NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 010 - FOLDER 008

[5/14/1996 - 6/5/1996]

Withdrawal/Redaction Sheet
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Cheryl Mills re: Lunch 17:39:51.49 (1 page)	05/14/1996	Personal Misfile
002. email	Elena Kagan to Cheryl Mills re: Lunch 16:28:50.11 (1 page)	05/14/1996	Personal Misfile
003. email	Elena Kagan to Elena Kagan re: Appt. request - Lessig, Larry [partial] (1 page)	05/22/1996	P6/b(6)
004. email	Elena Kagan to Jack Quinn and Cheryl Sweitzer. Subject: jones brief et al. (1 page)	05/22/1996	P5
005. email	Elena Kagan to Todd Stern re: letters (1 page)	05/28/1996	P6/b(6)
006. email	Elena Kagan to Elena Kagan re: Appt. request - Behan, Catharine [partial] (1 page)	05/29/1996	P6/b(6)
007. email	Elena Kagan to Todd Stern re: letters (1 page)	05/30/1996	P6/b(6)
008. email	Elena Kagan to Elena Kagan re: Appt. request - Ramo, Roberta [partial] (1 page)	06/03/1996	P6/b(6)
009. email	Elena Kagan to Elena Kagan re: Eggemeier, Tom and others 18:38:41.69 [partial] (1 page)	06/04/1996	P6/b(6)
010. email	Elena Kagan to Elena Kagan re: Eggemeier, Tom and others 18:40:35.37 [partial] (1 page)	06/04/1996	P6/b(6)
011. email	Elena Kagan to Kathleen Wallman and Stephen Neuwirth re: Contacts Problem (1 page)	06/05/1996	P5

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

FOLDER TITLE:
[05/14/1996 - 06/05/1996]

2009-1006-F
ds289

RESTRICTION CODES

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

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

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

Withdrawal/Redaction Marker
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001. email	Elena Kagan to Cheryl Mills re: Lunch 17:39:51.49 (1 page)	05/14/1996	Personal Misfile

COLLECTION:

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WHO ([From Elena Kagan])
OA/Box Number: 500000

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:14-MAY-1996 09:29:55.16

SUBJECT: RE: Meeting with Harold

TO: John O. Sutton (SUTTON_J) (WHO)
READ:14-MAY-1996 09:30:47.21

TEXT:
Yes, that would be great. Many thanks.

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Cheryl Mills re: Lunch 16:28:50.11 (1 page)	05/14/1996	Personal Misfile

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

FOLDER TITLE:
[05/14/1996 - 06/05/1996]

2009-1006-F
ds289

RESTRICTION CODES

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:14-MAY-1996 19:02:40.03

SUBJECT: RE: APB re: Minimum Wage

TO: Odetta S. Walker (WALKER_O) (WHO)
READ:14-MAY-1996 19:06:40.52

TEXT:
If I don't have to do amy work tomorrow, yes; if i do, no.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:14-MAY-1996 19:15:12.52

SUBJECT: welfare

TO: Bruce N. Reed (REED_B) (WHO)
READ:15-MAY-1996 13:22:23.18

CC: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:14-MAY-1996 19:20:59.64

TEXT:
Anna Durand, one of the deputy counsels at HHS, called me to say that HHS should be done with its work on establishing paternity within two weeks. I said I'd check to see whether that was OK from this end. She wasn't sure about the timetable on work requirements. She said that Bane thought that was a lower priority. I told her that both were high priority and that, at a minimum, they should get the work requirements done within two weeks too.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:14-MAY-1996 09:28:46.09

SUBJECT: timber

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:14-MAY-1996 09:44:45.80

TEXT:
A couple of notes following up on our timber conversation:
1. We did provide alternative timber to the purchasers of the First and Last sales -- not perfect (maybe not even good), but better. We are about to do the same thing on a sale called Abes Wren, and then (probably) on the remaining units of Boulder Krab and Elk Fork. These sales were considered the absolute worst, and the Forest Service has identified alternative timber for them.
The Forest Service has not identified alternative timber for other sales; as we discussed, everyone is awaiting this guidance.
2. On the Forest Service's liability letter, Jack Ward Thomas sent a very short note disclaiming the letter to Craig. Lyons wrote a longer response, but people (I'm not sure who) were dubious as to whether it struck the right tone. As a result, the Lyons letter did not go to the Hill. Dinah, for one, still thinks a longer letter, explaining our position, is necessary. I'll send you the Thomas and Lyons letters in case you don't have them.
3. On salvage: it is the main item on the agenda of today's 2:00 meeting. If you're not there, I'll send you a message when I get back.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:14-MAY-1996 13:56:13.81

SUBJECT: conflicts waiver

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ:14-MAY-1996 14:02:28.90

TEXT:
The event is a luncheon for Washington-area alumni sponsored by the University of Chicago Law School. The date is May 16. The topic is: "Lawyering for the President." Attendees pay $30, all of which goes to cover the costs of the lunch. Do you need anything else? Again, thanks much.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:15-MAY-1996 16:40:19.87

SUBJECT: RE: Coast Guard Authorization Liability Issue

TO: James A. Brown (BROWN_JA) (OMB)
READ:15-MAY-1996 16:40:43.41

TEXT:
not yet. sorry. i'm working on it.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:15-MAY-1996 15:51:33.74

SUBJECT: RE: welfare

TO: Bruce N. Reed (REED_B) (WHO)
READ:15-MAY-1996 17:20:39.01

CC: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:15-MAY-1996 17:18:42.99

TEXT:
I passed on your messsage to Anna Durand, who said she thought the program people just wouldn't be ready by the dates you wanted. She said she would ask Bane to call you. I reiterated the urgency here and reminded her how long they'd been holding this. It strikes me from what Durand has said that this is not a lawyers' bottleneck; it's a problem with the program people.

