

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 055 - FOLDER -006

[05/02/1999-05/15/1996]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ellen S. Seidman to Elena Kagan; RE: No-fault (partial) (1 page)	05/08/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/02/1996 - 05/15/1996]

2009-1006-F
db1567

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: James J. Jukes (JUKES_J) (OMB)

CREATION DATE/TIME: 2-MAY-1996 10:24:46.16

SUBJECT: Bruce Lindey's office called

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ: 2-MAY-1996 13:16:05.58

TO: James C. Murr (MURR_J) (OMB)
READ: 2-MAY-1996 10:29:41.84

TO: James A. Brown (BROWN_JA) (OMB)
READ: 2-MAY-1996 10:25:03.53

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ: 2-MAY-1996 10:25:52.62

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 2-MAY-1996 10:51:56.36

TEXT:

to say that Lindsey wants to review the Amtrak SAP. They asked me what the "real" deadline was and I said mid-afternoon on the theory that the bill could be on the floor late today. (He is going to a funeral today and is also immersed in today's product liability veto events.)

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

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

CREATION DATE/TIME: 2-MAY-1996 18:33:09.42

SUBJECT: APB from Kathy Wallman re: Battered Women Initiative

TO: Dawn Chirwa (CHIRWA_D) (WHO)
READ: 2-MAY-1996 19:24:20.42

TO: Peter Erichsen (ERICHSEN_P) (WHO)
READ: 3-MAY-1996 08:28:39.38

TO: David Fein (FEIN_D) (WHO)
READ: 3-MAY-1996 12:24:19.23

TO: James "David" Fielder (FIELDER_J) (WHO)
READ: 2-MAY-1996 18:33:55.64

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 2-MAY-1996 18:38:59.09

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ: 6-MAY-1996 11:43:59.81

TO: Cheryl D. Mills (MILLS_C) (WHO)
READ: 3-MAY-1996 08:18:59.18

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)
READ: 2-MAY-1996 18:35:29.01

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)
READ: 3-MAY-1996 10:27:44.80

TO: Sally Paxton (PAXTON_S) (WHO)
READ: 2-MAY-1996 20:33:15.08

TO: Jack M. Quinn (QUINN_J) (WHO)
READ: 16-MAY-1996 17:00:56.94

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)
READ: 3-MAY-1996 08:58:10.97

TO: Jane C. Sherburne (SHERBURNE_J) (WHO)
READ: 2-MAY-1996 21:26:56.07

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ: 3-MAY-1996 07:56:10.46

TO: Rob S. Wexler (WEXLER_R) (WHO)
READ: 2-MAY-1996 19:18:29.83

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ: 2-MAY-1996 19:44:08.79

TO: Wendy S. White (WHITE_WS) (WHO)
READ: 3-MAY-1996 20:23:06.23

TO: Jon Yarowsky (YAROWSKY_J) (WHO)

READ: 2-MAY-1996 18:37:52.27

CC: Erin Kelly

(KELLY_E) (WHO)

READ: 2-MAY-1996 18:39:34.58

TEXT:

APB:

Anyone interested and available to work on battered women
initiative?

Thank you.

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME: 2-MAY-1996 20:44:53.49

SUBJECT: status report

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 08:55:11.13

TEXT:

do you know where we are on our favorite brief?

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

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

CREATION DATE/TIME: 3-MAY-1996 09:39:43.74

SUBJECT: Response from Kathy re: Battered Women

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 09:42:55.56

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 3-MAY-1996 07:56:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Kathleen M. Wallman

ATT SUBJECT: RE: Elena's response-Battered Women

ATT TO: Odetta S. Walker (WALKER_O)

TEXT:

Elena, I would be grateful if you would take this on. Erin is interested in helping; can you please look for an opportunity to involve her? Many thanks.

RE: BATTERED WOMEN

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

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

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

CREATION DATE/TIME: 3-MAY-1996 09:58:21.08

SUBJECT: RE: Response from Kathy re: Battered Women

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 10:00:14.23

TEXT:

Do you want to talk to me, Kathy or Erin later day?

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

CREATOR: Jeff P. Dailey (DAILEY_J) (WHO)

CREATION DATE/TIME: 3-MAY-1996 10:53:54.28

SUBJECT: prod liability

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 10:58:29.43

TEXT:

Just after I left a voice mail for you, I heard from Bruce Lindsey's office. Let me see what he has to say about the products liab letter, and then I'll get back to you.

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

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

CREATION DATE/TIME: 3-MAY-1996 11:31:49.97

SUBJECT: endangered species act

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 12:07:26.84

TEXT:

I just received a call from a lawyer at DOI about a letter that Secretary Babbitt sent the President recently regarding enforcement of certain provisions of the Endangered Species Act. Are you familiar with/working on this? Please let me know ASAP. This is a question about whether the letter can be released. Thanks.

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

CREATOR: Virginia M. Terzano (TERZANO_V) (WHO)

CREATION DATE/TIME: 3-MAY-1996 12:07:04.77

SUBJECT: pls ignore the voicemail I left for you - thanks

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 12:07:31.56

TO: Angus S. King (KING_A) (WHO)

READ: 3-MAY-1996 14:37:04.75

TEXT:

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

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

CREATION DATE/TIME: 3-MAY-1996 12:20:59.10

SUBJECT: RE: by the way

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 12:24:05.19

TEXT:

I made another copy for SN. Thanks.

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

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

CREATION DATE/TIME: 3-MAY-1996 13:56:06.80

SUBJECT: RE: lrms

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 14:26:00.67

TEXT:

No -- can you please pass them to Dawn for handling?

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

CREATOR: David Fein (FEIN_D) (WHO)

CREATION DATE/TIME: 3-MAY-1996 14:54:28.10

SUBJECT: reminder -- reg reform

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 15:00:43.78

TEXT:

if you get a chance, could you check to see if you have anything
on the time it would take Congress to review a major rule.
thanks.

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

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

CREATION DATE/TIME: 3-MAY-1996 14:56:48.44

SUBJECT: DOJ Position on HR 2974 -- increased penalties for --

TO: Dennis Burke (BURKE_D) (OPD)

READ: 3-MAY-1996 17:48:04.58

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 15:01:52.38

TEXT:

crimes against the elderly and children.

Just a heads up ..

DOJ staff say they want to have SAP that says we support the bill. REASON: We've had our shot at it, the House won't amend it to our liking, and for policitcal rasons we should say we support it.

