: Odetta S. Walker (WALKER_O) (WHO)
READ:21-MAR-1996 11:08:48.69

TO: Renee A. Warren (WARREN_R) (WHO)
READ:21-MAR-1996 10:43:57.88

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ:21-MAR-1996 11:08:33.06

TO: Natalie Williams (WILLIAMS_N) (WHO)
READ:NOT READ

TO: Jon Yarowsky (YAROWSKY_J) (WHO)
READ:28-MAR-1996 18:57:10.45

TEXT:

We have an extra, complete copy of the '97 budget. Before we send it back to OMB, is there anyone who needs it or would be interested in having it.

Let me know asap.

Thanks.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Timothy J. Keating (KEATING_T) (WHO)

CREATION DATE/TIME:21-MAR-1996 12:30:22.23

SUBJECT: RE: veto statement

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:21-MAR-1996 12:30:36.62

TEXT:

thanks you are great!

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)

CREATION DATE/TIME:21-MAR-1996 14:45:21.78

SUBJECT: radiation matter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:21-MAR-1996 14:46:23.82

TEXT:

Thank you for forwarding the LRM on the radiation matter. It is important that I see anything relating to human radiation experiments.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ron Klain to Elena Kagan. Subject: Oh, you know (1 page)	03/21/1996	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[3/18/1996 - 3/26/1996]

2009-1006-F
ke718

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(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]

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jeremy D. Benami (BENAMI_J) (WHO)

CREATION DATE/TIME: 21-MAR-1996 18:06:42.76

SUBJECT: HR 1833

TO: George Stephanopoulos (STEPHANOPO_G) Autoforward to: Laura Capp
READ: 21-MAR-1996 18:40:14.65

TO: Martha Foley (FOLEY_M) (WHO)
READ: 21-MAR-1996 18:49:06.80

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ: 21-MAR-1996 20:07:21.51

TO: Carol H. Rasco (RASCO_C) (WHO)
READ: 24-MAR-1996 15:59:06.11

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 21-MAR-1996 18:09:45.88

TO: Betsy Myers (MYERS_B) (WHO)
READ: 22-MAR-1996 18:02:14.84

TO: Ashley Oliver (OLIVER_A) (WHO)
READ: 21-MAR-1996 18:59:06.05

TO: Holly Carver (CARVER_H) (WHO)
READ: 21-MAR-1996 18:15:48.95

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ: 21-MAR-1996 18:07:15.61

TO: Katharine M. Button for Verveer (BUTTON_K) (WHO)
READ: 21-MAR-1996 18:07:38.64

TO: Deborah L. Fine (FINE_D) (OPD)
READ: 21-MAR-1996 18:15:23.94

TEXT:

FYI HR1833 will be in the House Rules Committee tomorrow and on the floor next week.

They will pass the Senate version most likely so it would come straight to the President's desk. No need for conference.

Veto would then end up being right around Easter.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jennifer Palmieri (PALMIERI_J) (WHO)

CREATION DATE/TIME:22-MAR-1996 11:26:02.82

SUBJECT: Product Liability

TO: Elena Kagan (KAGAN_E) (WHO)

READ:22-MAR-1996 11:37:09.60

CC: Marilyn Yager (YAGER_M) (WHO)

READ:22-MAR-1996 12:43:19.20

TEXT:

On Tuesday, Leon is meeting with consumer groups on product liability. After the meeting, the groups on are going to go to the stake out to talk about their opposition to the bill. Would you please send over a comprehensive set of the talking points you have on product liability to help us prepare for this event?
thanks.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Marilyn Yager (YAGER_M) (WHO)

CREATION DATE/TIME:22-MAR-1996 12:59:21.33

SUBJECT: product liability meeting

TO: Kathryn Higgins (HIGGINS_K) (WHO)

READ:22-MAR-1996 13:18:30.50

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)

READ:26-MAR-1996 17:06:17.47

TO: Elena Kagan (KAGAN_E) (WHO)

READ:22-MAR-1996 13:21:28.50

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)

READ:22-MAR-1996 15:03:01.23

TO: Barry J. Toiv (TOIV_B) (WHO)

READ:22-MAR-1996 13:12:21.18

TO: John P. Hart (HART_J) (WHO)

READ:22-MAR-1996 13:02:49.20

TO: Karen L. Hancox (HANCOX_K) (WHO)

READ:22-MAR-1996 14:04:43.69

TO: Susan Brophy (BROPHY_S) Autoforward to: Stacey L. Rubi

READ:22-MAR-1996 14:46:50.76

TO: Tracey E. Thornton (THORNTON_T) (WHO)

READ:22-MAR-1996 15:16:52.02

TO: Lorraine McHugh (MCHUGH_L) (WHO)

READ:22-MAR-1996 13:11:47.02

TO: Mary Ellen Glynn (GLYNN_M) (WHO)

READ:22-MAR-1996 15:39:15.60

TO: Michael Waldman (WALDMAN_M) (OPD)

READ:22-MAR-1996 13:00:20.31

TEXT:

We have scheduled a brief internal meeting today at 3:30 pm in Room 122 (lee Satterfield's office) to discuss coordination of public response to our product liability position, and more specifically to organize the Tuesday morning meeting between Leon Panetta and consumer groups. Please come or assign someone from your office to come.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Marilyn Yager (YAGER_M) (WHO)

CREATION DATE/TIME:22-MAR-1996 13:49:04.73

SUBJECT: RE: product liability meeting

TO: Elena Kagan (KAGAN_E) (WHO)

READ:22-MAR-1996 13:49:22.28

TEXT:

no problem.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Adam R. Kreisel (KREISEL_A) (WHO)

CREATION DATE/TIME:22-MAR-1996 14:46:46.62

SUBJECT: Product Liability prep

TO: John O. Sutton (SUTTON_J) (WHO)
READ:22-MAR-1996 14:48:05.49

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)
READ:22-MAR-1996 15:52:56.79

TO: Marilyn Yager (YAGER_M) (WHO)
READ:22-MAR-1996 15:01:56.98

TO: Elena Kagan (KAGAN_E) (WHO)
READ:22-MAR-1996 15:55:39.95

TO: Barry J. Toiv (TOIV_B) (WHO)
READ:22-MAR-1996 16:05:36.67

TEXT:

Leon Panetta is meeting with consumer groups (product liability) on Tuesday at 10:00 am in the Roosevelt Room. There will be a prep for the meeting at 9:30 am in the Chief of Staff's office. Participants for 9:30 am prep:

Leon Panetta
Harold Ickes
Marilyn Yager
Bruce Lindsey
Elena Kagan
Barry Toiv

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	David Fein to Elena Kagan, et al. Subject: pressing question (1 page)	03/22/1996	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[3/18/1996 - 3/26/1996]

2009-1006-F
ke718

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]
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- 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]

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Leanne Johnson (JOHNSON_L) (WHO)

CREATION DATE/TIME:25-MAR-1996 10:37:34.61

SUBJECT: Campaign Lobbying reform form letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-MAR-1996 10:55:20.92

TEXT:

Hi!