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

CREATOR: KAGAN_E (WHO)

CREATION DATE/TIME:15-MAY-1996 13:25:00.00

SUBJECT: Receipt Notification

TO: COOK_MY (OMB)
READ:15-MAY-1996 13:28:46.49

TEXT:
This is a Read Receipt Notification for:

Message Title:	HEADS UP -- Justice Letter on S 1018
Addressee:	KAGAN_E
Date Sent:	15-May-1996 11:12am
Date Read:	15-May-1996 01:25pm

ARMS Email System

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:15-MAY-1996 14:06:57.07

SUBJECT: defend america act

TO: Allan J. Kreczko (KRECZKO_A) (NSC)
READ:NOT READ

TEXT:
What were you folks thinking of doing with respect to the OLC comments on the SAP concerning the Defend America Act? I got copied on the OLC comments. Can I just leave this issue to you?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:15-MAY-1996 08:37:44.76

SUBJECT: RE: welfare

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:15-MAY-1996 11:15:23.35

TEXT:
it has been.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:16-MAY-1996 15:10:00.72

SUBJECT: query

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:16-MAY-1996 17:00:13.59

TEXT:
so how do you lose a parking permit?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:16-MAY-1996 15:11:03.21

SUBJECT: your responsibility

TO: Cheryl D. Mills (MILLS_C) (WHO)
READ:16-MAY-1996 15:18:51.76

TEXT:
it's on your head if Bruce doesn't find my e-mail funny.

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

CREATOR: KAGAN_E (WHO)

CREATION DATE/TIME:16-MAY-1996 17:42:00.00

SUBJECT: Receipt Notification

TO: COOK_MY (OMB)
READ:16-MAY-1996 17:44:57.36

TEXT:
This is a Read Receipt Notification for:

Message Title:	LRM #4461: SAP on HR 1483, Clear & Unmistakable Error
Addressee:	KAGAN_E
Date Sent:	16-May-1996 03:37pm
Date Read:	16-May-1996 05:42pm

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:16-MAY-1996 09:34:57.07

SUBJECT: lunch with merrick

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

TEXT:
I thought I had an excellent lunch with Merrick yesterday. I'd like to tell you about it and also to ask for your views on what to say to Harold tomorrow. Can we talk sometime this afternoon?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:16-MAY-1996 18:12:23.04

SUBJECT: fyi

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:16-MAY-1996 19:25:08.43

TEXT:
The comp time issue that marvin asked us to help with has gone away for now. He knows i've been assigned the issue, and he'll let me know if it pops up again.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:17-MAY-1996 11:50:52.76

SUBJECT: RE: prod liability

TO: Jeff P. Dailey (DAILEY_J) (WHO)
READ:17-MAY-1996 12:55:50.33

TEXT:
why don't we just use the same letter?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:17-MAY-1996 15:30:30.06

SUBJECT: matters

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:17-MAY-1996 15:37:27.42

TEXT:
1. I just rsvp'ed on this lawyers for civil justice meeting (you're right, it's all about products); but as I was doing so, it occurred to me that perhaps Bruce should be asked if he wants to do it??
2. Ed Knight is out today, but I talked to Neil Wolin, the deputy counsel at Treasury. He said he'd talk to Ed and they'd try to pull together some ideas for discussion at a meeting next week. He'll call me back Monday to make more definite arrangements.
3. Have we heard from the welfare crowd? I take it the President is taping the message at this very moment.

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

CREATOR: KAGAN_E (WHO)

CREATION DATE/TIME:17-MAY-1996 13:34:00.00

SUBJECT: Receipt Notification

TO: JONES_RE (OMB)
READ:17-MAY-1996 14:37:24.09

TEXT:
This is a Read Receipt Notification for:

Message Title:	LRM #:4479 Proposed Statement of Administration Policy RE:
Addressee:	KAGAN_E
Date Sent:	17-May-1996 12:56pm
Date Read:	17-May-1996 01:34pm

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:17-MAY-1996 11:39:04.05

SUBJECT: RE: prod liability

TO: Jeff P. Dailey (DAILEY_J) (WHO)
READ:17-MAY-1996 11:44:58.33

TEXT:
I'm missing something. Didn't we agree on a more detailed letter?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:20-MAY-1996 19:19:56.94

SUBJECT: bmw case

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:21-MAY-1996 17:12:07.06

TEXT:
As we discussed, the S Ct held that a $2 million punitive award (for BMW's failure to disclose that it had repainted a car) was "grossly excessive" and therefore exceeded the constitutional limit. The guideposts for determining when a punitive award is grossly excessive are: (1) the egregiousness of the defendant's conduct; (2) the ratio between compensatory and punitive damages; and (3) the difference between the punitive award and the civil or criminal sanctions that could be imposed for comparable misconduct.
This holding makes clear that there are some limits on punitive awards. Our spin is that this is a vindication of the President's veto because it shows that courts are capable of handling this problem: no legislation is needed. The opposite spin is that this case shows how out-of-control and in-need-of-reform the system is.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:20-MAY-1996 10:52:23.23

SUBJECT: products letter

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:20-MAY-1996 16:09:06.60

TEXT:
Bruce: I'm forwarding to you a message from the correspondence office, along with the letter that office proposes to send to people who have written in support of the President's veto of the products bill. I said that I thought we should send the same letter to people who support the veto as we are sending to people who oppose it. The correspondence office, however, thinks that the letter being sent to opponents is too detailed to send to supporters; the office thus proposes this shorter letter, which it views as "more responsive." Do you have a view?
========== ATTACHMENT 1 ==========
ATT CREATION TIME/DATE:17-MAY-1996 10:08:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Jeff P. Dailey

