

NLWJC - KAGAN

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[4/14/1997 - 5/7/1997]

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Laura Emmett. Subject: Dennis' Farewell. (2 pages)	04/16/1997	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[04/14/1997 - 05/07/1997]

2009-1006-F

wr9

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(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 (NOTES MAIL)

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

CREATION DATE/TIME:14-APR-1997 16:14:49.00

SUBJECT: products talking points

TO: William P. Marshall (CN=William P. Marshall/OU=WHO/O=EOP @ EOP [WHO])
 READ:UNKNOWN

TEXT:

A thousand apologies for the delay. Here they are.

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

TEXT:

WPCP

2BVTZ

#|x)?xxxX/Xx6X@DQX@HP LaserJet 4 Plus/4M PlusHL4PLPLU.WRSx□

@,,YX@2@PVb□Z#|xCourier New (TT)?xxxXaXx6X@DQX@HP LaserJet 4 Plus/4M PlusHL4PL
 PLU.WRSx□

@,,YX@2

DRN

TALKING POINTS ON PRODUCT LIABILITY BILL

T

TPThe President will veto H.R. 956 because it intrudes on the
 traditional prerogatives of the states and unfairly tilts the
 legal playing field against consumers.

?<XxThe Administration supports products liability reform at the
 federal level.

Any legislation, however, must respect the
 important role of the states in our federal system and must
 fairly balance the interests of consumers with those
 of manufacturers and sellers. Congress could have passed
 legislation, appropriately limited in scope and balanced in
 application, meeting these tests. The President would have
 been glad to sign such a bill. But this bill unfairly
 burdens consumers and unduly infringes on the States. (#

?□<XxThe bill displaces many rules of state tort law and does
 so in a way that

peculiarly disadvantages consumers. As a rule, the bill displaces state law only when that law is more favorable to consumers; it allows state law to remain

in effect when that law is more helpful to manufacturers and sellers. It is a

one-way street; anticonsumer and pro-business street of federalism. (#

In particular, the President opposes the elimination of joint liability for non economic damages (such as pain and suffering)

gF=
and
gF=

the caps on punitive damages.

The elimination of joint liability for noneconomic damages would prevent many injured victims of defective products from receiving the full measure of their damages.

This provision would leave the innocent victim to suffer when one wrongdoer, in any case with multiple wrongdoers, goes bankrupt. Under traditional state law, if one wrongdoer goes bankrupt, the other wrongdoers pick up the tab.

This bill relieves the other wrongdoers of this obligation for any noneconomic damages. The innocent victim has to bear this part of the loss on his own. (#

This is of real significance because companies sued for manufacturing or selling defective products stand a much higher chance of going bankrupt; consider manufacturers of asbestos, breast implants or intrauterine devices. (#

This provision is all the more troubling because it disproportionately affects the most vulnerable members of society.

gFL
the elderly, the poor, and nonworking women. This is because the provision applies only to noneconomic damages, thus cutting most deeply into the damages of victims who do not have large amounts of lost income. (#

gFO
C
gFO

apping punitive damages would encourage companies to engage in egregious misconduct, such as knowingly manufacturing and selling harmful products, and thereby endanger the safety of consumers."h)0*0*0*1"
 ?<XxThe cap invites potential defendants, deciding whether to manufacture or sell a clearly defective product, simply to weigh the costs of wrongdoing against the potential profits. Punitive awards deter such intentional misconduct by making deliberate wrongdoers pay more than the harm they cause. (#

?<XxThe provision of the bill allowing judges to exceed the cap in certain circumstances does not cure the problem, given the intent of Congress, expressed in the Statement of Managers, that "the occasion for additional awards will be very limited." (#

The President also objects to Congress's failure to exempt negligent suppliers from the provision of the bill limiting lawsuits against suppliers of materials used in devices implanted in the body. A supplier of materials who knew or should have known that the materials, as implanted, would cause injury should not receive any protection from suit.

Finally, the President opposes certain provisions snuck into the Conference Report that expand the scope of the bill and exacerbate its harmful consequences.

?<XxThe Conference Report, unlike the Senate version, makes the limitations on noneconomic and punitive damages applicable to negligent entrustment cases cases in which, for example, an injured person sues a gun dealer who knowingly sold a gun to a convicted felon or a bar owner who sold a drink to an obviously intoxicated customer. (#

?<XxThe Conference Report, unlike the Senate version, would prevent some injured persons from bringing suit against companies that are being reorganized in a bankruptcy court. It does this by eliminating a provision that stopped the statute of limitations from running when a bankruptcy court issues an automatic stay

ay preventing lawsuits from being
brought during bankruptcy proceedings. (#

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-APR-1997 11:59:56.00

SUBJECT: Re: Q&As for POTUS press conferences

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

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

TEXT:

Makes sense. Laura: could you get a copy from Julie Mason of the latest complete set of q&a for the President's press conference and copy it for everyone so that they know what they're making changes, additions, and subtractions off of. (Let everyone know that that's why you're circulating it.)

Cynthia A. Rice
04/13/97 06:34:51 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Q&As for POTUS press conferences

Here's an idea--when we submit q&as to you through Laura and you edit them or not before sending them in, could we get a copy of what actually goes in so we can start with the revised copy next time?

April 7, 1997

MEMORANDUM FOR THE PRESIDENT

FROM:

SUBJECT: PRODUCTS LIABILITY LEGISLATION

Congress may turn its attention to product liability legislation within the next month, and we need to know how to respond. As you recall, your veto message last year detailed a number of specific objections to the products bill. (The veto message is attached to this memo.) We presume that if Congress were to give you the same bill again, you would veto it for the same reasons. It is possible, however, that Congress will work to pass a bill that responds in part to your objections. This memo reviews those objections, outlines possible congressional responses to them, and solicits your views on how to proceed. We believe that we should send strong signals now about the kind of bill you would accept and the kind you would veto. We also think that knowing early where you stand on the products bill will enable the Administration to position itself correctly on other emerging law reform issues.

One-way preemption. Prior to enumerating your objections to specific provisions in the bill, your veto message noted the "general problem of displacing State authority in an unbalanced manner." You explained that problem as follows: "As a rule, this bill displaces State law only when that law is more favorable to consumers; it defers to State law when that law is more helpful to manufacturers and sellers." Under the bill, for example, the "national" 15-year statute of repose would have overridden the laws of states with longer or no statutes of repose, but would have left in place all shorter statutes of repose; similarly, the bill would have limited punitive damages in states that now allow unlimited punitive damages, but would not have imposed punitive damages on states that do not now have them. Your veto statement continued: "I cannot accept, absent compelling reasons, such a one-way street of federalism."

If you hold fast to this position, you probably will have to veto another product liability bill because Congress is unlikely to pass a bill that preempts, in identical fashion, both anti-consumer and pro-consumer state law. For its strongest supporters, this bill is not so much about achieving uniformity as about reducing liability burdens on manufacturers. Because a two-way preemption bill will not clearly achieve this goal, your insistence on a two-way bill will signal strongly that no compromise is possible.

The objection to one-way preemption, however, is strong on the merits. If the problem with the current tort system is a simple lack of uniformity, then two-way preemption is obviously desirable. If the problem is instead that state law often fails to balance appropriately the interests of manufacturers and consumers, then federal law should step in to strike that balance, negating

laws that tilt too much in either direction. One-way preemption is justified only if the goal is to reduce product actions to the greatest extent possible, by enabling states to “pile on” to federal limits.

Because this issue is not amenable to compromise, we need to know soon where you stand on it. We cannot develop a sound strategy before we know whether you could sign a bill containing one-way preemption. If you could sign such a bill, we will de-emphasize the one-way preemption concern and focus on the specific provisions of the statute discussed in the rest of this memo.

Eliminating joint liability for non-economic damages. Your veto message objected strongly to the provision of the bill that wholly eliminated joint liability for non-economic damages such as pain and suffering. You stated generally, in support of joint liability, that “when one wrongdoer cannot pay its portion of the judgment, the other wrongdoers, and not the innocent victim, should have to shoulder that part of the award.” You also expressed doubt about distinguishing economic from non-economic damages, noting that a provision limiting only non-economic damages falls most heavily on non-working women, the elderly, the poor, and children.