I am the writer that took over Lori Anderson's issues when she moved to the Press Office. I am trying to finalize the campaign reform letter. It follows (with your suggested changes). Please let me know if there is anything more that needs to be done. Thanks.

Thank you for sharing your ideas about political reform. I appreciate your perspective on this important issue.

For the past three years, my Administration has worked with Congress to stop the federal government from doing business-as-usual. We have sought to curb the power of narrow interests and make politicians more accountable to the people they serve. Last year I asked Congress to take major steps toward political reform. And Congress agreed. They applied to themselves the laws that they pass governing the rest of America. They gave up gifts, meals, and trips from lobbyists, and last December they enacted strong lobbying disclosure provisions bringing lobbying into the sunlight of public scrutiny.

And now, for the first time in a generation, we are striving to reduce the influence of money on elections. With the McCain-Feingold bipartisan campaign finance reform bill, we are working hard to curb special interest influence in politics by limiting spending, curbing the campaign power of PACs and lobbyists, and providing free television time for candidates who abide by voluntary spending limits.

I am proud of the progress we have made so far, and I am confident that with these political reforms we can make our government more efficient and more responsive to the American people. My Administration remains committed to giving the American people a government that does more, costs less, and most important, is worthy of their trust. Working together, we can put the people first.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Ron Klain to Elena Kagan at 10:51:00.00. Subject: Larry (1 page)	03/25/1996	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[3/18/1996 - 3/26/1996]

2009-1006-F
ke718

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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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.

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- 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]

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Ronald E. Jones (JONES_RE) (OMB)

CREATION DATE/TIME:25-MAR-1996 12:02:04.63

SUBJECT: State Department letter on Counter Terrorism Bill

TO: Remote Addressee (LEGISLATIVE LIAISON@1=US@2=ATTMAIL@3=@* ID
READ:NOT READ

TO: Remote Addressee (bricks@osdgc.osd.mil@INET)
READ:NOT READ

TO: Remote Addressee (ENERGY-GC71-LEGIS@1=US@2=ATTMAIL@3=USDOE@
READ:NOT READ

TO: Remote Addressee (DOT LRM@1=US@2=ATTMAIL@3=GOV+DOT@4=QMAIL@
READ:NOT READ

TO: Remote Addressee (RONALD LEVY@1=US@2=TELEMAIL@3=GOV+TREAS@M
READ:NOT READ

TO: Dennis Burke (BURKE_D) (OPD)
READ:25-MAR-1996 19:30:15.10

TO: Peter Jacoby (JACOBY_P) (WHO)
READ:25-MAR-1996 12:42:35.07

TO: Tracey E. Thornton (THORNTON_T) (WHO)
READ:25-MAR-1996 12:17:28.71

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-MAR-1996 12:02:23.30

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:25-MAR-1996 15:54:35.15

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:25-MAR-1996 18:47:12.58

TO: Steven D. Aitken (AITKEN_S) (OMB)
READ:25-MAR-1996 12:08:37.64

TO: Phebe N. Vickers (VICKERS_P) (OMB)
READ:25-MAR-1996 12:03:53.57

TO: J. Michael Daniel (DANIEL_J) (OMB)
READ:25-MAR-1996 12:02:03.65

TO: Mary Jo Siclari (SICLARI_M) (OMB)
READ:25-MAR-1996 12:49:14.96

TO: Alan B. Rhinesmith (RHINESMITH_A) (OMB)
READ:25-MAR-1996 13:56:36.66

TO: Harry G. Meyers (MEYERS_H) Autoforward to: Mark J. Schwar
READ:25-MAR-1996 12:04:36.21

TO: Mark J. Schwartz (SCHWARTZ_M) (OMB)

READ:25-MAR-1996 12:04:36.21

TO: Kenneth L. Schwartz (SCHWARTZ_K) (OMB)
READ:25-MAR-1996 13:29:21.91

TO: David J. Haun (HAUN_D) (OMB)
READ:25-MAR-1996 13:07:48.91

TO: Bruce W. McConnell (MCCONNELL_B) (OMB)
READ:25-MAR-1996 17:39:15.61

TO: Gary L. Bennethum (BENNETHUM_G) (OMB)
READ:25-MAR-1996 13:12:16.46

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:25-MAR-1996 12:02:29.72

TO: Steven M. Mertens (MERTENS_S) (OMB)
READ:25-MAR-1996 13:35:41.87

TO: David E. Tornquist (TORNQUIST_D) (OMB)
READ:25-MAR-1996 12:42:14.56

TEXT:

PRINTER FONT 10_POINT_COURIER

Unless I hear otherwise by 5:00 P.M. today, Monday, March, 25, I will assume you have no objection to 3876 (dated 3/22), which requested comments on a draft State Department letter concerning S. 735, the counter terrorism bill. The letter is addressed to the conferees and describes problems with the two versions of the bill. The letter will be signed by the Secretary of State. If you need another copy of the LRM or have provided comments that I may have overlooked, please let me know by answering this fax/E

□

-mail.

Thanks,

Ron Jones

395

□

-3386

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Elisabeth Blaug (BLAUG_E) (CEQ)

CREATION DATE/TIME: 25-MAR-1996 13:03:32.07

SUBJECT: RE: headwaters

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 25-MAR-1996 13:03:58.12

TEXT:

Great! See you (hopefully) then.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Kumiki Gibson to Elena Kagan, et al. Subject: Sat night (1 page)	03/25/1996	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[3/18/1996 - 3/26/1996]

2009-1006-F
ke718

RESTRICTION CODES

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- 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]

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Anna M. Briatico (BRIATICO_A) (OMB)

CREATION DATE/TIME:25-MAR-1996 14:32:43.73

SUBJECT: Reminder - Comments on Senate SAP for H.R.849 Due

TO: Francis S. Redburn (REDBURN_F) (OMB)
READ:25-MAR-1996 14:42:09.95

TO: Susan M. Carr (CARR_S) (OMB)
READ:25-MAR-1996 14:34:01.42

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:25-MAR-1996 14:40:01.73

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:25-MAR-1996 14:33:05.60

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-MAR-1996 14:45:52.68

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:25-MAR-1996 16:58:39.96

TEXT:

Reminder -- please forward your comments on the proposed SAP on H.R. 849 to me by no later than 3 p.m. today. If I do not hear from you by then, I will assume that you have no comments on the SAP. Thanks.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: CN=Ron Klain/O=OVP@OVP@LNGATE@EOPMRX

