

C. Jennings
Subcommittee
over 20 yrs - PLS
work with
difficult case
help
PR

Q:
S. Streett

9/14
Handled by H. Brown / 048-
H. USA / 1048-
big for Riley

THE WHITE HOUSE
WASHINGTON

Copied
Jennings
Streett

March 15, 2000

Mr. Pat M. Riley, Sr.
Chairman
Riley Company
Suite 301
The Riley Building
620 West Third Street
Little Rock, Arkansas 72201

Dear Pat:

Thanks for your letter about the nursing home situation in Arkansas. I was sorry to learn about your troubles, and I have made Steven Pelovitz, Acting Director of HCFA's Survey and Certification Group, aware of them. I know he will take all appropriate action, and I understand that HCFA is willing to work with you and the Arkansas Department of Human Services to expedite your recertification into the Medicare program. I have also shared your request for a meeting with my Scheduling Office.

I agree that we must do everything we can to address the complex problems of long-term care, and I hope your situation is resolved soon. I'm glad you wrote.

Sincerely,

Bill

Riley Company

The Riley Building, Suite 301
620 West Third Street
Little Rock, Arkansas 72201
501-375-8403 501-375-7114 Fax

See
Memo

February 3, 2000

Dear Bill:

100 FEB 3 2000

There is an "emergency situation" in the nursing home industry in our nation and most particularly in Arkansas.

In later 1998, the HealthCare Finance Administration began a vicious attack on nursing homes.

It was either implemented by a Federal Inspector being on the premises or through continuous pressure upon State Inspectors.

Issued fines have been as high as \$250,000, some of which were capricious deficiencies.

Further, the inspectors have taken away the facility's right to admit new Medicaid or Medicare patients until the inspection process is completed.

In the case of my North Little Rock nursing home, it took them over 4 months to complete an inspection and grant an approval to readmit Medicaid patients. Our census dropped 35% and placed us in a serious cash deficit operation.

It has been nine months since the last inspection clearance and we have yet to build our census back to anywhere near that it once was.

Very importantly, we have not been allowed back into the Medicare program. We were one of the first facilities that participated in the Medicare program in Arkansas and we have a wonderful wing devoted to this care. In fact, no facility that has been pulled out of the Medicare program has been allowed back in. This also places heavy deficit operational figures on the facility. Even some enlightened Federal Officials are verbalizing a need for policy changes within the Medicare program.

It will in time cause backing-up of patients in hospitals rather than moving them forward to sub-acute care facilities such as our own.

Someone within our Federal HealthCare Agency needs to look at this realistically. There are always those who do not operate properly in any industry, but the bulk of the nursing home industry provides the very best care under the current circumstances. We cannot manufacture people to work.

At this time I am spending \$37,800 a month more at my North Little Rock facility for nursing personnel than what is required. Primarily we have extra Licensed Practical Nurses because they are needed to supervise the quality of Certified Nursing Aids that we are able to hire so we can produce quality services.

My personal losses in this facility for the year of 1999 approached \$2,000,000. This is actual cash out of my pocket.

2/8/00

page 1 of 2

Send to Burkhardt?

Yes ☒

No ☐

BCS/g

Carl

The other critical problem: Every facility in the State is losing money on Medicaid residents. We have not had an increase in rate for the State of Arkansas in three years. There have been two minimum wage increases, however, we have not had an increase to cover it, so the wage increase has had to be absorbed.

The net result is that it is quite possible that 40% of the nursing homes in Arkansas will be bankrupt by July 2000 unless relief is given.

The Arkansas State Nursing Home Association is a dedicated group of people, with a fine president, Jim Cooper. We have been working with the Arkansas Department of Human Services Director, Kurt Knickrehm, on the new compensation system. They are now looking at cost reports and they have realized that we are in fact operating at losses and this cannot be sustained forever.

We require the support of the Governor's office. We are doing our best to be sure to lead this Administration into understanding the dire strait of the current condition.

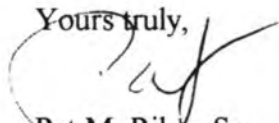
We need help. What is the possibility of a delegation from Arkansas speaking with you in Washington thus allowing you to see the reality of our crisis and you will then be able to give us some assistance? Is it possible, while you are in Arkansas in the very near future, you could spend just a small amount of time with us to see the actual condition and hear the actual facts.

Bill, in the eight years that you have been President; I have only approached you one time for one act of assistance. That was to participate with my good friend, Jim Burke, in the Drug Free America. You responded to this request and we had a wonderful conference in Washington. You have been continuing to support these efforts to slow down and lessen the use of drugs.

This is my second appeal. I do so – only – because it is a definite emergency.

Thank you for the consideration.

Yours truly,



Pat M. Riley, Sr.
Chairman
Riley Company

Riley Company

The Riley Building, Suite 301
620 West Third Street
Little Rock, Arkansas 72201
501-375-8403 501-375-7114 Fax

To: President Bill Clinton

From: Pat M. Riley, Sr.

Date: February 2, 2000

It is my request that someone on your HealthCare staff review this attachment.

Riley's Oak Hill Manor North was removed from the Medicare Program late December 1998. We tried several avenues to get back into the program. Two deficiencies caused this delay.

One of these deficiencies was removed after a hearing. The second deficiency occurred when an inspector came to our facility around June 16, 1999 and tagged us with an "Immediate Jeopardy", which is a serious offense.

The fine was remarkably only \$1000, however, we had no choice but to fight this allegation, because we could not get back into Medicare unless it is removed.

We spent \$15,000 in legal fees and seven months going through this process. Finally, the attached is the finding from the Hearing Department Attorney, Marie B. Miller.

Attorney Marie Miller works for a firm that has sued nursing homes and she was in fact hired by the Director of State Social Services to hear this case. Nonetheless, her report is eye opening.

She totally exonerated us from any guilt.

This may get us into the Medicare program, however, it cost the Riley Company \$15,000 and seven months. It was a capricious deficiency filed against us by a vindictive inspector.

The commentary that "we need tougher inspections" needs to be reviewed because this is an example of what is actually going on in the nursing home industry. We are overly inspected and overly abused.

We need an enlightened official in the HealthCare Finance Administration to turn inspections into constructive events not as at present – Destructive! Also, to revise some policies so good facilities such as mine can re-enter the Medicare program.

THE HEALTH LAW FIRM - 501.375.7114

NO. 127 002

BEFORE THE ARKANSAS DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF THE DEFICIENCY AND CIVIL MONEY
PENALTY APPEAL BY RILEY'S OAK HILL MANOR-NORTH**

On November 17, 1999 a hearing was held pursuant to A.C.A. § 20-10-208 and A.C.A. § 25-15-210, before Hearing Officer Marie-B. Miller. Petitioner, Riley's Oak Hill Manor-North, ("Riley's"), by and through it's attorneys, Harold H. Simpson and Sara Fairbanks Israel, and Respondent, the Department of Human Services (the "Department"), by and through it's attorney, Joe Madden, were present. All witnesses were duly sworn, and testimony was received.

Riley's appeals the deficiency entered against it by the Department related to the survey conducted on June 16, 1999. The specific tags which are the subject of the appeal are Tag F224 and F490, Staff Treatment of Residents. Riley's additionally appeals the civil money penalty assessed on the grounds that it has been assessed illegally in that the Department from the testimony taken from the Department and Riley's witnesses, and a review of exhibits entered into evidence by both parties, this Hearing Officer finds that there is not substantial evidence to support the allegations of the Department that Riley's violated Tags F224 and F490.

PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW

The facts leading to this appeal are not disputed.

1. Riley's had an arrangement with ArkPath (also known as, Accu path Medical Laboratory), whereby ArkPath would send laboratory work technicians/phlebotomists to Riley's to collect specimens for laboratory work ordered by a physician for residents of the facility.

2. On June 16, 1999, ArkPath laboratory employees arrived at Riley's to draw blood from the resident referred to as Resident #1. Without warning to Riley's staff, the laboratory employees restrained the resident against her will and struck her when she indicated her refusal to have blood work drawn.

3. Riley's nursing and administrative staff intervened immediately and removed the laboratory employees from the premises. Riley's promptly reported the incident to the North Little Rock Police Department and Office of Long Term Care.

4. The Office of Long Term Care then conducted a complaint survey on June 22, 1999, which resulted in a determination of "immediate jeopardy" and the deficiencies and civil money penalty.

5. Resident #1 was admitted to the facility on July 16, 1996. The resident had a physician's order, dated June 12, 1999, for laboratory to be drawn on June 16, 1999.

6. The resident was cognitively alert and independent in all of her decision making, and only required supervision with her eating and bathing activities.

7. The ArkPath laboratory incident led the Department to determine that Riley's had not developed and implemented written policies and procedures that prohibit mistreatment, neglect, and abuse of residents and misappropriation of resident property and subjected Resident #1 to verbal, mental, sexual, or physical abuse, corporal punishment, or involuntary seclusion in violation of 42 C.F.R. § 483.13(c)(1).

8. The Department found the regulation not to be met because "[b]ased on observation, record review and interviews, the facility failed to develop and implement an effective system to ~~prevent~~ abuse of a case mix resident who sustained injuries as result of an altercation with the employee of an outside service provider. The failure resulted in placing this and other residents in immediate jeopardy to their health and safety." (Emphasis added)

9. The Department, further, based its determination on the fact that Riley's had no sign-in sheet for persons entering the facility, and had not performed a background check on the lab employees who entered the facility on June 16, 1999, therefore leading the Department to determine that Riley's had no system in place to ensure the prevention of mistreatment, abuse, neglect and misappropriation of resident property by individuals providing services requiring direct resident contact.

10. The ArkPath laboratory incident led the Department to determine that Riley's was not administered in a manner that enabled it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychological well-being of each resident in violation of 42 C.F.R. § 483.75.

11. The Department found the regulation not to be met because "[b]ased on observation, interviews and record reviews, the facility was not administered in manner that enables it to use its resources effectively and efficiently to obtain and maintain the highest practical (sic) physical, mental and psychological well-being of each resident in that it failed to develop and implement policies and procedures to prevent abuse to residents by the employees of companies contracted to provide service to residents." (Emphasis added)

12. Riley's lab director knew the two ArkPath laboratory employees who came to the facility on June 16, 1999. She had been, previously, introduced to them by the regular ArkPath laboratory person who was going to be out of town on that date.

13. Riley's procedure for laboratory personnel entering its facility to draw blood includes each laboratory person coming to the laboratory director and checking the lab book for possible changes in physicians' orders. After the laboratory person draws the blood they sign and initial that they were present.

14. Riley's produced a lab sheet displaying the physician's order related to Resident #1, and the initials of the laboratory employees.

15. Riley's has written policies and procedures in place that prohibit the mistreatment, neglect, and abuse of residents and misappropriation of resident property and the verbal, mental, sexual, or physical abuse, corporal punishment, or involuntary seclusion of its residents.

16. The federal regulations do not require that Riley's provide a sign-in sheet for person's entering the facility.

The following findings of fact 17 thru 26 have been stipulated to by the parties:

17. ArkPath laboratory employees were not part of Riley's patient care staff and had no employment relationship with Riley's.

18. ArkPath billed, and bills Medicaid directly for laboratory services provided to resident's of Riley's.

19. The ArkPath laboratory technicians/phlebotomists involved in the incident at Riley's were subsequently the subjects of criminal record checks and a determination that they were not disqualified from working in a long term care facility under A.C.A. § 20-33-201, et seq. and Office of Long Term Care regulations pertaining to Criminal Record Checks for Employees of Long Term Care Facilities.

20. ArkPath laboratory employees have never "applied for a position" at Riley's necessitating a background check to be obtained.

21. Riley's nursing personnel immediately intervened to assist the resident upon the resident's calls for help.

22. ArkPath laboratory employees were acting outside the scope of their employment and not in accordance with ArkPath's policy for the drawing of blood from patients.

23. No individual employed by Riley's abused the resident.

24. The Federal State Operations Manual - Appendix P (*Survey Protocol for Long Term Care Facilities*) has never been formally adopted as a regulation by DHS-OLTC via the Administrative Procedures Act.

25. 42 C.F.R. § 483.13(c)(1) does not include language regarding front-desk sign-in by visitors to long term care facilities.

26. 42 C.F.R. § 483.13(c)(1) does not include language regarding the administrator's knowledge of the names of contract service personnel.

27. The State of Arkansas has not promulgated in accordance with the Arkansas Administrative Procedures Act the September 29, 1995 amendment to the State Plan adopting the federal remedies as set forth in 42 C.F.R. § 488.408.

28. According to the Secretary of State's office, *Arkansas Register* division, no rules and regulations in accordance with Act 434 of 1967 (Administrative Procedure Act) were filed listed as "Arkansas State Plan Transmittal #95-020 - Federal enforcement remedies to be imposed upon a nursing facility with deficiencies which constitute noncompliance."

CONCLUSIONS OF LAW

42 C.F.R. § 483.13(c), provides that a "facility must develop and implement written policies and procedures that prohibit mistreatment, neglect, and abuse of residents and misappropriation of resident property."

It further provides that "the facility must: (1) not use verbal, mental, sexual, or physical abuse, corporal punishment, or involuntary seclusion; . . . Finally, it provides that "(2) The facility must ensure that all alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source, . . . are reported immediately to the

administrator of the facility and to other officials in accordance with State law through established procedures (including to the State survey and certification agency)."

42 C.F.R. § 483.75 provides "a facility must be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psycho social well-being of each resident."

"Immediate jeopardy" is defined as a situation in which the provider's noncompliance with one or more requirements of participation has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident. 42 C.F.R. § 488.301.

The incident precipitating this appeal is quite bizarre. The acts of abuse were committed by the employees of ArkPath, another Medicaid provider, licensed to provide laboratory services to facilities such as Riley's. The laboratory employees who entered Riley's on June 16, 1999, to draw blood from Resident #1, were duly employed by ArkPath and were found to have no criminal records upon obtaining a background check. Riley's was under no obligation to secure background checks on ArkPath's employees, and even if Riley's had been under such obligation, any background check of the two culpable employees would have yielded no criminal record.

The testimony shows that neither of these laboratory personnel were an employee of Riley's, and that none of Riley's employees were involved in the abuse which took place. The testimony also shows that upon becoming aware of the abuse, Riley's personnel immediately responded, and removed the two laboratory personnel from Resident #1's room. The Administrator was notified and was on the scene immediately, and the two laboratory personnel were removed from the premises. The Administrator

notified the law enforcement authority, and the Office of Long Term Care as required by law. Despite the above facts which were not disputed by the Department, Riley's was still cited for an immediate jeopardy deficiency and the accompanying civil money penalty. This Hearing Officer is baffled by the reasoning which led to this deficiency.