This issue, unlike the last, is amenable to compromise. The most likely compromise would be a proposal to eliminate joint liability for non-economic damages when, but only when, the wrongdoer is responsible for less than some specified percentage of the total judgment. Congress could say, for example, that joint liability for non-economic damages will not apply when a defendant’s actions have caused less than 25% of the total harm suffered. Congress might try to compensate for this weakening of the joint liability provision by applying it to both economic and non-economic damages (perhaps using your veto statement’s equation of the two kinds of damages to justify doing so), so that a “minor” wrongdoer would never have to shoulder any costs not his own.

A compromise of this kind has the apparent benefit of relieving small-scale wrongdoers (how small depends on the percentage specified) of the obligation to pay the entirety of potentially mammoth judgments. But by virtue of doing so, this compromise leaves innocent victims to bear the damage themselves when primary wrongdoers have gone bankrupt or are otherwise unable to satisfy judgments. You should consider whether you are comfortable with this kind of compromise and, if so, approximately where (10 percent?; 25 percent?; 50 percent?) you would draw the line.

Capping punitive damages. You also objected in your veto statement to imposing caps on punitive damage awards, on the ground that caps undermine the ability of punitive awards to deter and punish egregious misconduct. You noted the provision of the bill allowing judges to exceed the caps in specified circumstances, but stated that this protection was insufficient “given the clear intent of Congress, as expressed in the Statement of Managers, that judges should use this authority only in the most unusual cases.”

A compromise on this issue is also possible; indeed, it may be hard to avoid given the Administration's prior statements on the subject. The judicial override provision is essentially the brainchild of the Justice Department, which offered it as a way to alleviate our concerns about caps on punitives. If Congress deletes the legislative history to which you objected -- and especially if it also softens some of the language in the override provision -- you will have little basis for continuing to object to the bill's punitive damage ceilings.

Limiting liability of biomaterials suppliers. You expressed a "concern" in your veto statement about a provision in the bill limiting actions against suppliers of materials used in devices implanted in the body. You generally recognized this provision to be a "laudable attempt to ensure the supply of materials needed to make lifesaving medical devices." But you said that this limitation should apply only to non-negligent suppliers -- and not to suppliers who know or should know that the materials they make, when implanted in the human body, will cause injury.

The current version of the biomaterials provision contains an exception for manufacturers of the silicone gel used in breast implants, but not an exception (of the kind you requested) for all negligent suppliers. Industry engaged in good-faith negotiations with Rep. Howard Berman last year to develop such an exception, but could not find a way to exempt negligent suppliers, while adequately protecting non-negligent suppliers from the high litigation costs associated with disproving negligence. Industry is currently looking into other ways to satisfy our concern -- for example, by limiting liability for biomaterials suppliers only when the FDA has reviewed and approved the implanted device -- and may well succeed in doing so. Indeed, we may wish to send a signal that Congress should remove this provision from the products bill, so that we can sign it separately.

Other provisions. Your veto statement contained a number of objections to more minor provisions of the bill relating to the statute of repose, statutes of limitations, and negligent entrustment actions. With the possible exception of the statute of repose provision, compromise on these issues should be easy; members of Congress already have indicated a willingness to delete the offending language. On the statute of repose, the current bill precludes any suit alleging a defect in a product that is more than 15 years old; we could urge an 18-year statute of repose, as we accepted in the aviation liability bill you signed; alternatively, we could press for some kind of exception from the statute of repose for products, such as farm equipment, intended to have a useful life of longer than 15 years.

Other legislation. In the event you choose to reiterate your concerns and veto another products liability bill, you may have other opportunities to signal support for appropriate reform of the legal system. Senator Breaux plans to offer product liability legislation for people who do not like product liability legislation. This legislation would (1) strengthen pleading requirements for punitive damage claims and impose automatic sanctions for frivolous claims; (2) require states to adopt alternative dispute resolution programs and establish certain "offer of judgment" rules meant to promote settlements; (3) impose a nationwide standard for punitive damage awards (similar to the standard most states use now); (4) provide a uniform two-year statute of

limitations; and (5) commission a Department of Justice study on the product liability system.

In another area of law reform, Sens. Lieberman, Moynihan, and McConnell have proposed a so-called "auto-choice" bill, which would allow a driver to select a no-frills auto policy that would reimburse him for all economic costs, but eliminate his option to sue for non-economic losses such as pain and suffering. Trial lawyers are certain to oppose this proposal, but unlike the products liability bill, it probably would benefit consumers. Some experts say that the savings for low-income drivers could reach 45 percent of their current insurance premiums -- and that the nationwide savings over two years could exceed \$80 billion.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-APR-1997 12:04:43.00

SUBJECT: Re: Parent on Panel 2 of WH Conference

TO: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Nicole R. Rabner (CN=Nicole R. Rabner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

CC: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:
sounds fine, but does this mean melanne knows something i don't about the
dod stuff?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-APR-1997 12:54:01.00

SUBJECT: products liability

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

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

TO: John L. Hilley (CN=John L. Hilley/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Attached is a memo on products liability I drafted for submission to the President. Bruce Lindsey thinks it's what we need to (1) remind the President of where we are and (2) get some indication from the President of how much (if at all) he wants to give on the issue. I take it that NEC doesn't want the memo to go in; apparently, it wants to start some kind of interagency policy process. In any event, I thought you might want to see this draft memo; I'd of course appreciate any suggestions.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 12:51:29.00

SUBJECT: computer crime mapping demo

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/15/97 12:54
PM -----

From: Leanne A. Shimabukuro on 04/15/97 11:38:11 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Thomas L. Freedman/OPD/EOP

cc:

Subject: computer crime mapping demo

While I was originally trying to hold this for Jose, I have set up the demo for Wednesday, April 23 at 1:15pm in room 211. Some folks from NIJ and the Criminal Division will be attending. I hope Jose can forgive me.

Please let me know if you think you can make it. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 12:52:12.00

SUBJECT:

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/15/97 12:56
PM -----

Jennifer L. Klein
04/15/97 12:48:33 PM
Record Type: Record

To: Elena Kagan/OPD/EOP, Pauline M. Abernathy/OPD/EOP, Nicole R.
Rabner/WHO/EOP
cc:
Subject:

I think we should get together for a few minutes before the "walk through"
meeting with HRC tomorrow at 5. How about 4:30?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 19:17:01.00

SUBJECT: Re: draft letter on securities litigation

TO: Kathleen M. Wallman (Kathleen M. Wallman @ EOP @ LNGTWY [WHO])

READ:UNKNOWN

TEXT:

You bet. I'll take it home with me tonight.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1997 15:42:53.00

SUBJECT:

TO: Nicole R. Rabner (CN=Nicole R. Rabner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:
Where is my paper?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 10:38:59.00

SUBJECT: Follow up material

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

READ:UNKNOWN

TEXT:

find 15 minutes today for this and tell him. thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 04/16/97 10:42 AM -----

Thomas L. Freedman

04/16/97 09:32:54 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Follow up material

I have the support material on the three issues being staffed. Is there a good time to stop by and give you a speedy briefing on what's in the material and where the issues stand? Tom

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 16:21:29.00

SUBJECT: Re: cea white paper

TO: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:
exactly.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Laura Emmett. Subject: Dennis' Farewell. (2 pages)	04/16/1997	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[04/14/1997 - 05/07/1997]

2009-1006-F

wr9

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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 (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 10:48:43.00

SUBJECT: Re: Directive on Child Care

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

READ:UNKNOWN

TEXT:

It's one of the initiatives we're announcing at tomorrow's conference

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 12:09:44.00

SUBJECT: Re: Q & A on SEC Report

TO: Jake Siewert (CN=Jake Siewert/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Kathleen M. Wallman (CN=Kathleen M. Wallman/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

looks ok to me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1997 14:35:02.00

SUBJECT: cea white paper

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

CC: Nicole R. Rabner (CN=Nicole R. Rabner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

CC: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:

I told Janet Yellin that I would work hard to make sure that the First Lady mentioned the CEA white paper some time during the day. Nothing more than a single sentence is necessary -- something to the effect that the cea is releasing a report today demonstrating the returns from investing in young children. Is that OK with everyone? Let me know if it's a problem. Thanks.

(PS: we're not issuing the ostp

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-APR-1997 08:07:18.00

SUBJECT: Re: staff manifest

TO: Nicole R. Rabner (CN=Nicole R. Rabner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TEXT:
absolutely. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-APR-1997 15:01:15.00

SUBJECT: commencement speeches

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

TO: Rahm I. Emanuel (CN=Rahm I. Emanuel/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TEXT:

Because of Passover, it will be hard to get you the three speech proposals you asked for (science/religion/electoral reform) by the end of Monday. We'll shoot for Tuesday-Wednesday instead, unless you tell me that you really need them sooner.