CREATION DATE/TIME:25-MAR-1996 14:48:00.00

SUBJECT: Re: larry tribe

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)

READ:25-MAR-1996 14:59:38.21

TEXT:

Message Creation Date was at 25-MAR-1996 14:49:00

No, let them go.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Odetta S. Walker (WALKER_O) (WHO)

CREATION DATE/TIME:25-MAR-1996 15:03:04.15

SUBJECT: APB from Kathly Wallman

TO: Christopher D. Cerf (CERF_C) (WHO)

READ:25-MAR-1996 17:31:30.70

TO: Dawn Chirwa (CHIRWA_D) (WHO)

READ:25-MAR-1996 15:25:17.16

TO: Peter Erichsen (ERICHSEN_P) (WHO)

READ:27-MAR-1996 18:10:27.82

TO: David Fein (FEIN_D) (WHO)

READ:25-MAR-1996 15:03:29.21

TO: James "David" Fielder (FIELDER_J) (WHO)

READ:15-APR-1996 12:34:40.92

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-MAR-1996 15:18:46.59

TO: Ira Kaye (KAYE_I) (WHO)

READ:25-MAR-1996 16:06:36.47

TO: Marvin Krislov (KRISLOV_M) (WHO)

READ:25-MAR-1996 15:21:05.60

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)

READ:26-MAR-1996 17:08:39.94

TO: Cheryl D. Mills (MILLS_C) (WHO)

READ:25-MAR-1996 19:09:40.37

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)

READ:25-MAR-1996 17:33:41.30

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)

READ:25-MAR-1996 15:11:59.81

TO: Sally Paxton (PAXTON_S) (WHO)

READ:25-MAR-1996 16:24:56.56

TO: Jack M. Quinn (QUINN_J) (WHO)

READ:26-MAR-1996 09:50:09.98

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)

READ:26-MAR-1996 09:03:27.27

TO: Jane C. Sherburne (SHERBURNE_J) (WHO)

READ: 1-APR-1996 14:37:57.97

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)

READ:25-MAR-1996 19:05:16.40

TO: Rob S. Wexler (WEXLER_R) (WHO)

READ:25-MAR-1996 18:20:43.14

TO: Kathleen M. Whalen
READ:25-MAR-1996 15:11:10.41

(WHALEN_K) (WHO)

TO: Wendy S. White
READ:25-MAR-1996 15:05:42.73

(WHITE_WS) (WHO)

TO: Jon Yarowsky
READ:26-MAR-1996 14:59:00.33

(YAROWSKY_J) (WHO)

CC: Erin Kelly
READ:25-MAR-1996 15:04:06.28

(KELLY_E) (WHO)

TEXT:

APB:

Please respond if you are interested in and available to
work on a matter involving Children's TV.
Thank you.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Barry J. Toiv (TOIV_B) (WHO)

CREATION DATE/TIME:25-MAR-1996 15:16:27.06

SUBJECT: Draft Panetta talking points

TO: Marilyn Yager (YAGER_M) (WHO)
READ:25-MAR-1996 15:40:51.77

TO: Lee Satterfield (KAGAN_E) (WHO)
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-MAR-1996 15:20:30.19

CC: Jennifer Palmieri (PALMIERI_J) (WHO)
READ:25-MAR-1996 15:45:10.83

CC: Christopher F. Walker (WALKER_C) (WHO)
READ:25-MAR-1996 15:16:27.48

CC: Kathryn Higgins (HIGGINS_K) (WHO)
READ:26-MAR-1996 09:43:46.21

CC: Douglas B. Sosnik (SOSNIK_D) (WHO)
READ:27-MAR-1996 11:31:50.28

TEXT:

Attached are draft talking points for Leon's session with the groups on product liability Tuesday. Please check for accuracy, for any additional points that need to be made or provisions that need to be mentioned, for any specific groups that need to be appealed to, for anything that doesn't belong in there, whatever (as the Majority Leader would say).

I'd like to get these to Leon tonight before he leaves, if possible.

Also, if there's anybody else who should get this, please forward it to them (with a copy to me).

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

ATT CREATION TIME/DATE:25-MAR-1996 14:52:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Barry J. Toiv

TEXT:

Unable to convert OA\$SHARC1105:ZWFOLONRZ.FGN to ASCII, The following is a HEX DUMP:

FF575043FD0D0000010A000100000000FBFF050032002C010000FFFF0800000042000000030032
0000004A0000000C005A000000A0000000060010000000FA000000436F757269657200D0060600
0100060006D08AD10123000058027700B61A82123509000080000050A3001CC23712FB01014B1C
580250230001D1FE
FFFFFFFF4850204C617365724A6574203400
000048504C4153342E505253000000DB017800141E0C178C0A000000041140C90087CF01000100
F000140108015C01F0681A915A58024000237C007800000001000000000000000000000058027700B61A82
123509000080000050A3001CC23712FB01014B1C580250230001D1FBFF05003200C90D00000700
110000005E0100000102020B00006F0100000F0058010000710C0000FFFF240000007C00000043

TALKING POINTS FOR PRODUCT LIABILITY EVENT
MARCH 26, 1996

- Thank you for coming to the White House today. We're in a tough fight against some very bad legislation, and you all are on the front lines of that fight.
- The bill we're fighting is H.R. 956, the so-called Common Sense Product Liability Legal Reform Act of 1996. ?????????? will discuss with you the legislative status of this bill. What I'd like to talk to you about is why the President opposes it, why he will veto it, and why we have to fight to sustain that veto.
- On whose behalf are we fighting?
- We're fighting on behalf of consumers.
- We're fighting on behalf of the victims of shootings and the victims of drunk drivers.
- We're fighting on behalf of the victims of potential utility accidents.
- We're fighting on behalf of the victims of products that use biomaterials, like the Dow Corning breast implant case.
- And we're fighting on behalf of the rights of States, which have traditionally retained authority over liability issues but would lose it under this legislation.
- H.R. 956 would encourage wrongful conduct, and it would prevent injured persons from recovering the full measure of their damages. That's wrong.
- It's why we object to the elimination of joint-and-several liability for non-economic damages. We believe this would prevent many victims from obtaining the damages to which they are entitled.
- It's why we object to the capping of punitive damages. We believe that would increase the incentive of manufacturers to knowingly produce and sell defective products.
- And with regard to states' rights, here we have perhaps the greatest irony of all coming out of this Congress. All they talk about is giving power back to the States. I hear Bob Dole thinks it's so important to talk about States' rights that he pulls out a copy of the Tenth Amendment to the Constitution at every campaign speech.
- Well, here's what they really think of States' rights. Under their product liability bill, States can go beyond this new Federal law -- as long as they are taking steps to make the law even more pro-business. But if they try to pass State laws that are more pro-consumer, forget it. This bill says, no way.