ATT SUBJECT: prod liability

ATT TO: Elena Kagan (KAGAN_E)

TEXT:
Elena--
Will you please let me know if this response is sufficient for those who supported the President's veto of the product liability legislation?
thanks,
Jeff
Thank you for your letter regarding the Product Liability 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 that it failed to provide adequate protection to the interests of consumers, in addition to the interests of manufacturers and sellers. Congress could have passed limited, but balanced product liability reform. If Congress had done so, I gladly would have signed the legislation. As I continue working with Congress to achieve this end, I appreciate knowing your thoughts.
###
========== END ATTACHMENT 1 ==========

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:20-MAY-1996 17:20:32.11

SUBJECT: guess

TO: Todd Stern (STERN_T) (WHO)
READ:20-MAY-1996 17:21:01.67

TEXT:
in your note to Jack, tell him I asked you to send the letters to him before giving them to the President.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:20-MAY-1996 17:31:38.46

SUBJECT: RE: Following up on my voicemail,

TO: James J. Jukes (JUKES_J) (OMB)
READ:20-MAY-1996 17:31:47.50

TEXT:
Thanks. I'm trying to get in touch with Bruce to check with him.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:21-MAY-1996 12:27:49.81

SUBJECT: e-mail

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)
READ:21-MAY-1996 13:26:14.70

TEXT:
I just sent Bruce another message on the same subject. He should read them both. Many thanks.

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

CREATOR: KAGAN_E (WHO)

CREATION DATE/TIME:21-MAY-1996 16:36:00.00

SUBJECT: Receipt Notification

TO: SEIDMAN_E (OPD)
READ:21-MAY-1996 19:04:49.87

TEXT:
This is a Read Receipt Notification for:

Message Title:	More on BMW
Addressee:	KAGAN_E
Date Sent:	21-May-1996 02:00pm
Date Read:	21-May-1996 04:36pm

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:21-MAY-1996 10:23:23.92

SUBJECT: SAP

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:21-MAY-1996 13:07:26.36

TEXT:
OMB just called me about the Administration's proposed SAP on the Small Business Job Protection Act. The SAP supports passage of this bill, which (in OMB's words) contains provisions "to strengthen small businesses, simplify pension laws, and improve incentives for education and work opportunities." The SAP indicates, however, that the Administration will seek amendments to delete two provisions -- a repeal of a tax credit that encourages economic activity in Puerto Rico and a repeal of an Administration initiative that reduces tax incentives for US companies to move operations abroad.
One question OMB raises is whether we also want to object to a provision of the bill that imposes income tax on most punitive damage awards. (There is an exception for punitives in wrongful death actions in any state that limits damages in such actions to punitives.) Treasury likes the provision. At least on first blush, I do too. Given that punitive damage awards are essentially a windfall to the plaintiff, necessary to ensure the public good, there is no reason to exclude the normal portion of such monies from going to the public.
A second question relates to a provision that would subject to income tax compensatory damages that are not "received on account of a personal physical injury or physical sickness." I take it that the current exclusion from income tax has been interpreted by some courts to apply in, for example, certain employment discrimination or defamation cases, even though the current exclusion also refers to personal injury or sickness. This provision is supposed to prevent such a broad interpretation. The committee report on the provision notes that damages for emotional distress are excludable from gross income if the distress arises from physical injury or, if it does not, to the extent the distress has led to medical expenses. I think this change is problematic: it clearly assumes that some kind of compensatory damages are more "real" than others (though the current statutory language seems to do so as well). What do you think; is this worth objecting to?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:21-MAY-1996 12:26:29.72

SUBJECT: sap continued

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:21-MAY-1996 13:07:47.09

TEXT:
I just got hold of the relevant statutory language. On taxation of compensatory damages: Whereas the current provision excludes from gross income damages received "on account of personal injury or sickness," the proposed provision would exclude damages received on account of "personal physical injuries or physical sickness."

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

CREATOR: KAGAN_E (WHO)

CREATION DATE/TIME:21-MAY-1996 12:20:00.00

SUBJECT: Receipt Notification

TO: WEINSTEIN_P (OPD)
READ:21-MAY-1996 16:19:44.03

TEXT:
This is a Read Receipt Notification for:

Message Title:	NTIA Letter
Addressee:	KAGAN_E
Date Sent:	21-May-1996 12:08pm
Date Read:	21-May-1996 12:20pm

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:21-MAY-1996 12:32:14.91

SUBJECT: RE: Any news on tax bill?

TO: James J. Jukes (JUKES_J) (OMB)
READ:21-MAY-1996 12:34:00.32

TEXT:
no, i'm sorry. bruece hasn't been in this morning. he's due back any second.
when does this absolutely have to go up?