Elena Kagan is Deputy Director of the Domestic Policy Council and Deputy Assistant to the President for Domestic Policy. She is currently on leave from the University of Chicago, where she is a Professor of Law, specializing in constitutional law and labor law.

Kagan received her A.B. summa cum laude from Princeton University. She spent two years at Worcester College, Oxford University, as a Daniel M. Sachs Scholar and received an M. Phil in Politics in 1983. In 1986, she graduated magna cum laude from Harvard Law School, where she was Supervising Editor of the Harvard Law Review. She clerked for Judge Abner J. Mikva of the U.S. Court of Appeals for the D.C. Circuit and Justice Thurgood Marshall of the U.S. Supreme Court. From 1989 to 1991, Kagan was in private practice at the Washington, D.C. law firm of Williams & Connolly.

Kagan joined the faculty of the University of Chicago Law School in 1991 and became a full professor in 1995. Kagan served as Special Counsel to the Senate Judiciary Committee in the summer of 1993 for the confirmation hearings of Ruth Bader Ginsburg. In July 1995, Kagan took a leave from the University of Chicago Law School to serve as Associate Counsel to the President. In January 1997, she moved from the Counsel's Office to her current position in the Domestic Policy Council.

Kagan also has served as a member of the Board of Governors of the Chicago Council of Lawyers and a public member of the Administrative Conference of the United States.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Elena Kagan@EOP@LNWTWY@EOPMRX

CREATION DATE/TIME: 22-APR-1997 10:23:00.00

SUBJECT: Re: NSF workshop

TO: JOLIN_M

(JOLIN_M@A1@CD) (WHO)

READ: 22-APR-1997 10:27:17.95

TEXT:

Message Creation Date was at 22-APR-1997 10:15:00

This sounds interesting. . It would be great if you would keep me informed.
thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1997 10:19:59.00

SUBJECT: Re: Munitz letter

TO: Leanne I. Johnson (CN=Leanne I. Johnson/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

looks fine.

Questions and Answers on Service Summit:

Q: What will the Summit accomplish?

A: The Summit is a great opportunity for all Americans to make a commitment to citizen service, and a chance for all sectors of our society to come together around what matters most -- our obligation to one another, especially our children.

Government has a critical role in solving our nation's problems and I am proud to lead the efforts of the federal government. But clearly we can accomplish more if all our citizens pull together to solve our problems. Already the Summit has prompted an outpouring of commitments by corporations and non-profits across the country to help in our mutual endeavor. And I know General Powell is committed to making sure that all this good work doesn't end at the Summit, but that it continues in communities across our country.

Q: Isn't the Summit one big photo opportunity?

A: I think it's both exciting and tremendously encouraging that the Summit has captured the public imagination the way it has. Starting with the inspiration of the late Gov. George Romney, continuing with the enthusiastic support of all the former Presidents, and with the dynamic contributions of Gen. Colin Powell, this endeavor has really sparked the interest of the American people. The media, which is so often accused of cynicism, has responded so positively to this event. We would be foolish not to take advantage of this great opportunity to focus the attention of the American people on citizen service and the goals of the Summit.

In addition, the real work to be done at the Summit is probably the least glamorous part -- the work by the 140 communities attending the Summit. They are working on plans to bring the Summit's goals to life in their own communities.

Q: Isn't this Summit really the first round of the Presidential race in the year 2000, between Powell's involvement and reports that the White House insisted that the Summit drop Bill Bradley?

A: One of the things I like most about the way General Powell talks about this Summit is his emphasis that it's not bipartisan -- it's non-partisan. These themes of service and children transcend politics. That's why you see all the former Presidents coming together, people from all walks of life and political persuasion, agreeing that citizen action can make a difference.

Q: Doesn't the Summit downplay the role of government in solving our problems, and argue that volunteers can do it alone?

A: Government has a critical role in solving our nation's problems, and I am proud of

what we have accomplished for this nation's young people, in education, health care, making our communities safer, and offering young people a chance to serve. But as I have said many times, the era of big government may be over, but the era of big challenges for our nation is not. Clearly we can accomplish more if all our citizens pull together to solve our problems. That's why it is so important for us to harness the power of citizen service to accomplish our goals. And it's the theory behind AmeriCorps, a program of which I am especially proud.

Members of my Cabinet along with other federal officials are attending the Summit to lend their expertise to this effort, along with scores of officials from state and local government. What you will see at the summit is communities, non-profits, corporations, government, and many others working side by side to solve problems.

I am also proud that federal agencies have made over 40 commitments to the Summit -- to tutor and mentor students, to create afterschool programs, and to create opportunities for young people to serve. For example, the Department of the Navy has committed to tutor or mentor 700,000 young people. Federal agencies have agreed to expand from 1,500 to 2,000 the number of schools they have adopted or have partnerships with.

Q: Isn't the Summit is an effort to paper over the government's withdrawal of assistance from needy children and families, exemplified by the new welfare law?

A: I am proud to have signed the welfare law and given millions of families throughout this country a chance to move from welfare to work. Communities, governments, churches, business, and welfare recipients themselves are now working together to make this law a success. The Summit complements our efforts to create partnerships between government and the private and nonprofit sectors to accomplish our goals.

Q: Doesn't the Summit reveal a rift between your approach of service and AmeriCorps and the volunteer approach championed by former President Bush through his Points of Light program?

A: Voluntary action is a vibrant part of American landscape. It is something we should all take pride in. Showing that the service model and the voluntarism model actually work well together is what this Summit is all about.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1997 11:06:21.00

SUBJECT: Re: Message events/announcements for May/June

TO: Eli G. Attie (CN=Eli G. Attie/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TEXT:
We'll have it a bit later in the day. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1997 18:52:44.00

SUBJECT: tobacco call

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/23/97 06:57
PM -----

Bruce N. Reed
04/23/97 04:44:35 PM
Record Type: Record

To: Elizabeth Drye/OPD/EOP, Elena Kagan/OPD/EOP
cc: Cathy R. Mays/OPD/EOP
Subject: tobacco call

Should we schedule a conference call for tomorrow afternoon to review our
game plan for Friday? With:

Us
Rahm
Melissa
Jim O'Hara, FDA
George Phillips, DOJ
Bruce Lindsey if he wants
VP's office
Barry Toiv or other WH press

Does that make sense? Anyone else to include?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 11:59:35.00

SUBJECT: Re: Message event/announcement memo

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

READ:UNKNOWN

TEXT:

It's with Bruce now. When did NEC give you theirs?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 12:11:08.00

SUBJECT: Re: Message event/announcement memo

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

READ:UNKNOWN

TEXT:

oh well.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 14:11:37.00

SUBJECT: Re: Late Term Qs&As

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

READ:UNKNOWN

TEXT:

same ones as before, I think.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 12:09:21.00

SUBJECT: Re: Radio Address 5/10

As we know, the 5/3 address will be about the trip to Mexico. The 5/10 address will also
I agree that it would be preferable to do a domestic issue for this date, but wonder if c

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

READ:UNKNOWN

TEXT:

Oh, I don't know. Child support is, for the most part, about helping
mothers. Maybe not the mothers of the families featured in Hallmark
cards, but mothers nonetheless -- and lots of them. You're the message
guru and perhaps Bruce will disagree, but I don't mind this; in fact, I
think it's kind of a good fit.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1997 12:14:11.00

SUBJECT: Re: Message event/announcement memo

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

READ:UNKNOWN

TEXT:

but how many events do they each have?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 15:25:45.00

SUBJECT: Re: Policy/announcement memo

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

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

TEXT:

No, really, it's my fault. Bruce: I'm ashamed to say that Eli tells me we even were later than nec.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 13:44:33.00

SUBJECT: Re: flsa

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

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

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

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

TEXT:

what good can come of that? he shouldn't go.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 13:43:48.00

SUBJECT: Re: flsa

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

TEXT:
can't imagine how.
congratulations!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 13:48:45.00

SUBJECT: Re: Teach for America

TO: Jonathan Prince (CN=Jonathan Prince/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

thanks. and is my one-pager anywhere in sight?