Any objections to this change?

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

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

CREATION DATE/TIME: 3-MAY-1996 15:27:47.84

SUBJECT: Revised SAP (per DOJ) on HR 2974

TO: Dennis Burke (BURKE_D) (OPD)
READ: 3-MAY-1996 17:49:46.87

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 3-MAY-1996 15:34:56.79

TO: Peter Jacoby (JACOBY_P) (WHO)
READ: 3-MAY-1996 15:50:10.34

TO: Robert G. Damus (DAMUS_R) (OMB)
READ: 3-MAY-1996 17:05:33.22

TO: Kenneth L. Schwartz (SCHWARTZ_K) (OMB)
READ: 3-MAY-1996 16:26:39.79

TO: David J. Haun (HAUN_D) (OMB)
READ: 3-MAY-1996 15:46:37.68

TO: Julie Haas (HAAS_J) (OMB)
READ: 3-MAY-1996 16:21:18.20

TO: John E. Thompson (THOMPSON_J) (OMB)
READ: 3-MAY-1996 15:30:01.58

TEXT:

PRINTER FONT 12_POINT_COURIER

Revised SAP from Justice. Staff tell me it?s based on agreement
between Andy Foiss and Rahm Emanuel.

□

DRAFT -- NOT FOR RELEASE
(House)

\d

H.R. 2974 - Crimes Against Children and Elderly Persons
Increased Punishment Act
(Chrysler (R) Michigan)

The Administration supports House passage of H.R. 2974, which is
consistent with the Administration?s commitment to protecting the
rights of victims of crime. This bill builds upon the principles
of the 1994 Crime Act, which recognized that vulnerable victims
deserve special protection under the law.

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

CREATOR: Jeff P. Dailey (DAILEY_J) (WHO)

CREATION DATE/TIME: 3-MAY-1996 15:35:32.88

SUBJECT: product liability

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 15:56:58.15

TEXT:

Elena,

The following is my draft of a response to a letter from Alan J. Patricof, who wrote Potus on product liability. I've left a lot of the detail out of this letter, but I want to make sure that it still reflects the Administration's policy. The President wants to see a draft of this letter as soon as possible, so if you could please look it over, I would appreciate it.

Here it is:

Thank you very much for your letter regarding the Product Liability Legal Reform Act of 1996. I appreciate having your perspective on this issue.

I vetoed this legislation because it would deprive American families of their ability to recover fully from injuries caused by defective products. This bill inappropriately intrudes on state authority in the interest of protecting manufacturers and sellers of harmful products, and unfairly tilts the legal playing field against consumers. I understand your concerns about frivolous lawsuits and their affects on corporate America and on our nation's legal system. However, I cannot accept legislation that would undermine the ability of courts to provide relief to victims of harmful products, and thereby endanger the health and safety of the entire American public. I'm eager to sign legislation to improve our nation's legal system, but as I've stated repeatedly to Congress, any product liability legislation must fairly balance the interests of consumers with those of manufacturers and sellers.

I'm grateful, as always, for your thoughtful insight, and I appreciate your taking the time to write.

###

thanks,

Jeff

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

CREATOR: Kathleen A. McGinty (MCGINTY_K) (CEQ)

CREATION DATE/TIME: 3-MAY-1996 16:52:57.34

SUBJECT: vp mtg with glickman

TO: Martha Foley (FOLEY_M) (WHO)
READ: 3-MAY-1996 16:59:48.39

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ: 4-MAY-1996 07:53:39.62

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ: 6-MAY-1996 12:23:19.77

TO: Ron Klain (KLAIN_R) Autoforward to: Remote Adresse
READ: NOT READ

TO: Shelley N. Fidler (FIDLER_S) (CEQ)
READ: 3-MAY-1996 17:23:34.07

TO: Dinah Bear (BEAR_D) (CEQ)
READ: 3-MAY-1996 17:15:59.58

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 3-MAY-1996 17:59:51.00

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 3-MAY-1996 18:32:25.01

TEXT:

just wanted to report that it went very well. the vp layed out as clearly as can be that it is time for the secy to take over management of the forest service -- on a daily basis -- to be excrutiatingly engaged until this is on a better track.

i think dan appreciates the depth of the problems with the forest service better than he did. i think he still does not relish the idea and that we will have to continue to monitor closely, however. but, he could not have helped to have gotten the vp's message. (by the way, he still had not heard anything about the infamous 1.6 billion letter....)

it also helped that leon came in for other reasons towards the end of the meeting and, while leaving, caught dan's eye and said:

"you've got to get on top of this, my friend".

i have just shipped to most of you the long awaited alternative timber strategy memo that greg frazier handed me after the mtg. i suspect that we w and get comments back to greg frazier. thx.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 READ RECEIPT)

CREATOR: POSTMASTER (SYS)

CREATION DATE/TIME: 3-MAY-1996 18:03:00.00

SUBJECT: Auto reply from WALLMAN_KM

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 18:03:47.27

TEXT:

I am sorry I cannot respond to your e-mail at this time. I am currently out of the office on vacation from May 4 through May 11.

Please contact Odetta Walker (6-6611) if you need further assistance.

Thank you.

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

CREATOR: Todd Stern (STERN_T) (WHO)

CREATION DATE/TIME: 3-MAY-1996 20:17:44.92

SUBJECT: partial birth

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 6-MAY-1996 08:47:11.48

TEXT:

Here's the letter tailored to respond to Marilyn's chosen religious coalition. We should talk for a minute on Monday to see if we agree that they're a good recipient for the letter. (They wrote in a letter supporting the veto in fairly broad pro-choice language. todd

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

ATT CREATION TIME/DATE: 3-MAY-1996 20:16:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Todd Stern

TEXT:

PRINTER FONT 12_POINT_COURIER

May 6, 1996

Religious Coalition for Reproductive Choice

1025 Vermont Ave., N.W. Suite 1130

Washington, D.C. 20005

Dear ___:

Thank you for your letter of April 29 concerning H.R. 1833, legislation banning a certain abortion procedure, commonly referred to in the press as partial birth abortion. As you know, in late March, Congress passed that bill and on April 10, I vetoed it because of its failure, in certain rare and compelling cases, to prevent serious threats to women's health.