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

CREATOR: KAGAN_E (WHO)

CREATION DATE/TIME:22-MAY-1996 15:35:00.00

SUBJECT: Receipt Notification

TO: BRIATICO_A (OMB)
READ:22-MAY-1996 15:45:35.04

TEXT:
This is a Read Receipt Notification for:

Message Title:	Reminder - Comments due on LRM 4436 (USDA draft bill)
Addressee:	KAGAN_E
Date Sent:	22-May-1996 03:20pm
Date Read:	22-May-1996 03:35pm

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

CREATOR: KAGAN_E (WHO)

CREATION DATE/TIME:22-MAY-1996 10:01:00.00

SUBJECT: Receipt Notification

TO: BRIATICO_A (OMB)
READ:22-MAY-1996 10:03:09.65

TEXT:
This is a Read Receipt Notification for:

Message Title:	Reminder - Comments due on LRM 4445 (USDA Draft Bill)
Addressee:	KAGAN_E
Date Sent:	22-May-1996 09:55am
Date Read:	22-May-1996 10:01am

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Elena Kagan to Elena Kagan re: Appt. request - Lessig, Larry [partial] (1 page)	05/22/1996	P6/b(6)

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

FOLDER TITLE:
[05/14/1996 - 06/05/1996]

2009-1006-F
ds289

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]
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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 (WAVES REQUEST)

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:22-MAY-1996 15:10:45.53

SUBJECT: Appt. request - lessig, larry

TO: Elena Kagan (KAGAN_E) (WHO)
READ:NOT READ

TEXT:

Date	Appointment with
22-May-1996	KAGAN, ELENA

Room No.	Bldg.	Requested by	Phone #
125	EOB	Elena Kagan	456-7594

Comments:

TIME	VISITOR'S LAST,	FIRST NAME	BIRTHDATE	SOC. SEC. #
08:00pm	lessig	larry	P6/(b)(6)	- -

[003]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Elena Kagan to Jack Quinn and Cheryl Sweitzer. Subject: jones brief et al. (1 page)	05/22/1996	P5

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

FOLDER TITLE:
[05/14/1996 - 06/05/1996]

2009-1006-F
ds289

RESTRICTION CODES

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

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:23-MAY-1996 14:11:40.20

SUBJECT: RE: Victor Schwartz

TO: Cheryl L Sweitzer (SWEITZER_C) (WHO)
READ:23-MAY-1996 16:31:54.50

TEXT:
AOK.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:23-MAY-1996 09:40:35.04

SUBJECT: letters

TO: Todd Stern (STERN_T) (WHO)
READ:23-MAY-1996 09:44:09.94

TEXT:
Jennifer said sending the letters to Harold couldn't hurt. Could you do that?
Thanks.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:24-MAY-1996 13:29:34.52

SUBJECT: RE: birds

TO: Dinah Bear (BEAR_D) (CEQ)
READ:24-MAY-1996 14:09:02.21

TEXT:
you too. this is a very funny message.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:27-MAY-1996 11:23:28.97

SUBJECT: battered women

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ:28-MAY-1996 08:57:09.96

TEXT:
I'm forwarding Vicki's response to my email asking about the proposed event on battered women.
==========ATTACHMENT 1 ==========
ATT CREATION TIME/DATE:27-MAY-1996 11:19:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Victoria L. Radd

ATT SUBJECT: RE: battered women event

ATT TO: Elena Kagan (KAGAN_E)

TEXT:
No -- in the absence of dramatic joint announcement, other issues have taken priority. It is still considered a good possibility, just not as strong as other actions for June.
V.
========== END ATTACHMENT 1 ==========

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:27-MAY-1996 11:17:29.80

SUBJECT: battered women event

TO: Victoria L. Radd (RADD_V) (WHO)
READ:27-MAY-1996 11:20:13.29

TEXT:
Did anything ever happen to the idea of doing some kind of battered women event?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:28-MAY-1996 08:00:50.74

SUBJECT: abortion letters

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:28-MAY-1996 10:59:33.04

TEXT:
In the short letter, can we change "If they do" (in the last sentence) to "If Congress does so"? Thanks.

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Elena Kagan to Todd Stern re: letters (1 page)	05/28/1996	P6/b(6)

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

FOLDER TITLE:
[05/14/1996 - 06/05/1996]

2009-1006-F
ds289

RESTRICTION CODES

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

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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.

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

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Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. email	Elena Kagan to Elena Kagan re: Appt. request - Behan, Catharine [partial] (1 page)	05/29/1996	P6/b(6)

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

FOLDER TITLE:
[05/14/1996 - 06/05/1996]

2009-1006-F
ds289

RESTRICTION CODES

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RECORD TYPE: PRESIDENTIAL (WAVES REQUEST)

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:29-MAY-1996 11:28:52.21

SUBJECT: Appt. request - behan, catharine

TO: Elena Kagan (KAGAN_E) (WHO)
READ:NOT READ

TEXT:

Date	Appointment with
31-May-1996	KAGAN, ELENA

Room No.	Bldg.	Requested by	Phone #
125	EOB	Elena Kagan	456-7594

Comments:

TIME	VISITOR'S LAST,	FIRST NAME	BIRTHDATE	SOC. SEC. #
04:15pm	behan	catharine	P6/b(6)	- -

[000]

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:30-MAY-1996 13:38:48.53

SUBJECT: RE: letter to senators

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:30-MAY-1996 15:22:35.53

TEXT:
great, thanks.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:30-MAY-1996 11:55:23.07

SUBJECT: welfare eo's

TO: Bruce N. Reed (REED_B) (WHO)
READ:30-MAY-1996 15:15:40.20

TEXT:
I just tried to give Anna Durand a call, but was told she's on leave until Monday. Do we have any further word on where HHS is on the two kinds of executive action we proposed?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:30-MAY-1996 10:23:47.09