April 23, 1997

MEMORANDUM FOR ERSKINE BOWLES

CC: SYLVIA MATHEWS, JOHN PODESTA,
DON BAER, ANN LEWIS

FROM: BRUCE REED
ELENA KAGAN

SUBJECT: POTENTIAL MAY AND JUNE EVENTS

This memo contains a brief description of policy announcements that we expect will be ready in May and June, along with suggested dates for making them. A number of other ideas also may be ready for announcement in this timeframe, but we are sufficiently uncertain as not to include them on this list.

Prior to Mexico Trip GTO Announcement

The President can announce a crackdown on narcotics money laundering by expanding the Geographic Targeting Order -- a highly successful program requiring financial institutions in New York to report information about certain cash transmissions to Columbia. The President would take action to apply these reporting requirements to money transmitters across the nation.

Prior to Mexico Trip Food Safety Report

The President can discuss a report issued by the Secretaries of HHS, USDA, and EPA, in response to a directive he issued three months ago, proposing steps to improve the safety of the food supply. The report will announce the creation of a new public-private partnership to educate consumers on food safety. It also will announce a host of new regulatory and research initiatives, including one to improve methods of detecting hepatitis.

Week of May 5 CEA Report on Welfare Caseloads

Janet Yellen and Bruce can announce, while the President is in Mexico, the issuance of a new CEA report on the decline of welfare caseloads. The report attributes a substantial portion of the decline to the Administration's waiver policies. At the same time, the Administration can announce \$7.5 million in HHS grants to the states to evaluate their waivers.

May 10 Radio Address Child Support Announcement

The President can announce (1) the transmittal to Congress of an HHS report showing that child support collections have increased by 50% in the last four years; (2) Treasury Department action, in response to a prior Executive Order, seizing certain federal payments that otherwise would have gone to delinquent parents; and (3) the transmittal to Congress of legislation making it a

felony to cross state lines to evade child support obligations. The President has indicated that he would like to do a radio address on this subject.

May 15

Law Enforcement Event

At a Peace Officers Memorial event, the President can announce \$1.2 million in new money for scholarships to the children of federal (and perhaps also state and local) law enforcement officers slain in the line of duty. He also can announce the completion by the National Institute of Justice of a prototype "smart gun" -- a gun that can be fired only within a certain distance of a wristband worn by the owner. The gun should protect police officers from being shot by their own guns.

May 17 Radio Address

State Sign-Ons to Education Tests

The President should be able to announce that a number of new states have signed up for his 4th and 8th grade testing initiative. We are hoping for a package including Massachusetts, West Virginia, Missouri, Vermont, and (the grand prize -- but probably the least likely in this timeframe) New York.

May 18

Commencement Address on Science

The President can deliver a major address exploring the ethical questions raised by new scientific breakthroughs. In addition to anticipating release of the National Bioethics Committee's cloning report (due the next week), the President should be able to announce new proposed legislation on genetic screening that would place limits on the use of genetic information by insurance companies for underwriting purposes.

May 19

Education Town Hall

The President can participate in a session with teachers, students, parents, and others to explain the standards associated with his 4th and 8th grade tests. The roundtable would demonstrate with concrete examples the kind of student work -- and the kind of teaching -- that reflects high standards. Alternatively, the President can go to one of the states that has endorsed our testing proposal to speak to the legislature. In either case, the President also can sign an Executive Order designating an advisory council for the testing initiative.

May 20

Welfare-to-Work Announcement

The President will meet with Eli Segal and the CEOs of about 25 companies to launch the Welfare-to-Work Foundation and announce new corporate commitments to hire welfare recipients.

May 21

Mayor's Drug Conference

If we have not announced the GTO expansion prior to this time, we can do it when the President speaks at this event. Otherwise, the President can announce the issuance of a DOJ/ONDCP report marking the one-year anniversary of his methamphetamine strategy and calling for follow-up initiatives. The President also can release a report on his pilot program for drug testing in the federal criminal justice system, which will describe the success of the program and may call for its expansion.

May 22

Meeting with Mayors on Immigrant Benefits

The President can meet with a group of bipartisan mayors, including Mayors Giuliani and Riordan, to discuss the effect of the welfare law on legal immigrants and the Administration's proposal to restore certain benefits. Immigrants affected by the bill also could attend this meeting, as the President suggested at last week's Hispanic Caucus meeting. This event is, of course, contingent on the absence of a budget deal.

May 24 Radio Address

Sex Offender Registry Announcement

The President can announce that the interim National Sex Offender Registration system -- which he directed the Attorney General to develop in a radio address last summer -- is now up and running. At the same time, he can announce that he is signing an Executive Order instructing the Attorney General and Secretary of Defense to ensure that sex offenders released from federal and military prisons are listed in the national registry.

May 25

Receipt of Cloning Report

As noted above, the National Bioethics Advisory Committee is due to release its report on cloning on this day. We are currently unsure whether the report will conform to the President's own views regarding this issue. We may want the President to receive the report officially, or at least to respond to its release.

Sometime in June

Child Care Announcement

The President can announce that HHS is proposing a regulation on the welfare law's child care provisions, which includes extending basic health and safety standards to nearly all federally funded child care.

Sometime in June

Welfare-to-Work Transportation Event

At an event focusing on the "to" in welfare-to-work, the President can announce pilot grants to 25 states to develop welfare-to-work transportation grants. At the same time, he can promote his proposal,, contained in his NEXTEA bill, to provide \$600 million for this purpose.

June 30

Turnaround School Event

We are currently exploring whether DeWitt Clinton High School in Brooklyn will postpone its graduation so the President can address the graduating class of this "turnaround school" on his education initiatives. The President may be ready to announce a program to help resuscitate failing schools by providing the funding and assistance necessary to turn them into charter schools.

July 1

Education Standards Event

The President can announce the release of a Department of Education study that will allow, for the first time, comparisons in math and science achievement between most U.S. states and the 41 countries participating in TIMSS testing. At the same time, the President can report (if he has not done so already, on June 10, at a proposed event for the National Math and Science Teachers

of the Year) on the response to his directive to the Department of Education, NSF, and other agencies to mobilize resources to improve math and science education.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-APR-1997 15:26:58.00

SUBJECT: Re: attcahed

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

READ:UNKNOWN

TEXT:

style? what about substance?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1997 16:10:47.00

SUBJECT: New Product Liability Bill Unveiled; Thursday Markup Set

TO: Bruce R. Lindsey (CN=Bruce R. Lindsey/OU=WHO/O=EOP @ EOP [WHO])
 READ:UNKNOWN

TEXT:

Have you seen this? Note the longer (18-year) statute of repose -- and that this provision seems to preempt in both directions (we should check this). In addition, they fixed the negligent entrustment problem. It's interesting that Rockefeller hasn't signed on yet. Also, have you seen the proposed sap on the volunteer liability bill? Are you comfortable with it?

----- Forwarded by Elena Kagan/OPD/EOP on 04/27/97 04:11 PM -----

Ingrid M. Schroeder
 04/27/97 03:57:51 PM

Record Type: Record

To: William P. Marshall/WHO/EOP, Ellen S. Seidman/OPD/EOP, John E. Thompson/OMB/EOP
 cc: Elena Kagan/OPD/EOP, James J. Jukes/OMB/EOP
 Subject: New Product Liability Bill Unveiled; Thursday Markup Set

The bill referenced below, S. 648 - Product Liability Reform Act of 1997 - is scheduled for Senate Commerce Committee markup on Thursday, May 1st. The text of the bill can be found in the 4/24/97 Congressional Record, pp.3676-3682.

----- Forwarded by Ingrid M. Schroeder/OMB/EOP on 04/27/97 03:57 PM -----

JUKES_J @ A1
 04/25/97 07:09:00 PM

Record Type: Record

To: Ingrid M. Schroeder
 cc:
 Subject: New Product Liability Bill Unveiled; Thursday Markup Set

JUDICIARY

New Product Liability Bill Unveiled; Thursday Markup Set

Senate Commerce Chairman McCain -- along with Senate Majority Leader Lott and Sens. John Ashcroft, R-Mo., and Slade Gorton, R-Wash. -- late Thursday night introduced a new product liability bill that is scheduled to be marked up by the Commerce Committee next Thursday. In introducing the measure, S. 648, Gorton said his goal was to obtain bipartisan support for a product liability measure. "I cannot say the bill I am introducing tonight accomplishes that," Gorton said, but added, "it comes very close." The bill most notably lacks the support of Sen. Jay Rockefeller, D-W.Va., who worked with Gorton in the 104th

Congress and again this year to craft legislation that President Clinton would sign. Gorton said he was introducing the new measure to "get the process started" and pledged to continue working with Rockefeller to enact reform legislation this year.