According to the Department, because Riley's did not have a sign in sheet at the front desk where the two ArkPath employees would have had to sign in before commencing to abuse the resident, an "immediate jeopardy" situation was created for other residents. This Hearing Officer fails to see the logic in such a determination.

First, there is no federal or state regulation that requires a nursing home facility to utilize a sign-in sheet at the front desk of the facility. Second, a sign-in sheet would have been completely ineffective to prevent the abuse that is the subject of this appeal. The facility can know the persons entering the facility, and did know these persons, but not prevent the type of incomprehensible abuse which occurred on June 16, 1999. Third, the incident was over. Riley's handled the incident appropriately, Resident #1 was safe, the ArkPath employees were removed from the premises, and reported to the police and the Office of Long Term Care. There was, clearly, no immediate jeopardy situation.

The Department determined that Riley's did not have written policies and procedures that "prevent" abuse, etc. The regulations, however, only require that a provider have written policies and procedures that "prohibit" abuse. Riley's has such policies and procedures in place. The Department goes on to support its determination with a finding that Riley's had no system in place to prevent abuse, such as the sign-in sheet. Riley's, obviously, is responsible for the care and protection of its residents, but

the federal and state regulations do not require a specific method of controlling access to the facility.

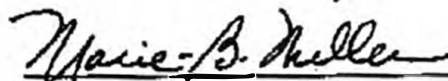
It would also appear that as it relates to outside laboratory personnel entering the facility, Riley's has a system in place to which persons providing laboratory services must adhere. The testimony and exhibits show that laboratory personnel must check in at the lab desk before proceeding to the resident's room in order to ascertain whether there have been order changes. After drawing the required blood, the laboratory personnel must return to the lab desk and check out by initialing that the requisite blood was drawn. In this case, the two renegade laboratory personnel had actually been introduced to Riley's Laboratory Director by the ArkPath employee who normally drew blood at Riley's as the persons who would be taking her place while she was away. It would appear to this Hearing Officer that Riley's has in place a system devised to provide Riley's with notice of the outside laboratory personnel on premises, and whether those persons have performed their assigned tasks. It is unreasonable to expect Riley's to have anticipated the incident involving professionals such as the two ArkPath employees. The Department failed to prove by substantial evidence that its determination of "immediate jeopardy" under these facts, was appropriate.

The issue of whether the civil money penalty was legally assessed against Riley's by the Department has also been appealed. However, the Hearing Officer's determination that the Department failed to establish the deficiencies by substantial evidence makes a decision on the legality of the civil money penalty unnecessary.

ADMINISTRATIVE ORDER

After consideration of the facts, exhibits and law in this matter, it is the opinion of this Hearing Officer that there is not substantial evidence supporting the Tags F224 and F490 deficiencies. Therefore, it is recommended that Riley's Oak Hill Manor-North's appeal of the June 22, 1999, deficiencies should be granted, and that all necessary action be taken by the Department not inconsistent with this opinion.

IT IS SO ORDERED.


MARIE-B. MILLER, HEARING OFFICER

Date: January 26, 2000

cc: Joe Madden, Attorney
Office of Chief Counsel

Ray Hanley, Director
Division of Medical Services

Harold H. Simpson, Attorney for
Riley's Oak Hill Manor-North

Sara Fairbanks Israel, Attorney for
Riley's Oak Hill Manor-North

I'd like
to see
Hamburg
cc:
S. Streett

Hamburg 1/4
3/14
closed by Bruce Lindsey
Both Hampton (out)
[White is 1/4 in
member]

WHITE HOUSE
WASHINGTON

copied
Streett

March 15, 2000

David A. Hamburg, M.D.
President Emeritus
Carnegie Corporation of New York
437 Madison Avenue
New York, New York 10022

Dear David:

Thanks for your kind letter about my State of the Union address and for enclosing copies of *Improving Intergroup Relations Among Youth* and your essay on conflict resolution. Your support means so much to me, and I'm interested in your ideas for increased research on intergroup relations. I've shared your materials with Bruce Reed, my domestic policy advisor.

I'm also grateful for your request to meet regarding my plans after I leave office. I've made my scheduling office aware of your letter. I'm sure you have some great ideas.

It's always wonderful to hear from you. I hope you are well. Best wishes.

Sincerely,

Bill



STATE OF THE UNION

ADDRESS TO THE 106th CONGRESS



SECOND SESSION

*To David Hamburg
with best wishes*

Bill Clinton

President William J. Clinton

JANUARY 27, 2000 • WASHINGTON, D.C.

Carnegie Corporation of New York

437 Madison Avenue, New York, NY 10022 • (212) 371-3200 • Fax: (212) 207-6342

David A. Hamburg, M.D.
President Emeritus

January 31, 2000

President William Jefferson Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

Your State of the Union message was superb! It lays out an agenda for serious consideration by the American people in the coming year and decade. It is exactly the sort of stimulating, far-sighted bully pulpit function that a vigorous democracy needs. The same is true of your recent statement on science and technology. As a PCAST member, I found it especially gratifying. These are critical issues that the American people must address of the next 10-20 years because they bear so powerfully on the future of our country.

In connection with your closing remarks in the State of the Union on the theme of inter-group relations and the strength of American diversity, I enclose two Carnegie-related items that I hope you will find useful. It would, for example, be valuable to heighten the research activities on these problems at NSF and NIH.

I well recall the excellent discussion Betty and I had with you on these matters when you so generously gave me the Medal of Freedom. That was an unforgettable day.

I would cherish the opportunity to have a few minutes with you some time on your post-presidency activity. You have a great career ahead. It has been my privilege to work rather closely with President Carter and President Gorbachev on their post-presidential activities and I am convinced that there are wonderful opportunities in the unique role of former president.

With every good wish,

As always,



* will they be in
substance then ask to
them - ?
call / see them - see the
action on their taking line

WHITE HOUSE
WASHINGTON

Copy: cel
Scheduling
Julie Eddy
WSC

March 15, 2000

The Narayan Family
4301 Cumberland North
Ft. Worth, Texas 76116

Dear Kalman, Kusuma, and Nita:

I was so saddened to learn of Navin's death and wanted you to know I'm thinking about you all.

I will always remember Navin. It was wonderful to meet him and get to know him a little, and I know he was a great treasure to you. I hope your good memories of him will give you some solace in this difficult time.

Hillary and I send our heartfelt condolences, and we'll be keeping you all in our prayers.

Sincerely,

Bill Clinton

Copy Scheduling -

Particularly - Julie
Eddy

TO: Nancy Hernreich

FROM: Helen Robinson

DATE: March 13, 2000

MEMORANDUM: Navin Narayan, '99 Rhodes Scholar passed away.

This morning at 2:09 AM CST Navin Narayan, one of the '99 Rhodes Scholars, passed away at home in Ft. Worth, Texas. A small family funeral will be held today in Ft Worth; Navin will be cremated. A memorial service will be held Wednesday, March 15 at 7:00 PM at Trinity Valley School in Forth Worth, Navin's high school.

The family's address is 4301 Cumberland North Ft. Worth, Texas 76116, telephone (817)732-0310.

Joyce Knight thanks you for letting the President know of Navin's passing and asks that you not be hesitant to contact her for further information. Her phone is (703)-821-5960. Her address is 8229 Boone Boulevard, Suite 240, Vienna, Virginia 22182.

Nita - sister

Kalman
Kusuma > parents

THE WHITE HOUSE
Office of Correspondence

From: Shivaun Cooney
Room 39
x~~6545~~+66438

Date:
03-14-00

To: Eugenie

- | | | |
|---|---|--|
| ☒ For your action | ☐ For your information | ☐ Per your request |
| ☐ For your approval | ☐ Call me on this | ☐ Please advise on how to respond |
| ☐ | ☐ | ☐ |

This call was received on
the Comment Line today.
I checked in 1Q and it looks
like correspondence from Navin
Narayan was referred to you.
Can you handle this?

Thanks -
Shivaun



White House Comment Line Message Information Sheet

Volunteer's Name: *Esther Smolens*

MESSAGE FOR: PRESIDENT; FIRST LADY; V.P.; OR OTHER (specify below)

TIME OF CALL:

Date: *3/14*

Time: *9:20* a.m. / ~~p.m.~~

CALLER'S NAME:

Betty Harvey

TELEPHONE NUMBER: (give area code)

817-233-7687 cell phone

ADDRESS

Street: (Apt. # if applicable)

4805 Brockton Court

City:

Ft Worth

State:

TX

Zip Code:

76132

Country:

MESSAGE / COMMENTS

(Continue on back if necessary)

Calling re: Navin Narayan ^{who} died 3/13/00 yesterday morning. Phone # 817-732-0310. He was a Rhodes Scholar last year. He graduated from Harvard a few days ago. The President knows him. They corresponded for a while. He was honored with the

Rhodes Scholars last year at a White House ceremony; a picture was taken + he was standing beside Pres Clinton. It would be really special if the President could call the family.



The Rhodes Scholarship Trust

Office of the American Secretary
Elliot F. Gerson
E-mail: amsec@rhodesscholar.org
www.rhodesscholar.org

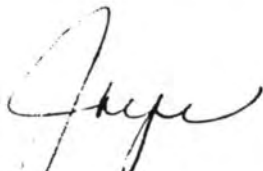
8229 Boone Boulevard, Suite 240
Vienna, Virginia 22182
Telephone: 703-821-5960
Fax: 703-821-2770

FACSIMILE TRANSMISSION

TO: Nancy Hernreich - (202) 456-6703
FROM: Joyce Knight
DATE: 14 March 2000
NO. OF PAGES: 3

Dear Nancy,

Attached is a copy of the front page article on Navin Narayan which appeared today in the Fort Worth Star-Telegram. It provides a glimpse into the life of this remarkable young man, including how proud he was of his photos and correspondence with the President. I thought you might want to share it with the President.



Joyce Knight

NARAYAN

From Page 1A

Narayan's adviser at Trinity Valley School. It was as a student there that he began his Red Cross service, handing out food and shelter vouchers to area fire and tornado victims.

"We make little waves when the pebble hits the water," Shelton said, recalling Mr. Narayan's words. "He said those waves are what affect all of us who come after him. Even though he did not live to see all the children of the world cared for, he knew he had a part in it and, because of the waves he created, they would affect other people who would continue his work."

Shelton will share aspects of Mr. Narayan's life and philosophy during a memorial service at 7 p.m. tomorrow in the Trinity Valley School auditorium, 7500 Dutch Branch Road.

Private services were held yesterday by Mr. Narayan's family, who will return the Fort Worth native's remains to India for traditional Hindu rituals. His family has asked that memorials be given to Trinity Valley School or to the Chisholm Trail Chapter of the American Red Cross.

Tomorrow's memorial service will feature some of Mr. Narayan's friends from Fort Worth and Harvard, as well as others from groups through which he served people around the world.

Mr. Narayan had planned to use research related to a Rhodes Scholarship that he won last year to improve the lives of children such as those he helped in India through Physicians for Human Rights. Shelton said.

Although his illness ended that dream, Mr. Narayan attended the Rhodes scholar ceremony at the White House last fall. He proudly displayed photos of himself with President Clinton, with whom he later exchanged letters, Shelton said.

But Mr. Narayan didn't want people to view his life as one tragically cut short, said Shelton and Stephen Seleny, Trinity Valley's headmaster emeritus. Both were close friends of Mr. Narayan and

his family.

Shelton and Seleny said Mr. Narayan's Hindu upbringing and his experience in surviving one bout with cancer, diagnosed in 1994, helped him to accept his impending death when the disease returned.

"He sort of felt and sensed that he is part of a much larger unit than just himself and the immediate world around him," Seleny said. "He was a genuine human being who felt whatever gifts he received he must return many more."

A few months ago, Seleny said, Mr. Narayan called his family together and told them that he knew he was going to die.

"He said, 'I don't want you to cry about it. I'm ready to go,'" Seleny recalled. "He said, 'What you need to remember is that I have had a rich life; we have had a rich life together.'"

"Don't worry about what I could have done. Remember what I have done, and what we have done together. Life is beautiful."

Mr. Narayan's sister, Nita, a senior at All Saints Episcopal School, said her brother was both a best friend and a second father who gave her and her parents, Kalman and Kusuma Narayan, the courage to carry on.

"When we were frightened, he'd not think of himself, but comfort us," said Nita Narayan, who spoke for the family yesterday.

When Mr. Narayan was too sick to finish his senior thesis alone, his sister helped him type it on a laptop from his bed.

In turn, Mr. Narayan helped his sister with college applications, she said. And, despite his illness, he was there to present her with a Red Cross youth volunteer award that had been renamed for him, said Pam Frable, the agency's health services director.

Nita Narayan earned the award for her own work with the Red Cross.

When Mr. Narayan grew too ill to answer disaster calls himself, he continued to recruit volunteers and match them with needed services, Frable said.

"As I think about his life, he did a lot of that," she said. "He was always saying, 'this person does



Courtesy of Bill Shelton of Trinity Valley School

Navin Narayan stands beside President Clinton last year at a White House ceremony honoring Rhodes Scholars.

this very well.' He was doing this all the way up to the end — teaching people lessons.

"I hope people will continue to be inspired by the way he lived his life."

Claire Curry, a childhood friend of Mr. Narayan's, said he inspired other young people by his passion for service.

When he was found to have facial cancer in 1994, the Trinity Valley student body rallied around him. Curry said. The disease went into remission, but returned last year, took his left eye and spread to his bone marrow. The students and staff responded by donating more than \$7,600 to the Red Cross in his name.

"Look at his sister, the way she's taken over the Red Cross," Curry said. "He's inspired me a million ways. After I saw him at Christmas, I wrote him a letter saying, 'You made me a stronger believer in everything.'"

"He believed 100 percent in what he believed. It was refreshing

to be with him."

Nita Narayan agreed. She said the family will remember him as they scatter his ashes and hold 14 days of Hindu prayer vigils at the family home in a village in southern India.

"Navin was always peaceful and happiest in that house," she said. "Seven generations of our family grew up in that house. It's beautiful, with monkeys and trees."

But her brother wanted to live on through other people. Nita Narayan said.

"I hope we can always remember him as an enthusiastic, living, caring boy, not as a cancer patient," she said. "He always said, 'I live through the people I touch.' He touched an incredible number of people."