My position on this bill has been widely misrepresented and misunderstood. Some, including those more interested in creating a political issue than in putting real, meaningful limits on the use of this procedure, have deliberately distorted my views. But I know that a great many people of good faith -- and of all faiths -- are sincerely perplexed about the veto. That is why I want to set forth as clearly as I can the genuine basis for my position.

Let me begin with a word of background. I am against late

□

-term

abortions and have long opposed them, except, as the Supreme Court requires, where necessary to protect the life or health of the mother. As Governor of Arkansas, I signed into law a bill that barred third trimester abortions, with an appropriate exception for life or health, and I would sign a bill to do the same thing at the federal level if it were presented to me. The particular procedure aimed at in H.R. 1833 -- generally referred to by doctors as dilation and evacuation -- poses a most difficult and disturbing issue, one which I studied and prayed

about for many months. Indeed, when I first heard a description of this procedure, I anticipated that I would support the bill. But after I studied the matter and learned more about it, I came to believe that this rarely used procedure is justifiable as a last resort when doctors judge it necessary to save a woman's life or to avert serious consequences to her health.

Last month, I was joined in the White House by five women who desperately wanted to have their babies and were devastated to learn that their babies had fatal conditions and would not live.

These women wanted anything other than an abortion, but were advised by their doctors that this procedure was their best chance to avert the risk of death or grave harm which, in some cases, would have included an inability to bear children. These women gave moving, powerful testimony. For them, this was not about choice. This was not about choosing against having a child. Their babies were certain to perish before, during or shortly after birth. The only question was how much grave damage they were going to suffer. Here is what one of them had to say: "Our little boy had...hydrocephaly. All the doctors told us there was no hope. We asked about in utero surgery, about shunts to remove the fluid, but there was absolutely nothing we could do. I cannot express the pain we still feel. This was our precious little baby, and he was being taken from us before we even had him. This was not our choice, for not only was our son going to die, but the complications of the pregnancy put my health in danger, as well. If I carried to term, he might die in utero, and the resulting toxins could cause a hemorrhage and possibly a hysterectomy. The hydrocephaly also meant that a natural labor risked rupturing my cervix and my uterus."

Some have raised the question whether this procedure is ever most appropriate as a matter of medical practice. The best answer to this question comes from the medical community, which broadly supports the continued availability of this procedure in cases where a woman's serious health interests are at stake. In those rare cases, I believe the woman's doctors should have the ability to determine, in the best exercise of their medical judgment, that the procedure is indeed necessary.

The problem with H.R. 1833 is that it provides an exception to the ban on this procedure only when a doctor can be certain that a woman's life is at risk, but not when the doctor is sure that she faces real, grave risks to her health.

Let me be clear. I do not contend that this procedure, today, is always used in circumstances that meet my standard -- namely, that the procedure must be necessary to prevent death or serious adverse health consequences. The procedure may well be used in situations where a woman's serious health interests are not at issue. But I do not support such uses, I do not defend them, and I would sign appropriate legislation banning them.

At the same time, I cannot and will not countenance a ban on this procedure in those cases where it represents the best hope for a woman to avoid serious risks to her health. I recognize that there are those who believe it appropriate to force a woman to endure real, serious risks to her health -- including, sometimes,

the loss of her ability to bear children -- in order to deliver a baby who is already dead or about to die. But I am not among them.

I also understand that many who support this bill believe that

any health exception is untenable. In a letter sent to me on April 16 by our leading Catholic Cardinals, they contend that a "health" exception for the use of this procedure could be used to cover most anything -- for example, youth, emotional stress, financial hardship or inconvenience.

PRINTER FONT 12_POINT_COURIER_OBLIQUE

That is not the kind of exception I support. I support an exception that takes effect only where a woman faces real, serious adverse health consequences. Those who oppose this procedure may wish to cite cases where fraudulent health reasons are relied upon as an excuse -- excuses I could never condone. But people of good faith must recognize that there are also cases where the health risks facing a woman are deadly serious and real. It is in those cases that I believe an exception to the general ban on the procedure must be allowed.

PRINTER FONT 12_POINT_COURIER

Further, I flatly reject the view of those who suggest that it is impossible to draft a bill imposing real, stringent limits on the use of this procedure -- a bill making absolutely clear that the procedure may be used only in cases where a woman risks death or serious damage to her health, and in no other case. I know that it is not beyond the ingenuity of Congress, working together with this Administration, to fashion such a bill.

Indeed, that is why I implored Congress, by letter dated February 28, to add a limited exemption for the small number of compelling cases where use of the procedure is necessary to avoid serious health consequences. Congress ignored my proposal and did so, I am afraid, because there are too many there who prefer creating a political issue to solving a human problem. But I reiterate my offer now: if Congress will work with me to produce a bill that meets the concerns outlined in this letter, I will sign it the moment it reaches my desk.

As I said at the outset of this letter, I know that many people will continue to disagree with me about this issue. But they should all know the truth about where I stand: I do not support the use of this procedure on demand. I do not support the use of this procedure on the strength of mild or fraudulent health complaints. But I do believe that we cannot abandon women, like the women I spoke with, whose doctors advise them that they need the procedure to avoid serious injury. That, in my judgment, would be the true inhumanity.

I continue to hope that a solution can be reached on this painful

issue. I hope as well that the deep dialogue between my Administration and people of faith can continue with regard to the broad array of issues on which we have worked and are working together.

Sincerely,

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

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

CREATOR: Wendy S. White (WHITE_WS) (WHO)

CREATION DATE/TIME: 3-MAY-1996 20:27:10.77

SUBJECT: RE: interns

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 6-MAY-1996 08:47:53.30

TEXT:

I would love to have an intern. I am sure there will be plenty of projects to work on in the document production world. It would be best to have them join the team for longer than a week. I would be happy to talk to you about this.
Thanks

Wendy White

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME: 4-MAY-1996 17:10:12.68

SUBJECT: cancellation of contracts

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 6-MAY-1996 08:49:57.58

TEXT:

1.) how are you?
2.) any news on cancellation brief?
3.) what do you think about the last line in the draft USDA guidance on alternative timber , i.e., if these steps are unsuccessful, FS will exercise their right to cancel the contracts? I assume that Rutzick already knows everything we're thinking and writing, but do you have concerns about putting it in this memo at this stage this way? I'm vaguely uneasy.

do you see any legal distinction between our ability to cancel contracts that fall under k(1) and k(3)? Seems to me that we have an affirmative obligation to offer alt. timber under k(3), and since it's not dependent on purchasers' agreement, don't we just make a good faith offer and that's that? One reason I think that rather bald statement at the end of the USDA draft concerns me is that it sounds as though all alt. timber is negotiated and then we go to cancellation if that doesn't work. I think it has to make a much sharper distinction between k(1) and k(3). But I didn't want to go down this road in the more general e-mail until we'd had a chance to deal with this.

