

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	Jim Weill to Jennifer Klein (personal) (1 page)	12/18/1995	Personal Misfile
002. form	SF 50, Klein, Jennifer (1 page)	05/07/1997	b(6)

COLLECTION:

Clinton Presidential Records
Office of the First Lady
Jennifer Klein
OA/Box Number: 12507

FOLDER TITLE:

Todd [Stern]

2014-0536-S

kc1345

RESTRICTION CODES

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

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

Todd Stern



11/17/97 09:53:06

AM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP

cc:

Subject: adoption

Big NYT article on adoption today saying the bill represents "the most sweeping changes to the nation's adoption and foster-care system in two decades." It wouldn't have happened without you, so if you can step back for a moment from the frustrations of having too many competing demands on you, the frustrations of missing out on some of the action you'd like to be a part of, and the general frustrations of work here, you should feel very proud. And you should think, from time to time, about the children who will never know the role you played but will have better and less painful lives because of what you and the others who worked with you did. Nice work, sweetie.
me

TODD STERN
2011 Hillyer Place, N.W.
Washington, D.C. 20009
(202) 265-8398 (h)
(202) 456-2702 (o)

WORK EXPERIENCE

THE WHITE HOUSE January 1993 - Present

Deputy Assistant to the President and Deputy Staff Secretary

Manage and control paper flow to the President; special legal and political assignments.

SENATE JUDICIARY COMMITTEE June 1990 - January 1993

Senior Counsel to Senator Patrick Leahy -- Technology and Law Subcommittee.

Responsibilities included telecommunications; trade; intellectual property; antitrust; Supreme Court nominations; foreign aid; speechwriting.

PODESTA ASSOCIATES Washington, D.C. 1989-1990

Vice President -- Media and public affairs; campaign consulting; government relations.

ASSOCIATED MILLS/POLLENEX Chicago; New York 1985-1987

General Counsel -- Supervised litigation and general corporate matters.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON New York 1979-1985

Associate -- General litigation including antitrust, securities, libel, intellectual property.

LEGAL AID SOCIETY -- Criminal Appeals Bureau New York 1977-1979

Staff Attorney -- Wrote and argued appeals in state and federal courts.

CAMPAIGN EXPERIENCE

CLINTON/GORE

Campaign -- Prepared materials for domestic policy briefing book for presidential debates.

Transition -- Prepared memos on potential cabinet appointees; Justice Department cluster.

DUKAKIS/BENTSEN

General Election -- Deputy Research Director

Primaries -- New York Issues Director

EDUCATION

HARVARD LAW SCHOOL

J.D. Cum Laude, 1977

DARTMOUTH COLLEGE

B.A. Summa Cum Laude, 1973

Phi Beta Kappa

LANGUAGE

French

To: Don Baer
Michael Waldman
Fr: Todd Stern
Re: State of the Union
Da: December 29, 1995

A few unsolicited thoughts about the structure of the State of the Union.

Message

Structure and content should be driven by the implicit messages we wish to send. I'd define them as follows: (i) **President as moderate alternative** between extremes of left and right; (ii) **President as leader**; (iii) **President on the side of ordinary Americans** rather than the wealthy or special interests; (iv) **President as healer** who can help us find common ground; (v) **President having the energy and vision** to lead this country toward a new century (as Dole cannot).

Incidentally, I don't think a speech of the kind Benjamin Barber suggests, explicitly constructed around the concept of leadership, is a good idea. It would sound forced. Best way for President to appear as a leader is to talk about what he has done rather than about leadership, and to speak in strong, declarative sentences.

Structure

I would organize the speech in three basic parts: (I) introduction, starting with a nod toward troops in Bosnia, laying out a roadmap of where the speech is going, and then pausing -- briefly -- to take stock of how much we've accomplished so far; (II) a second section built around the budget confrontation. We must address this early, with President articulating what he believes is at stake -- his conception of government's role vs. GOP (and distinguished from old-fashioned liberal); and (III) a third section on where we go from here -- domestically (preparing for new century [education, technology, etc.]; increasing wages/incomes; making our streets safer; community/values) and internationally.

I. Introduction --Nod to troops/roadmap/where we've come

Troops. I'd follow Jeremy Rosner's advice with a nod to our troops in Bosnia. His suggested language is excellent.

Roadmap. 'The past few months have been a difficult and confusing period of struggle over our budget. I want to discuss with you what that battle is/was really about, and then talk about where we're going from here both at home and abroad.' (It's a great help to the listener to say where you're going before you go there.)