"I learned so much from him. His vision and his dream will continue through us. He always told me, 'I'm not really gone. I'll live on through your kids. I'll always be there watching.'"

Martha Deller, (817) 390-7857

James E. Goodwin
Chairman and
Chief Executive Officer

3-15-00

3-15-00

UNITED

March 13, 2000

After you have
seen, we will send
to Burkhardt -

BC SIG
CW

The Honorable William Jefferson Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

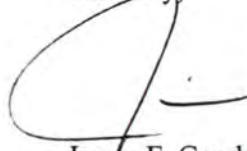
I'm sorry my schedule did not permit me to join you this evening, but I hope your visit to our great city was a huge success. Over the past eight years, United Airlines has enjoyed an excellent working relationship with you and your Administration. I want to thank you for your efforts to listen and respond to the needs of our company and the aviation community.

As you know, United Airlines has been proud to lead one of your Administration's priorities—reforming our nation's welfare system. Today, almost four years after the Welfare to Work initiative began, United Airlines continues hiring former welfare recipients, bringing them away from a life of dependency and into good paying, reliable jobs with our company. We are also proud of our involvement in Secretary Rodney Slater's education mentoring project, the Garrett Morgan Program. From donating aircraft to educational institutions to child tutoring programs and promotion of aviation-related curriculum, United is searching for ways to prepare younger generations for lives in the transportation industry.

You are undoubtedly aware of our concern for future growth in the airline industry. We are no longer facing a long-term crisis in our nation's skies as the National Civil Aviation Review Commission predicted years ago—it has arrived. We recognize and appreciate that Secretary Slater and Administrator Jane Garvey are working diligently with our industry to find solutions. I believe, however, that I can confidently speak for our industry when I say we need you and the Vice President's continued leadership on air traffic control (ATC) reform. I hope you will recognize that reforming our air traffic control system to accommodate increased capacity, growth and commerce is essential to sustaining the unprecedented economic growth the country has enjoyed during your Administration.

Again, Mr. President, we at United Airlines appreciate your active interest in aviation and look forward to working closely with you throughout the year.

Sincerely,



James E. Goodwin

Do reply



UNITED AIRLINES

3-15-00

The Honorable William Jefferson Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500



8 March, 2000

President William Jefferson Clinton
c/o Nancy Heinrich
The White House
1600 Pennsylvania Ave.
Washington, D.C. 20500

Dear Mr. President,

I am writing to invite you to the Newport International Film Festival held in Newport, Rhode Island during the week of June 6th, 2000.

I understand that you are a movie buff. I co-founded a film festival in Newport, Rhode Island. We show new international and American independent films, a series of Jazz films, an outdoor screening of a family musical, and a series of new premieres.

Every year we also have a retrospective. For instance, last year we screened the films of Bill Murray. This year we created "The Celluloid Candidate", a retrospective that will elucidate how filmmakers have depicted the relationship between politicians and the media. We are planning to show *Citizen Kane*, *The Candidate*, *All the President's Men* and the documentaries *Primary* (about the 1960 Democratic Primary race between Hubert Humphrey and John F. Kennedy) and *The War Room*. We will have a panel on the subject consisting of filmmakers, journalists and historians.

The Festival has recently created an alliance with the Newport Public School system. Although the City of Newport is renowned for its wealth, its schools serves a large portion of underprivileged children, and are embarking on a program that develops cultural awareness and exposure to art as well as career awareness in students.

This is where we'd like your help. We thought that a great complement to the series would be "The President's Pick", a surprise screening of one of your favorite political films. We would then invite a group of high school students to screen the film (perhaps with a general audience) and then participate in a Q&A afterwards. You are invited to introduce the film and partake in the post-screening discussion.

The reason we want to create this element to the series is that the Newport International Film Festival was created for people like you. I don't mean for Presidents – the attendance would be rather restricted – but rather for

3/15/00
Send to Schindler?
Yes ☒
AND
TO DAN B.
FOR REPLY
(SEE P.2)



people who like to see and talk about films, who consider how they influence our culture, who can discuss how art and entertainment differ. Film festivals are often seen as exclusive entertainment industry events for gaunt people who wear black, but in Newport we show a gamut of films for whatever type of film fanatic might exist. If we have high school students and the President of the United States, we can safely say we have captured the gamut.

If you are unable to participate, we would still like you to suggest a film for the series and perhaps we could videotape a message to the children about the film.

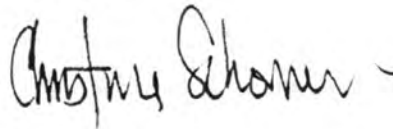


I have included some information about the Festival so that you can get a sense of our format. I believe you know our Director of Programming, Maude Chilton, Eve Weinstein's sister.

Not only is this the Newport International Film Festival educational forum, but we also, (due to the generous sponsorship of Vanity Fair) throw terrific parties at some of the most beautiful forums in America. Newport, as you may know, is an extraordinary city, dedicated to providing great opportunities and cultural experiences to the people who live there. I hope you might be able to contribute to this legacy – it would certainly make for a very special event.

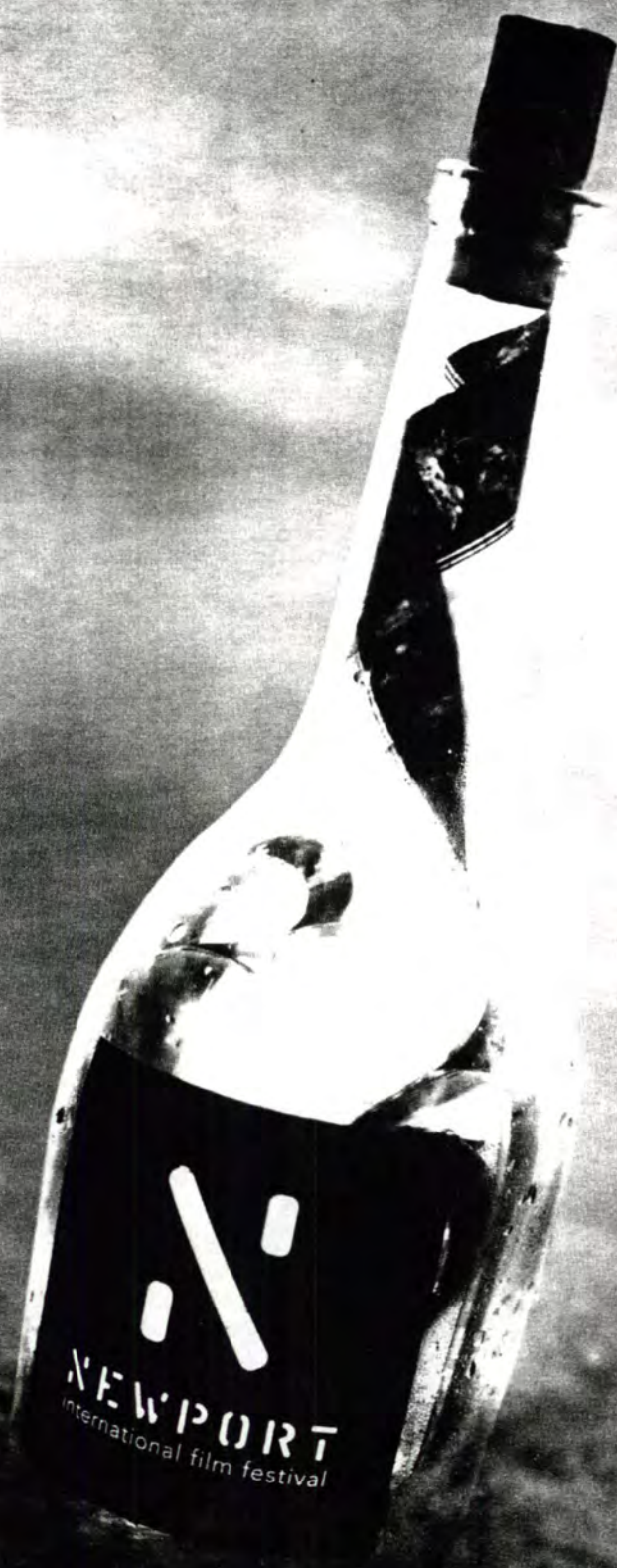
Your office can reach me in our New York office at 212/755-2743. I look forward to hearing from you.

Sincerely,



Christine Schomer
Executive Director

cc: Susan Thomases, Esq.
Senator Jack Reed



CLAYTON MOORE

54855
Car...
K...

March 3, 2000

Ms. Nancy Henrich
Office of President Clinton
1600 Pennsylvania Avenue N.W.
Washington, D. C. 20500-0004

00 MAR 15 2000

Dear Ms. Henrich;

I am the daughter of Clayton Moore, the actor who portrayed The Lone Ranger on both television and film since 1949. As you may know, he just passed away on December 28, 1999 and I am writing in the hopes that I may be honored by a note from President Clinton acknowledging my father's contributions to maintaining the integrity of America's ideals.

My father was often quoted as saying that portraying this character made him a better person and I can tell you that he truly did live the Lone Ranger Creed. Quite a tall order that few would want to strive for, fewer still would even try. He loved our country and never missed an opportunity to praise the American way of life and that "each of us had the power within themselves to make this a better world"; certainly one of the foundations this country was built on.

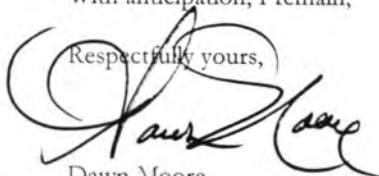
In 1958, he visited our capital in conjunction with the "Lone Ranger Peace Patrol" encouraging children to buy savings bonds, meeting both the Secretary of the Treasury and Vice President Nixon. At that time, he was presented with the key to the city which, now for me, is such a treasure. I have forwarded a copy of the promotional trailer, which is rather fun, and I thought President Clinton would enjoy viewing it as well as a copy of the Lone Ranger Creed.

Additionally, my father was a veteran of World War II and I must say that is was one of the proudest (and certainly most moving) moments of my life to see the American flag draped across his coffin - such an appropriate final tribute to a man that believed and *practiced* patriotism as well as inspiring it in so many others.

I hope this request is not too much of an imposition, however it would mean so much to me to know that my father's efforts were acknowledged by the country that meant so much to him. I would be deeply grateful.

With anticipation, I remain,

Respectfully yours,



Dawn Moore
371 North Rodeo Drive
Beverly Hills, California 90210
phone: 310-271-8554
fax: 310-271-8526

3-15-00

Send to Burkhardt
Yes _____
No _____

BC sig Car

LONE RANGER CREED

I BELIEVE ☆ THAT TO HAVE A FRIEND, A
MAN MUST BE ONE ☆ THAT ALL MEN ARE
CREATED EQUAL AND THAT EVERYONE HAS
WITHIN HIMSELF THE POWER TO HELP MAKE
THIS A BETTER WORLD ☆ THAT GOD PUT THE
FIREWOOD THERE, BUT EVERY MAN MUST
GATHER AND LIGHT IT HIMSELF ☆ IN BEING
PREPARED PHYSICALLY, MENTALLY AND
MORALLY TO FIGHT WHEN NECESSARY, FOR
THAT WHICH IS RIGHT ☆ THAT A MAN SHOULD
MAKE THE MOST OF WHAT EQUIPMENT HE HAS
☆ THAT "THIS GOVERNMENT, OF THE
PEOPLE, BY THE PEOPLE, AND FOR THE
PEOPLE" SHALL LIVE ALWAYS ☆ THAT MEN
SHOULD LIVE BY THE RULE OF WHAT IS BEST
FOR THE GREATEST NUMBER ☆ THAT SOONER OR
LATER... SOMEWHERE... SOMEHOW... WE
MUST SETTLE WITH THE WORLD AND MAKE
PAYMENT FOR WHAT WE HAVE TAKEN ☆ THAT
ALL THINGS CHANGE BUT TRUTH, AND THAT
TRUTH ALONE, LIVES ON FOREVER ☆ IN MY
CREATOR, MY COUNTRY, MY FELLOW MAN.

CLAYTON MOORE





U. S. SAVINGS BOND PEACE PATROL
TREASURY DEPARTMENT

MEMBER

ADDRESS

AGE

SCHOOL

DATE



The Lone Ranger
LONE RANGER
James H. Butler
NATIONAL DIRECTOR
U. S. SAVINGS BOND DIVISION

VIC SNYDER
20 DISTRICT ARKANSAS
HOME OFFICE
3118 FEDERAL BUILDING
700 W. CAPITOL AVENUE
LITTLE ROCK, AR 72201-3270
501-324-5941
TDD 501-324-5942

Atto
for

COMMITTEE ON ARMED SERVICES
COMMITTEE ON VETERANS AFFAIRS

WASHINGTON, DC OFFICE
1319 LONGWORTH BUILDING
WASHINGTON, DC 20515-0402
202-225-2506
SNYDER.CONGRESS@MAIL.HOUSE.GOV
web: www.house.gov/snyder

Congress of the United States
House of Representatives
Washington, DC 20515-0402

March 10, 2000

00 MAR 15 11:10

Ms. Nancy Hernreich
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Nancy:

This letter is to respectfully request your services to schedule a meeting with President Clinton with a group of students that have been selected as winners to participate in the annual History Day Contest. These students won the state level competition in Arkansas with a ceremony to be celebrated on April 1, 2000. The national contest will be from June 11 - 15, 2000 at the University of Maryland, College Park Campus.

There are 75 students and 25 adults coming to visit Washington, D.C. These students range in age from 12 to 17 years old. These students would love to meet President Clinton on June 14th, if this is possible. The contact name is Donna Johnson of University of Central Arkansas' History Department in Conway, Arkansas. Ms. Johnson can be reached @ 501-450-3158 or home @ 501-327-5606. If you prefer to communicate by fax, that number is 501-450-5617.

Thanks for your assistance in this matter. If you need to contact my office, please call Valerie @ 202-225-2506.

Sincerely,

Vic Snyder

VS:vm

3-15-00

Send to Scheduling.

Yes ☒

No ☐

Cub

To Sid [unclear] - fgl - [unclear]

3-15-00

Old crow makes for tough chewing

It's a common and ultimately harmless temptation for opinion columnists to play at being political soothsayers. After all, once the election results have come in, readers can assess the pundit's judgment, or lack thereof, in the plain light of day.

Hence, one wouldn't dream of criticizing *New York Times* columnist William Safire for boldly forecasting that Bob Dole would win the 1996 presidential election. Everybody knows how that one turned out.

But it's different, or it should be, when a columnist for the most influential opinion page in the United States makes a habit of criminalizing politics.