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

CREATOR: Christopher F. Walker (WALKER_C) (WHO)

CREATION DATE/TIME: 5-MAY-1996 18:10:39.88

SUBJECT: Pennsylvania avenue closure congressional queries

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 6-MAY-1996 08:58:37.15

TEXT:

Elena,

Do we have a standard written response from Jack that we have sent in the past in response to Congressional letter to the President critical of the decision to close down Pennsylvania Ave? Please advise.

Thanks.

Chris

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

CREATOR: James S. Rubin (RUBIN_J) (WHO)

CREATION DATE/TIME: 6-MAY-1996 17:22:01.81

SUBJECT: accomplishments

TO: James S. Rubin (RUBIN_J) (WHO)
READ: 6-MAY-1996 17:22:21.35

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ: 6-MAY-1996 17:45:04.82

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 6-MAY-1996 17:26:35.50

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ: 13-MAY-1996 09:56:46.25

TO: Victoria L. Radd (RADD_V) (WHO)
READ: 6-MAY-1996 17:54:51.97

TO: Peter Jacoby (JACOBY_P) (WHO)
READ: 6-MAY-1996 17:29:12.12

TO: William Curry (CURRY_W) (WHO)
READ: 6-MAY-1996 17:32:18.74

TO: Michael Waldman (WALDMAN_M) (WHO)
READ: 6-MAY-1996 19:11:33.90

TO: Bruce N. Reed (REED_B) (WHO)
READ: 6-MAY-1996 17:38:02.60

TO: Angus S. King (KING_A) (WHO)
READ: 6-MAY-1996 17:38:15.75

TEXT:

At Timmer's request, the Legislative Affairs Summary (otherwise known as the Accomplishments memo) will be submitted weekly rather than biweekly. Please keep me posted when anything happens that you would like included. Drafts will be turned in most likely by COB Friday.

jr

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

CREATOR: T J Glauthier (GLAUTHIER_T) (OMB)

CREATION DATE/TIME: 6-MAY-1996 17:27:14.56

SUBJECT: RE: Replacement Timber -- Mystery Solved

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 6-MAY-1996 17:54:55.51

CC: Martha Foley (FOLEY_M) (WHO)
READ: 6-MAY-1996 18:06:30.61

CC: Dinah Bear (BEAR_D) (CEQ)
READ: 6-MAY-1996 18:11:28.80

CC: Kathleen A. McGinty (MCGINTY_K) (CEQ)
READ: 6-MAY-1996 18:50:52.93

CC: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ: 6-MAY-1996 20:13:10.71

CC: Shelley N. Fidler (FIDLER_S) (CEQ)
READ: 6-MAY-1996 17:28:41.41

CC: Barbara C. Chow (CHOW_B) (WHO)
READ: 6-MAY-1996 17:28:00.90

TEXT:

As I understand it, the draft USDA memo is intended to articulate our Administration policies guiding the negotiations/search for replacment timber. My staff tells me it is not supposed to go public or to be guidance for the field.

However, we all know how private such documents are! So my comments back have dealt with wording with the expectation that it will become a public document (eg, the explicit wording on using lesser standards instead of the "call home" approach).

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

CREATOR: Jennifer Palmieri (PALMIERI_J) (WHO)

CREATION DATE/TIME: 7-MAY-1996 11:48:28.18

SUBJECT: RE: welfare meeting

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 7-MAY-1996 12:07:34.42

TEXT:

If you can call HHS' bluff on these things -- we would LOVE to have you!

Please come. I believe you know it's 9:00 am.

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

CREATOR: Jeff P. Dailey (DAILEY_J) (WHO)

CREATION DATE/TIME: 7-MAY-1996 12:02:06.69

SUBJECT: product liability

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 7-MAY-1996 12:12:41.68

TEXT:

Elena--

Please let me know if this is okay. Like I said in my voice mail to you, our office made some minor cosmetic changes to Bruce's draft.

thanks, Jeff

Thank you very much for your letter regarding the Product Liability Legal Reform Act of 1996. I appreciate having your perspective on this issue.

While it is clear that our legal system needs reform, I vetoed the product liability bill because it failed to adequately protect the interests of consumers, in addition to the interests of manufacturers and sellers. This bill would deprive American families of their ability to recover fully from injuries caused by defective products and unfairly disadvantage consumers. In general, I objected to the bill's "one-way" preemption, which would impose federal standards when state law is more favorable to consumers, but not when state law is more favorable to manufacturers or sellers. I also had concerns about specific provisions of the legislation would impede the ability of injured persons to gain fair and adequate recovery. In particular, I opposed completely eliminating joint liability for non-economic damages, placing arbitrary caps on punitive damages, and restricting an injured persons right to sue after 15 years without regard to the useful life of the product.

Additionally, I could not accept the provisions which would have inappropriately applied the limits on punitive and non-economic damages to lawsuits, such as when a person is injured after a gun dealer knowingly sells a gun to a convicted felon or a bar owner knowingly serves a drink to an obviously inebriated customer.

My Administration supports the enactment of limited, but balanced product liability reform. If Congress had passed such legislation, I would have gladly signed it. As we continue working to develop meaningful reforms to the American legal system, I appreciate knowing your views.

###

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

CREATOR: Jeff P. Dailey (DAILEY_J) (WHO)

CREATION DATE/TIME: 7-MAY-1996 14:37:45.89

SUBJECT: product letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 7-MAY-1996 15:49:03.97

TEXT:

Elena--

Please let me know if the re-wording at the bottem of the third paragraph will suffice. Otherwise, Bruce's letter remains intact.

Also, have you looked at the Patricof letter that I mentioned earlier. If so, do you think this response would be appropriate? Thanks for your help.

Thank you for your letter regarding the Product Liability Legal Reform Act of 1996. I appreciate having your perspective on this issue.

While I believe our legal system needs reform, I vetoed the product liability bill because I concluded it failed to adequately protect the interests of consumers, in addition to the interests of manufacturers and sellers.