Where we've come. 'But first, I want to take a brief look at where we've come. I arrived in Washington three years ago dedicated to reviving our economy and ushering in a new period of American renewal -- of economic growth, political reform, social progress and leadership around the world. We have much yet to do, but let us not lose sight of how far we have come. Economy strong with low interest rates, lowest combination of inflation and unemployment in past x years. American companies most competitive in the world. Strong in trade. Leader in technology. Federal government smallest in 30 years. Crime down. Real political reform, with last big step to reform campaign finance. America as leader and peacemaker on the world stage. A time of promise and a time of hope. No nation on earth is in better shape than the United States to meet the new century.'

II. The Budget Battle -- Role of Government

'For past several months, we have been engaged in struggle over the shape and nature of our national budget. I know it seems to many people watching from outside Washington like a confusing, perplexing debate over numbers and economic assumptions. But it is about much more than that. It is about real people. And about what we expect from our national government. Let's talk for a few moments about what's at stake in this budget fight.

Not about who wants balanced budget. 'First, let me tell you what the budget battle was/is *not* about. Not about one side wanting a balanced budget and the other opposing it. I came into office understanding how crucial it was to reduce the massive budget deficits I inherited from my predecessors. And we did that. Three straight declining budgets. **Lowest** budget deficit of any major industrial country. And last June, I put forward a plan to balance the budget using real numbers -- no smoke and mirrors. Numbers favored by the mainstream economists of Wall Street; even by the Wall Street Journal.

Not about who wants big government. 'Nor is the budget battle about one side wanting big government and the other opposing it. During my three years, the number of workers employed by the federal government has shrunk by nearly 200,000 workers. To a level smaller than Bush. Or Reagan. Or Carter. Ford. Nixon. Johnson. To smallest level since President Kennedy.

Different conceptions of role of government. 'What confrontation *was/is* about is fundamentally different conceptions of role of federal government. There are three basic models of what our government should do. On one side, the old-fashioned, liberal model that searches for a government program, managed in Washington, to fix every problem. On the other side, the minimal conception favored by many in the congressional majority, which believes government should handle national defense and then, for the most part, get out of the way. My view is different. I favor a middle way -- a government wise enough to understand the challenges confronting us, vigorous enough to address those challenges effectively, but smart enough to know its own limits.

Examples. [Then give examples from Medicare/Medicaid; education; technology; the environment; crime. In each case on the pattern of: "a government dedicated to maintaining Medicare and Medicaid for our elderly, our disabled and others in need, not one that wants to slash those programs; a government committed to helping young people get a college education through Direct Lending, not one that wants to eliminate government support for education; a government that demands clean air and safe drinking water, not one that wants to let companies that pollute off the hook; a government pledged to keep taxes down for our working families, not one that wants to raise taxes on families making just \$30,000 a year, while cutting them for families making over \$100,000, etc."]

'That is the kind of government I believe in. Not oversized. Not believing it has the answer for every problem. But understanding that this country can only make progress, meet its challenges, preserve God's green earth, and remain true to its historic mission of fairness and justice if our national government remains *engaged*. That is what I believe in and, as long as I remain President, that is what this government will do.'

III. Where Do We Go From Here

'What then are the challenges we must meet as we go forward from this day?'

Domestic

Prepare for challenges of new era. First, prepare our nation for the economic challenges of a new century and a new era. [Talk about education, technology, conditions for investment such as low interest rates.]

Work to increase incomes of ordinary Americans. 'Second, commit ourselves to tackling one of the central dilemmas of our time -- that the incomes of ordinary, working Americans are not keeping pace with our overall economic growth. This is a bipartisan problem that has persisted for 20 years through Republican and Democratic Administrations, caused not so much by government policy as by changes in the global economy and the nature of technology. But the bottom line is that average American workers -- the men and women who work the day shifts and the night shifts, who wear blue collars and white collars -- are not sharing as they should in this nation's wealth. Therefore, having put the nation's economic house in order during the past three years, I intend to rededicate myself to increasing the wages and incomes of ordinary Americans. [Use appropriate Reed proposals.]

'This is not an issue of labor vs. management or management vs. labor. We do best as a people and as a nation when each of us shares fairly in this nation's bounty. We are all in this together and must never forget that.'

Safety in our streets. Third, safe streets. [Any of Reed tough-on-crime proposals that work.] Press for 100,000 cops. Blast away on efforts to repeal assault weapons ban.

Community/Values. Fourth, an area beyond government programs but not beyond the scope of our national dialogue -- restoration of values and community.