Over the past several years, Safire has repeatedly predicted the indictment of Clinton administration officials for a variety of crimes ranging from fraud and conspiracy to perjury, witness tampering and obstruction of justice.

Utilizing the jargon of Watergate, the former Nixon speech writer has written about the so-called Clinton scandals as if even the most minimal journalistic cautions did not apply to him. For all his erudition, the word "alleged" appears absent from Safire's working vocabulary. Ditto the subjunctive mood. Few "ifs" "coulds" or "mights" temper his didactic pronouncements. Ignoring exculpatory evidence and contradictory facts, he has often made bald accusations against the president, Hillary Clinton and others.

Gene Lyons



Evidently, however, Safire prefers his crow quite cold. Eighteen months have passed and the columnist hasn't so much as acknowledged that he was wrong.

Silence, however, isn't enough. A newspaper as uniquely influential as *The New York Times* bears a unique responsibility. When one of its featured writers has repeatedly been wrong, a reckoning is in order.

By the time of Starr's testimony, some of Safire's accusations were more than five years old. The full catalogue of the columnist's unsubstantiated canards is far too lengthy to be reproduced in full. A limited sample is nevertheless instructive.

Item: Beginning in 1993, Safire asserted that the Clintons benefited from "graft, plain and simple," in Whitewater, a "corruptly subsidized investment" that perpetrated a "rip-off of the taxpayers." But as the Resolution Trust Corp.'s unfairly neglected Pillsbury Report established as long ago as 1996, there were no improper advances by Madison Guaranty Savings and Loan to the Whitewater development, and

In fact, Lewinsky herself wrote them as a memorandum of an earlier conversation she had with Linda Tripp. Their long talk on the subject was surreptitiously recorded by the OIC on Jan. 15, 1998, and the transcript released with the rest of Starr's grand jury evidence.

Reading it makes clear the sheer opportunism of whoever leaked the "talking points" as supposed evidence of White House crimes. But again, no apology to the notorious Mr. Lindsey.

Item: In 1998, Safire likewise accused Sidney Blumenthal of a nonexistent crime, referring to the presidential assistant in another Watergate quip as "Colson Revisited" and suggesting that he would be indicted by Starr for a "defamation conspiracy." When court papers were unsealed six months later, *The Associated Press* reported that Blumenthal had never so much as been a target of the OIC, another fact Safire has neglected to mention.

Few readers, however, need to be reminded that the most frequent target of Safire's ire has been Hillary Clinton. Famous for a 1996 column branding the first lady a "congenital liar," he predicted that her lost-and-found Madison Guaranty billing records would prove "her involvement in a fraudulent land deal" called Castle Grande. He has several times predicted her imminent indictment, even advising her husband the president to hire separate le-

Copied
Blumenthal
Lewinsky
Pederstein

Safire was at it again last Monday, hinting that Bill Clinton's evasive testimony about his dalliance with Monica Lewinsky may yet result in his indictment. Fat chance. If the fanatical Kenneth Starr blinked, it's unlikely his successor, Robert Ray, will want to lose the biggest trial of the new millennium.

Meanwhile, no criminal charges have been filed against any of Safire's other antagonists, and it's become increasingly clear than none ever will be.

The *Times* columnist's thunderous accusations have been uniformly disproved by subsequent events. So where do the accused go for an apology? Evidently, not to Safire's column.

During the tumultuous week after the Starr Report was issued in September 1998, Safire promised to "eat crow" if he had erred in predicting indictments as a result of Whitewater, the White House Travel Office firings and the FBI files fiasco. He speculated that "indictments or criminal informations" would soon emanate from the Office of Independent Counsel. A few days later, he reiterated, "We must have more from the Independent Counsel about other crimes: Whitewater, Travelgate and Filegate abuses of power."

During Starr's testimony before the House Judiciary Committee in November 1998, he conceded that his investigation had found no "substantial and credible" evidence of criminality with regard to precisely those three ballyhooed "scandals."

all of the company's outstanding loans were repaid.

During Susan McDougal's 1999 trial for obstruction of justice, of which she was not convicted, the FBI agent in charge of Starr's probe testified that Jim McDougal's post-conviction allegations proved to have no merit. The Clintons lost money on their Whitewater investment and have never been shown to have done anything illegal or improper. The project's failure cost taxpayers nothing.

Item: In 1994, Safire derided Starr's predecessor, Robert Fiske, as "the non-independent counsel," lobbying for his dismissal. He denounced as "inept" and "cursory" Fiske's probe of Vince Foster's suicide, adding that "his Clinton-friendly conclusion that Foster's state of mind was unrelated to Whitewater is ludicrous."



Item: In 1996 and again in 1998, Safire fingered presidential aide Bruce Lindsey, going so far as to defame him as the "cover-up coordinator" and the president's "notorious consigliere." He frequently noted that Lindsey was named as an unindicted co-conspirator in Starr's 1996 trial of Arkansas bankers Herby Branscum and Robert Hill, who had contributed to Clinton. But he never mentioned the trial's outcome, in which both men were acquitted of conspiracy.

During the Lewinsky affair, Safire twice pointed to Lindsey as the putative author of the famous "talking points," the supposed "smoking gun" in what he termed a "corrupt pattern of witness-tampering."

gal counsel.

Alas, the 1996 RTC report dismissed theories tying her to Castle Grande wrongdoing as "strained at best." Deputy Independent Counsel W. Hickman Ewing's testimony at Susan McDougal's 1999 trial admitted that no evidence regarding an indictment of the first lady had ever been presented to any grand jury.

Given Hillary's candidacy for the U.S. Senate, this is something the columnist's New York readers ought to know.

Crow kept too long in the deep freezer makes for tough chewing. Nevertheless, it's past time for Safire to set the microwave on "defrost."

More about eating crow

Speaking of eating crow, it's also time for the *Democrat-Gazette's* several self-appointed basketball experts to forgive Nollan Richardson for so dramatically and repeatedly proving that they never have known what they're talking about.

As for the allegation that Richardson's "racism" caused him to "run off" Mountain View guard Jason Gilbert, there may be no causal connection, but the Razorbacks have done nothing but improve since Gilbert left.

The team's depth at guard coupled with its lack of a strong inside game clearly contributed much to Gilbert's frustration—and would have made things rough on an undersized, spot-up jump shooter of any color.

Too bad, because he appears to be a terrific competitor with a real future.

Gene Lyons is a Little Rock author and recipient of the National Magazine Award. His column appears on Wednesdays.

Cc Terry Edmonds
Rev. Glen

3-15-00

copied
Edmonds
Personal File

Taylor Branch

TB Remarks at Montgomery Alabama
End of Selma-to-Montgomery March, 35th Anniversary
March 11, 2000
(Moved from Capitol to Dexter Avenue church because of rain)

THANK YOU. IS HAS BEEN A PERSONAL JOY FOR ME TO PAY
TRIBUTE THIS WEEK TO THE ZENITH MARCH OF A FREEDOM MOVEMENT
THAT HAS ENTHRALLED ME FOR THE PAST EIGHTEEN YEARS OF MY
CAREER WRITING HISTORY. ON BEHALF OF THE NON-STUDENTS FROM
THIS 35TH COMMEMORATION—GREG, A CANADIAN WHO WAS CAPTIVATED
BY THE TELEVISION OF THE ORIGINAL EVENTS, THE TWO BUDDHIST
MONKS FROM THE ORDER THAT MARCHES FOR NONVIOLENCE THE
WORLD OVER, AND MYSELF--I WANT TO THANK MARTIN LUTHER KING III
FOR MAKING THIS WEEK'S MARCH POSSIBLE. WE ALSO THANK HIS
LIEUTENANTS AT SCLC FOR LEADING US EVERY STEP OF THE WAY FROM
SELMA—SPIVER AND BRENDA AND WENDELL AND GORDON AND
ANTHONY AND REV. COTTONREADER AND REV. TAYLOR, AMONG
OTHERS. WE ALSO SALUTE ALL THESE STUDENTS WHO MARCHED FOR
THEIR FRANKNESS, THEIR GRIT, THEIR CURIOSITY, THEIR PASSION, AND
THEIR COMPANIONSHIP.

FINALLY, WE THANK THE STATE OF ALABAMA, HER OFFICERS AND
TROOPERS, WHO PROTECTED US WITH PROFESSIONAL SKILL AND A
FRIENDLY SPIRIT. THIS WAS NOT ALWAYS SO. THIRTY FIVE YEARS AGO,
ONLY BATTALIONS OF US ARMY SOLDIERS STOOD BETWEEN THE

MARCHERS OF 1965 AND THE ACTIVE, EVEN CRIMINAL, HOSTILITY OF THIS ENTIRE REGION.

AT ONE OF OUR MASS MEETINGS ALONG THE WAY, AN ELDERLY WOMAN FROM LOWNDES COUNTY STOOD UP TO SAY THAT IF IT HAD NOT BEEN FOR THE FEDERAL GOVERNMENT THERE WOULD BE NO BLACK REGISTERED VOTERS IN LOWNDES COUNTY EVEN TODAY, AND PRECIOUS FEW IN ALL OF ALABAMA. SURELY, THE WITNESS OF THE MOVEMENT AND THE POWER OF THE NATION ESTABLISHED THE RIGHT TO VOTE. THEY MADE IT UNRESPECTABLE AT LAST TO ADVOCATE SEGREGATION IN PUBLIC, OR TO PRAISE WHITE SUPREMACY AT THE BALLOT BOX. BUT JUST AS SURELY, AND ALMOST FROM THAT MOMENT, IT BECAME FASHIONABLE IN NATIONAL POLITICS TO CUSS AND SNEER AT THE SAME FEDERAL GOVERNMENT THAT BY SUPREME EXERTION HAD ACHIEVED THOSE MEASURES OF JUSTICE. THIRTY FIVE YEARS IS LONG ENOUGH TO FACE THIS TRUTH, AND TO CHALLENGE AMERICA TO RISE ABOVE RESENTMENT TO HIGHER GROUND.

WHEN THE ORIGINAL MARCHERS REACHED MONTGOMERY, DR. KING ADDRESSED THEM FROM THE CAPITOL JUST OUTSIDE WITH AN INSPIRED PLEA FOR CONGRESS TO PASS THE VOTING RIGHTS ACT. DR. KING'S ENTIRE CAREER WAS AN ANGUISHED APPEAL FOR THE WHOLE NATION TO RISE UP AND LIVE OUT THE TRUE MEANING OF ITS CREED, AND TO VINDICATE THROUGH OUR NATIONAL GOVERNMENT AMERICA'S REVOLUTIONARY PROMISE OF EQUAL CITIZENSHIP. IN ALL HIS ORATORY,

HE PLANTED ONE FOOT IN THE SCRIPTURES AND THE OTHER IN THE CONSTITUTION—ONE FOOT IN AN ABIDING FAITH OF EQUAL SOULS BEFORE GOD, THE OTHER IN EQUAL VOTES AT THE TABLE OF DEMOCRACY. YOU CAN HEAR THE COMMON ROOTS OF FAITH AND DEMOCRACY IN HIS PAIRED PHRASES. “WE WILL WIN OUR FREEDOM BECAUSE THE HERITAGE OF OUR NATION AND THE ETERNAL WILL OF GOD ARE EMBODIED IN OUR ECHOING DEMANDS.” FROM BIRMINGHAM JAIL HE WROTE THAT “ONE DAY THE SOUTH WILL KNOW THAT WHEN THESE DISINHERITED CHILDREN OF GOD SAT DOWN AT LUNCH COUNTERS, THEY WERE IN REALITY STANDING UP FOR THE BEST IN THE AMERICAN DREAM AND THE MOST SACRED VALUES IN OUR JUDEO-CHRISTIAN HERITAGE.”

THAT DAY IS NOW. THE STORY OF AMERICA IS FREEDOM, AND ITS EVERLASTING PROMISE MARCHES ON TWO FEET: EQUAL SOULS, EQUAL VOTES. FROM THESE TWO FEET RISE THE PRINCIPLES THAT MAKE THE FLAG WAVE, THAT MAKE SELMA-TO-MONTGOMERY THE WATCHWORD FOR DEMOCRACY’S ANSWERED PRAYERS THE WORLD OVER, THAT HAVE INSPIRED EVERY PATRIOT FROM GEORGE WASHINGTON TO JIMMIE LEE JACKSON, FROM THOMAS JEFFERSON TO VIOLA LIUZZO, FROM ABRAHAM LINCOLN TO MARTIN LUTHER KING.

EQUAL SOULS, EQUAL VOTES. ON THESE TWO FEET ADVANCE HISTORY’S HOPE OF JUSTICE THAT TRANSCENDS THE BOUNDARIES OF RACE, OF NONVIOLENCE THAT TAMES OUR INCLINATION TO

DEHUMANIZE PEOPLE INTO ENEMIES, OF SPIRITUAL KINSHIP THAT JOINS ALL GOD'S CHILDREN BEYOND LABELS OF TRIBE AND KIND, WITH NEITHER EAST NOR WEST, MALE NOR FEMALE, AND ABOVE THE POISON OF RELIGIOUS CONTEMPT.

EQUAL SOULS, EQUAL VOTES. ON THESE TWO FEET HAVE ARRIVED THE NEW PROSPERITY AND PEACE OF THE SUNBELT SOUTH, WHICH ARE SHOWERED NOT ONLY UPON THOSE WHO SACRIFICED, BLED, AND DIED FOR THEM, BUT ALSO UPON THOSE STILL WITH BLINDERS ON THEIR EYES AND BLISTERS ON THEIR HEARTS AGAINST THE VERY CHANGES THAT HAVE BLESSED US ALL.

EQUAL SOULS, EQUAL VOTES. ON THESE TWO FEET MARCHED PERHAPS THE GREATEST MIRACLE OF ALL FOR WHITE SOUTHERNERS OF MY GENERATION—THAT AFRICAN AMERICANS WHO FOR CENTURIES HAD EXPERIENCED ONLY THE WHIPLASH AND BOOTHEEL OF DEMOCRACY NEVERTHELESS POSSESSED THE NONVIOLENT COURAGE, THE POLITICAL GENIUS, AND THE ASTONISHING GRACE TO LIFT US TOWARD THE TRUE MEANING OF OUR OWN PROFESSED VALUES.

MAY WE ALL KEEP MARCHING ON THESE TWO FEET, EVERY STEP A LEAP OF FAITH IN EACH OTHER AS CITIZENS, SO THAT WE MAY SAY LIKE OLD MOTHER POLLARD OF THIS CRADLE CITY AS SHE REFUSED TO RIDE ALL THROUGH THE BUS BOYCOTT, "MY FEETS IS TIRED, BUT MY SOUL IS RESTED."