In general, I objected to the bill's "one-way" preemption, which would impose federal standards when state law is more favorable to consumers, but not when state law is more favorable to manufacturers or sellers. I also had concerns about specific provisions of the legislation would impede the ability of injured persons to gain fair and adequate recovery. In particular, I opposed completely eliminating joint liability for non-economic damages, placing arbitrary caps on punitive damages, and restricting an injured persons right to sue after 15 years without regard to the useful life of the product.

Additionally, I could not accept the provisions which would have applied the limits on punitive and non-economic damages to lawsuits, such as when a person is injured after a gun dealer knowingly sells a gun to a convicted felon or a bar owner knowingly serves a drink to an obviously inebriated customer. Congress could have passed limited, but balanced product liability reform, which I would have gladly signed. As I continue working with Congress to achieve this end, I appreciate knowing your thoughts.

###

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

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

CREATION DATE/TIME: 7-MAY-1996 17:56:46.60

SUBJECT: amendments to IDEA

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 7-MAY-1996 18:38:44.24

TEXT:

I just picked up off the machine an LRRM, directed to you, on proposed amendments to the IDEA provisions on students with disabilities. I've been working on this, so I'll get back to OMB. I assume this was delivered to you in the normal course, but, if you've been working on this too, let me know, and we can respond together. Thanks.

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

CREATOR: Laura Capps (CAPPS_L) (WHO)

CREATION DATE/TIME: 7-MAY-1996 19:41:12.34

SUBJECT: talking points .

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 8-MAY-1996 08:48:16.29

TEXT:

I wondered if I could get another copy of the product liability talking points----
Also, I'm looking for Tort reform and medical malpractice too. Do you know where I can get those? Thanks.

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

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

CREATION DATE/TIME: 8-MAY-1996 08:50:42.51

SUBJECT: RE: interns

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 8-MAY-1996 08:52:29.81

TEXT:

Well, it got one yes response already -- Cheryl signed up for an intern! Make that two, Dawn just responded and apologized for not responding to your earlier e-mail (she said she was napping).

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

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

CREATION DATE/TIME: 8-MAY-1996 08:54:02.43

SUBJECT: RE: interns

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 8-MAY-1996 10:02:10.30

TEXT:

you can't get out of this so easily.

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

CREATOR: Jeff P. Dailey (DAILEY_J) (WHO)

CREATION DATE/TIME: 8-MAY-1996 11:05:38.83

SUBJECT: thanks

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)
READ: 8-MAY-1996 11:05:48.86

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 8-MAY-1996 11:14:54.84

TEXT:

Thank you for your help on these letters!! I appreciate it.
Jeff

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

CREATOR: Kathleen A. McGinty (MCGINTY_K) (CEQ)

CREATION DATE/TIME: 8-MAY-1996 13:22:06.01

SUBJECT: catching up on usfs alt timber memo

TO: Martha Foley (FOLEY_M) (WHO)
READ: 8-MAY-1996 14:12:09.81

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ: 8-MAY-1996 22:09:58.82

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ: 9-MAY-1996 14:19:21.34

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 8-MAY-1996 13:30:53.46

TO: Shelley N. Fidler (FIDLER_S) (CEQ)
READ: 8-MAY-1996 14:38:05.69

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 8-MAY-1996 18:56:14.32

TO: Dinah Bear (BEAR_D) (CEQ)
READ: 8-MAY-1996 16:47:58.00

TEXT:

out of the office yesterday. catching up on some of the email -- as to the question concerning the origin and purpose of this memo, it is the overdue response to the request leon and harold made of the secretary several weeks ago to put together a plan that clearly demonstrates that we have a strong handle on BOTH the exact bad sales that we have and that are coming down the pike AND the alternative timber we are prepared to offer. from the traffic and from my own brief review of the memo it seems to fall far short of that.

as to whether this is supposed to be public, the answer is that this document itself would not necessarily be public. BUT it is supposed to have the substantive guts that WOULD be public. both leon and the vp have asked the secy to get his tail out to the region asap and publicize our strategy. i suspect that no such effort is likely in the works.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ellen S. Seidman to Elena Kagan; RE: No-fault (partial) (1 page)	05/08/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/02/1996 - 05/15/1996]

2009-1006-F
db1567

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: Ellen S. Seidman (SEIDMAN_E) (OPD)

CREATION DATE/TIME: 8-MAY-1996 15:02:43.14

[001]

SUBJECT: No-fault

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 8-MAY-1996 15:31:35.52

TEXT:

I'm going to put together the no-fault meeting. Can you help me with finding the person at DOJ who should be part of an us-level working group? i.e., either very senior and plugged in career or political.

[REDACTED] P6/(b)(6) [REDACTED] P6/(b)(6)

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

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

CREATION DATE/TIME: 8-MAY-1996 15:34:37.21

SUBJECT: RE: No-fault

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 8-MAY-1996 15:42:39.36

TEXT:

The mission, which I had a BRIEF conversation with Bruce about already, is to figure out if we can have a position other than "just say no" in case Dole really does put forth the McConnell/Horowitz no-fault bill as a response to the products veto, challenging us to prove we're for consumers and not the trial lawyers. John Schmidt should love it, but I agree with your analysis. Ellen

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

CREATOR: Martha Foley (FOLEY_M) (WHO)

CREATION DATE/TIME: 8-MAY-1996 15:42:07.91

SUBJECT: Found an old voice mail from you on my machine from

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 8-MAY-1996 15:48:33.07

TEXT:

5/3. Can't remember why I called! Do we have any pending business? OBE (as they say at OMB -- overtaken by events)?

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

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

CREATION DATE/TIME: 8-MAY-1996 17:20:57.95

SUBJECT: RE: No-fault

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 8-MAY-1996 18:50:10.04

TEXT:

As I understand it, would convert the entire auto liability system into a first-party pay system, in which you would buy the level of coverage you want from your own insurer, who would pay even if YOU won the tort case????? The catch, apparently, is no compensation at all for pain and suffering. This sounds nutty, but it's probably because the description I read is wrong, or I just don't understand. In any event, if it is this crazy, there should be plenty of room to be in favor of no fault without being in favor of this bill.
Ellen

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

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

CREATION DATE/TIME: 9-MAY-1996 10:32:21.66

SUBJECT: WHITE HOUSE CRIME PROPOSAL

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 9-MAY-1996 10:59:29.97

TO: Peter Jacoby (JACOBY_P) (WHO)
READ: 9-MAY-1996 11:18:21.24

TO: Tracey E. Thornton (THORNTON_T) (WHO)
READ: 9-MAY-1996 10:37:32.91

TO: Bruce N. Reed (REED_B) (WHO)
READ: 9-MAY-1996 10:47:21.60

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ: 9-MAY-1996 13:03:38.43

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ: 9-MAY-1996 11:13:20.46

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ: 9-MAY-1996 23:02:53.94

TO: Elisabeth S. Topel (TOPEL_E) (OMB)
READ: NOT READ

TEXT:

The attached note pertains to LRM 4372 which you will receive shortly.