Some industry sources complained today that the new bill makes only "cosmetic" changes to a product liability measure introduced earlier this year by Ashcroft that was virtually the same legislation Clinton vetoed last year. The latest proposal would expand the statute of repose or deadline for plaintiffs to sue manufacturers to 18 years and pre-empt all state statutes of repose; exempt silicon breast implants from liability limits for biomaterials manufacturers; explicitly prohibit protections for those who sell guns to convicted felons or alcohol to people who are intoxicated; and clarify that product liability protections apply to all goods, rather than just durable goods protected in last year's legislation.

The Congress Daily --- Thursday --- April 25, 1997

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1997 17:05:06.00

SUBJECT: New Product Liability Bill Unveiled; Thursday Markup Set

TO: Bruce R. Lindsey (CN=Bruce R. Lindsey/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

I just looked at the bill and it seems to me, notwithstanding the suggestion here, that the statute of repose provision continues to be one-way.

----- Forwarded by Elena Kagan/OPD/EOP on 04/27/97 05:08 PM -----

Ingrid M. Schroeder
04/27/97 03:57:51 PM

Record Type: Record

To: William P. Marshall/WHO/EOP, Ellen S. Seidman/OPD/EOP, John E. Thompson/OMB/EOP
cc: Elena Kagan/OPD/EOP, James J. Jukes/OMB/EOP
Subject: New Product Liability Bill Unveiled; Thursday Markup Set

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----- Forwarded by Ingrid M. Schroeder/OMB/EOP on 04/27/97 03:57 PM -----

JUKES_J @ A1
04/25/97 07:09:00 PM

Record Type: Record

To: Ingrid M. Schroeder
cc:
Subject: New Product Liability Bill Unveiled; Thursday Markup Set

JUDICIARY

New Product Liability Bill Unveiled; Thursday Markup Set

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working with Rockefeller to enact reform legislation this year.

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The Congress Daily --- Thursday --- April 25, 1997

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1997 12:43:30.00

SUBJECT: hate conference memo

TO: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

whatever happened to it?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 17:27:37.00

SUBJECT: Party for John Hart on Thursday

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

READ:UNKNOWN

TEXT:

i'd like to go to this.

----- Forwarded by Elena Kagan/OPD/EOP on 04/28/97 05:31 PM -----

Suzanne Dale

04/28/97 01:14:39 PM

Record Type: Non-Record

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

cc:

Subject: Party for John Hart on Thursday

The FOJ Committee* Invites You. . .

As you may already know, John Hart will be leaving the White House after nearly five years of service to the Administration. The FOJ Committee* will be hosting a farewell reception this Thursday, May 1, in the Indian Treaty Room from 3:00 - 5:00pm, and they invite you to attend. If you will be coming, please RSVP to the Office of Intergovernmental Affairs at 6-2896 by Wednesday, April 30, at noon.

* Friends of John Committee

Message Sent

To:

Elizabeth A. Bailey/WHO/EOP
 Kris M Balderston/WHO/EOP
 Melinda N. Bates/WHO/EOP
 Erskine B. Bowles/WHO/EOP
 Alison E. Bracewell/WHO/EOP
 Emily Bromberg/WHO/EOP
 Susan A. Brophy/WHO/EOP
 Rebecca A. Cameron/WHO/EOP
 Phillip Caplan/WHO/EOP
 Laura K. Capps/WHO/EOP
 Paul R. Carey/WHO/EOP
 Cheryl M. Carter/WHO/EOP
 Holly D. Carver/WHO/EOP
 Ann M. Cattalini/WHO/EOP
 Barbara Chow/WHO/EOP
 Peggy A. Clark/WHO/EOP
 Kelly Craighead/WHO/EOP
 Caroline J. Croft/WHO/EOP
 Carolyn Curiel/WHO/EOP
 Betty W. Currie/WHO/EOP
 Anne D. Cutler/WHO/EOP
 Suzanne Dale/WHO/EOP
 Lanny J. Davis/WHO/EOP

G. E. DeSeve/OMB/EOP
Robyn G. Dickey/WHO/EOP
Marilyn DiGiacobbe/WHO/EOP
James A. Dorskind/WHO/EOP
Mark J. Doyle/WHO/EOP
Elizabeth Drye/OPD/EOP
Jennifer D. Dudley/WHO/EOP
Charles N. Duncan/WHO/EOP
Maria Echaveste/WHO/EOP
James T. Edmonds/WHO/EOP
Anne M. Edwards/WHO/EOP
Nicole Elkon/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Sarah Farnsworth/WHO/EOP
Lisa M. Farrell/WHO/EOP
Shelley N. Fidler/CEQ/EOP
Karen E. Finney/WHO/EOP
FOLEY_M @ A1 @ CD @ INGTWY
Jay K. Footlik/WHO/EOP
Jeffrey A. Forbes/WHO/EOP
Diana Fortuna/OPD/EOP
Andrew Friendly/WHO/EOP
Jeremy M. Gaines/WHO/EOP
John H. Gibbons/OSTP/EOP
Mary E. Glynn/WHO/EOP
Jason S. Goldberg/WHO/EOP
D. Stephen Goodin/WHO/EOP
Lawrence J. Haas/OMB/EOP
Marcia L. Hale/WHO/EOP
William A. Halter/OMB/EOP
Wendy A. Heistad/WHO/EOP
Nancy V. Hernreich/WHO/EOP
Kathryn O. Higgins/WHO/EOP
John L. Hilley/WHO/EOP
Helenann Hirsch/WHO/EOP
Elwood J. Holstein/OPD/EOP
Helen P. Howell/WHO/EOP
Christopher C. Jennings/OPD/EOP
Thomas C. Jensen/CEQ/EOP
Brian J. Johnson/CEQ/EOP
Leanne I. Johnson/WHO/EOP
Thomas A. Kalil/OPD/EOP
Sally Katzen/OMB/EOP
Angus S. King/WHO/EOP
Jennifer L. Klein/OPD/EOP
John A. Koskinen/OMB/EOP
Robert D. Kyle/OPD/EOP
Tracy B. LaBrecque/WHO/EOP
Malcom R. Lee/OPD/EOP
Ann F. Lewis/WHO/EOP
Jacob J. Lew/OMB/EOP
Bruce R. Lindsey/WHO/EOP
Joseph P. Lockhart/WHO/EOP
Ira C. Magaziner/OPD/EOP
Alphonse J. Maldon/WHO/EOP
Laura S. Marcus/WHO/EOP
Elizabeth A. Martinez/WHO/EOP
Sylvia M. Mathews/WHO/EOP
Doris O. Matsui/WHO/EOP
Floydetta McAfee/WHO/EOP
Ann A. McCoy/WHO/EOP
Michael D. McCurry/WHO/EOP
Kathleen A. McGinty/CEQ/EOP

Anne E. McGuire/WHO/EOP
Patricia A. McHugh/WHO/EOP
Susan McNay/WHO/EOP
April K. Mellody/WHO/EOP
Cheryl D. Mills/WHO/EOP
Nancy A. Min/OMB/EOP
Elizabeth A. Montoya/WHO/EOP
Linda L. Moore/WHO/EOP
Minyon Moore/WHO/EOP
Ruby G. Moy/WHO/EOP
Janet Murguia/WHO/EOP
Elizabeth A. Myers/WHO/EOP
Paul L. Myers/OA/EOP
Lucie F. Naphin/WHO/EOP
Bob J. Nash/WHO/EOP
Timothy L. Newell/OSTP/EOP
Jadine Nielsen/WHO/EOP
Peter O'Keefe/WHO/EOP
PALMIERI_J @ A1 @ CD @ LN GTWY
John Podesta/WHO/EOP
Jonathan Prince/WHO/EOP
Victoria Radd/WHO/EOP
Franklin D. Raines/OMB/EOP
Bruce N. Reed/OPD/EOP
Dorothy Robyn/OPD/EOP
Steven J. Ronnel/WHO/EOP
Stacey L. Rubin/WHO/EOP
Charles F. Ruff/WHO/EOP
Lee A. Satterfield/WHO/EOP
Debra A. Schiff/WHO/EOP
Laura D. Schwartz/WHO/EOP
Marsha Scott/WHO/EOP
Sondra L. Seba/WHO/EOP
David Shipley/WHO/EOP
Jake Siewert/OPD/EOP
Joshua Silverman/WHO/EOP
Stephen B. Silverman/WHO/EOP
Karen E. Skelton/WHO/EOP
C. Wayne Skinner/WHO/EOP
Craig T. Smith/WHO/EOP
Wendy Smith/WHO/EOP
Richard Socarides/WHO/EOP
Patricia Solis-Doyle/WHO/EOP
Douglas B. Sosnik/WHO/EOP
Gene B. Sperling/OPD/EOP
Todd Stern/WHO/EOP
Stephanie S. Streett/WHO/EOP
John O. Sutton/WHO/EOP
Jordan Tamagni/WHO/EOP
Daniel K. Tarullo/OPD/EOP
Virginia M. Terzano/OVP @ OVP
Patsy L. Thomasson/WHO/EOP
Tracey E. Thornton/WHO/EOP
Terri J. Tingen/WHO/EOP
Barry J. Toiv/WHO/EOP
Elizabeth M. Toohy/WHO/EOP
Jodie R. Torkelson/WHO/EOP
David E. Tornquist/OMB/EOP
Suzanna A. Valdez/WHO/EOP
Molly Varney/WHO/EOP
Thomas J. Vellenga/WHO/EOP
Michael Waldman/WHO/EOP
Susan E. Walitsky/WHO/EOP