Some lessons are hard to learn

Suck once again with a pre-election deadline, our resident prognosticators have grown reluctant.

Abandoning their cubicles at Unsolicited Opinions Inc.'s stately international headquarters, they elected to spend a glorious early spring weekend indulging themselves with equine therapy, cheap detective novels and the Razorback game rather than staring at poll numbers on a computer screen.

Hence, this column offers no detailed predictions about the outcome of the GOP's Super Tuesday primary races.

Whether or not Arizona Sen. John McCain's long-shot bid to capture the Republican presidential nomination from the Texas dauphin, Gov. George W. Bush, will remain viable, we can't say.

In the long run, we trust the Republicans to nominate Bush. We're confident that the great majority of Republicans will remain true to their party's core values of inherited wealth, unearned privilege and ostentatious piety.

The impertinent, pugnacious McCain offends their sense of propriety.

What McCain will have done, however, is to expose the manifest weaknesses of Bush's candidacy come November. In our Department of Palm Reading and Big Picture Analysis, we have this slogan: "It's the Electoral College, stupid."

Ever since Richard Nixon's trend-setting 1968 election, reams of commentary have been written about the Republicans' vaunted "Southern Strategy." By turning itself into the White Man's Party across the old Confederacy, the thinking goes, the GOP assured itself of a "lock" upon the presidency for the foreseeable future.

But it was only partly by splitting the South that Bill Clinton ended it. What many have failed to recognize is that the Nixon-Reagan winning coalition was also a "California Strategy." That's why Clinton and Al Gore have visited the state so often over the past eight years.

And while the California GOP's drifted far right and lily-white, the state's demographics are moving rapidly in the opposite direction. According to *The New York Times*, Hispanics now make up 31 percent of the California population. Take away California's 54 electoral votes and the Southern Strategy suddenly doesn't look so hot, and certainly not against a vice president from Tennessee.

Assuming New York, too, votes Democratic (Clinton ran up huge majorities there in 1996), Bush almost has to sweep the big northern "swing" states like New Jersey, Pennsylvania, Ohio, Michigan and Illinois to win the presidency. Yet it's precisely in those areas that McCain has done Bush the most damage.

We begin with the assumption that any

Gene Lyons

state carried or closely contested by McCain during the primaries will prove very difficult for Bush to carry against Gore. Exit polls show more than 40 percent of McCain voters saying they'll back the vice president in November should Bush be the Republican nominee.

We think there are five big ways the McCain insurgency has wounded Bush.

1. By winning in New Hampshire, McCain shoved Bush into the arms of the fundamentalist right in South Carolina.

It's no use for Bush to whine that the rules have changed since Ronald Reagan visited Bob Jones University 20 years ago. So has the public's view of ecclesiastical mountebanks like Pat Robertson and Jerry Falwell.

Whether or not McCain went a step too far by using the word "evil" to describe these two smug buncombe artists, last week found him actually defending Clinton against their slurs. Sure, he'd voted to impeach Clinton, McCain observed, but the president was no murderer. Our own copy of the Ten Commandments includes an injunction against "bearing false witness." It's right up there with murder, coveting thy neighbor's wife, worshipping brazen idols and all the rest.

It's not so much the anti-Catholic bigotry of the Bob Jones crowd that offends Catholic voters concentrated in those very swing states Bush so badly needs to carry. That's like something out of the Museum of Backwoods Southern Gothic.

Rather, it's Bush's opportunism in aligning himself with a bunch of intolerant goobers whose world view boils down to "My God is red hot, your God ain't diddley squat."

It's also quite funny watching these Bible beaters who make a profession of railing at others' moral failings recoiling in horror and amazement when somebody criticizes them back. The Christian Coalition and its allies are also still blamed for this year's stealth issue: lingering anger over impeachment.

2. McCain also hurt Bush by forcing him to spend the bulk of his once vast campaign treasury and by calling attention to the sources of that loot.

Republicans plan to place great emphasis this year upon the Democrats' dubious 1996 fund-raising practices. Between now and November, they'll portray Gore as everything but a Chinese spy.

But Bush no longer enjoys a huge spending advantage, and McCain's emphasis on

campaign finance reform has highlighted the presumptive GOP nominee's indebtedness to big-bucks special interests.

3. McCain's insurgency also forced the Bush campaign to dig into its dirty tricks bag much earlier than it wanted to.

From the 1988 Willie Horton incident onward, there's never been a Bush family campaign that didn't feature "outlaw" TV attack ads paid for by third parties supposedly not authorized by the candidate.

Unknown to President Bush in 1992, campaign underlings dug into Bill Clinton's State Department passport file looking for dirt. Bush operatives also pressured FBI and Justice Department officials to initiate a Whitewater "October Surprise." Hence, last week's TV smear campaign falsely accusing McCain of voting to cancel breast cancer research fit a familiar pattern. So did the fact that the ads were paid for by the multimillionaire Wyly brothers, longtime Texas bankrollers of the Bushes, father and son. When they pull the same routine on Al Gore, and you know they won't be able to resist, it's apt to blow up in their faces.

4. The Bush-McCain race has opened a schism among conservative pundits that may not heal by November.

Bombastic talk show host Rush Limbaugh has been flailing away at McCain on Bush's behalf. His theme is that campaign finance reform would ruin the GOP. (It would sure diminish the influence of the Christian Coalition and the National Rifle Association.)

Meanwhile, *New York Times* columnist William Safire isn't buying Bush's dirty tricks alibis. "Bush approved what hardball connoisseurs will remember as his 'breast cancer deception,'" he wrote flatly last Monday.

Elsewhere, Robert Novak has chastised McCain for criticizing Robertson and Falwell. Look, too, for Reform Party candidate Pat Buchanan to soothe the evangelicals' hurt feelings.

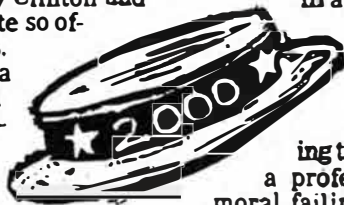
5. Whatever else you can say about John McCain, he's a grown man. Bush, by contrast, comes across like a puppy.

"The Catholic Church is a great church," Bush actually said on CNN the other day. He spoke with all the depth of conviction one might bring to a discussion of Burger King's french fries.

Maybe Gore is not Mr. Excitement, but he's an adult. Come November, that alone may suffice.

In the long run, McCain's right. The Republican base is shrinking, and fealty to Christian Coalition dogma on social issues is hurting the party. But they may have to lose one more presidential election before they're convinced.

Gene Lyons is a Little Rock author and recipient of the National Magazine Award. His column appears on Wednesdays.



3-15-00

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Riichichi

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democratic voters

Be

TO: President

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Thursday, March 9, 2000

Evolution Doesn't Occur Overnight

■ WTO agreement: Organized labor should support it. It's in both U.S. and Chinese interests.

By LEONARD WOODCOCK

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Riichichi
Podeste

The recent U.S.-China World Trade Organization bilateral accession agreement appears to be good for workers in both countries. I was privileged, as U.S. ambassador to China, to sign the 1979 trade agreement that provided for most-favored-nation trade status to China and have, as a private citizen, been involved with this issue for many years.

American labor has a tremendous interest in China's trading on fair terms with the U.S. The agreement we signed with China this past November marks the largest single step ever taken toward achieving that goal. The agreement expands American jobs. And while China already enjoys WTO-based access to our economy, this agreement will open China's economy to unprecedented levels of American exports, many of which are high-quality goods produced by high-paying jobs.

There is reason to fear unfair trade practices. Yet this agreement actually provides better protections than our existing laws allow. It stipulates 12 years of protections against market surges and provides unusually strong anti-dumping laws—which aim to counter unfairly priced imports—for 15 years.

I have, therefore, been startled by organized labor's vociferous negative reaction to this agreement. The reality is that the U.S. as a whole benefits mightily from this historic accord. The AFL-CIO argues that nothing in this agreement demands that free trade unions be formed in China. Yet the WTO does not require this of any of its 136 member countries, and the WTO is the wrong instrument to use to achieve unionization.

We should, instead, be asking a more important question: Are Chinese workers better off with or without this agreement? The answer is that this agreement, in a variety of ways, will be enormously beneficial to Chinese workers.

On a subtle level, the changes the agreement requires of China's economic system will work in favor of investment by Western firms and take away some of the key advantages Asian firms now enjoy in China. Every survey has demonstrated that working conditions and environmental standards in plants run

by West European and North American firms are usually better than those in Asian and in indigenous Chinese firms.

The greater foreign presence also will expose Chinese workers to more ideas about organization and rights. That is perhaps one reason why almost every Chinese political dissident who has spoken out on this issue has called the U.S.-China WTO agreement good news for freedom in China.

The trade deficit with China is a troublesome one to the labor movement. We need to put it in perspective in two ways. First, if we were to block access of goods from China to the U.S., this would not increase American jobs. That is because the Chinese exports--mostly toys, tools, apparel, cheap electronics, etc.--would be produced in other low-wage countries, not in the U.S. Yet if China stopped buying from us, we would lose about 400,000 jobs, mostly high-wage.

Second, a large portion of exports from "China" are goods produced in the main in Hong Kong, Taiwan and Southeast Asia. The major components are then shipped to China for final assembly and packaging, but the entire cost of the item (often only 15% of which was contributed in China) is attributed to China's export ledger. Exports to the U.S. from Hong Kong and Taiwan have declined over the past decade almost as fast as imports from China have increased. Yet the companies making the profits are in Hong Kong and Taiwan, and they will simply shift their operations to Vietnam or elsewhere if we close down exports from China.

Americans are broadly concerned about the rights and quality of life of Chinese citizens. My perspective on this serious issue is influenced by my experience in the U.S. In my lifetime, women were not allowed the vote, and labor was not allowed to organize. And, in my lifetime, although the law did not permit lynching, it was protected and carried out by legal officeholders. As time passed, we made progress, and I doubt if lectures or threats from foreigners would have moved things faster.

Democracy, including rights for workers, is an evolutionary process. Isolation and containment will not promote improved rights for a people. Rather, working together and from within a society will, over time, promote improved conditions. The U.S.-China WTO agreement will speed up the evolutionary process in China. American labor should support it because it is in our interests, and it is the interests of Chinese workers too.

Leonard Woodcock Was President of the United Auto Workers From 1970-77
and Served as U.S. Ambassador to China From 1979 to 1981



3-15-00



JAMES A. BENSON
Councilman District 7

*Minyon, from the
League of Cities
for*

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3-15-00

The "Deutsche Medienpreis" or German Peace Prize has been awarded to:

1992

Dr. Helmut Thoma

Chairman of the Board, RTL Television

1993

Dr. Helmut Kohl

Chancellor of the Federal Republic of German

1994

Francois Mitterand

President of the Republic of France

1995

Yassir Arafat-Yitzhak Rabin (post-humously)

President, PLO - Prime Minister of Israel

1996

Boris Yeltsin

President of the Russian Federatin

1997

His Majesty King Hussein of Jordan

1998

Nelson Mandela

President of the Republic of South Africa

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THE WHITE HOUSE
WASHINGTON

Date 3/15/00

To: JACK LEW / GENE SPERLING
From: The Staff Secretary

ANY COMMENT BEFORE
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- PM



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

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3/14/2000

PLEASE DELIVER THIS
FAX IMMEDIATELY TO:

Betty Currie for POTUS

FROM: Rodney E. Slater

202-366-1100
202-366-3956 (fax)

Number of pages to follow:

5

Comments:



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

March 9, 2000

President William J. Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

As we have discussed, our highest transportation legislative priority for the 2nd session of the 106th Congress is the passage of FAA reauthorization. The importance of this issue to the U.S. economy has also been repeatedly highlighted with you in a number of recent meetings, such as the National Governors' Association and the U.S. Conference of Mayors. The Congress is now poised on the final passage of legislation which addresses the key principles identified by us in the Administration's reauthorization proposal: improving the safety and efficiency through the modernization of the air traffic control system; enhancing competition and access for all Americans; expanding the capacity and efficiency of the aviation system to meet the needs of the 21st century and the new millennium; and improving rural service. Accomplishing key management and financial reforms that are customer-driven and performance-based are also critical to our efforts. While this bill does not include all of the elements of the Administration's bill, I believe it represents a positive step forward.

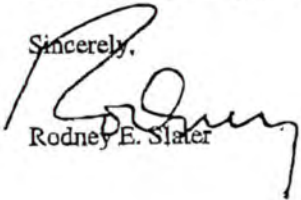
I have enclosed a memo prepared for you, which sets forth in detail my views on the importance of aviation in the 21st century, the importance of FAA reauthorization and the vital need to move forward to modernize our air traffic system. If the final bill contains no significant issues, I will recommend that you sign the bill. I will do so for two key reasons:

1. The bill takes a step forward to provide the necessary long-term, stable funding for our air traffic control system, which is critical to continuing your agenda over the past 7 years of fostering economic growth.
2. This Administration, under your leadership and that of the Vice President, has focused intently on improving the FAA. Those efforts are bearing fruit: the strong leadership of Administrator Garvey and her team; your announcement in January of the new collaborative relationship with the FAA, labor and the airlines on key safety issues; the fact that the FAA (as well as the entire DOT) has achieved its first clean audited financial opinion in the Department's history and the announcement this week of the partnership with the airlines on the spring/summer plan all show the positive direction in which the FAA is moving.

I want to be clear that the bill does not include all of the financial reforms (user fees) and management changes (our performance based organization proposal) that we proposed. It is not everything we want, but it is clear step in the direction we need to move and has overwhelming bipartisan congressional support.

Your personal leadership throughout your Administration has made a critical difference, from your early engagement in 1993 in Everett, WA to this day, and I want to thank you for all of your efforts. Air travel has been and continues to be a cornerstone of the economic growth that has fueled our nation and our economy. Together, we can ensure our aviation system is prepared for the 21st century and the new millennium by staying true to achieving our mutual goal: putting people first.

Sincerely,


Rodney E. Slater



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

MEMORANDUM FOR THE PRESIDENT

FROM: Secretary Rodney E. Slater 

SUBJECT: The Importance of FAA Reauthorization and Modernization

DATE: March 9, 2000

This Administration faces an important opportunity this year on the eve of the Congress passing final reauthorization of the Federal Aviation Administration. It is important to both this Administration and the aviation industry to achieve a long lasting solution to problems that might otherwise restrict growth of this critical segment of our economy. If changes to the system are not made now, then our ability to sustain and improve the safety, efficiency, and security of air transportation will be put at risk. The cost of not succeeding is more than our nation can afford. Increasing demand, without increased capacity, will result in more delays and higher costs for passengers and shippers, fewer links to the nation and world, limits on economic growth and development for our communities, and deterioration of our nation's leadership role in aviation.

