Extent

13 folders, approximately 1032 pages

Summary

This collection consists of records regarding the Loewen Group, Inc.’s arbitration claims against the United States Government under the North American Free Trade Agreement (NAFTA). The collection includes correspondence, emails, memoranda, notes, and publications that primarily date to 1999 and 2000.

Scope and Content Note

The materials in FOIA 2010-0021-F are a selective body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related materials. The Loewen Group, Inc., a funeral service corporation based in Canada, was sued for breaching a settlement agreement and engaging in unfair competition in a Mississippi lawsuit in 1995. After a controversial trial and appealing the verdict, Loewen settled the case. In October of 1998, the Loewen Group, Inc. brought arbitration claims against the United States under the North American Free Trade Agreement (NAFTA). Loewen contended that the United States was liable under NAFTA for damages that allegedly resulted from the jury’s verdict in the Mississippi lawsuit. In June of 2003, an international tribunal unanimously ruled in favor of the United States in the case of The Loewen Group, Inc. v. United States of America. In additional to rejecting Loewen’s claims on jurisdictional grounds, the tribunal concluded that Loewen had failed to demonstrate a violation of NAFTA because the company had failed to pursue other remedies available to it under U.S. law. The Department of Justice and the Department of State represented the United States in this arbitration. The materials in FOIA 2010-0021-F consist of correspondence, emails, memoranda, notes, and printed materials that date from 1999 to 2000 and describe the Loewen Group, Inc.’s arbitration claims against the United States under the NAFTA.

Record Type

Textual

System of Arrangement

Records that are responsive to this FOIA request were found in one collection area—Clinton Presidential Records: White House Staff and Office Files. Staff and Office files were maintained at the folder level by staff members within their individual offices and documents all levels of administration activity. Staff and Office files are processed at the folder level, that is, individual documents are not selected and removed from a folder for processing. While this method maintains folder integrity, it frequently results in the incidental processing of documents that are not wholly responsive to the subject area.

Access

Collection is open to all researchers. Access to Clinton Presidential Records is governed by the Presidential Records Act (PRA) (44 USC 2201) and the Freedom of Information Act (FOIA) (5 USC 552, as amended) and therefore records may be restricted in whole or in part in accordance with legal exemptions.

Copyright

Documents in this collection that were prepared by officials of the United States government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (17 USC, 101) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of William Jefferson Clinton’s presidency are housed at the Clinton Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

Geographic Place

Canada
Mississippi

Topical Subjects

North American Free Trade Agreement (1992 December 17)
International trade
Free trade

Processed by

Staff Archivist, 2011. Previously restricted materials are added as they are released

Last Modified Date

2012-01-06

Container List

The following is a list of documents and folders processed in response to FOIA 2010-0021-F:
Box 1
Clinton Presidential Records: White House Staff and Office Files
Counsel’s Office

Marshall, Bill
Loewen [OA/ID 18426]
Rundlet, Peter
[Draft of the jurisdictional brief in Loewen] [loose] [OA/ID 23666]
Loewen (NAFTA [North America Free Trade Agreement] Arbitration) [1] [OA/ID 23666]
Loewen (NAFTA [North America Free Trade Agreement] Arbitration) [2] [OA/ID 23666]
Loewen (NAFTA [North America Free Trade Agreement] Arbitration) [3] [OA/ID 23666]
Loewen / NAFTA [North American Free Trade Agreement] – Podesta Memo and other documents [1] [OA/ID 23666]
Loewen / NAFTA [North American Free Trade Agreement] – Podesta Memo and other documents [2] [OA/ID 23666]
Memorial of the Loewen Group, Inc. [binder] [1] [OA/ID 23666]
Memorial of the Loewen Group, Inc. [binder] [2] [OA/ID 23666]
Memorial of the Loewen Group, Inc. [binder] [3] [OA/ID 23666]
Notice of Arbitration – Mondev International Ltd. v. United States of America [1] [OA/ID 23666]
Notice of Arbitration – Mondev International Ltd. v. United States of America [2] [OA/ID 23666]
Clinton Presidential Records: White House Staff and Office Files (continued)
National Security Council
International Economic Affairs
Duncan, John
NAFTA [North American Free Trade Agreement]-Arbitration, Loewen Group [OA/ID 4025]