Ann F. Walker/WHO/EOP
Stephen C. Warnath/OPD/EOP
Daniel Wexler/WHO/EOP
Kathleen M. Whalen/WHO/EOP
Cecily C. Williams/WHO/EOP
Margaret A. Williams/WHO/EOP
Chantale Y. Wong/OMB/EOP
Lynn G. Cutler/WHO/EOP
Donald A. Baer/WHO/EOP
David S. Beaubaire/WHO/EOP
Sarah A. Bianchi/OMB/EOP
Dennis K. Burke/OPD/EOP
Katharine Button/WHO/EOP
Pamela Cicetti/OPD/EOP
Steven A. Cohen/WHO/EOP
Brenda B. Costello/WHO/EOP
Michelle Crisci/WHO/EOP
Rebecca R. Culberson/OMB/EOP
Elena Kagan/OPD/EOP
Lisa M. Kountoupes/OMB/EOP
Maureen A. Hudson/WHO/EOP
Patricia F. Lewis/WHO/EOP
Gordon Li/WHO/EOP
William P. Marshall/WHO/EOP
Capricia P. Marshall/WHO/EOP
Cathy R. Mays/OPD/EOP
Nicole R. Rabner/WHO/EOP
Evan Ryan/WHO/EOP
Jennifer L. Klein/OPD/EOP
Christa Robinson/OPD/EOP
Lisa O. Ross/WHO/EOP
Marjorie Tarmey/WHO/EOP
WHITE_W @ A1 @ CD @ LNGTWY
SINGH_A @ A1 @ CD @ LNGTWY
Lisa J. Levin/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:54:10.00

SUBJECT: Re: adoptions

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

READ:UNKNOWN

TEXT:

It's not as central to our agenda and (to tell the truth) not all that substantive. On the other hand, its guaranteed to be popular and we don't have anything else ready right now. If the reporter's antsy to do this story now, I guess I'd go with it.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Elena Kagan@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME: 29-APR-1997 12:12:00.00

SUBJECT: Re: State Legislatures

TO: PALMIERI_J (PALMIERI_J@A1@CD) (WHO)
READ: 29-APR-1997 13:34:58.64

CC: Emily Bromberg (Emily Bromberg@EOP@LNGTWY@EOPMRX)
READ: NOT READ

CC: Bruce N. Reed (Bruce N. Reed@EOP@LNGTWY@EOPMRX)
READ: NOT READ

TEXT:
Message Creation Date was at 29-APR-1997 12:04:00

New information. New states definitely endorsing our tests are:

- West Virginia
- Kentucky
- Vermont
- Massachusetts
- Missouri

New states possibly endorsing our tests are:

- New York
- New Jersey

We believe that all these states, other than West Virginia and Kentucky, will be in session on May 19. But we should check with intergovernmental. Emily??

Announcement

May marks both teen pregnancy prevention month and the first anniversary of the National Campaign to Prevent Teen Pregnancy. Today, in recognition of both these events, The First Lady recognizes the National Campaign to Prevent Teen Pregnancy's first 12 honorees -- individuals from around the country whose community-based efforts to prevent teen pregnancy are making a difference. The First Lady also discusses two new teen pregnancy prevention grant programs and findings from a new study of childbearing and family planning to be released later this month by the Department of Health and Human Services, both announced yesterday in California by Sec. Shalala.

Background

The National Campaign to Prevent Teen Pregnancy is a private nonprofit organization dedicated to preventing teen pregnancy by supporting values and stimulating actions that are consistent with a pregnancy-free adolescence. The "Campaign" was stimulated by President Clinton's challenge issued in his 1995 State of the Union address that "parents and leaders across the country ... join together in a national campaign against teen pregnancy to make a difference." May 1997 marks the first anniversary of the National Campaign to Prevent Teen Pregnancy.

Following his 1995 State of the Union comments, the President held a meeting at the White House with a group of prominent teen pregnancy prevention experts and advocates to discuss what might be done to combat the problem. From that meeting emerged a serious private sector planning effort that led to the creation of the National Campaign. The Campaign is chaired by former New Jersey Governor Thomas Kean and has a distinguished Board of Director including Katherine Graham, Whoopi Goldberg, The Hon. Nancy Kassebaum, The Hon. Warren B. Rudman, William A. Galston, and others. Isabel Sawhill, President of the Campaign, was President Clinton's former Director of the Office of Management and Budget.

To commemorate the anniversary of the National Campaign, the First Lady is recognizing 12 honorees whom the Campaign chose for their outstanding leadership in the area of teen pregnancy prevention. Each of these people represent community-based prevention approaches that are making the incidences of teen pregnancy more rare and are, at the same time, strengthening the surrounding communities.

The honorees' work embodies several key themes that are essential to preventing teen pregnancy: emphasizing values and self-esteem in working with adolescents; forging partnerships with the corporate sector; encouraging adult-child communication; involving youth in the discussion; emphasizing the importance of male involvement in prevention; and involving the media. Honorees from Elayne Bennett, President of the Best Friends Foundation to Wade Horn, Director of the National Fatherhood Initiative, Sheila Johnson of Black Entertainment Television, Inc. and the other honorees represent the diverse approaches needed to tackle the problem of teen pregnancy.

Secretary Shalala's Announcements

Just yesterday, the Secretary of Health and Human Services, Donna Shalala, announced two new community grant programs to prevent teen pregnancy and promote responsible behavior. One program will be aimed at teenage girls and the other at teenage boys. Both grants grow out of Secretary Donna Shalala's new Girl Power! Campaign which is aimed at enhancing self-esteem, promoting good health, and preventing unhealthy behaviors among girls 9 to 14 years old. Each of the grant programs will total about \$1 million per year and involve public-private partnerships organized by individual communities.

The Secretary also discussed a new study, to be released later this month by HHS, that shows the percentage of teenagers who have had sex declined in the 1990s after increasing steadily for more than two decades. The decline is small -- 5 percent -- but is significant because it shows that the long-term increase in teenage sexual activity may finally be over. This data is part of a new study of child bearing and family planning covering all women 15-44.

BACKGROUND AND ACCOMPLISHMENTS FACT SHEET

Administration Accomplishments

May marks both teen pregnancy prevention month and the first anniversary of the National Campaign to Prevent Teen Pregnancy. Over the past five years, this Administration has made progress toward reducing teen pregnancy rates, and continues to work to tackle this problem. However, it is important to note that, despite our progress, there is still much work to do. Teen pregnancy is a tough problem that demands everyone's involvement from the community level on up.

