



# *Clinton Presidential Library*

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*1200 President Clinton Avenue  
Little Rock, AR 72201*

## **Inventory for FOIA Request 2010-0021-F**

### **Records concerning the North American Free Trade Agreement (NAFTA) arbitration claim of the Loewen Group, Inc.**

#### **Extent**

13 folders, approximately 1032 pages

#### **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).

#### **Processed by**

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

#### **Scope and Content**

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 addition 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.

### **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.

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]

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