- So State's rights are ok if you want to screw consumers. But if you want to protect them, don't even think about it.
- That's unfair and it's hypocritical, and I'm sure you agree with me on that.
- Let me be clear. The President is not opposed to sensible, limited product liability reform. But this legislation doesn't come close.
- Now, I don't have to tell you how hard the Republicans and major business organizations have been working this legislation. They're depicting the President's stand as a giveaway to lawyers.
- Well, you're the people who can stand up and tell the American people what this is really about. It's not about lawyers; it's about the rights of consumers. I urge you to stand up and be counted on this legislation.
- For those of you whose organizations have been working against this legislation, keep up the good work. For those that have not, please get involved. Speak out. Get your constituencies to speak out. Alexis Herman is here to talk about how you can help.
- The President is taking a tough stand here, and he's taking a lot of partisan criticism for it. I think he deserves your support. I know he appreciates it.
- Thank you.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Barry J. Toiv (TOIV_B) (WHO)

CREATION DATE/TIME: 25-MAR-1996 15:43:21.10

SUBJECT: RE: Draft Panetta talking points

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 25-MAR-1996 16:17:03.25

TEXT:

So it's ok to keep reference in as long as I refer to "negligent" suppliers?

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jennifer L. Klein (KLEIN_J) (OPD)

CREATION DATE/TIME:25-MAR-1996 15:55:07.48

SUBJECT: Phone Call

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-MAR-1996 16:17:49.90

TEXT:

I just gave your name to a very good friend named Greg Lawler who used to work here on health care reform. He would like to talk about product liability. I told him I thought you might be working on it but I wasn't sure.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Barry J. Toiv (TOIV_B) (WHO)

CREATION DATE/TIME:25-MAR-1996 16:12:28.29

SUBJECT: Pls check changed talking point - OK?

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-MAR-1996 16:31:05.59

TEXT:

PRINTER FONT 12_POINT_ROMAN

TALKING POINTS FOR PRODUCT LIABILITY EVENT

MARCH 26, 1996

? Thank you for coming to the White House today. We're in a tough fight against some very bad legislation, and you all are on the front lines of that fight.

? The bill we're fighting is H.R. 956, the so

□

-called Common

Sense Product Liability Legal Reform Act of 1996.

?????????? will discuss with you the legislative status of this bill. What I'd like to talk to you about is why the President opposes it, why he will veto it, and why we have to fight to sustain that veto.

? On whose behalf are we fighting?

? We're fighting on behalf of consumers.

? We're fighting on behalf of the victims of shootings and the victims of drunk drivers.

? We're fighting on behalf of the victims of potential utility accidents.

? We're fighting on behalf of the victims of products that use biomaterials when the producers have been negligent, like the Dow Corning breast implant case.

? And we're fighting on behalf of the rights of States, which have traditionally retained authority over liability issues but would lose it under this legislation.

? H.R. 956 would encourage wrongful conduct, and it would prevent injured persons from recovering the full measure of their damages. That's wrong.

? It's why we object to the elimination of joint

□

-and

□

-several

liability for non

□

-economic damages. We believe this would prevent many victims from obtaining the damages to which they are entitled.

? It's why we object to the capping of punitive damages. We believe that would increase the incentive of manufacturers to knowingly produce and sell defective products.

? And with regard to states' rights, here we have perhaps the greatest irony of all coming out of this Congress. All they talk about is giving power back to the States. I hear Bob Dole thinks it's so important to talk about States' rights

that he pulls out a copy of the Tenth Amendment to the Constitution at every campaign speech.

? Well, here's what they really think of States' rights. Under their product liability bill, States can go beyond this new Federal law -- as long as they are taking steps to make the law even more pro

□

-business. But if they try to pass State laws that are more pro

□

-consumer, forget it. This bill says, no way.

? So State's rights are ok if you want to screw consumers. But if you want to protect them, don't even think about it.

? That's unfair and it's hypocritical, and I'm sure you agree with me on that.

? Let me be clear. The President is not opposed to sensible, limited product liability reform. But this legislation doesn't come close.

? Now, I don't have to tell you how hard the Republicans and major business organizations have been working this legislation. They're depicting the President's stand as a giveaway to lawyers.

? Well, you're the people who can stand up and tell the American people what this is really about. It's not about lawyers; it's about the rights of consumers. I urge you to stand up and be counted on this legislation.

? For those of you whose organizations have been working against this legislation, keep up the good work.. For those that have not, please get involved. Speak out. Get your constituencies to speak out. Alexis Herman is here to talk about how you can help.

? The President is taking a tough stand here, and he's taking a lot of partisan criticism for it. I think he deserves your support. I know he appreciates it.

? Thank you.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Todd Stern (STERN_T) (WHO)

CREATION DATE/TIME:25-MAR-1996 16:17:09.99

SUBJECT: FYI

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-MAR-1996 16:34:16.12

TEXT:

I couldn't resist.

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

ATT CREATION TIME/DATE:25-MAR-1996 16:09:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Jennifer L. Klein

ATT SUBJECT: FYI

ATT TO: Todd Stern (STERN_T)

TEXT:

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

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

ATT CREATION TIME/DATE:25-MAR-1996 16:04:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Jeremy D. Benami

ATT SUBJECT: Veto of HR1833

ATT TO: Holly Carver (CARVER_H)

ATT CC: Deborah L. Fine (FINE_D)

ATT CC: Jennifer L. Klein (KLEIN_J)

ATT CC: Betsy Myers (MYERS_B)

ATT CC: Ashley Oliver (OLIVER_A)

ATT CC: Marilyn Yager (YAGER_M)

TEXT:

I guess the time is finally here when we need to confront how to handle the veto of HR1833.

We expect the House to pass the Senate version of the bill on Wednesday or Thursday. Depending on how fast the bill is enrolled and forwarded from the Hill, we will have to veto it most likely some time in the next two weeks.