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

ATT CREATION TIME/DATE: 9-MAY-1996 09:35:00.00

ATT BODYPART TYPE: B

ATT CREATOR: Ronald E. Jones

ATT SUBJECT: WHITE HOUSE CRIME LEGISLATIVE PROPOSAL

ATT TO: James C. Murr (MURR_J)

ATT TO: James J. Jukes (JUKES_J)

ATT TO: Kenneth L. Schwartz (SCHWARTZ_K)

ATT TO: David J. Haun (HAUN_D)

ATT TO: Dennis Burke (BURKE_D)

ATT TO: John Carnevale (CARNEVALE_J)

ATT TO: Alan B. Rhinesmith (RHINESMITH_A)

ATT TO: Harry G. Meyers (MEYERS_H)

ATT TO: Mark J. Schwartz (SCHWARTZ_M)

ATT TO: Edward H. Chase (CHASE_E)

ATT TO: Julie Haas (HAAS_J)

TEXT:

DOJ tells me there will be a White House announcement on Monday of a crime initiative. The announcement will describe several legislative proposals, most of which have not been received for clearance yet. Justice would like to clearance of the concepts and provide language shortly.

According to Justice, the announced package will consist of:

- 4 legislative proposals that have already been cleared: the Enhanced Prosecution of Dangerous Juvenile Offenders Act; the Methamphetamine Abuse Strategy; Gun-Free School Zones Act; and the
- 2 Congressional bills: a Biden bill to change the classification of a particular drug and a draft Schumer bill to create drug and gun courts for juveniles; and
- 4-6 DOJ proposals that are still being developed.

I will circulate the two Congressional bills this morning and the DOJ proposals as soon as I receive them.

I also understand the intention is for the package to be transmitted shortly thereafter by the President.

We will need to clear them by mid-afternoon Friday.

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

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

CREATOR: James A. Brown (BROWN_JA) (OMB)

CREATION DATE/TIME: 9-MAY-1996 10:53:22.70

SUBJECT: Liability provision in Coast Guard Authorization bill

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 9-MAY-1996 11:07:46.42

TEXT:

Negotiations between House and Senate conferees on S. 1004, the Coast Guard Authorization Bill for FY 1996, have been stalled for several months over a liability provision included in the House version of the bill.

On March 27 the Department of Transportation sent a letter to conferees "strongly recommending" that the provision be deleted. Since then, there has been a lot of activity regarding liability limitation provisions in other legislation. The Department has asked us to provide (hopefully, this afternoon) a current reading on whether the provision would be tolerable, even though objectionable, in an enrolled Coast Guard authorization bill, or whether it is so objectionable that the President would feel required to veto the bill.

I will fax the provision to you separately, and will be grateful for any guidance you can provide. Thanks.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME: 9-MAY-1996 11:50:00.00

SUBJECT: Re: question

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

READ: 9-MAY-1996 15:00:24.39

TEXT:

Message Creation Date was at 9-MAY-1996 11:55:00

Not return his call.

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

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

CREATION DATE/TIME: 9-MAY-1996 14:48:52.27

SUBJECT: FYI

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 9-MAY-1996 15:01:41.44

TEXT:

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

ATT CREATION TIME/DATE: 9-MAY-1996 15:43:00.00

ATT BODYPART TYPE:E

ATT CREATOR: Timothy Westmoreland

ATT SUBJECT: Re: Good morning -Reply

ATT TO: KLEIN_J (KLEIN_J@A1@CD)

TEXT:

STOP. My friend tells me that health insurers do NOT individually underwrite people on the basis of smoking. Life insurers do, but not (he says) health insurers. (He also points out, ironically, that tobacco manufacturers own life insurance companies that have made this decision on an actuarial basis.)

But block that analogy. It sounded good, but is apparently not correct.

TMW

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

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

ATT CREATION TIME/DATE: 9-MAY-1996 14:43:00.00

ATT BODYPART TYPE:D

TEXT:

RFC-822-headers:

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

by PMDF.EOP.GOV (PMDV V5.0-4 #6879) id <01I4I7H36FWG00OH98@PMDV.EOP.GOV> for KLEIN_J@a1.eop.gov; Thu, 09 May 1996 14:40:49 -0400 (EDT)

Received: from WPGATE.LAW3.GEORGETOWN.EDU by STORM.EOP.GOV (PMDV V5.0-6 #6879) id <01I4I7H624JS004WG1@STORM.EOP.GOV> for KLEIN_J@a1.eop.gov; Thu, 09 May 1996 14:40:53 -0700 (MST)

Received: from LAW3.CAMPUS-Message_Server by WPGATE.LAW3.GEORGETOWN.EDU with Novell_GroupWise; Thu, 09 May 1996 14:39:21 -0500

X-Mailer: Novell GroupWise 4.1

Content-disposition: inline

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

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

CREATOR: James A. Brown (BROWN_JA) (OMB)

CREATION DATE/TIME: 9-MAY-1996 17:04:31.29

SUBJECT: Attempt at compromise was not successful

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 9-MAY-1996 17:23:37.42

TEXT:

1. DOT tells me that efforts to achieve the compromise I outlined to you over the phone have "fallen through." So the language I gave you this morning is still the operative provision.
 2. According to DOT, the problem with barring foreign seamen from U.S. courts relates more to our obligations under international law than employment opportunities for U.S. seamen. According to DOT, as a practical matter, foreign flag carriers hire few U.S. seamen anyway.
- Thanks for your help.