- Just yesterday, the Secretary of Health and Human Services, Donna Shalala, announced two new community grant programs to prevent teen pregnancy and promote responsible behavior. One program will be aimed at teenage girls and the other at teenage boys. Both grants grow out of Secretary Donna Shalala's new Girl Power! Campaign which is aimed at enhancing self-esteem, promoting good health, and preventing unhealthy behaviors among girls 9 to 14 years old. Each of the grant programs will total about \$1 million per year and involve public-private partnerships organized by individual communities.
- The Secretary also discussed a new study, to be released later this month by HHS, that shows the percentage of teenagers who have had sex declined in the 1990s after increasing steadily for more than two decades. The decline is small -- 5 percent -- but is significant because it shows that the long-term increase in teenage sexual activity may finally be over. This data is part of a new study of child bearing and family planning covering all women 15-44.
- This past January, President Clinton launched a comprehensive effort by his Administration to prevent teen pregnancy in this country. The initiative, led by the Department of Health and Human Services, responded to a call from the President and Congress as part of the new welfare reform legislation and builds upon work already underway in the Administration.
- HHS last October released data showing an 8 percent drop in teen birth rates from 1991 to 1995, and the latest data available though June 1996 indicates that the decline has continued. The birth rate for teenagers as of June 1996 stood at 55.6 births per 1,000 women aged 15-19 years, compared to 62.1 in 1991.
- The new welfare law signed by the President on August 22, 1996 contains several provisions addressing teen pregnancy prevention: unmarried minor parents are required to stay in school and live at home, or in an adult-supervised setting in order to receive assistance; Second Chance Homes" -- adult supervised residential homes designed to provide teen parents with the skills and supports they need to finish school, become good role models, and providers for their children -- are allowed and encouraged; \$50 million a year in new funding for state abstinence education activities is provided starting FY 1998; finally, the new law includes tough child support measurements that send the strongest possible message to young boys and girls that they should not have children until they are ready to provide for those children.

- In his 1995 State of the Union address, President Clinton challenged “parents and leaders across the country ... to join together in a national campaign against teen pregnancy to make a difference.” In response to his challenge, last may The National Campaign to Prevent Teen Pregnancy was formed. The National Campaign is a private nonprofit organization dedicated to preventing teen pregnancy by supporting values and stimulating actions that are consistent with a pregnancy-free adolescence. May 1997 marks the first anniversary of the National Campaign to Prevent Teen Pregnancy.
- Since 1993, the Administration has supported innovative and promising teen pregnancy prevention strategies tailored to the unique needs of communities. HHS-supported programs already reach about **30 percent or 1,410 communities** in the United States.
- The Administration Strategy is also building partnerships among national, state and local organizations, including the National Campaign to Prevent Teen Pregnancy; schools, businesses; religious institutions; federal, state and local governments; tribes and tribal organizations; parents; and teenagers, uniting efforts to send a strong message of abstinence and personal responsibility to young people and provide them with opportunities for the future.
- Finally, the Administration is committed to improving data collection, research and evaluation to further our understanding of the magnitude, trends, and causes of teen pregnancies and births. To develop targeted prevention strategies, and to assess how well these strategies work.

The Challenge

- However, as much as we have done and as much progress as we have seen, there is much more work to do. Teen pregnancy remains a major social problem for this country and one that none of us can ignore.
- Every year in this country, over 1 million teenagers become pregnant and four in 10 girls become pregnant as least once before turning 20.
- The encouraging recent decline in the U.S. teen birth rate is counterbalanced by a negative trend: today, nearly three-quarters of teen births are to unmarried teens, while as recently as 1960, only 50 percent were. Today, teen mothers make up the largest group (48 percent) of all first births to unmarried women.
- Early parenting limits a young mother’s likelihood of completing high school -- less than one-third of teens who begin their families before age 18 ever complete high school -- and increases the likelihood that that young mother will end up in poverty.
- We should be especially concerned about the children of teen parents. When compared to children of older mothers, children of teen mothers have more health problems, do much worse in school, live in home environments of lower quality, suffer higher rates of abuse and neglect, and are more likely to become teen mothers themselves.

Summary
Whatever Happened to Childhood?
Published by the National Campaign to Prevent Teen Pregnancy

Following is a brief summary of the key findings from the National Campaign To Prevent Teen Pregnancy draft report, "Whatever Happened to Childhood,?" to be published in two to four weeks.

The report aptly illustrates teen pregnancy as a social crisis that continues to break down family, community and common culture. The message the report sends is twofold: 1) although we are making some progress, there is much more work to do and we must not let our attention stray from this critical national issue and, 2) despite consistent community-based efforts, the evidence has not born out a simple solution to the problem so we must continue to be creative, innovative and persistent in our efforts.

Of the many community experiments around the country, the report states, most have exhibited mixed outcomes, and no one program stands out as having produced clear, replicable results. Community approaches include sex education aimed at delaying sexual activity and reducing the number of sexual partners and using birth control; abstinence only programs; support for community-based family planning services; comprehensive approaches stresses components from each approach and; programs dedicated to nurturing and guiding young people.

In addition to these conclusions, the report also presents some interesting observations that may have future policy implications.

First, the vast majority (85 percent) of pregnancies among teens are not fully planned *or* unintended. Rather they result from teens' ambivalence about pregnancy, accidents, their confusion about preventing pregnancy, and sometimes their failure to make any clear decision about sexual activity.

Second, many communities do not address the problem at all because the conflict over which approach to use can become so intense and destructive to the community that a community decides to do nothing at all. Therefore, the report states, a new and emerging approach to teen pregnancy prevention is community conflict resolution. The report lays out an excellent example of this approach at work. In 1990, the rural community of Tillamook County, Oregon had the highest teen pregnancy rate in the state but fought bitterly over a solution, including the Board of Education voting down several proposals. Finally, the County decided to embrace a new ethic of "unity of purpose, diversity of means," allowing various segments of the community to develop their own intensive initiatives, from creating a church-based abstinence program to improving access to family planning programs. By 1994, the county teen pregnancy rate had dropped by 70 percent, becoming the lowest in the state. *This story bares out research by Dr. Kristen Moore that says teen pregnancy programs that send mixed messages to teens actually work because the teen will be exposed to all messages and will take what works for her or him, whether it be abstinence, birth control, or self-esteem raising.*

Third, although the teen birth rate has decreased in the past few years, the number of births to teens increased in 1993 and 1994, reflecting an overall increase in the U.S. teen population. Because the number of teens is expected to increase further, so will the number of pregnancies

and births, perhaps increasing by 26 percent by the year 2010 unless rates are reduced.

The report tells its story using mostly previously released data that remain relevant. Following are facts from the report worth reviewing.

- Every year in this country, over 1 million teenagers become pregnant and four in 10 girls become pregnant as least once before turning 20.
- The pregnancy rate increased among all girls age 15-19 by 23 percent between 1972 and 1990 from 95 to 117 pregnancies per 1,000 women, and then declined to 112 per 1,000 women in 1992 (the year for which the most recent data is available). At the same time, the pregnancy rate among sexually experienced girls decreased 19 percent, largely due to increased use of contraception.
- By 1991, the teen birth rate had reached 62 births per 1,000 women aged 15-19, its highest point in the past two decades. Since then, that rate has fallen slowly to 57 births per 1,000 women in 1995.
- The encouraging recent decline in the U.S. teen birth rate is counterbalanced by a negative trend: today, nearly three-quarters of teen births are to unmarried teens, while as recently as 1960, only 50 percent were. Today, teen mothers make up the largest group (48 percent) of all first births to unmarried women.
- Birth rates are higher among African-American and Hispanic teens than among white teens
- While most pregnant teens are 18 or 19 years old, about 40 percent are 17 or younger and about half of all pregnant teens ages 15-19 are white.
- Many of the fathers of children born to teen mothers are older -- nearly 40 percent of those young men who impregnate a minor teen (under 18) are 20 years old or older.
- More than half of the teen pregnancies result in a birth (1/3 end in abortion and 14 percent in miscarriage) and of those who give birth most keep their child rather than put it up for adoption.
- Early parenting limits a young mother's likelihood of completing high school -- less than one-third of teens who begin their families before age 18 ever complete high school.
- When compared to children of older mothers, children of teen mothers have more health problems, do much worse in school, live in home environments of lower quality, suffer higher rates of abuse and neglect, and are more likely to become teen mothers themselves.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:26:42.00

SUBJECT: Re: adoptions

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

TEXT:

on another matter, we seem to have run into a bit of a problem on our education eo; on further thought, we decided it might interfere with our efforts to round up support in congress. we will be looking for an alternative for you to pitch to usa today. there doesn't seem to be anything imminent.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:24:48.00

SUBJECT: Re: adoptions

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

READ:UNKNOWN

TEXT:

jen klein should be calling you on this. yes, it is essentially our proposal. we are sending up a sap strongly supporting it tomorrow. and yes, we should get all the press we can for it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:27:18.00

SUBJECT: Re: Are you looking for someone with a disability, to do domestic policy/disabil

TO: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

i don't think we have any slots. sorry.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:33:59.00

SUBJECT: US Conf of Mayors

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 04/29/97 06:38
PM -----

PALMIERI_J @ A1
04/29/97 04:49:00 PM

Record Type: Record

To: Douglas B. Sosnik, Elena Kagan, ROBINSON_C @ A1@CD@LNGTWY
cc: Douglas B. Sosnik
Subject: US Conf of Mayors

Drug. We are going to have a meeting on the US Conference of Mayors
Summit with Marcia and Rahm tomorrow at 4:00 pm in Rahm's office.
Love to have you all there.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 11:11:06.00

SUBJECT: Re: Sentencing Commission

TO: Robert B. Johnson (CN=Robert B. Johnson/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Leanne is getting ready to send everything. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 12:05:53.00

SUBJECT: Re: State Legislatures

TO: PALMIERI_J (PALMIERI_J @ A1 @ CD @ LNGTWY [EOP]) (WHO)
READ:UNKNOWN

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

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

TEXT:

New information. New states definitely endorsing our tests are:

West Virginia
Kentucky
Vermont
Massachusetts
Missouri

New states possibly endorsing our tests are:

New York
New Jersey

We believe that all these states, other than West Virginia and Kentucky, will be in session on May 19. But we should check with intergovernmental. Emily??