SUBJECT: campaign finance

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:30-MAY-1996 11:26:28.41

TEXT:
On the legislative front, the basic situation is laid out in Jamie Rubin's email of a few days ago. In the Senate, McCai-Feingold (MF) has been filed as a amendment to the DOD authorization bill, which is coming to the floor late next week. In the House, the Republicans will bring their bill up the week of July 8th; it is likely to contain provisions that will be difficult for us to swallow (most notably, a codification of Beck and a requirement of in-DISTRICT (not in-state) financing). The Democrats will have an opportunity to offer their bill. It is unclear whether the bipartisan bill will get a shot.
There was general agreement at the meeting that the way for the President to position himself is to stick to MF. He should take the view that this is the real reform bill -- indeed, the only real reform bill. Waldman was concerned that Hilley isn't entirely on board this approach; Waldman fears that Hilley wants the President to be for reform generally, rather than MF. Jacoby said he didn't think this was a problem. Jacoby noted that his nightmare scenario was that Congress would pass the House Republican version of reform and present it to the White House. Jacoby thinks it is important, given this possibility, for the President to be for a specific alternative bill, rather than just for campaign finance reform of whatever flavor.
Paul Weinstein is supposed to draft a letter to the Senate stating the President's position on MF. Jacoby is supposed to get Hilley involved in doing a scheduling proposal for an event to coincide with Senate consideration of the bill.
On the free TV show, a draft letter from Larry Irving to the FCC is being circulated. (I take it this is how Harold thought we should convey our comments, rather than in a letter from the President.) Let's talk when we've both read it.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:30-MAY-1996 13:03:22.61

SUBJECT: letter to senators

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:30-MAY-1996 13:21:10.25

TEXT:
Do you know if Jack is going to have edits on this letter to the Senators? Or should I just plug yours in and give it back to him?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:30-MAY-1996 10:24:40.92

SUBJECT: RE: vr's note

TO: Todd Stern (STERN_T) (WHO)
READ:30-MAY-1996 10:26:18.86

TEXT:
unbelievable.

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Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. email	Elena Kagan to Todd Stern re: letters (1 page)	05/30/1996	P6/b(6)

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

FOLDER TITLE:
[05/14/1996 - 06/05/1996]

2009-1006-F
ds289

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:30-MAY-1996 12:16:14.71

SUBJECT: tanker case

TO: Martha Foley (FOLEY_M) (WHO)
READ:30-MAY-1996 12:23:26.41

TEXT:
I just wanted to let you know that I'm still waiting for information from DOJ on the tanker case that you left me a voice-mail about. I'll get back to you as soon as I know something useful.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:30-MAY-1996 13:17:30.43

SUBJECT: tanker case

TO: Martha Foley (FOLEY_M) (WHO)
READ:30-MAY-1996 13:18:21.99

CC: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:30-MAY-1996 13:22:51.05

TEXT:
Here's the story, as reported to me by Jim Simon, a deputy in the environmental division:
A trade association for oil tankers has brought suit challenging certain safety regulations of Washington State; the complaint claims that federal law preempts these regulations. The suit is now at the trial court level in Washington State (Simon didn't know whether in federal or state court). There's a rumor floating around the environmental community that the Coast Guard wants to participate as an amicus on the side of the tankers. (NRDC, which is intervening on the side of the State, called Simon about this a couple of days ago.) So far, however, the Coast Guard has not communicated this wish to the Department of Justice, which the Coast Guard is obliged to do before taking any position in pending litigation. To ensure that the Coast Guard does nothing without DOJ's approval, Simon is going to call Nancy McFadden, the Counsel for the Department of the Transportation. I will do the same just to make sure. Meanwhile, Simon suggested to the NRDC that it submit a formal request to DOJ to enter the case on the side not of the tankers, but of the State. Such a request would trigger DOJ's formal process for deciding whether to file an amicus brief and, if so, on which side of the case.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:30-MAY-1996 10:43:52.35

SUBJECT: rehearing motion

TO: Dinah Bear (BEAR_D) (CEQ)
READ:30-MAY-1996 12:44:08.20

TEXT:
Have we reached a White House/CEQ decision on filing a motion for rehearing in the areas v. sales case? Do we have to bring Martha and Jennifer back in on this? Does Katie have a view yet and if so should that be passed on to them? Let me know how you want to proceed.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:31-MAY-1996 10:51:57.08

SUBJECT: messages

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ:31-MAY-1996 10:54:23.37

TEXT:

========== ATTACHMENT 1 ==========
ATT CREATION TIME/DATE:30-MAY-1996 16:54:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Kathleen M. Wallman

ATT SUBJECT: attached

ATT TO: Elena Kagan (KAGAN_E)

TEXT:
Elena, can you please see if this presents an opportunity? What is the proposal, and is there an opportunity to take credit? thanks.
========== END ATTACHMENT 1 ==========

========== ATTACHMENT 2 ==========
ATT CREATION TIME/DATE:30-MAY-1996 14:51:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Michael Waldman

ATT SUBJECT: RE: reminder

ATT TO: James S. Rubin (RUBIN_J)

ATT CC: Kathleen M. Wallman (WALLMAN_KM)

ATT CC: Paul J. Weinstein, Jr (WEINSTEIN_P)

ATT CC: Elena Kagan (KAGAN_E)

ATT CC: William Curry (CURRY_W)

ATT CC: James Weber (WEBER_J)

ATT CC: Virginia M. Terzano (TERZANO_V)

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

ATT CC: Lisa Jordan Tamagni (TAMAGNI_L)

ATT CC: Peter Jacoby (JACOBY_P)

TEXT:
According to the White House Bulletin today, there was a committee vote on what looks like a codification of our executive order on revolving door.
Does anyone know anything about this?

Does it have a chance of passing?
Does it go beyond our executive order?
Maybe we should make noise about it . . . since it does codify our executive order.