Faith, discipline, hard work. First, reinvigorate the basic American values of faith, discipline [Taylor Branch's "favorite words"] and hard work. Opportunity and responsibility. Children learning that there's no something for nothing. Criticize Hollywood excess. Pro-marriage, anti-divorce (though I'd avoid calling on States to enact legislation, as Galston recommends). Making abortion rare. Fathers taking responsibility for children they bring into world. Child support enforcement. Welfare -- tough work requirements. But President couldn't sign bill that is too tough on kids and not tough enough on work. Perhaps pick up "challenge" theme from Reed memo.

Common Ground. Listen to one another. Dialogue. This nation's glory and greatness is its diversity. E Pluribus Unum. We must say no to the grisly murder of a black couple by white racists on a military base in North Carolina. We must also say no to the firebombing of a store in Harlem because the owner was white or Jewish. No to extremists on all sides. Yes to our vital center. To reason and tolerance. To understanding. To reaching out across races, ethnicities, religions, nationalities. A House Divided has never been able to stand. Let us pledge -- not through government, but through families, churches, synagogues and neighborhood organizations -- to finding common ground.

Foreign

A key section that should be strong and substantial, both because of Bosnia and as surest way to project leadership. Talk of this as a pivotal year for American leadership around the world. Bosnia, N. Korea, Haiti, Northern Ireland, Middle East. Emphasize successes, but also challenges ahead. Obviously need serious discussion of Bosnia. And position President on middle ground between isolationists and trying to solve all the world's problems. I agree with Rosner on bipartisan nod to Dole and McCain. I am in general agreement with Rosner's take on emphasizing the hard security challenges over the humanitarian, addressing the audience that we need to convince, not the one already with us.

V. Conclusion. Strong, upbeat, dynamic. And short.

[Note: If budget battle is still unresolved, and particularly if we're still in a shutdown mode, we could wack them hard on their strongarm tactics. No way for serious representatives of the American people to behave. Hurting real people. Time for adult leadership. Etc., etc.]

TO THE HOUSE OF REPRESENTATIVES:

I am returning herewith without my approval H.R. 1058, the "Private Securities Litigation Reform Act of 1995." This legislation is designed to reform portions of the Federal securities laws to end frivolous lawsuits and to ensure that investors receive the best possible information by reducing the litigation risk to companies that make forward-looking statements.

I support those goals. Indeed, I made clear my willingness to support the bill passed by the Senate with appropriate "safe harbor" language, even though it did not include certain provisions that I favor -- such as enhanced provisions with respect to joint and several liability, aider and abettor liability, and statute of limitations.

I am not, however, willing to sign legislation that will have the effect of closing the courthouse door on investors who have legitimate claims. Those who are the victims of fraud should have recourse in our courts. Unfortunately, changes made in this bill during conference could well prevent that.

This country is blessed by strong and vibrant markets and I believe that they function best when corporations can raise capital by providing investors with their best good-faith assessment of future prospects, without fear of costly, unwarranted litigation. But I also know that our markets are as strong and effective as they are because they operate -- and are seen to operate -- with integrity. I believe that this bill, as modified in conference, could erode this crucial basis of our markets' strength.

Specifically, I object to the following elements of this bill. First, I believe that the pleading requirements of the Conference Report with regard to a defendant's state of mind impose an unacceptable procedural hurdle to meritorious claims being heard in Federal courts. I am prepared to support the

high pleading standard of the U.S. Court of Appeals for the Second Circuit -- the highest pleading standard of any Federal circuit court. But the conferees make crystal clear in the Statement of Managers their intent to raise the standard even beyond that level. I am not prepared to accept that.

The conferees deleted an amendment offered by Senator Specter and adopted by the Senate that specifically incorporated Second Circuit case law with respect to pleading a claim of fraud. Then they specifically indicated that they were not adopting Second Circuit case law but instead intended to "strengthen" the existing pleading requirements of the Second Circuit. All this shows that the conferees meant to erect a higher barrier to bringing suit than any now existing -- one so high that even the most aggrieved investors with the most painful losses may get tossed out of court before they have a chance to prove their case.

Second, while I support the language of the Conference Report providing a "safe harbor" for companies that include meaningful cautionary statements in their projections of earnings, the Statement of Managers -- which will be used by courts as a guide to the intent of the Congress with regard to the meaning of the bill -- attempts to weaken the cautionary language that the bill itself requires. Once again, the end result may be that investors find their legitimate claims unfairly dismissed.

Third, the Conference Report's Rule 11 provision lacks balance, treating plaintiffs more harshly than defendants in a manner that comes too close to the "loser pays" standard I oppose.