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-APR-1997 14:35:03.00

SUBJECT: gq

TO: Mary E. Glynn (CN=Mary E. Glynn/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

I've decide to subject myself to this. Let me know what I have to. And give me lots of advice! Thanks.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Elena Kagan@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:30-APR-1997 12:17:00.00

SUBJECT: Re: US Conference of Mayors

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

READ:30-APR-1997 12:59:00.21

TEXT:

Message Creation Date was at 30-APR-1997 10:45:00

it is for me. but that 's ok if it's the only time. just let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 10:54:49.00

SUBJECT: Friday Reconciliation Meeting - Message #1

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 05/01/97 10:58
AM -----

June G. Turner

05/01/97 09:45:22 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Debra A. Schiff/WHO/EOP, Virginia N. Rustique/WHO/EOP
Subject: Friday Reconciliation Meeting - Message #1

There will be a Reconciliation Working Group on Friday, May 2 at 10:30 am
in the Roosevelt Room.

NOTE: I will call and confirm the attendance of OMB & Scheduling

Attendees:

Betty Currie
Don Baer
Dawn Chirwa
Maria Echaveste
Rahm Emanuel
Richard Hayes
Elena Kagan
Ann Lewis
Cheryl Mills
Bob Nash
Janet Murguia
John Podesta
Bruce Reed
Richard Socarides
Tracey Thornton
Minyon Moore
Andrew Mayock
Rob Weiner
Robert Johnson
John Hilley
Alexis Herman
Doris Matsui
Doug Sosnik
Carolyn Curiel
James Edmonds
Ann Walker
Michael Waldman
Frank Raines

Beverly Barnes
Susan Liss
Ellen Lovell
Kitty Higgins
Flo McAfee
Marcia Hale
Mary Ellen Glynn
Stephanie Streett
Michael Diech
Rose Ochi (Justice)
Isabel Pinzler (Justice)

Message Sent

To:

Betty W. Currie/WHO/EOP
Donald A. Baer/WHO/EOP
Kevin S. Moran/WHO/EOP
Dawn M. Chirwa/WHO/EOP
Maria Echaveste/WHO/EOP
Marjorie Tarmey/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Michelle Crisci/WHO/EOP
Richard L. Hayes/WHO/EOP
Elena Kagan/OPD/EOP
Laura Emmett/WHO/EOP
Ann F. Lewis/WHO/EOP
Cheryl D. Mills/WHO/EOP
Bob J. Nash/WHO/EOP
Laura K. Demeo/WHO/EOP
Janet Murguia/WHO/EOP
John Podesta/WHO/EOP
Sara M. Latham/WHO/EOP
Bruce N. Reed/OPD/EOP
Cathy R. Mays/OPD/EOP
Richard Socarides/WHO/EOP
Tracey E. Thornton/WHO/EOP
Minyon Moore/WHO/EOP
Robert N. Weiner/WHO/EOP
Robert B. Johnson/WHO/EOP
Andrew J. Mayock/WHO/EOP
Ruby G. Moy/WHO/EOP
John L. Hilley/WHO/EOP
Doris O. Matsui/WHO/EOP
Elisa Millsap/WHO/EOP
Douglas B. Sosnik/WHO/EOP
John O. Sutton/WHO/EOP
Carolyn Curiel/WHO/EOP
James T. Edmonds/WHO/EOP
Patricia E. Romani/OMB/EOP
Ann F. Walker/WHO/EOP
Michael Waldman/WHO/EOP
Franklin D. Raines/OMB/EOP
Rebecca R. Culberson/OMB/EOP
Ora Theard/WHO/EOP
Katharine Button/WHO/EOP
Beverly J. Barnes/WHO/EOP
Susan M. Liss/OVP @ OVP
Elizabeth R. Newman/WHO/EOP
Ellen M. Lovell/WHO/EOP
Virginia N. Rustique/WHO/EOP
Elizabeth M. Toohy/WHO/EOP

Brian A. Reich/WHO/EOP
Floydetta McAfee/WHO/EOP
Alison E. Bracewell/WHO/EOP
Mary Morrison/WHO/EOP
Mary E. Glynn/WHO/EOP
Trooper Sanders/OVP @ OVP
Kim B. Widdess/WHO/EOP
Angelique Pirozzi/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 17:00:08.00

SUBJECT: Re: Jerry Jasnowski Meeting

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

TEXT:

I used to talk with Victor Schwartz regularly. He will offer to work towards a compromise bill -- i.e., a bill going part way in the direction of our veto message -- but will want some definite idea of what we can live with.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 10:54:02.00

SUBJECT: Re: Surgeon General Candidate

TO: Peter C. Erichsen (CN=Peter C. Erichsen/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Chris Jennings and Sarah Bianchi are our two health people. Call Chris; he'll probably assign Sarah. Let me know if you have any problems.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-MAY-1997 11:00:36.00

SUBJECT: Re: Volunteer/Products Liability

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

TEXT:

I haven't seen the Leahy alternative. Could you send it to me? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1997 14:00:04.00

SUBJECT: Re: Spirits Council

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

TEXT:
still thinking...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 17:13:03.00

SUBJECT: Re: TitleIX

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

TEXT:
do we have an event?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 17:12:44.00

SUBJECT: TitleIX

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 05/06/97 05:17
PM -----

Marjorie Tarmey
05/06/97 04:27:28 PM

Record Type: Record

To: Ann F. Lewis/WHO/EOP, Susan M. Liss/OVP @ OVP, Elena Kagan/OPD/EOP,
Lynn G. Cutler/WHO/EOP
cc: Katharine Button/WHO/EOP, Kevin S. Moran/WHO/EOP, Suzanne
Dale/WHO/EOP, Trooper Sanders/OVP @ OVP
Subject: TitleIX

On Monday or Tuesday of next week, Maria Echaveste would like to meet on
the event and other issues re Title IX anniversary. Please let me know
what works best for your schedule.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 17:28:49.00

SUBJECT: Re: TitleIX

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

TEXT:
could you send me the request? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAY-1997 18:12:30.00

SUBJECT: Re: TitleIX

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

TEXT:

make sure jen klein knows when this meeting is. thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 05/06/97 06:16
PM -----

Jennifer L. Klein
05/06/97 06:00:57 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Re: TitleIX

Sure. Just ask Laura to let us know when.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 13:39:21.00

SUBJECT: Re: OIRA/Distilled Spirits Meeting

TO: Cheryl M. Carter (CN=Cheryl M. Carter/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

yes, sure; what exactly am I asking?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 16:09:07.00

SUBJECT: texas letter

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

READ:UNKNOWN

TEXT:

Erskine hasn't decided whether he wants to meet with the Texas delegation yet (he's waiting for Hilley's and Sosnick's advice), so right now all we can say is that we've received the request and it's under consideration.

Also, I didn't realize that the IDEA action was today. (I thought it was tomorrow.) We missed the Hill press conference, but we can still issue a statement. Should we?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 13:36:18.00

SUBJECT: Re: IDEA

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

TEXT:
probably a good idea; we're doing some last checks now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-MAY-1997 16:05:50.00

SUBJECT: Re: FINAL REMINDER FOR WEDNESDAY: DAILY REPORTS TO POTUS

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

TEXT:

we are getting something to you on texas right now.