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

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:31-MAY-1996 10:53:29.10

SUBJECT: RE: attached

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:31-MAY-1996 12:31:13.59

TEXT:
I just talked with Kathy Whalen, who seemed to have some very definite views on this. (Among other things, she said we never wanted our EO codified, and this is worse than our EO.) I asked her to speak with you. Let me know if I should come back in at any point.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:31-MAY-1996 16:16:55.96

SUBJECT: jones q&a

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:31-MAY-1996 16:39:39.44

TEXT:
Pat lewis of the press office needs a copy of the jones q&a by tomorrow morning. I'm sending a copy by e-mail in case you have edits. If not, just send her down the hard version I gave you.
========== ATTACHMENT 1 ==========
ATT CREATION TIME/DATE:31-MAY-1996 16:15:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Elena Kagan

TEXT:
PRINTER FONT 12_POINT_COURIER
Q & A ON JONES BRIEF AND SOLDIERS' AND SAILORS' ACT
Q: How could you have claimed that the Soldiers' and Sailors' Act entitles you to a stay of a sexual harassment suit brought against you? Don't you understand that even as Commander

-in

-Chief, you are a civilian and not entitled to the protections given to those on active military service?
A: As I understand what my lawyers wrote, they never claimed relief under the Soldiers' and Sailors' Act. They said that I am entitled to a stay of the lawsuit not because of that piece of legislation, but because of important constitutional principles, involving the separation of powers.
The way the Soldiers' and Sailors' Act came into the brief was as a simple example. My lawyers were trying to show that stays of lawsuits are not uncommon -- that courts often grant stays for important public reasons. In that context, my lawyers offered five examples -- of which the Soldiers' and Sailors' Act was but one -- of situations in which courts postpone litigation.
My lawyers have explained this many times by now. The continued accusations that I claimed relief under the Soldiers' and Sailors' Act are the result of real distortion. Let me say again: I didn't claim relief under the Soldiers' and Sailors' Act and I have no intention of ever doing so.

Q: Were you aware of the references to the Soldiers' and Sailors' Act in either the recent petition to the Supreme Court or in prior legal papers.
A: I didn't read the recent petition prior to its being filed. Some time ago, I had a general discussion with my lawyers about my argument that there should be a stay in this case. But we did not discuss any specifics relating to particular cases or statutes. We talked only about the basic constitutional principles.

Q: If you didn't rely on the Soldiers' and Sailors' Act as a basis for relief, why did your lawyer think it necessary to file

a separate legal pleading a few days later retracting this claim.
A: My lawyer didn't retract the argument, because there was no argument to retract. Again, I have never argued that I should get a stay of this lawsuit under the Soldiers' and Sailors' Act. What my lawyer did, in a routine reply brief that would have been

filed in any event, was to make clear what the original petition had argued and what it had not argued. That was necessary because of the distortion and the misstatements surrounding the original petition.
========== END ATTACHMENT 1 ==========

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:31-MAY-1996 09:42:20.51

SUBJECT: RE: euthanasia

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:31-MAY-1996 09:57:23.76

CC: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)
READ:31-MAY-1996 10:15:40.29

TEXT:
trey schrader (sp?)

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME:31-MAY-1996 10:16:13.20

SUBJECT: welfare

TO: Bruce N. Reed (REED_B) (WHO)
READ:31-MAY-1996 12:23:32.85

TEXT:
OK, so what do we do about the lawyer situation? Is there a way for me to take up more of the slack? I'd be very happy to do so; I'm feeling kind of fifth-wheelish on this project right now. How do you think this should happen? Should I just be more aggressive in working with/looking over the shoulders of the HHS attorneys? Any other ideas? Should we demand more lawyers on their end? What did you have in mind?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 3-JUN-1996 10:29:58.23

SUBJECT: welfare directive

TO: Todd Stern (STERN_T) (WHO)
READ: 3-JUN-1996 10:38:48.58

TEXT:
You mentioned to Bruce a directive Steve Neuwirth did on minor mothers. Do you have a copy of this (or must I ask Steve!!??)?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 3-JUN-1996 17:40:20.64

SUBJECT: travel office letter

TO: Cheryl L Sweitzer (SWEITZER_C) (WHO)
READ: 3-JUN-1996 17:54:20.53

TEXT:
Could you send me a copy of the letter Jack wrote to Chairman Clinger when we gave over the last batch of documents? Thanks.

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

CREATOR: KAGAN_E (WHO)

CREATION DATE/TIME: 3-JUN-1996 16:04:00.00

SUBJECT: Receipt Notification

TO: BRIATICO_A (OMB)
READ: 3-JUN-1996 16:07:40.66

TEXT:
This is a Read Receipt Notification for:

Message Title:	Can you please forward this to the attorney who is handling
Addressee:	KAGAN_E
Date Sent:	03-Jun-1996 03:05pm
Date Read:	03-Jun-1996 04:04pm

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. email	Elena Kagan to Elena Kagan re: Appt. request - Ramo, Roberta [partial] (1 page)	06/03/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/14/1996 - 06/05/1996]

2009-1006-F
ds289

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 (WAVES REQUEST)

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 3-JUN-1996 16:31:53.96

SUBJECT: Appt. request - ramo, roberta

TO: Elena Kagan (KAGAN_E) (WHO)
READ:NOT READ

TEXT:

Date	Appointment with
04-Jun-1996	KAGAN, ELENA

Room No.	Bldg.	Requested by	Phone #
125	EOB	Elena Kagan	456-7594

Comments:

TIME	VISITOR'S LAST,	FIRST NAME	BIRTHDATE	SOC. SEC. #
09:00am	ramo	roberta	P6/b)(6)	- -

[08]

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 3-JUN-1996 13:47:03.05

SUBJECT: RE: letter re soldiers and sailors

TO: Cheryl L Sweitzer (SWEITZER_C) (WHO)
READ: 3-JUN-1996 13:48:44.55

TEXT:
I got some edits from Kathy, but she told me to wait for edits from Jack.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 3-JUN-1996 13:20:04.68