The decision as to how to veto will obviously be sensitive, and numerous people will have opinions on time, place and manner. Do you want to ask Alexis if she wants to call a meeting this week to discuss. I think Don Baer, Todd Stern, Counsel's office among

others need to be involved in the conversation. Harold should probably be consulted as well.
Please let me know what you and Alexis discuss.
===== END ATTACHMENT 2 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Cheryl L Sweitzer (SWEITZER_C) (WHO)

CREATION DATE/TIME:25-MAR-1996 17:21:25.93

SUBJECT: APB

TO: Donna Alberts (ALBERTS_D) (WHO)
READ:NOT READ

TO: Jana L. Blair (BLAIR_J) (WHO)
READ:26-MAR-1996 11:38:23.88

TO: Pamela Brewington (BREWINGTON_P) (WHO)
READ:NOT READ

TO: Virginia Canter (CANTER_V) (WHO)
READ:NOT READ

TO: James Castello (CASTELLO_J) (WHO)
READ:NOT READ

TO: Christopher D. Cerf (CERF_C) (WHO)
READ:25-MAR-1996 17:31:42.62

TO: Dawn Chirwa (CHIRWA_D) (WHO)
READ:25-MAR-1996 17:30:04.65

TO: Jonathan Denbo (DENBO_J) (WHO)
READ:25-MAR-1996 17:21:51.57

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)
READ:25-MAR-1996 18:35:26.32

TO: Mark D. Fabiani (FABIANI_M) (WHO)
READ: 1-APR-1996 09:51:23.90

TO: David Fein (FEIN_D) (WHO)
READ:25-MAR-1996 17:49:03.34

TO: Kimberly A. Holliday (HOLLIDAY_K) (WHO)
READ:25-MAR-1996 18:05:58.16

TO: Edward F. Hughes (HUGHES_E) (WHO)
READ:25-MAR-1996 17:21:55.59

TO: Rochester M. Johnson (JOHNSON_RM) (WHO)
READ:25-MAR-1996 17:37:33.49

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-MAR-1996 17:22:00.80

TO: Marvin Krislov (KRISLOV_M) (WHO)
READ:25-MAR-1996 17:52:50.32

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:26-MAR-1996 17:09:08.47

TO: D. Craig Livingstone (LIVINGSTON_D) (WHO)

READ:25-MAR-1996 17:28:01.40

TO: Clifford J. Mauton (MAUTON_C) (WHO)
READ:26-MAR-1996 08:58:12.35

TO: Cheryl D. Mills (MILLS_C) (WHO)
READ:25-MAR-1996 19:11:57.92

TO: Melissa M. Murray (MURRAY_MM) (WHO)
READ:25-MAR-1996 17:24:10.20

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)
READ:25-MAR-1996 17:34:22.21

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)
READ:25-MAR-1996 17:47:32.34

TO: Victoria L. Radd (RADD_V) (WHO)
READ:25-MAR-1996 17:21:42.90

TO: Stacy E. Reynolds (REYNOLDS_S) (WHO)
READ:25-MAR-1996 17:23:57.71

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)
READ:26-MAR-1996 09:03:34.92

TO: Jane C. Sherburne (SHERBURNE_J) (WHO)
READ: 1-APR-1996 14:38:06.43

TO: Robert A. VanKirk (VANKIRK_R) (WHO)
READ:NOT READ

TO: Odetta S. Walker (WALKER_O) (WHO)
READ:26-MAR-1996 09:18:44.16

TO: Renee A. Warren (WARREN_R) (WHO)
READ:27-MAR-1996 10:24:17.20

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ:25-MAR-1996 18:06:19.76

TO: Natalie Williams (WILLIAMS_N) (WHO)
READ:NOT READ

TO: Jon Yarowsky (YAROWSKY_J) (WHO)
READ:26-MAR-1996 14:59:19.44

TEXT:

Please contact Kathy Wallman if you are interested in and available to work on a project to explore executive authority to make changes in federal welfare payments.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Ron Klain to Elena Kagan at 18:26:00.00. Subject: Larry (1 page)	03/25/1996	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[3/18/1996 - 3/26/1996]

2009-1006-F
ke718

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]

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Barry J. Toiv (TOIV_B) (WHO)

CREATION DATE/TIME:25-MAR-1996 20:10:45.16

SUBJECT: Lindsey rewrite

TO: Marilyn Yager (YAGER_M) (WHO)

READ:26-MAR-1996 07:30:16.08

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-MAR-1996 08:24:46.84

TEXT:

New version based on Bruce's comments. I'll give these to Leon in the morning.

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

ATT CREATION TIME/DATE:25-MAR-1996 20:09:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Barry J. Toiv

TEXT:

PRINTER FONT 12_POINT_ROMAN
TALKING POINTS FOR PRODUCT LIABILITY EVENT
MARCH 26, 1996

? Thank you for coming to the White House today. We're in a tough fight against some bad legislation, and you all are on the front lines of that fight.

? The bill we're fighting is H.R. 956, the so

-called Common Sense Product Liability Legal Reform Act of 1996. John Hilley will discuss with you the legislative status of this bill. What I'd like to talk to you about is why the President opposes it, why he will veto it, and why we have to fight to sustain that veto.

? H.R. 956 would encourage wrongful conduct, and it would prevent injured persons from recovering the full measure of their damages. That's wrong.

? That's why we object to the complete elimination of joint

-and

-several liability for non

-economic damages. We believe this would prevent many victims from obtaining the damages to which they are entitled.

? That's why we object to a stringent cap on punitive damages. We believe that would increase the incentive of manufacturers to knowingly produce and sell defective products.

? And with regard to states' rights, here we have perhaps the greatest irony of all coming out of this Congress. All they talk about is giving power back to the States. I hear Bob

Dole thinks it's so important to talk about States' rights that he pulls out a copy of the Tenth Amendment to the Constitution at every campaign speech.

? Well, here's what they really think of States' rights. Under their product liability bill, States can go beyond this new Federal law -- as long as they are taking steps to make the law even more pro

□
-business. But if they try to pass State laws that are more pro

□
-consumer, forget it. This bill says, no way.

? So State's rights are ok if you want to screw consumers. But if you want to protect them, don't even think about it.

? Let me be clear. The President is not opposed to sensible, limited product liability reform. But this legislation doesn't meet that standard.

? Now, I don't have to tell you how hard the Republicans and major business organizations have been working this legislation. They're depicting the President's stand as a giveaway to lawyers.

? Well, you're the people who can stand up and tell the American people what this is really about. It's not about lawyers; it's about the rights of consumers.

? It's about the victims of shootings and the victims of drunk drivers.

? It's about the victims of products that use biomaterials when the suppliers have been negligent, like the Dow Corning breast implant case.

? For those of you whose organizations have been working against this legislation, keep up the good work. For those that have not, please get involved. Speak out. Get your constituencies to speak out. Alexis Herman is here to talk about how you can help.

? The President is taking a tough stand here, and he's taking a lot of partisan criticism for it. I think he deserves your support. I know he appreciates it.

? Thank you.