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

CREATOR: Elisabeth Blaug (BLAUG_E) (CEQ)

CREATION DATE/TIME:10-MAY-1996 13:51:57.32

SUBJECT: headwaters

TO: Dawn Chirwa (CHIRWA_D) (WHO)

READ:10-MAY-1996 13:52:34.18

TO: Elena Kagan (KAGAN_E) (WHO)

READ:10-MAY-1996 14:05:36.76

TEXT:

There will be a Headwaters strategy meeting in Katie's office on Monday at 3:30 p.m., with J. Garamendi, Lois Schiffer (a/o Peter Copleman), Jack Williams (FDIC Dep. GC), and Ag (not sure who, yet, since Rich Rominger is out of town)--as I discussed with Dawn, it's to figure out our next step in light of the fact that Hurwitz has filed a takings claim against us (Fish and Wildlife Service). Hope to see you there.

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:10-MAY-1996 14:07:36.20

SUBJECT: Timber Working Group Meeting Notice and Agenda

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

READ:10-MAY-1996 14:50:43.94

TO: FAX (9-720-4732, Jim Lyons) (TLXA1MAIL_\F:9-720-4732\C: Jim Lyons\\)

READ:NOT READ

TO: FAX (9-482-6318, Doug Hall) (TLXA1MAIL_\F:9-482-6318\C: Doug Hall\\)

READ:NOT READ

TO: Kathleen A. McGinty (MCGINTY_K) (CEQ)

READ:10-MAY-1996 15:49:25.66

TO: Ron Cogswell (COGSWELL_R) (OMB)

READ:10-MAY-1996 14:17:39.49

TO: Mark A. Weatherly (WEATHERLY_M) (OMB)

READ:10-MAY-1996 14:18:18.47

TO: Christine L. Nolin (NOLIN_CL) (OMB)

READ:10-MAY-1996 14:05:36.75

TO: Elena Kagan (KAGAN_E) (WHO)

READ:10-MAY-1996 14:06:49.96

TO: Martha Foley (FOLEY_M) (WHO)

READ:10-MAY-1996 14:09:28.29

TO: Kris Balderston (BALDERSTON_K) (WHO)

READ:13-MAY-1996 11:26:31.60

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

READ:10-MAY-1996 14:39:52.84

TO: Remote Addressee (TLXA1MAIL_\F:97205437\C:Anne Kennedy\\)

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

READ:NOT READ

TO: Ruth D. Saunders (SAUNDERS_R) (OMB)
READ:12-MAY-1996 21:33:22.63

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

TO: FAX (9-208-6916,Gerry Jackson) (TLXA1MAIL_\F:9-208-6916\C:Gerry Jackson\\)
READ:NOT READ

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:10-MAY-1996 13:34:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Dinah Bear

ATT SUBJECT: Meeting Reminder and Agenda

ATT TO: Distribution List (TIMBERBEAR:)

TEXT:

The EOP/Agency forest working group will meet this coming Tuesday afternoon, May 14, 1996, at 2:00 p.m. in the CEQ conference room (722 Jackson Place).

The agenda will include the following:

1. Recent events update
 - a. Forest health
 - b. Land transfers
2. From the courts . . .
 - a. Report on "known to be nesting" arguments
 - b. Other developments
3. Taking a "hard look" at the salvage side of the salvage rider: how are agencies assessing the implementation and effects of

salvage sale program under the rider?

4. Alternative timber sales
 - a. Administrative appeals process for alternative timber sales
 - b. Status of guidance

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

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:13-MAY-1996 11:33:00.00

SUBJECT: Re: legal times

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

READ:13-MAY-1996 12:07:45.31

TEXT:

Message Creation Date was at 13-MAY-1996 11:38:00

No, I don't get it.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:13-MAY-1996 12:12:00.00

SUBJECT: Re: legal times

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

READ:13-MAY-1996 12:16:24.93

TEXT:

Message Creation Date was at 13-MAY-1996 12:17:00

Hmmm...This obviously came out of DoJ, probably out of OLC itself.

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

CREATOR: Todd Stern (STERN_T) (WHO)

CREATION DATE/TIME:13-MAY-1996 12:38:52.18

SUBJECT: partial birth letter

TO: Jennifer Palmieri (PALMIERI_J) (WHO)
READ:13-MAY-1996 13:11:56.41

TO: Elena Kagan (KAGAN_E) (WHO)
READ:13-MAY-1996 12:43:18.04

TO: Victoria L. Radd (RADD_V) (WHO)
READ:13-MAY-1996 13:21:33.71

TO: Betsy Myers (MYERS_B) (WHO)
READ:13-MAY-1996 13:41:59.67

TO: Marilyn Yager (YAGER_M) (WHO)
READ:13-MAY-1996 13:51:53.06

TEXT:

I'm planning to send the Episcopal letter up to the President together with a signature copy of his responsive letter. At around 1:30 pm. Please holler if you have any problem with this.
todd

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:13-MAY-1996 20:01:35.35

SUBJECT: RE: TIMBER

TO: Elena Kagan (KAGAN_E) (WHO)

READ:14-MAY-1996 09:17:24.30

TEXT:

In response to your e-mail (a welcome break from my forray into the wonderful world of utiliy regulation):

1. Yes, so far JWT's response is our only response. The Lyons letter starting generating lots of comments about it being too wordy, etc., and I have the sense that someone made a decision not to do a follow-up substantive response. But that makes no sense, so hopefully I'm wrong. I need to follow up on this, or better yet, ask OMB to do so. I'll e-mail Ruth Saunders.

2. First and Last - yes, we traded. Somewhat better, not perfect. About to do the same thing on Abes Wren, and I suspect, any remaining units of Boulder Krab and Elk Fork. Those sales were treated as kind of a separate bundle of emergency situations for which alternative timber needed to be identified asap. Rest of the sales are awaiting final guidance yet to be issued from the FS.

3. What's going on with salvage? Come to tommorrow's meeting (if you can - or if not, I'll get back to you). You will note that the agenda message mechanism got switched to my machine and I got it out on Friday (I'm very, very proud of this - hey, gotta have something!). I did that in large part to give a heads-up to the agencies that we were going to have a serious talk about salvage (they'd had an early warning the week before).

4. Looking forward to the next version of our favorite brief.

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

CREATOR: John O. Sutton (SUTTON_J) (WHO)

CREATION DATE/TIME:14-MAY-1996 09:19:53.63

SUBJECT: Meeting with Harold

TO: Elena Kagan (KAGAN_E) (WHO)

READ:14-MAY-1996 09:30:27.43

TEXT:

Harold gave me your note to him. He is really jammed up the next couple of days but could you meet Friday at 9:30 am?