SUBJECT: RE: clinton v. jones letter

TO: Christopher F. Walker (WALKER_C) (WHO)
READ: 3-JUN-1996 13:31:11.04

TEXT:
Jack currently has a draft. I'll let him know you asked.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 3-JUN-1996 16:06:03.85

SUBJECT: legal services

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ: 3-JUN-1996 18:22:16.75

TEXT:
Could you tell me who took over work re the legal services corporation from Chris? I have something from OMB to give to that person.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 3-JUN-1996 13:46:19.81

SUBJECT: petition for rehearing

TO: Martha Foley (FOLEY_M) (WHO)
READ: 3-JUN-1996 14:44:21.79

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ: 3-JUN-1996 16:10:53.47

CC: Dinah Bear (BEAR_D) (CEQ)
READ: 3-JUN-1996 16:33:56.82

TEXT:
A few weeks ago, I sent you an e-mail on whether to petition the 9th Circuit for en banc review of the panel's decision against us on the Section 318 area vs. sales question. (You'll recell that DOJ did seek a rehearing from the panel itself, because of some confusion about the scope of its opinion. The panel clarified its opinion in a way adverse to us: it made clear that it was in full accord with Hogan's decision.) We now have to decide the question of whether to file for a rehearing en banc. DOJ is recommending against filing a petition for rehearing. None of the agencies want to file. Katie doesn't want to file. Their view is that (1) the petition is a waste of time, because it will never be granted; and (2) it may tend to undermine our credibility in the Ninth Circuit, so that when (in some future case) we do have a serious motion for rehearing, the court will take it less seriously than it deserves. Dinah tells me that SCALDEF is not filing for rehearing and does not expect us to do so. All in all, I do not think that this is worth fighting about. Can we agree not to file for rehearing?

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

CREATOR: KAGAN_E (WHO)

CREATION DATE/TIME: 3-JUN-1996 13:23:00.00

SUBJECT: Receipt Notification

TO: BRIATICO_A (OMB)
READ: 3-JUN-1996 13:46:54.37

TEXT:
This is a Read Receipt Notification for:

Message Title:	Reminder _ Comments Due on LRM 4602 (Balenger OSHA bill)
Addressee:	KAGAN_E
Date Sent:	03-Jun-1996 12:24pm
Date Read:	03-Jun-1996 01:23pm

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 3-JUN-1996 13:03:31.62

SUBJECT: child porn testimony

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ: 3-JUN-1996 14:23:24.02

TEXT:
I left it on your chair, but you shouldn't waste ytour time reading the whole thing. Give me a call, and I'll give you the gist.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 3-JUN-1996 13:23:12.15

SUBJECT: letter re soldiers and sailors

TO: Jack M. Quinn (QUINN_J) (WHO)
READ: 6-JUN-1996 16:14:26.52

CC: Cheryl L Sweitzer (SWEITZER_C) (WHO)
READ: 3-JUN-1996 13:45:56.08

TEXT:
I got a call this morning from someone in the legislative affairs office asking about our response to the Hill re the Soldiers and Sailors Act. I think you still have the draft letter I gave you; let me know if I'm wrong.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 4-JUN-1996 12:21:12.30

SUBJECT: RE: petition for rehearing

TO: Martha Foley (FOLEY_M) (WHO)
READ: 4-JUN-1996 12:21:20.93

TEXT:
yes, either.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 4-JUN-1996 09:58:46.94

SUBJECT: abortion op eds

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 4-JUN-1996 10:34:23.55

TEXT:
Just in case it matters, Todd's redone short version is OK with me. And Jennifer's suggested change makes sense too.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 4-JUN-1996 09:41:50.81

SUBJECT: presidential accountability act

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ: 4-JUN-1996 11:32:24.56

TEXT:
I've just looked at some of the stuff Nelson prepared on this act. Do you want me to participate in this? Or should Cheryl handle the whole thing? I thought the latter made sense, but didn't realize there were constitutional issues that you might (or might not) want my involvement in. Just let me know either way.

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

CREATOR: KAGAN_E (WHO)

CREATION DATE/TIME: 4-JUN-1996 08:57:00.00

SUBJECT: Receipt Notification

TO: SEIDMAN_E (OPD)
READ: 4-JUN-1996 12:26:04.23

TEXT:
This is a Read Receipt Notification for:

Message Title: ANy progress on the BMW talking points? And now GM . . .
Addressee: KAGAN_E
Date Sent: 04-Jun-1996 08:51am
Date Read: 04-Jun-1996 08:57am

Withdrawal/Redaction Marker
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. email	Elena Kagan to Elena Kagan re: Eggemeier, Tom and others 18:38:41.69 [partial] (1 page)	06/04/1996	P6/b(6)

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

FOLDER TITLE:
[05/14/1996 - 06/05/1996]

2009-1006-F
ds289

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]
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RR. Document will be reviewed upon request.