I want to sign a good bill and I am prepared to do exactly that if the Congress will make the following changes to this legislation: first, adopt the Second Circuit pleading standards and reinsert the Specter amendment into the bill. I will support a bill that submits all plaintiffs to the tough pleading

standards of the Second Circuit, but I am not prepared to go beyond that. Second, remove the language in the Statement of Managers that waters down the nature of the cautionary language that must be included to make the safe harbor safe. Third, restore the Rule 11 language to that of the Senate bill.

While it is true that innocent companies are hurt by frivolous lawsuits and that valuable information may be withheld from investors when companies fear the risk of such suits, it is also true that there are innocent investors who are defrauded and who are able to recover their losses only because they can go to court. It is appropriate to change the law to ensure that companies can make reasonable statements and future projections without getting sued every time earnings turn out to be lower than expected or stock prices drop. But it is not appropriate to erect procedural barriers that will keep wrongly injured persons from having their day in court.

I ask the Congress to send me a bill promptly that will put an end to litigation abuses while still protecting the legitimate rights of ordinary investors. I will sign such a bill as soon as it reaches my desk.

William J. Clinton

THE WHITE HOUSE,

December 19, 1995.

THE WHITE HOUSE
WASHINGTON
December 22, 1995

To: Leon Panetta
George Stephanopoulos
Gene Sperling
Don Baer
Michael Waldman

Fr: Todd Stern

Re: Budget message

Along the lines of the point I made at the meeting this morning, I think the President could say something like this today (assuming House goes out and we get no CR):

- My Administration and the Republicans in Congress are both trying to achieve a balanced budget. They have one view of how to try to do that. I have a different view. But there is no question that the task before us is to try to negotiate an agreement.
- I have been trying in good faith to do that. I have talked with the Republican leadership on numerous occasions and have met with them twice in this week, including several hours Tuesday and several hours today. Our staffs met yesterday for most of the day. I have offered several proposals designed to try to bridge the gap between us.
- Let me also say that I do not doubt the sincerity of the Republicans in the House or Senate. I understand that they have strongly held views. I disagree with them and I have strongly held views of my own. But I accept that we have honest differences.
- What I cannot understand and cannot accept is their refusal to allow this government to open while we negotiate. Let there be no mistake -- the closure of our government is causing real pain to real people at the cruelest possible time -- during the Christmas season.

I am not just talking about the thousands of families who cannot visit our nation's great monuments and museums -- though the disappointment of so many who have come to Washington over the holidays for just that reason is real enough. But I am talking most of all about our nation's veterans who very soon will have to go without benefit checks. I am talking about mothers in poverty who won't get the checks they need to buy food for their children or pay rent.

- And I cannot understand how Republicans in Congress can vote to leave town and go home for a Christmas recess while these and so many other people who depend on our government are left in the lurch. It is wrong.
- Of course I know that there are many Republicans in Congress who do not agree with these tactics. Who are prepared to do the right thing, open the government, and then -- with the government open -- negotiate like responsible adults. Unfortunately, there are too many others who prefer to use strong-arm tactics no matter who it hurts.
- Their position is that they will open up the government and allow checks to be sent to our veterans and neediest citizens *only* if I accept their way of achieving a balanced budget. This is no way for serious representatives of the American people to behave. It is irresponsible.
- Let me be clear: I am not making any comparable demand. My position is simple. We have disagreements. Let's try to work them out. But as we do that, let us not hold our veterans, needy mothers and children hostage.
- Whether the Republicans in Congress like it or not, neither the Congress nor the President can act alone in our system. We must work together. There is no other choice.
- Thus, the question before us right now is not whose view on balancing the budget is right and whose view is wrong. The question is not about whether I agree with their proposal or they agree with mine. There will be plenty of time to discuss our opposing views at the bargaining table. The question before us now is whether it is right to make innocent Americans pay while we try to settle our differences. It is not.
- So I call on Republicans in Congress to put aside the demand that says "it must be our way or no way." Let the government open. Let the checks go out in this Christmas season to our veterans and our hungry children. And then let us work together at the bargaining table to try to reach common ground. That is our job as elected officials.
- It is time for responsible leadership.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	Jim Weill to Jennifer Klein (personal) (1 page)	12/18/1995	Personal Misfile

COLLECTION:

Clinton Presidential Records
Office of the First Lady
Jennifer Klein
OA/Box Number: 12507

FOLDER TITLE:

Todd [Stern]

2014-0536-S

kc1345

RESTRICTION CODES

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. form	SF 50, Klein, Jennifer (1 page)	05/07/1997	b(6)

COLLECTION:

Clinton Presidential Records
Office of the First Lady
Jennifer Klein
OA/Box Number: 12507

FOLDER TITLE:

Todd [Stern]

2014-0536-S

kc1345

RESTRICTION CODES

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

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