

Chron

SENT TO PERKINS

Great letter THE PRESIDENT HAS SEEN
5-22-96

cc David Matthews
This is what we should
send out - but I've seen
Pro

Can Betty Currie
have a copy? ..

THE WHITE HOUSE

WASHINGTON

May 16, 1996

Mr. Robert V. Brothers
13881 Harris Road
Rogers, Arkansas 72756

Dear Rob:

David Matthews recently forwarded your heartfelt letter to me. I want you to know that I deeply appreciate the support you have given me over the years. I understand that you are distressed about my veto of the bill banning the procedure commonly known as partial birth abortion. Inasmuch as my position on this bill has been widely misunderstood, I'd like to set it forth for you as clearly and directly as I can.

Let me say first that I am against late-term abortions and have long opposed them, except, as the Supreme Court requires, where necessary to protect the life or health of the mother. You may recall that, as Governor, I signed into law a bill that barred third trimester abortions, with an appropriate exception for life or health, and I would sign a bill to do the same thing at the federal level if it were presented to me.

The particular procedure aimed at in H.R. 1833 -- generally referred to by doctors as dilation and evacuation -- poses a difficult and disturbing issue, one which I studied and prayed about for many months. When I first heard a description of this procedure, I anticipated that I would support the bill. But after I studied the matter and learned more about it, I came to believe that this rarely used procedure is justifiable as a last resort when doctors judge it necessary to save a woman's life or to avert serious consequences to her health.

Last month, I was joined in the White House by five women who desperately wanted to have their babies and were devastated to learn that their babies had fatal conditions and would not live. These women wanted anything other than an abortion, but were advised by their doctors that this procedure was their best chance to avert the risk of death or grave harm which, in some cases, would have

included an inability to bear children. These women gave moving, powerful testimony. For them, this was not about choosing against having a child. Their babies were certain to perish before, during, or shortly after birth. The only question was how much grave damage they were going to suffer. Here is what one of them had to say:

"Our little boy had . . . hydrocephaly. All the doctors told us there was no hope. We asked about in utero surgery, about shunts to remove the fluid, but there was absolutely nothing we could do. I cannot express the pain we still feel. This was our precious little baby, and he was being taken from us before we even had him. This was not our choice, for not only was our son going to die, but the complications of the pregnancy put my health in danger as well. If I carried to term, he might die in utero, and the resulting toxins could cause a hemorrhage and possibly a hysterectomy. The hydrocephaly also meant that a natural labor risked rupturing my cervix and my uterus."

Some have raised the question whether this procedure is ever most appropriate as a matter of medical practice. The best answer to this question comes from the medical community, which broadly supports the continued availability of this procedure in cases where a woman's serious health interests are at stake. In those rare cases, I believe the woman's doctors should have the ability to determine, in the best exercise of their medical judgment, that the procedure is indeed necessary.

The problem with H.R. 1833 is that it provides an exception to the ban on this procedure only when a doctor can be certain that a woman's life is at risk, but not when the doctor is sure that she faces real, grave risks to her health.

I do not, incidentally, contend that this procedure, today, is always used in circumstances that meet my standard. The procedure may well be used in situations where a woman's serious health interests are not at issue. But I do not support such uses, and I would sign appropriate legislation banning them.

At the same time, I cannot accept a ban on this procedure in those cases where it represents the best hope for a woman to avoid serious risks to her health.

I also understand that many who support this bill believe that any health exception is untenable. In a letter sent to me on April 16 by our leading Catholic Cardinals, they contend that a "health" exception for the use of this procedure could be stretched to cover almost anything -- for example, youth, emotional stress, financial hardship, or inconvenience.

That is not the kind of exception I support. I support an exception that takes effect only where a woman faces real, serious adverse health consequences. Some have cited cases where fraudulent health reasons have been relied upon as an excuse -- excuses I could never condone. But people of good faith must recognize that there are also cases where the health risks facing a woman are deadly serious and real. It is in those cases that I believe an exception to the general ban on the procedure must be allowed.