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

CREATOR: John O. Sutton (SUTTON_J) (WHO)

CREATION DATE/TIME:14-MAY-1996 09:31:08.14

SUBJECT: RE: Meeting with Harold

TO: Elena Kagan (KAGAN_E) (WHO)

READ:14-MAY-1996 09:31:35.96

TEXT:

No problem - sorry it can't be until Friday.

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:14-MAY-1996 09:46:54.06

SUBJECT: re Craig letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:14-MAY-1996 09:54:37.04

TEXT:

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

ATT CREATION TIME/DATE:14-MAY-1996 09:22:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Ruth D. Saunders

ATT SUBJECT: RE: response to Senator Craig

ATT TO: Dinah Bear (BEAR_D)

TEXT:

Apparently Jim Lyons sent a follow-up memo to the Chief asking them to reevaluate the issue and draft a new response. Needless to say, I think they got the message that whatever they intend to send will need clearance! No timing was mentioned. I'll let you know if I see anything.

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

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

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

CREATION DATE/TIME:14-MAY-1996 19:21:52.65

SUBJECT: RE: welfare

TO: Elena Kagan (KAGAN_E) (WHO)

READ:15-MAY-1996 08:37:46.77

TEXT:

OK -- but two weeks has got to be real. I feel like it's been weeks since we were brought on to press them for results.

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

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

CREATION DATE/TIME:14-MAY-1996 19:00:36.09

SUBJECT: APB re: Minimum Wage

TO: Dawn Chirwa (CHIRWA_D) (WHO)
READ:14-MAY-1996 19:41:19.55

TO: Peter Erichsen (ERICHSEN_P) (WHO)
READ:15-MAY-1996 16:57:03.33

TO: David Fein (FEIN_D) (WHO)
READ:14-MAY-1996 19:13:32.96

TO: James "David" Fielder (FIELDER_J) (WHO)
READ:15-MAY-1996 09:11:31.96

TO: Elena Kagan (KAGAN_E) (WHO)
READ:14-MAY-1996 19:02:43.16

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:15-MAY-1996 11:54:08.21

TO: Cheryl D. Mills (MILLS_C) (WHO)
READ:14-MAY-1996 20:12:12.39

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)
READ:14-MAY-1996 19:08:55.32

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)
READ:15-MAY-1996 10:03:01.90

TO: Sally Paxton (PAXTON_S) (WHO)
READ:15-MAY-1996 12:06:20.52

TO: Jack M. Quinn (QUINN_J) (WHO)
READ: 6-JUN-1996 16:05:38.88

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)
READ:14-MAY-1996 19:08:00.90

TO: Jane C. Sherburne (SHERBURNE_J) (WHO)
READ:15-MAY-1996 11:48:57.99

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:14-MAY-1996 19:09:04.91

TO: Rob S. Wexler (WEXLER_R) (WHO)
READ:NOT READ

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ:14-MAY-1996 19:01:09.07

TO: Wendy S. White (WHITE_WS) (WHO)
READ:NOT READ

TO: Jon Yarowsky (YAROWSKY_J) (WHO)

READ:14-MAY-1996 19:05:51.35

CC: Erin Kelly

(KELLY_E) (WHO)

READ:14-MAY-1996 19:03:19.28

TEXT:

APB:

Kathy Wallman would like to know if anyone is interested
and available to work on a minimum wage issue.
Thank you.

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

CREATOR: Melissa Y. Cook (COOK_MY) (OMB)

CREATION DATE/TIME:15-MAY-1996 11:12:06.61

SUBJECT: HEADS UP -- Justice Letter on S 1018

TO: Rosalyn J. Rettman (RETTMAN_R) (OMB)

READ:15-MAY-1996 13:41:38.18

TO: Elena Kagan (KAGAN_E) (WHO)

READ:15-MAY-1996 13:26:01.21

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

READ:15-MAY-1996 11:41:41.61

TEXT:

I just wanted to alert you that we just faxed to you a Justice letter on S 1018, Private Relief for Clarence Stewart (LRM #4447), and the turnaround time on this letter is very short (the deadline is 3:30pm TODAY, May 15th). In its letter, Justice discusses its constitutional concerns about S 1018.

The S. Governmental Affairs Committee plans to mark S 1018 up TOMORROW, May 16th. Consequently OMB needs to clear this letter ASAP TODAY.

Therefore, please provide me your comments on this letter no later than 3:30pm TODAY (preferably sooner if possible). Your prompt attention to Justice's letter is greatly appreciated.

Thanks.

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

CREATOR: James A. Brown (BROWN_JA) (OMB)

CREATION DATE/TIME:15-MAY-1996 16:02:31.25

SUBJECT: Coast Guard Authorization Liability Issue

TO: Elena Kagan (KAGAN_E) (WHO)

READ:15-MAY-1996 16:40:33.06

TEXT:

I wanted to check in with you to see whether you had been successful in obtaining guidance on whether the President would feel compelled to veto this bill if it contained the liability provision I shared with you last week.

Thanks.

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

CREATOR: James S. Rubin (RUBIN_J) (WHO)

CREATION DATE/TIME:15-MAY-1996 16:24:31.14

SUBJECT: update on campaign finance

TO: Peter Jacoby (JACOBY_P) (WHO)
READ:16-MAY-1996 09:26:21.31

TO: Michael Waldman (WALDMAN_M) (WHO)
READ:15-MAY-1996 18:07:09.20

TO: William Curry (CURRY_W) (WHO)
READ:15-MAY-1996 16:25:07.55

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:16-MAY-1996 14:06:11.10

TO: Elena Kagan (KAGAN_E) (WHO)
READ:15-MAY-1996 16:49:44.25

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:15-MAY-1996 17:29:48.08

TO: Lisa Jordan Tamagni (TAMAGNI_L) (WHO)
READ:15-MAY-1996 16:24:49.09

TEXT:

This morning's Senate hearing on free television apparently was uneventful. Feingold expects to introduce the bill no later than next week, holding to his May introduction pledge. Dole's retirement may mean that McCain will play a more active role, without fear of putting Dole in an untenable position. One interesting piece of news: McConnell put in the FY97 Budget Committee Report some language that would effectively change the public financing system from "checkoff" to "voluntary." It's non-binding, but is nonetheless a bad precedent.

Jamie