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

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Marilyn Yager (YAGER_M) (WHO)

CREATION DATE/TIME:26-MAR-1996 07:34:26.47

SUBJECT: you are welcome to come

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-MAR-1996 08:25:12.65

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)

READ:28-MAR-1996 14:10:58.01

TEXT:

you are welcome to come to the consumer groups meeting this morning with Leon in the Roosevelt Room at 10:00am.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Thomas C. Jensen (JENSEN_T) (CEQ)

CREATION DATE/TIME:26-MAR-1996 08:09:12.54

SUBJECT: Meeting Notice

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ:26-MAR-1996 10:33:31.80

TO: FAX (9-720-5437, Greg Frazier) (TLXA1MAIL_\F:9-720-5437\C: Greg Fraier\\
READ:NOT READ

TO: FAX (9-720-4732, Jim Lyons) (TLXA1MAIL_\F:9-720-4732\C: Jim Lyons\\)
READ:NOT READ

TO: FAX (9-208-6956, Ann Shields) (TLXA1MAIL_\F:9-208-6956\C: Ann Shields\\
READ:NOT READ

TO: FAX (9-208-4684, George Frampton) (TLXA1MAIL_\F:9-208-4684\C: George Frampto
READ:NOT READ

TO: FAX (9-208-3144, Bob Armstrong) (TLXA1MAIL_\F:9-208-3144\C: Bob Armstrong\
READ:NOT READ

TO: FAX (9-514-0557, Lois Schiffer) (TLXA1MAIL_\F:9-514-0557\C: Lois Schiffer\
READ:NOT READ

TO: FAX (9-482-6318, Doug Hall) (TLXA1MAIL_\F:9-482-6318\C: Doug Hall\\)
READ:NOT READ

TO: FAX (9-260-0500, Steve Herman) (TLXA1MAIL_\F:9-260-0500\C: Steve Herman\\
READ:NOT READ

TO: Kathleen A. McGinty (MCGINTY_K) (CEQ)
READ:NOT READ

TO: Shelley N. Fidler (FIDLER_S) (CEQ)
READ: 2-APR-1996 16:43:37.75

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ:26-MAR-1996 09:05:17.31

TO: Ron Cogswell (COGSWELL_R) (OMB)
READ:26-MAR-1996 08:48:31.06

TO: Mark A. Weatherly (WEATHERLY_M) (OMB)
READ:26-MAR-1996 08:56:25.03

TO: Christine L. Nolin (NOLIN_CL) (OMB)
READ:27-MAR-1996 09:41:52.39

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-MAR-1996 08:25:37.24

TO: Martha Foley (FOLEY_M) (WHO)
READ:26-MAR-1996 09:39:05.45

TO: Kris Balderston (BALDERSTON_K) (WHO)

READ:26-MAR-1996 08:59:54.58

TO: Jennifer M. O'Connor
READ:26-MAR-1996 09:22:00.03

(OCONNOR_J) (WHO)

TO: Dinah Bear
READ:26-MAR-1996 08:14:49.28

(BEAR_D) (CEQ)

TO: Remote Addressee
READ:NOT READ

(TLXA1MAIL_\F:97205437\C:Anne Kennedy\\)

TO: FAX (92084684,Don Barry)
READ:NOT READ

(TLXA1MAIL_\F:92084684\C:Don Barry\\)

TO: FAX (94821041,Bob Ziobro)
READ:NOT READ

(TLXA1MAIL_\F:94821041\C:Bob Ziobro\\)

TO: Remote Addressee
READ:NOT READ

(TLXA1MAIL_\F:97204732\C:Mark Gaede\\)

TO: Remote Addressee
READ:NOT READ

(TLXA1MAIL_\F:92085242\C:Nancy Hayes\\)

TO: FAX (92191792,Kris Clark)
READ:NOT READ

(TLXA1MAIL_\F:92191792\C:Kris Clark\\)

TO: FAX (96902730,Mike Gippert)
READ:NOT READ

(TLXA1MAIL_\F:96902730\C:Mike Gippert\\)

TO: FAX (92085584,John Leshy)
READ:NOT READ

(TLXA1MAIL_\F:92085584\C:John Leshy\\)

TO: FAX (95144240,Jim Kilbourne)
READ:NOT READ

(TLXA1MAIL_\F:95144240\C:Jim Kilbourne\\)

TO: Remote Addressee
READ:NOT READ

(TLXA1MAIL_\F:95140557\C:Peter Coppelman\\)

TO: Thomas C. Jensen
READ:NOT READ

(JENSEN_T) (CEQ)

TO: Ruth D. Saunders
READ:26-MAR-1996 09:13:47.65

(SAUNDERS_R) (OMB)

TO: Remote Addressee
READ:NOT READ

(TLXA1MAIL_\F:915033266254\C:Tom Tuchman\\)

TO: FAX (92083877,Bob Baum)
READ:NOT READ

(TLXA1MAIL_\F:92083877\C:Bob Baum\\)

TO: FAX (95140557,Ellen Athas)
READ:NOT READ

(TLXA1MAIL_\F:95140557\C:Ellen Athas\\)

TO: FAX (95140557,Jean Williams)
READ:NOT READ

(TLXA1MAIL_\F:95140557\C:Jean Williams\\)

TO: FAX (95140557,Michelle Gilbert)
READ:NOT READ

(TLXA1MAIL_\F:95140557\C:Michelle Gilbert\\)

TO: FAX (95140557,Ted Boling)

(TLXA1MAIL_\F:95140557\C:Ted Boling\\)

READ:NOT READ

TO: FAX (95140557,Al Ferlow)
READ:NOT READ

(TLXA1MAIL_\F:95140557\C:Al Ferlow\\)

TO: FAX (95640070,Richard Sanderson)
READ:NOT READ

(TLXA1MAIL_\F:95640070\C:Richard Sanderson

TEXT:

The EOP/agency timber working group will meet today, Tuesday, March 26th, at 2:00 p.m. in the CEQ conference room.

The agenda will include:

1. Recent events
2. Litigation update
3. Law enforcement coordination
4. This seasons's murrelet surveys
5. Replacement timber
6. Other business

Thanks for your cooperation.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Deborah L. Fine (FINE_D) (OPD)

CREATION DATE/TIME:26-MAR-1996 09:06:23.30

SUBJECT: fyi on hr1833 hearing

TO: Jennifer L. Klein (KLEIN_J) (OPD)

READ:26-MAR-1996 11:13:20.23

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-MAR-1996 11:47:14.36

TO: Jeremy D. Benami (BENAMI_J) (WHO)

READ:26-MAR-1996 09:11:25.29

TEXT:

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

ATT CREATION TIME/DATE:26-MAR-1996 09:01:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Ashley Oliver

ATT SUBJECT: FYI - 1833 info

ATT TO: Deborah L. Fine (FINE_D)

TEXT:

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

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

ATT CREATION TIME/DATE:25-MAR-1996 18:39:00.00

ATT BODYPART TYPE:E

ATT CREATOR: PolWoman

ATT SUBJECT: Fwd: Abortion Hearings & Congressional Abuse

ATT TO: PolWoman (PolWoman@aol.com@INET@EOPMRX)

TEXT:

We're *steaming* over this one...

This rises to the level of legislative violence against women.

Maybe we should hold *citizen* hearings on Canady's committee?