Given the impact of increased delays on air travel this past summer and the potential for even worse performance in future years, it is critical that we establish a stable source of investment and operating funds to enable the FAA to grow in step with air travel demand. Other aspects of the legislation are also key to many of the Administration's objectives in the safety, environment and economic performance areas.

THE IMPORTANCE OF AVIATION IN THE 21st CENTURY

In 1993, in Everett, WA, your focus on investment in transportation infrastructure, which is "at the backbone" of our nation's economy, recognized the integral role of aviation, contributing about 6 percent to our Gross National Product. Air travel is a cornerstone of economic growth, whether in the leisure sector that fuels tourism or the commercial sector that depends on reliable, convenient air service for passengers and cargo.

In an era when business knows few boundaries and travelers know the most remote regions of the world like their own home towns, our global culture is unthinkable without a safe and efficient aviation system. More than 665 million people flew on U.S. airlines last year. That number is projected to climb to a staggering one billion people by 2010. The ease of use of the Internet for encouraging competition and the ordering not just of airline tickets, but products and services of all kinds, is expected to nearly double air freight in the same time period. International air travel is growing even more rapidly than domestic travel. More people are traveling, more cargo is being shipped, and more and more air routes link nations as trade barriers fall. Yearly revenues generated by airports like Chicago O'Hare, Atlanta Hartsfield, and Dallas-Ft. Worth are

-2-

measured in the billions. Aviation's influence reaches far beyond the runway. It affects tourism, manufacturing and construction, trade, real estate, and a host of other industries whose fortunes - and futures - rely on safe, sustainable, fast, reliable, and efficient transportation.

Since January 1999, the Department expanded international aviation service and sales opportunities by opening new markets around the world and expanding others, resulting in positive benefits for industry, workers, travelers, shippers, and cities among others. We have signed eleven new "Open-Skies" agreements, bringing the total number of "Open-Skies" partners to 43. Expanded opportunities were also achieved for U.S. airlines and cities in important markets in Russia, Mexico, and China. Our Chicago Aviation Conference in December 1999, a follow-up to the historic conference in 1944, was attended by aviation leaders from 93 countries and set in motion a process to craft a new global aviation regime to overcome restrictions and barriers to the growth of civil aviation in the 21st Century. Further, our African aviation initiative is opening air transportation on the subcontinent to important safety and security improvements and greater economic integration.

This is the good news. The "bad" news is that growing demand, created by the strength of this Administration's record setting economic expansion, created difficult and demanding challenges. FAA is at a critical crossroads. Aviation activity is growing, aviation technology is changing rapidly, and the business of aviation is becoming increasingly complex. Over the past decade, six separate government commissions, led by the Vice President and other such notable figures as Governor Baliles and Congressman Mineta, have warned about the coming inability of our system to meet the growth of aviation. One of those commissions, the National Civil Aviation Review Commission, found that unless reforms are made and made quickly, aviation is at risk of gridlock. Indeed, there is widespread consensus in the aviation community that accelerated FAA modernization is essential if this gridlock is to be averted. The FAA is confronted with organizational, management, and financial constraints that inhibit it from keeping pace with the dynamic aviation community. Without changes made now, FAA will not be able to address the needs of the new century and the new millennium.

THE IMPORTANCE OF GETTING THE FAA REAUTHORIZED NOW

In recognition of these challenges, the Administration developed and sent a forward-looking FAA Reauthorization Bill to Congress last year. The primary objective in crafting the Administration's proposal was to promote the Administration's five core objectives or principles: improving safety, improving efficiency, expanding system capacity, enhancing competition and access, and improving rural air service. Two key features of the bill were (1) provisions for a stable, adequate, and reliable source of funding for the FAA, based on a move towards user fees; and (2) organizational reform by establishing a Performance Based Organization (PBO) for FAA's air traffic services with a Chief Operating Officer and enhanced statutory flexibility.

-3-

In addition, there are other critical issues at stake. When the Congress was unable to come to an agreement on reauthorization, all federal funding for airports stopped on September 30, 1999—funding that is particularly critical for small and rural communities. Therefore, the bill also contains other important provisions: encouraging competition and capacity improvements; raising security standards domestically and abroad; enhancing aviation safety, in particular by addressing counterfeit parts and hazardous cargo; improving the environment by reducing aviation noise; and actively supporting labor with measures like whistle blower protection for aviation industry employees.

To finance the FAA, we proposed a combination of cost-based user fees and excise taxes. Our primary objective is to assure that the FAA has the necessary funding to be able to grow and modernize the system. If we continue to simply proceed under the current financing mechanism, which cannot respond to increased demand for services, we cannot meet long-term growth. The financing issues must be a part of the ultimate legislation, although we do not agree with any proposals to take these activities off budget.

The bill that has emerged from the Senate-House Conference does address the major areas that we identified in our legislative proposal although not in the way we proposed:

- *it provides three years of funding with significant amounts targeted for modernization for the aviation infrastructure;*
- *it recognizes the need for management reform and adopts some of the provisions necessary to make the FAA more business-like; and*
- *encourages competition and supports labor through the whistle-blower protection for aviation industry employees.*

This legislation lays the foundation for what further steps now need to be taken.

THE IMPORTANCE OF MOVING FORWARD

Even while pursuing legislative reforms, we have not been standing still. We are taking advantage of every tool at our disposal within current legal authority, and are moving forward to improve the efficiency and capacity of the ATC system. Congress has already given FAA broad flexibility for its personnel and acquisition systems, and we are seeing some successes in these areas.

We also are prepared to move administratively, within existing legal authority, to create a PBO-like organization within the FAA to provide ATC services in a more efficient and business-like manner. The provision of ATC services, which is purely operational, would be handled by this

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organization with a chief operating officer, clear management objectives, and measurable goals. This is an important step in creating an organizational structure that is nimble and flexible enough to more effectively respond to the growing demands that we confront. We do not view this possible restructuring as a barrier toward further reform, but merely a necessary first step and one that can be realized this year.

We are implementing a "Spring 2000 Action Plan" that the FAA and airlines are developing to reduce delays in the coming months of heavy air travel, and to ensure that the summer of 2000 runs more smoothly than last summer. This will be announced by you at a White House press conference on Friday, March 10. At that same announcement you will set the stage for this next step by announcing a plan that maps out the way forward for the FAA to prepare for the future.

WHERE WE GO FROM HERE

At our meeting with Gene Sperling and others, we agreed to the following: (1) In the short-term, we will consolidate our gains and encourage Congress on final passage of reauthorization now; (2) For the longer term, we will continue working for larger reforms, but this effort need not be tied to the current reauthorization.

It is time to give FAA the necessary foundation to succeed. FAA must have a stable, predictable, and sufficient stream of funding to be able to implement, and accelerate, its long-term plans for a more efficient and safer air traffic control system that can satisfy the demands of the 21st century. FAA is ready to build the aviation system of the 21st century, but it cannot do so if it is constrained by short-term, stopgap authorizations and the need to continually revise its plans to meet unpredictable funding streams. In today's world, no business can make major improvements, redesign systems, and attain efficiencies on a year-to-year basis. The FAA is no exception. The bill, on the eve of passing Congress, goes a long way toward meeting these needs. That bill, coupled with the change underway, at the FAA will provide a lasting contribution by you to the aviation system.

As you know, FAA reauthorization is my highest legislative priority for this year, and I firmly believe that with your leadership on this issue we can achieve another landmark goal for this Administration. I look forward to addressing this issue with you.

THE WHITE HOUSE
WASHINGTON

Date 3/14/00

To: NEAL LANE

From: The Staff Secretary

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WE NEED A GOOD,
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W/ NEAL LANE

PG

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EMAIL: raicentral@restructassoc.com

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Time: 6:30pm

TO: President Bill Clinton

FAX NO: 202-456-6703

SUBJECT:

FROM: Thomas J. Schneider

TOTAL NO. OF PAGES (INCLUDING COVER SHEET): 13

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March 13, 2000

VIA FACSIMILE

President Bill Clinton
The White House
Washington, D.C. 20500-2000

Dear President Clinton:

I am writing you about the Human Genome Project. Recently, you said in Miami that it would be completed in the near future, and that it would be that greatest accomplishment of your Presidency. You are correct on both counts. History will show this to be one of the greatest discoveries in the history, and the consequences will affect humans through the end of time.

The complete mapping of the human genome, however, will not first be completed by the Human Genome Project, despite what you have been told. It will be completed first by Craig Venter at Celera Genomics Inc.

You know Craig, and have listened to his analysis and advice. Throughout this process, he has been operating with integrity, professionalism, and in the interest of the public. Francis Collins, most notably, and other critics have maligned Craig and Celera, with the consequence that you and your administration are going to look badly when the truth plays out.

The article on page 7A of the March 13, 2000 issue of USA Today is the tip of the iceberg. (See attached). Professional jealousy has resulted in gross distortion of fact.

1. The approach that Craig initially proposed to map the human genome, according to Collins and others, would never work, was flawed, and would produce a map filled with gaps and errors. The recently published complete genome of the fruit fly, first presented at the AAAS conference in Washington, D.C., and to be published in written form in Science on March 24, is seen by objective scientists to be over 99.99% accurate.

President Bill Clinton

March 13, 2000

Page 2

The mapping took a total of 10 months from start to publication, and is the most complex organism ever sequenced. Clearly, Craig's approach works, and works with a high degree of scientific integrity. The method proposed by Craig has now been entirely adopted by the Human Genome Project to accelerate its effort, and to produce its "draft" which it hopes to have in the next two to three months. Its draft, however, will not be complete, nor will it be 99.99% accurate.

2. The human genome will not be owned by Craig Venter or Celera. Celera Genomics is an information company. It intends to sell information just like West Publishing sells court decisions. It will make money from the wide-spread diffusion of the information. It sells subscriptions on a totally non-exclusive basis, with no control over final uses. West Publishing does not get royalties from lawyers who use its publications; Celera will not either. The real value comes from the annotation systems. Celera gets its return from annotation, editing, and research of the genome. The customers are universities (Harvard is in the process of subscribing), pharmaceutical companies, and eventually doctors and individuals.
3. Craig and Celera, like you, believe in very rigorous standards for patenting genes; clear value-added knowledge is needed, not simply gene discovery. I do not think you would differ to any meaningful degree.
4. The Human Genome Project has not undertaken good faith negotiations with Celera about collaborating. What Francis Collins has said in the room is exactly the opposite of what he has said outside the room. And he has lied about what Celera has said. Please see the attached correspondence.
5. Celera intends to post on the internet for free, 100% of the complete genome when it is finished. This will be available to any and everyone without charge. It will sell subscriptions to an annotated and edited version, as West Publishing does for court cases. It will bar anyone other than Celera from subsequently selling the data.
6. The Human Genome Project will not have completed the genome in 2000. At best, it will have an incomplete, rough draft that scientists will ridicule. In contrast, scientists are praising the quality and integrity of the Celera fruit fly genomic map. Celera will not announce or publish the human genome until it meets or exceeds the Bermuda Agreement standards set for genome sequencing.

President Bill Clinton
March 13, 2000
Page 3

7. As you can see from the attached USA Today article, published today, March 13, 2000, Francis Collins will go to all lengths to try to defeat or upstage Craig Venter, all under the guise of public good. This is a charade, and you and your Administration will be made to look bad.

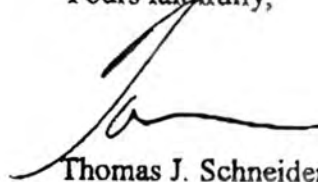
As you know, I know Craig well. He, despite what you may have heard, likes you enormously, is loyal to you despite the best efforts of Francis Collins, and personally identifies with your rise to success. He wants his completing the human genome to be your triumph. He is willing to have you publish it on the internet with him.

Your know that I am totally and completely loyal and supportive of you. I am not misleading you on this one. I want you to succeed, and to be one of the great Presidents in history. If you do not believe me, talk to Craig directly, challenge him, then decide for yourself. I will arrange a meeting if you would like.

Sir Robert May, Tony Blair's science advisor, was recently in The Hague at the residence. I discussed the matter in detail with him, and he left with a different perspective on Craig and Celera. I would be more than happy to talk to you about it before you talk to Craig, if that would help. You know my loyalty is to you first.

You seem well. Hillary has a tough road in New York, but is solidly positioned at this time from all reports I am hearing from friends in New York. Let's play golf in the near future when the weather breaks.

Yours faithfully,



Thomas J. Schneider

Enclosures: a/s

My Home: (301) 570-4782
My Work: (202) 775-8213

WASHINGTON

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— Judy Keen

Feds may have tried to bend law for gene map

Health agency denies
any 'conspiracy' to
recruit biotech company
in race to finish project

By Tim Friend
USA TODAY

Federal officials and a British charity secretly attempted to enlist biotechnology firm Incyte Pharmaceuticals in a race to complete the Human Genome Project and win a bitter two-year battle against another company, Celera Genomics of Rockville, Md.

Critics of the plan said that the National Institutes of Health (NIH), was attempting to bypass laws that require federal agencies to place contracts with private companies up for public bidding.

The \$3 billion, international Human Genome Project was begun 10 years ago to create the first genetic blueprint of a human being. The NIH funds it with the Wellcome Trust of Cambridge, England. The project has been losing ground against Celera since May 1998, when Celera executives announced intentions to conduct their own private genome project. A possible collaboration between NIH-Wellcome Trust and Celera was scuttled last week when they couldn't agree on terms.

At stake in the contentious battle is scientific glory and potential control over access to information about virtually all human diseases and possible cures. Scientists predict that the first group to complete the human genetic blueprint will win a Nobel Prize and a



1998 photo by St. Clair Bellier, USA TODAY

Competition: J. Craig Venter is president of Celera Genomics. The company is embroiled in a bitter race with the publicly funded Human Genome Project.

pedestal in the halls of history.

NIH's Francis Collins, director of the National Human Genome Research Institute, denied any "conspiracy" to enlist Incyte of Palo Alto, Calif., in a competition against Celera or to circumvent any laws.

Experts say that enlisting Incyte in the genome war would have given the Human Genome Project access to additional gene sequencing and genome as-

sembly technologies similar to those that Celera uses.