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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 (WAVES REQUEST)

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 4-JUN-1996 18:38:41.69

SUBJECT: Appt. request - eggemeier, tom and others

TO: Elena Kagan (KAGAN_E) (WHO)
READ:NOT READ

TEXT:

Date	Appointment with
10-Jun-1996	KAGAN, ELENA

Room No.	Bldg.	Requested by	Phone #
125	EOB	Elena Kagan	456-7594

Comments:

TIME	VISITOR'S LAST,	FIRST NAME	BIRTHDATE	SOC. SEC. #
12:00am	eggemeier	tom	P6/(b)(6)	- -
12:00am	niehaus	paul		- -
12:00am	ziev	kim		- -
12:00am	stanton	cheryl		- -

[009]

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 4-JUN-1996 19:08:26.84

SUBJECT: lrm

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ: 5-JUN-1996 10:13:07.40

TEXT:
I didn't mean to lay off that views letter on Chris; for all I know (I do a lot of these every day) it may have been me. In any event, as I said, I really don't think it previewed the testimony we saw yesterday. The approval of one hardly suggests the approval of the other.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 4-JUN-1996 12:28:36.44

SUBJECT: RE: edits

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 4-JUN-1996 14:45:21.21

TEXT:
He circulated them at that meeting; it was a new draft of the short letter.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 4-JUN-1996 08:58:08.88

SUBJECT: RE: attached

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ: 4-JUN-1996 11:31:16.73

TEXT:
A healthy reminder. I'll get on them.

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010. email	Elena Kagan to Elena Kagan re: Eggemeier, Tom and others 18:40:35.37 [partial] (1 page)	06/04/1996	P6/b(6)

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

FOLDER TITLE:
[05/14/1996 - 06/05/1996]

2009-1006-F
ds289

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]
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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 (WAVES REQUEST)

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 4-JUN-1996 18:40:35.37

SUBJECT: Appt. request - eggemeier, tom and others

TO: Elena Kagan (KAGAN_E) (WHO)
READ:NOT READ

TEXT:

Date	Appointment with
09-Jun-1996	KAGAN, ELENA

Room No.	Bldg.	Requested by	Phone #
125	EOB	Elena Kagan	456-7594

Comments:

TIME	VISITOR'S LAST,	FIRST NAME	BIRTHDATE	SOC. SEC. #
06:00pm	eggemeier	tom	P6/(b)(6)	- -
06:00pm	niehaus	paul		- -
06:00pm	ziev	kim		- -
06:00pm	stanton	cheryl		- -

[010]

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 4-JUN-1996 09:00:06.34

SUBJECT: child porn

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ: 4-JUN-1996 11:32:12.01

TEXT:
I guess I guilted Paul Fishman into changing that sentence again. When I got home, I found a phone message on my machine saying that the testimony now says "We also believe that a prohibition of this material would be found constitutional." Small victories.

ARMS Email System

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 4-JUN-1996 12:07:33.01

SUBJECT: RE: petition for rehearing

TO: Martha Foley (FOLEY_M) (WHO)
READ: 4-JUN-1996 12:16:23.37

TEXT:
yes, but quick.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 5-JUN-1996 11:50:26.72

SUBJECT: talking points

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ: 5-JUN-1996 11:56:11.03

TEXT:
I haven't forgotten. Tomorrow, methinks. OK?

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011. email	Elena Kagan to Kathleen Wallman and Stephen Neuwirth re: Contacts Problem (1 page)	06/05/1996	P5

COLLECTION:

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

FOLDER TITLE:

[05/14/1996 - 06/05/1996]

2009-1006-F
ds289

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 5-JUN-1996 13:11:07.94

SUBJECT: products

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ: 6-JUN-1996 08:53:53.15

TEXT:
Linda Moore from the political affairs office has asked that one of us speak with Jim Ruvolo (from Ohio) to bring him up-to-date on the products liability situation. I take it that Harold would like this conversation to take place. Let me know if you want to do it; if not; I'd be glad to.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 5-JUN-1996 11:26:00.31

SUBJECT: sap

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)
READ: 5-JUN-1996 14:31:39.55

TEXT:
I'm leaving this IDEA SAP to you, OK?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 5-JUN-1996 10:40:34.79

SUBJECT: RE: treasury postal

TO: Deborah L. Fine (FINE_D) (OPD)
READ: 5-JUN-1996 10:43:50.62

TEXT:
No recollection, but Melanne's probably better than Jack. The meetings I set up with Jack to talk about this kept getting postponed, so he's relatively unbriefed on the issue.

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

CREATOR: KAGAN_E (WHO)

CREATION DATE/TIME: 5-JUN-1996 14:57:00.00

SUBJECT: Receipt Notification

TO: PELLICCI_R (OMB)
READ: 5-JUN-1996 14:58:08.60

TEXT:
This is a Read Receipt Notification for:

Message Title:	HHS and Treasury Testimony on Medicare Trustees Report
Addressee:	KAGAN_E
Date Sent:	05-Jun-1996 02:41pm
Date Read:	05-Jun-1996 02:57pm

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 5-JUN-1996 14:57:26.07

SUBJECT: RE: contacts problem

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)
READ: 5-JUN-1996 15:04:27.57

CC: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ: 5-JUN-1996 14:57:34.63

TEXT:
Ah, I didn't realize that CEQ wasn't subject to our contacts policy. OK, I'll tell Tom what you suggest.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 5-JUN-1996 11:47:49.03

SUBJECT: victims

TO: Mary Ellen Glynn (GLYNN_M) (WHO)
READ: 5-JUN-1996 12:01:02.85

TEXT:
David Fein is working on it. I'll tell him to call you.

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 5-JUN-1996 08:49:09.59

SUBJECT: RE: talking points

TO: Deborah L. Fine (FINE_D) (OPD)
READ: 5-JUN-1996 08:54:47.54

TEXT:
today or tomorrow; latest Friday. Is that OK?

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

CREATOR: Elena Kagan (KAGAN_E) (WHO)

CREATION DATE/TIME: 5-JUN-1996 11:14:33.44

SUBJECT: pres accountability act

TO: Cheryl D. Mills (MILLS_C) (WHO)
READ: 5-JUN-1996 11:48:58.88

TEXT:
I assume you went to the meeting on this Act yesterday? Can I wash my hands of it entirely? Or is there some part of it you'd like me to handle?