E-mail Canady at canady@hr.house.gov

Regards,

Bob & Antonia

Forwarded message:

From: ATNFR@ASUVM.INRE.ASU.EDU (NANCY FELIPE RUSSO)

Sender: owner-abigails-1@netcom.com

Reply-to: abigails-1@netcom.com

To: abigails-1@netcom.com

Date: 96-03-24 23:56:15 EST

Crossposted From: POWR-L <POWR-L@URIACC.URI.EDU>
Crossposted By: jberman@unm.edu
Reply To: naf@prochoice.org, NANCY FELIPE RUSSO <ATNFR@ASUVM.INRE.ASU.EDU>

Joan R. Saks Berman, Ph.D. jberman@unm.edu
PHS Indian Hospital (505) 256-4012
801 Vassar Drive NE FAX (505) 256-4088
Albuquerque, NM 87106

----- Forwarded message -----
Date: Sat, 23 Mar 1996 12:27:30 -0700
From: NANCY FELIPE RUSSO <ATNFR@ASUVM.INRE.ASU.EDU>
To: Multiple recipients of list POWR-L <POWR-L@URIACC.URI.EDU>
Subject: CONGRESS

When we start to get complacent about getting involved in politics, remember this, and WRITE CONGRESS, RAISE MONEY, WORK IN CAMPAIGNS, AND VOTE THESE VICIOUS IDIOTS OUT OF OFFICE.

This week, there was a special hearing held to entertain anti-abortion anesthesiologists who claim those who oppose the D&X ban have lied about the fact that anesthetic causes fetal demise prior to D&X. (Note that physicians who use this procedure in fact often use digoxin, injected into the fetus itself, causing fetal demise before D&X.)

A member of NAF observed the hearing, and wrote the following account of what she observed. I think this should motivate us all to contact our reps. and let them know what we think.

From: naf@prochoice.org (National Abortion Federation)

Today's hearing in the House Judiciary Committee's subcommittee on the Constitution on H.R. 1833 and the ridiculous smokescreen anesthesia issue was a true travesty. Two patients had flown thousands of miles (Mary-Dorothy Line from Chicago and Coreen Costello, who is seven months pregnant and scared to death of flying, from California) to testify. The hearing dragged on with the first two panels. When it came time for the patients to testify, Congressman Charles Canady (R-FL), the bill's sponsor and subcommittee chair, said that they would adjourn for two hours because they had to go vote. Congresswoman Pat Schroeder (D-CO) was appalled and pointed out that there was no vote. Canady insisted on adjourning -- for the obvious reason that he wanted the press to go home without hearing the women testify.

When they returned and the women were allowed to testify, Canady broke the testimony up by insisting on taking another break for yet another nonexistent vote. (You can always tell if there is a vote in Congress; there is a bell and buzzer system.) He cut Coreen Costello off and told her her time was up; Pat Schroeder yielded her time to Coreen but Canady still kept trying to cut her off. Both Coreen and Mary-Dorothy were wonderful, providing moving testimony and not giving any ground to the antis. They fought back, taking on the anti-choice members' falsehoods and deception during the question-and-answer period. Coreen, when cut off by Canady, said fiercely that she had flown all the way from California even at seven months pregnant, scared to death of flying, because she wanted to tell the truth and she couldn't believe they didn't want to hear the truth. Coreen, by the way, is from a staunch Republican family and

was always very anti-abortion. She has been horrified at the behavior of the Republicans in these hearings.

Particularly hateful was Congressman Bob Inglis (D-SC), who, as he had in the original markup of the bill, accused the women of being "exterminators" who hate children. (Coreen has two kids already and will have her third in June; Mary-Dorothy is expecting her first child in September.)

Congresswoman Schroeder was so upset by the outrageous behavior and manipulation of Canady and his cohorts that she literally had to move the microphone away as she was brought to tears. She said that she was happy to be leaving Congress if this was what the House of Representatives had deteriorated into, and that she was ashamed to be a Member of Congress if this was the way women were treated. "A witch hunt," she called it. Even Canady and Hyde were stunned into silence by Schroeder's condemnation, but Inglis didn't shut up even then.

It's ugly up here, folks. The House will vote on the Senate-passed version of H.R. 1833 next week. We know it will pass, of course, and then go to the President, but we would like to win back some of the usually pro-choice or squishy Members who were swayed by the propaganda to vote against the bill the second time. They had a veto-proof majority in the House the first time (though not in the Senate); let's give Clinton a little more reinforcement so that his spine doesn't give way on this one. Members who need calls:

Charlie Rose (D-NC)
Blanche Lambert Lincoln (D-AR)
Jim Moran (D-VA)
Patrick Kennedy (D-RI)
Jim Traficant (D-OH)
Rick Lazio (R-NY)
Marcy Kaptur (D-OH)
Susan Molinari (R-NY)
Bill Zeliff (R-NH)

Obviously, you should call your members regardless of whether they're on this list or not and tell them to vote against the bill.

By the way, does anyone know who, if anyone, is running against Canady and against Inglis this year?

Sorry for the long post but I thought everyone should know about the unbelievable behavior that just went on. People at the hearing were saying they had never seen things get quite this bad in terms of abuse of power.

National Abortion Federation
(naf@prochoice.org)
1436 U Street NW, Suite 103
Washington, DC 20009
202/667-5881

Nancy Felipe Russo, Ph.D.
Professor of Psychology and Women's Studies
Psychology Department - Box 871104
Arizona State University, Tempe, AZ 85287-1104
(602)965-0380 FAX:(602)953-2693 BITNET: ATNFR@ASUACAD
INTERNET: ATNFR@ASUVM.INRE.ASU.EDU

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

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

ATT CREATION TIME/DATE:25-MAR-1996 17:40:00.00

ATT BODYPART TYPE:D

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01I2RIJEJ88G0002M6@PMDF.EOP.GOV> for
oliver_a@a1.eop.gov; Mon, 25 Mar 1996 17:37:22 -0400 (EDT)

Received: from emout08.mail.aol.com (emout08.mx.aol.com)

by STORM.EOP.GOV (PMDF V5.0-6 #6879) id <01I2RIKNU1QA000070@STORM.EOP.GOV> for
oliver_a@a1.eop.gov; Mon, 25 Mar 1996 17:38:25 -0700 (MST)

Received: by emout08.mail.aol.com (8.6.12/8.6.12) id RAA21420; Mon,
25 Mar 1996 17:39:05 -0500

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

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: CN=Ron Klain/O=OVP@OVP@LNGATE@EOPMRX

CREATION DATE/TIME:26-MAR-1996 11:44:00.00

SUBJECT: Timber Litigation Meeting

TO: QUINN_J (QUINN_J@A1@CD) (WHO)

READ:26-MAR-1996 18:47:28.35

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)

READ:26-MAR-1996 11:52:41.95

TEXT:

Message Creation Date was at 26-MAR-1996 11:46:00

Katie and I both think it would be great for Jack to convene a meeting with DoJ, ASAP, regarding the possibility of advocating contract cancellation. Our participants would be me, Katie, and Dinah. Thanks!