NIH officials asked a pharmaceutical company consortium three weeks ago to collaborate on the Incyte strategy. The consortium's leaders said it was inappropriate for the consortium to side with the government against a private company and refused initially to cooperate.

NIH's strategy called for Incyte to assemble a large volume of genetic data for the Human Genome Project over the next three months. Because NIH could not hire Incyte itself without competitive bidding, Collins and Michael Morgan of Wellcome Trust apparently sought out the SNP Consortium to hire Incyte for them, says Alan Roses of Glaxo Wellcome, a member of the consortium, which includes 10 leading drug companies.

Roses says a byproduct of the deal would be the generation of a "windfall" of single nucleotide polymorphisms (SNPs, pronounced snips), which the consortium is spending millions of dollars to mine from the Human Genome Project's database. SNPs can lead drug companies to genes that cause disease or influence how people respond to drugs. The deal would double the SNPs available to the consortium and at the same time boost the capacity of the Human Genome Project to assemble its data by about 20%.

"Somebody at the National Institutes of Health thought up the idea," Roses says.

"I said I would not agree to go along with any proposal that picked out Incyte over others," Roses said in an interview, "because it potentially puts the SNP Consortium in the position of tak-

ing sides on this race to get the genome done."

Collins first declined to discuss the existence of the plan, then downplayed the role Incyte or any other company might play in accelerating progress of the Human Genome Project. He said the primary reason for approaching the SNP Consortium was to help it gather data beneficial to drug discovery.

Incyte CEO Randy Scott confirmed NIH's plan to enlist his company in the race.

"We had entered into a dialogue with them (NIH and the Wellcome Trust)," Scott says. "We've indicated over the last year that if there was any way we could help accelerate completion of the Human Genome Project we would."

After some debate, Collins and the SNP Consortium have agreed to put the contract out for bid and then work together. Scott says Incyte has made a bid and would do the job at a loss. If awarded the contract, he says, Incyte would probably pay "a few million dollars" of its own money to complete the work, which involves gene sequencing and assembly of the data into a useable form.

Arthur Holden, chief executive officer of the SNP Consortium, says requests for bids were sent to several companies last week and that a company, possibly Incyte, will be selected this week.

4
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MEDICAL PROFESSIONAL
1-800-435-2668



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

DETERMINED TO BE AN ADMINISTRATIVE

MARKING INITIALS: MI DATE: 2/5/20

1011-0990-5

February 28, 2000

National Institutes of Health
National Human Genome
Research Institute
31 Center Drive MSC 2152
Building 31, Room 4B06
Bethesda, MD 20892-2152
(301) 495-0844
FAX (301) 402-0837

J. Craig Venter, Ph.D.
Mr. Tony White
Arnold Levine, Ph.D.
Mr. Paul Gilman
Celera Genomics Corporation
45 West Gude Drive
Rockville, Maryland 20850

~~CONFIDENTIAL~~

Dear Dr. Venter, Mr. White, Dr. Levine and Mr. Gilman:

We appreciated the chance to meet with you on December 29, 1999, to discuss possible grounds for a collaboration between the public Human Genome Project (HGP) and Celera Genomics, on deriving the sequence of the human genome. Prior to the December 29 meeting, there had been numerous discussions about a possible model for collaboration, most notably those among Eric Lander, Craig Venter, Harold Varmus, and Arnie Levine. The five largest genome centers (Baylor, the JGI, Sanger, Washington University, and the Whitehead Institute, referred to as the G5) had been fully briefed on those discussions, and had asked the four of us to represent the public HGP in any negotiations. Other members of the international sequencing consortium were also briefed in general on these developments. We had prepared a proposed statement of "Shared Principles" (enclosed) which we thought accurately reflected the conclusions of the earlier conversations with Celera. From the previous contacts, we did not expect these to be particularly controversial, and were thus disappointed to learn the day before the meeting that some of those principles might not be shared by Celera. Nonetheless, we attempted to negotiate on December 29 in good faith.

A number of important points of agreement between ourselves and Celera were reached on December 29. These included the conclusion that an active collaboration to merge the two data sets could produce a substantially better product, since it would allow bilateral sharing of electrophoretic traces and a joint effort to resolve discrepancies. At a technical level, this kind of data sharing did not seem to present a substantial hurdle in the implementation of a joint effort.

However, several fundamental differences emerged. These are outlined below:

1) Since its inception, the public HGP has been committed to producing human genomic sequence for all to use without any barriers or restrictions, in the expectation that this policy would maximize the benefit to humankind. That policy was explicitly codified in 1996. If a collaboration were initiated, however, Celera indicated they would expect exclusive commercial rights of distribution of the merged product, most likely even beyond the current projected date of completion of the

~~CONFIDENTIAL~~

Page two

human genome sequence by the public consortium in 2003 (2005 was mentioned). While we understand Celera's business imperatives, the extent of this claim seemed inappropriate to us. The product of a sequence data merge between the HGP and Celera in the summer of 2000 would reflect the collection of shotgun data at roughly 10x redundancy, and would not be of equivalent quality to the finished product expected from the HGP in 2003. Many sequence gaps and regions of ambiguity would be present in the proposed Celera/HGP merged product. By current plans, if no collaboration were initiated, the public HGP expects to have completed shotgun coverage on available genomic clones by no later than December 2000. This would argue that the period of exclusive rights to commercial distribution of the merged data set by Celera should be limited to no more than 6 - 12 months after the initiation of the collaboration.

2) In view of the public HGP's commitment to finishing the human sequence, it would be expected that ongoing efforts would be needed after the merge to close gaps and clear up ambiguities. The design of such finishing strategies would optimally make full use of the merged data set. On December 29, however, Celera argued that the output of any further improvements in the sequence that resulted from the use of the merged data set would also fall under their exclusive rights for commercial distribution. Such a restriction would put the public HGP in an ongoing position of producing data that was less than fully accessible, which would be inconsistent with the internationally agreed principle of open access. To avoid this, the public HGP might actually be forced to continue to collect additional independent and redundant shotgun data in parallel with the collaborative effort, although this position was apparently also unacceptable to Celera. Given Celera's stated plans to make their own version of the data available to the academic community, even in the absence of a joint effort, it is not clear why or how Celera would expect to prevent the public HGP from utilizing the complete merged data set in directing finishing efforts.

3) The public HGP was also concerned by Celera's stated desire to have their proposed commercial rights over the joint product extend beyond databases to experimental applications, such as the construction of genome chips, large primer sets, or applications to proteomics and analysis of regulatory sequences. We were not previously aware of the intention for those commercial rights to extend beyond databases. While establishing a monopoly on commercial uses of the human genome sequence may be in Celera's business interests, it is not in the best interests of science or the general public.

4) While both parties agreed that wide distribution via both a DVD and the internet was desirable to facilitate access to the sequence, there appeared to be substantial differences in how this might be implemented. The public HGP feels that the sequence, along with jointly derived annotation, must be available from one or more noncommercial sites, whereas Celera wishes any internet access to be exclusively through a Celera portal.

5) We were concerned about Celera's possible intention to publish the results of their merge of the public data and their own data, in the event that no agreement is reached. Although the public effort has explicitly made preliminary sequence available for all to use for both academic and commercial research purposes, the public consortium reasonably reserves the right to be the first to publish its own data in a peer-reviewed journal. Publication of other groups' primary data without consent is considered to be a breach of scientific ethics. In addition, it is counter to accepted scientific practice for authors to present results without having examined the primary data.

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Page three

These are substantive issues. We left the December 29 meeting grateful that the exchange had been so open and wide-ranging, but uncertain whether Celera's stated positions were hardened or still open to negotiation. At the conclusion of the meeting, all parties agreed that a follow-up meeting would probably be needed.

One of us (FSC) attempted to reach Dr. Venter to set up a follow-up meeting, but was directed instead to Mr. White. In a phone call on January 22, Mr. White reiterated the points outlined above, and indicated that a follow-up meeting would only make sense if the public consortium agreed to grant Celera commercial protection for the sequence in their database well beyond the time it would have taken the public HGP to generate an equivalent product. Mr. White stated that he expected commercial protection for at least 3 to 4 years, and preferably longer. He also held fast to the demand that finishing efforts by the public consortium, carried out after the merge, would need to be under the same restrictions. When it was pointed out that this was particularly puzzling, since if there were no collaboration the HGP could presumably use Celera's proposed DVD to aid finishing and then place those additional new reads in public databases, Mr. White indicated that they were rethinking their DVD plans, and that the sequence data might only be available on their web site, perhaps with some restriction on this sort of finishing activity by others.

When asked about the extent to which Celera would see their restrictions applying to uses of the genome sequence other than commercial databases, Mr. White reiterated that Celera would expect chip companies to pay a license for this use. As to other genome-wide uses of the human sequence, he said that Celera has not yet defined which types of experiments would require a license, but left the door open to that being broader than just chips.

When asked whether there was some flexibility in the positions outlined by Celera on Dec. 29, Mr. White did not encourage that view.

Despite this discouraging interaction, one of us (FSC) has been attempting for more than two weeks to reach Dr. Venter to see whether there are any remaining grounds for pursuing the collaborative model. After several unanswered phone calls and e-mails outlining the reason for the attempted contact, Dr. Venter's assistant indicated that he is too busy with other matters right now to discuss this until some time after March 6.

A clear conclusion seems to arise from Celera's actions on and subsequent to December 29: that there is no real interest on the part of Celera in continuing to pursue this particular collaborative model. This is disappointing, since much work has gone into exploring such an option, and we had been hopeful in light of the success of the collaborative effort on the *Drosophila* sequence that something similar could be worked out for the human project.

Continued ambiguity is not conducive to early completion of the human genome sequence. Therefore, unless Celera indicates in the next week (by March 6, 2000) that the conclusions of this letter are substantively incorrect, we will conclude that the initial proposal whereby the data from the public HGP and Celera are collaboratively merged is no longer workable.

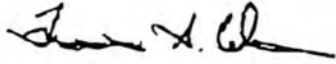
Page four

~~CONFIDENTIAL~~

We stand ready and willing to engage in further conversations at any time.

With best regards,

Sincerely yours,



Francis S. Collins, M.D., Ph.D.



Harold Varmus, M.D.



Martin Bobrow, CBE DSC FRCP



Robert H. Waterston, M.D., Ph.D.

MAR-13-2000 18:32 FROM RESTRUCTURING ASSOC.

TO

4566703

P.29

~~CONFIDENTIAL~~

December 28, 1999

SHARED PRINCIPLES

There seems to be general agreement that:

- o The public HGP and Celera Genomics each have the capacity to generate substantial coverage of the sequence of the human genome.
- o Humankind will be better served if we can find a viable way to join forces to produce a better product in a more timely fashion.
- o The methods being used (clone-based and whole-genome shotgun) are, in fact, complementary. They provide much opportunity for cross-checking.
- o A collaboration would offer the opportunity for joint optimization of experimental, strategy and analytical methods.
- o The current antagonism and excessive competition should be replaced with a more collaborative spirit.
- o The public HGP is committed to the complete sequence of the human genome being freely available in the public domain.
- o The public HGP understands that Celera Genomics will be making its consensus sequence of the human genome broadly available.
- o Celera Genomics is able to see assembled data generated by the public labs and is free to use it for its proprietary databases, but a scientific publication that combines substantial data from both sources should, according to accepted scientific practice, be a joint publication involving authors from both groups.

The outline of a collaborative effort might be as follows:

1. Joint Publication.

The two sides would agree to joint publication of a collaborative paper reporting joint analysis of both the public and Celera data, co-authored by appropriate scientists from both sides. An additional paper reporting analysis of the public data from the public HGP labs might also be simultaneously submitted.

The collaborative paper would necessarily involve that co-authors from the public side have sufficient access to the Celera data and any joint analysis during the preparation of a

~~CONFIDENTIAL~~

paper to be able to comfortably sign their names to a paper.

There is some concern about the appearance of public HGP scientists having access to Celera's data before it is made public. The best solution might be to limit the period of access, perhaps to 90 days before submission of a paper.

The most realistic timeframe would be to aim for the paper(s) to appear near the end of 2000 (perhaps in Science), which would require submission in the late summer or fall and would involve collaboration beginning in the late spring or summer.

It is important that the public consortium's participation in this collaboration does not contribute directly to development of intellectual property for Celera, whether in terms of sequence or SNPs.

2. Data Release.

The public HGP will continue to release their data immediately.

Celera and other companies would continue to be free to use these data to create and sell databases.

Upon publication of the papers, the human sequence produced from the analysis of the public and Celera data will also be released in accessible "media". The ideal medium (because of its universal accessibility) would be an internet-accessible database. Access solely through Celera's database has substantial disadvantages from the public consortium's perspective.

3. Public Relations

Consideration will be given to preparing a brief statement indicating that the possibility of collaboration is being explored. During the negotiations no information will be provided to the press by either party.

If agreement is reached, the two sides will jointly prepare a document and press releases describing the rationale for and nature of the collaboration. Both sides will make all efforts to support this agreement. This includes honest and straightforward responses to scientific inquiries, but avoiding disparaging the other party, sowing discord or undermining the collaborative spirit. It will require a generosity of spirit in acknowledging the legitimate and important role of both parties.

Celera Genomics Corp.
45 West Gude Drive
Rockville, MD 20850

Tel: 240 453-3000
Fax: 240 453-4214

www.celera.com

March 7, 2000

Francis Collins, M.D., Ph.D.
Martin Bobrow
Robert H. Waterston, M.D., Ph.D.
Harold Varmus, M.D.
National Institutes of Health
National Human Genome Research Institute
31 Center Drive MSC 2152
Building 31, Room 4B09
Bethesda, MD 20892-2152



Dear Francis, Robert, Martin, and Harold:

I am responding to your letter of February 28, 2000. A preliminary question involves your current motivations. While I would like to believe that the purpose for your letter involves furthering good faith efforts toward collaboration, various aspects of the letter indicate the opposite. It presents a one-week ultimatum, reflecting an apparent disregard for the fact that, as my office informed you, I have been entirely unavailable travelling during the past few weeks (the exception being the one day I was in Washington during that period when you were unable to meet with me). While I do not understand the need for your deadline, Celera has no interest in obstructing or delaying the public effort.

I am also concerned by the implications of the release of your letter to the press prior to my return and response. This obviously conflicts with what I thought we both agreed would be important to reaching agreement in this complex area -- avoiding public posturing and contention. While Celera has no issue with publicly standing behind its position, I trust you anticipated the consequences of releasing to the press your selective perspectives on our discussions. If you disfavor collaboration, a simple "no thank you" will suffice.