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Ingrid M. Schroeder (SCHROEDER_I) (OMB)

CREATION DATE/TIME:26-MAR-1996 12:25:21.01

SUBJECT: S. 1618 -

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-MAR-1996 12:44:42.11

TEXT:

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

ATT CREATION TIME/DATE:26-MAR-1996 12:12:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Charles S. Konigsberg

ATT SUBJECT: S. 1618--damages caps for charities

ATT TO: Ingrid M. Schroeder (SCHROEDER_I)

ATT CC: James J. Jukes (JUKES_J)

ATT CC: James C. Murr (MURR_J)

ATT CC: Jeffrey A. Weinberg (WEINBERG_J)

ATT CC: Sally Katzen (KATZEN_S)

ATT CC: Robert E. Litan (LITAN_R)

ATT CC: Charles E. Kieffer (KIEFFER_C)

ATT CC: Lisa Kountoupes (KOUNTOUPES_L)

TEXT:

If the bill does come up, it will be on very short notice, i.e. it can be brought up as soon as an agreement is reached among interested Senators. Therefore, we should be clearing a SAP today. Please make sure that all of the interested players have actually looked at this bill; it's not clear to me that our opposition to the Product Liability bill should necessarily translate into opposition to this bill.

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

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: James J. Jukes (JUKES_J) (OMB)

CREATION DATE/TIME:26-MAR-1996 14:58:50.88

SUBJECT: FYI - Update on Product Liability timing

TO: James C. Murr (MURR_J) (OMB)
READ:26-MAR-1996 15:36:58.91

TO: Jeffrey A. Weinberg (WEINBERG_J) (OMB)
READ:26-MAR-1996 15:02:49.49

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:26-MAR-1996 15:13:08.51

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:26-MAR-1996 16:22:42.91

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ:26-MAR-1996 18:36:29.87

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-MAR-1996 17:43:12.10

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:28-MAR-1996 14:13:08.20

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:26-MAR-1996 12:14:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Peter Jacoby

ATT SUBJECT: RE: Product Liability

ATT TO: James J. Jukes (JUKES_J)

TEXT:

Jim: The House Rules Committee meets tomorrow to consider a rule for floor consideration of the product conference report in the House. It is not clear however, whether this means the House will take up the report this week. The floor schedule is very full already and there is some thought that proponents of the conference report would like to use the recess to whip up support for the veto override. Alternatively, the House Democratic leadership staff is somewhat apprehensive about the conference report coming up late in the week when Members are trying to get out of town and the Democrats needed to oppose the bill are in relatively short supply.

I will keep you posted as things develop.

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

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Ingrid M. Schroeder (SCHROEDER_I) (OMB)

CREATION DATE/TIME:26-MAR-1996 15:41:33.39

SUBJECT: Justice letter re: Simpson amdt. to S. 1394

TO: John C. Angell (ANGELL_J) (WHO)

READ:26-MAR-1996 16:33:18.95

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-MAR-1996 17:43:35.60

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)

READ:26-MAR-1996 16:05:39.29

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)

READ:26-MAR-1996 17:16:23.53

TO: Rahm Emanuel (EMANUEL_R) (WHO)

READ:NOT READ

TO: Steven D. Aitken (AITKEN_S) (OMB)

READ:26-MAR-1996 15:46:27.60

CC: James J. Jukes (JUKES_J) (OMB)

READ:26-MAR-1996 15:42:26.11

CC: James C. Murr (MURR_J) (OMB)

READ:26-MAR-1996 15:53:47.27

CC: Stephen C. Warnath (WARNATH_S) (OPD)

READ:26-MAR-1996 15:45:12.11

CC: Tracey E. Thornton (THORNTON_T) (WHO)

READ:27-MAR-1996 12:37:48.47

CC: Charles E. Kieffer (KIEFFER_C) (OMB)

READ:26-MAR-1996 19:30:05.94

CC: Charles S. Konigsberg (KONIGSBERG_C) (OMB)

READ:26-MAR-1996 16:23:02.82

CC: Lisa Kountoupes (KOUNTOUPES_L) (OMB)

READ:26-MAR-1996 15:53:11.24

CC: Alice E. Shuffield (SHUFFIELD_A) (OMB)

READ:26-MAR-1996 18:34:29.71

CC: Robert G. Damus (DAMUS_R) (OMB)

READ:26-MAR-1996 18:06:31.70

TEXT:

Earlier today we sent you a revised Justice letter on a proposed Simpson amendment to S. 1394. The amendment would require persons registering to vote to present certain documents to prove that they are citizens. This amendment would essentially repeal the mail registration option provided by the National Voter Registration Act.

Originally the Justice letter opposed the amendment. The revised Justice letter now states that:

"If Congress sends the President immigration reform legislation which effectively repeals the National Voter Registration Act, I [the Attorney General] would be forced to recommend that he veto it."

Justice is informally negotiating with Simpson's staff to try to get Sen. Simpson to withdraw the amendment. If they are unsuccessful, WHLA (Thornton) has advised that they will want to release the veto threat letter ASAP.

I would therefore appreciate if you would let me know if you have any comments on the letter by 5pm tonight.

Thanks

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Charles S. Konigsberg (KONIGSBERG_C) (OMB)

CREATION DATE/TIME:26-MAR-1996 20:57:16.75

SUBJECT: URGENT-WED-9:30AM MTG

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:26-MAR-1996 21:00:52.43

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:27-MAR-1996 08:43:49.69

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:26-MAR-1996 21:00:53.14

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:27-MAR-1996 06:56:55.89

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:28-MAR-1996 08:58:56.98

TO: James J. Jukes (JUKES_J) (OMB)
READ:27-MAR-1996 09:10:06.48

TO: Harry E. Moran (MORAN_H) (OMB)
READ:27-MAR-1996 08:30:31.33

TO: Elena Kagan (KAGAN_E) (WHO)
READ:27-MAR-1996 08:52:53.21

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:27-MAR-1996 09:51:46.29

CC: Jacob J. Lew (LEW_J) (OMB)
READ:27-MAR-1996 08:32:14.78

CC: Martha Foley (FOLEY_M) (WHO)
READ:26-MAR-1996 21:13:30.21

TEXT:

There will be an urgent meeting on Wed. at 9:30am in my office (243 OEOB) to review a Byrd motion to recommit the item veto conference report. At Hilley's request, we need to develop a quick analysis of the Byrd language.