Speaking for Celera, we continue to be interested in pursuing good faith discussions toward collaboration. Assuming that there is a reciprocal interest in good faith discussions and given the recent misinformation, let me reiterate Celera's consistent position.

As documented in the June 5, 1998 issue of *Science*, Celera's goal is to both discover and broadly disseminate the human genome sequence. Given the costs and value of this effort, we attempted to clarify a dissemination model that is fair and reasonable. Particularly for pure research applications, we foresee information being released at little or no cost to the end user. For those looking to use our information to their financial benefit, we are unapologetic in seeking a reasonable return for our efforts. At the same time, and as distinguished from the business models of many of our competitors, we anticipate broadly disseminating information without the inherent deterrent of requiring database users to pay onerous royalties on the discoveries they make with our data (often referred to as "reach-through" royalties). We have already entered into several third-

party agreements that bind us to this. We will continue to react unfavorably to claims that Celera's intends to withhold information and delay progress, particularly when our fundamental mission is to accelerate the dissemination of information.

As you know, our meeting with you on December 29, 1999 grew out of a series of discussions with Eric Lander of the Whitehead Institute. These discussions produced some reasonable goals and the potential basis of a sound agreement. Unfortunately, Dr. Lander was not a member of your negotiating team and the scope of the December 29 meeting changed dramatically. Much of the discussion was based on hypothetical scenarios that had little to do with the earlier discussions. As a result, a number of points in your letter dramatically misstated Celera's position. For example, your discussion of our needs for intellectual property protection is quite distorted. We stated a need for data protection in response to your assertion that your researchers should have total access to all of Celera's data at their laboratories, including our electrophoretic files. These data are of significant commercial importance and we naturally responded that we would need sufficient protection for them. You have now asserted that Celera's intellectual property protections made in response to your requirement are inhibitions to the collaboration.

Our collaboration with Dr. Gerald Rubin of Berkeley on the *Drosophila* genome has been a model that has been remarkably productive. The terms of that agreement were reviewed and approved by Dr. Collins, Dr. Varmus, and representatives of the Wellcome Trust. Despite your recent actions we remain hopeful that collaboration on similar terms can be achieved for the human genome.

Let me restate Celera's position on the terms of collaboration:

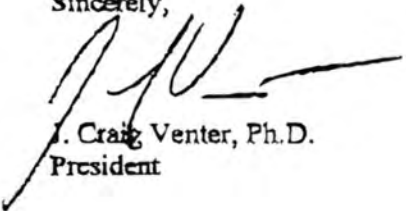
- As with the *Drosophila* genome, Celera will assemble the human genome with its own data. Public data will be used for comparative purposes. As demonstrated with *Drosophila*, excellent assembly was achieved without the public rough draft data. However, Celera is prepared to assemble a consensus human genome using its data and the data produced by the public human genome project. As with the *Drosophila* genome, scientists from the public sequencing labs would be welcome to come to Celera and verify these data and to analyze the resulting genome.
- As with the *Drosophila* genome, joint publications would be produced describing the finished human genome.
- The finished genome consensus sequence would be available to all researchers. We believe a web-based version at Celera's site is an appropriate balance between an open distribution and a protection of our commercial interests. We have also discussed a DVD version and we are open to that option.
- Researchers would be free to use the published data in their research at no cost.
- The only restriction that Celera has ever requested is that other database providers would be prohibited from providing or selling Celera's data as their own. We

certainly agree that if the public project wanted to publish a version of the genome that did not depend in any way on Celera data we would have no objection to your distribution of those data.

While it is not our preference to negotiate this collaboration through the media, we feel compelled to release this letter to the media in order to correct the misconceptions created by your released letter.

We believe that speed is essential for completing the genome. Its completion is the beginning of a new era in medicine that many lives depend on. The research that follows is far more important than squabbles over credit for its completion. Our consistent goal has been to pursue alternatives that will benefit science and the public while at the same time fulfilling our obligations to our shareholders and fairly rewarding them for their investment.

Sincerely,



J. Craig Venter, Ph.D.
President

cc: E. Lander
M. Hunkapillar
A. Levine
T. White

3-15-00

To Bankhaart for reply?
Yes ☒ No ☐

BC Sig - RED DOT
ASAP
COURT. 4/1/19

John W. "Jay" DeHaven

John W. "Jay" DeHaven

Post Office Box 13256
Maumelle, Arkansas 72113
501/851-1313
Fax: 501/851-4887

March 14, 2000

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D. C. 20500

Dear Mr. President:

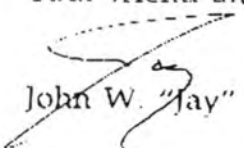
I am asking you to re-think your position on the current proposal to "liberalize even more" the 404 Wetlands Act. This Act, as passed in 1972, I believe, and seriously expanded in 1989 and once again in 1998, is really hurting the American people. Further liberalization will all but wipe out the ability for developers to produce homesites for entry level housing as we know it today. The loss to farmers will be terrible. The tremendous cost to comply with 404 today is beyond imagination if you are not a farmer or a developer. The general public, as consumers, doesn't understand this terrible waste and cost that is being passed on to the public. Today, we are forced to mitigate developable low quality wetlands by 2, 3, 4 and 5 to 1. For the environmentalists to say that 100,000 acres is being lost each year is untrue. We are probably gaining 300,000± acres in wetlands. Further, the term "wetlands" is so broad today that it includes almost every piece of ground in the United States. To expand it, which would include everyone's backyard, or even worse, is simply not realistic.

Please don't be fooled by this proposal into thinking that we are preserving land for the future and for nature. That is simply not what is going to happen. That land will be there, but there will be no "future" for millions of citizens who are entitled to a home, a farm, or a small business. The loss to the American economy is going to be enormous. We are being hit with interest rate increases, more taxes, and serious roadblocks to developments and farming. Sounds like 1989...remember?

I have never asked you for a favor, even though years ago on a school funding vote, you called me and I got you a couple of votes you needed. You told me I had a favor coming. I am not asking that favor for me, but I am asking it for American farmers and the American family who wants to own its own home and to be able to afford such a home. Please don't let this Act be expanded even more. It is all encompassing now.

Respectfully yours,

Your friend and admirer,


John W. "Jay" DeHaven

The White House

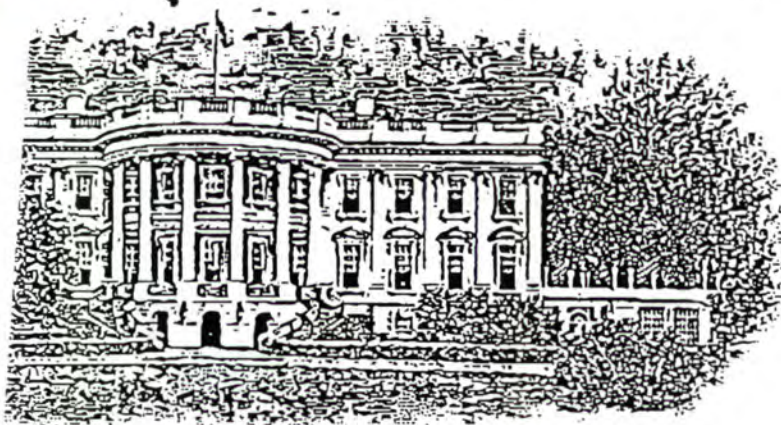
3/15/00

Should we send to
Berkhardt?

Yes

No

Carol



COUNSEL'S OFFICE

Facsimile Transmission Cover Sheet

Telephone 202 456-6229

Fax 202 456-2146

DATE:

3/15/00

TO:

CAROL CLEVELAND

FACSIMILE NUMBER:

456-2215

TELEPHONE NUMBER:

FROM:

ERIC ANGEL

TELEPHONE NUMBER:

456-2608

PAGES (WITH COVER):

6

COMMENTS:

THESE ARE ROUGH
DRAFTS. REVISE AS
YOU WISH

PLEASE DELIVER AS SOON AS POSSIBLE

The document(s) accompanying this facsimile transmittal sheet is intended only for the use of the individual or entity to whom it is addressed. This message contains information which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received this information in error, please immediately notify the sender at their telephone number stated above.

Mark

THE WHITE HOUSE
WASHINGTON

March 10, 2000

MEMORANDUM TO THE PRESIDENT (via John Podesta)

From: *Ban*
Beth Nolan, Mark Childress, Sarah Wilson, and Eric Angel

Subject: The Confirmations of Judge Richard Paez and Marsha Berzon

Yesterday afternoon the Senate confirmed both Judge Richard Paez (by a vote of 59-39) and Marsha Berzon (by a vote of 64-34), your two longest-waiting nominees for the Ninth Circuit. This is a significant achievement for a variety of reasons. With the confirmations of Paez and Berzon, you have appointed *half* of the active judges on the Ninth Circuit. In addition, more than 70% of the judges on the circuit have been appointed by Democratic Presidents. Finally, both Paez and Berzon are extraordinarily accomplished individuals who will be great assets to the appellate bench for years, if not decades, to come.

We believe that your personal involvement in the matter was the key factor in obtaining Judge Paez's confirmation in particular. Notably, every Republican Senator you called – Senators Hatch, Specter, Jeffords, Chafee, Collins, Snowe, and Gordon Smith on behalf of Judge Paez, and Senators Fitzgerald and Mack on behalf of Marsha Berzon – voted in favor of the candidate about whom you called.

There are several Senators who also played a critical role in these confirmation battles. We recommend that you call the following Senators to thank them for their hard work on behalf of Paez and Berzon:

Senator Tom Daschle: As you know, the Senate Republicans desperately wanted to avoid having to vote on Berzon and Paez; it is largely due to Senator Daschle's efforts that they were forced to do so. At the end of last year, Daschle negotiated with Lott to secure a public commitment to a vote on Berzon and Paez by March 15, 2000. In particular, Daschle never gave up on Paez, viewed as the more vulnerable nominee, insisting that the Majority Leader afford floor votes for them both.

Chief of Staff: Peter Rouse, 202-224-3840

Scheduler: Nancy Erickson, 202-224-5556

Senator Orrin Hatch: Although Senator Hatch wavered in his support for Judge Paez, he ultimately played a pivotal role in ensuring Paez's confirmation. Senator Sessions' opposition to Paez was particularly vehement. Given the hostility of conservative Republicans toward the Ninth Circuit in general, Hatch deserves significant credit for ultimately

*He called Leahy + Specter
Do letters to Daschle + Berzon to all*

supporting both Berzon and Paez.

Chief of Staff: Patricia Knight, 202-224-6333
Scheduler: Ruth Montoya, 202-224-9856

Senator Patrick Leahy: As ranking member of the Judiciary Committee, Senator Leahy was consistently vocal in favor of Berzon and Paez. Thus, their confirmations after many years of delay is undoubtedly particularly satisfying for him.

Chief of Staff: Luke Albee, 202-224-2593
Scheduler: Kevin McDonald, 202-224-4247

Senator Harry Reid: Senator Reid played a crucial, behind-the-scenes role on behalf of Judge Paez. Reid was particularly dogged and impressive in pressing his fellow Mormon Senators – including Senators Hatch, Bennett, and Gordon Smith – to support Paez.

Chief of Staff: Susan McCue, 202-224-0492
Scheduler: Sheila Brown, 202-224-7003

Senator Barbara Boxer: Senator Boxer was Judge Paez's principal patron in the Senate. Perhaps most notably, Boxer's hold on Senator Lott's TVA nominee last term was a catalyst for Lott to enter into his public agreement with Daschle to schedule floor votes for both Paez and Berzon. Boxer's willingness to stand up to the Majority Leader was critical to yesterday's successful confirmation votes.

Chief of Staff: Karen Olick, 202-224-5596
Scheduler: Sophia Florens, 202-224-1069

March 15, 2000

Dear Barbara:

I write to express my personal appreciation for your efforts on behalf of Judge Richard Paez and Marsha Berzon, both of whom, as you know, were confirmed to the U.S. Court of Appeals for the Ninth Circuit last Thursday with bi-partisan Senate support. I especially wish to commend you for your work on behalf of Judge Paez, whose floor vote could not have been secured without your active participation.

Sincerely yours,

March 15, 2000

Dear Tom:

I write to express my personal appreciation for your efforts on behalf of Judge Richard Paez and Marsha Berzon, both of whom, as you know, were confirmed to the U.S. Court of Appeals for the Ninth Circuit last Thursday with bi-partisan Senate support. I commend you for your success in securing floor votes for both nominees in the face of staunch Republican opposition.

Sincerely yours,

March 15, 2000

Dear Mr. Chairman:

I write to express my personal appreciation for your efforts on behalf of Judge Richard Paez and Marsha Berzon, both of whom, as you know, were confirmed to the U.S. Court of Appeals for the Ninth Circuit last Thursday with bi-partisan Senate support.

I realize that many of your colleagues in the Senate sought to defeat the nominations of Judge Paez and Ms. Berzon. I commend you for your decision to support both nominees in spite of such opposition.

Sincerely yours,

March 15, 2000

Dear Patrick:

I write to express my personal appreciation for your efforts on behalf of Judge Richard Paez and Marsha Berzon, both of whom, as you know, were confirmed to the U.S. Court of Appeals for the Ninth Circuit last Thursday with bi-partisan Senate support. I realize that many Republicans in the Senate sought to defeat the nominations of Judge Paez and Ms. Berzon. I commend you for your tireless advocacy on behalf of both nominees.

Sincerely yours,

March 15, 2000

Dear Harry:

I write to express my personal appreciation for your efforts on behalf of Judge Richard Paez and Marsha Berzon, both of whom, as you know, were confirmed to the U.S. Court of Appeals for the Ninth Circuit last Thursday with bi-partisan Senate support.

I especially wish to commend you for your work on behalf of Judge Paez, whose confirmation could not have been secured without your impressive outreach on his behalf.

Sincerely yours,

MRS. ROBERT F. KENNEDY
HYANNIS PORT • MASSACHUSETTS 02647

Dear Mr. President,

Sensational.

Your stirring words from the
historic Pettus Bridge lifted our hearts
and strengthened our resolve.

Thanks you for knowing we
all had to be there.

March 6, 2000

With love,

Liziel

Potus Signed
Selma Speech

B

TO DAN B.

3/15/00

FOR RESPONSE DC SIG.

Do you think a
response is necessary?

Yes, send to Burkhardt
for reply - check to
see if signed speech
has gone out Attach.
Speech if
still here.