That is why I implored Congress, in a letter in February, to add a limited exception for the small number of compelling health consequences. Congress ignored my proposal, but I have continued to make it absolutely clear that if Congress will produce a bill that meets my concerns, I will sign it.

In short, I do not support the use of this procedure on demand, or on the strength of mild health complaints. But I do believe that we cannot abandon women, like the women I spoke with, whose doctors advise them that they need the procedure to avoid serious injury.

I continue to hope that a solution can be reached on this painful issue. Again, thank you for writing and letting me know where you stand. I hope you have a better understanding now of my own position.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Cline", with a long horizontal flourish extending to the right.

5-22-96

TODD:

Came from Oval Office
To DORSKIND FOR REPLY?

_____ yes _____ ☒ no

Stephanie Streett
cc B. Reed

given to President
at 5/21/96 June

CITY OF BALTIMORE

KURT L. SCHMOKE, Mayor

96 MAY 22 A10 : 05



OFFICE OF THE MAYOR

250 City Hall
Baltimore, Maryland 21202

DATE: May 16, 1996
TO: President Bill Clinton
FROM: Mayor Kurt Schmoke *KLS*
RE: Saturday, July 27, 1996 in Baltimore
CC: Henry Cisneros

In a less than three hour visit to Baltimore, you and Secretary Cisneros can dramatically focus attention on the major pieces of your urban policy. The proposed schedule of activities for July 27, 1996 is as follows (at this point, we are still a little flexible):

@ 9 a.m. **Demolition of Lexington Terrace**. The site, opened in 1957, currently includes 677 units in 5 high-rise and 20 lowrise buildings. All five high-rises will be imploded at once (about 20 seconds). A private developer has already been selected to redevelop the site, and reconstruction will commence coincident with site clearing (@ October 1). The plan has been devised with extensive participation on the part of residents and members of the **Empowerment Zone** Poppleton Village Center. In fact, Lexington Terrace is one of the centerpieces of the Westside **Empowerment Zone** planning strategy.

The new plan will have 203 public housing townhouses, 107 for sale townhouses, a new 100 unit senior building and a new recreation center. A business center will house retail on the first level, and other job generating businesses on the upper floors. The centerpiece of the site will be the existing public school, which is being reconstituted as a citywide magnet K-8 school for the arts. Management will be by a private management company. Lexington Terrace is a "Community of Learners".

@ 9:50 a.m. **Parade from Lexington Terrace to Lafayette Courts** (@ 10 blocks)

@10:10 a.m. **Groundbreaking at Lafayette Courts** -Former residents and East Baltimore political and community leaders will preside. Lafayette Courts was originally opened in 1954 and contained 807 units (50 per acre) in 6 high-rise and 12 lowrise buildings, demolished in August, 1995. Residents, housing authority staff and consultants have worked for three years to create a new plan for the site.

The plan, to be implemented by an inclusive design/build team, calls for 228 row houses, including 18 which will be transitional housing for teen mothers. A 100 unit senior building will be added, adjacent to the teen mother's units. A new daycare center, recreation center and a renovated community center are also part of the plan. The new Lafayette Courts will be managed by a joint management team made up of residents in - training and HABC staff. All of the townhouse units are configured to facilitate future homownership by residents. Lafayette Courts will also be a "Community of Learners".

MAY 17 '96 15:26 FROM EXECUTIVE OFFICE

THE PRESIDENT HAS SEEN
S. 11.26 PAGE.002

96 MAY 22 AIO : 05

U.S. Department of Justice
United States Attorney
Southern District of Florida

EC:ave

Kendall Coffey
United States Attorney

99 N.E. 4th Street

Miami, Florida 33132-3111

May 17, 1996

*through Secy
Hrb son
Pater
Jared to in
Kord
please
St. Louis*

The President
The White House
Washington, D.C. 20500

Dear Mr. President,

I am writing to inform you of my resignation as the United States Attorney for the Southern District of Florida, effective May 31, 1996. I am grateful for the privilege to have served in this position and pledge my continued and full support to the mission of justice for all Americans.

Respectfully,

KENDALL COFFEY
UNITED STATES ATTORNEY

~~to Dorland for action~~

cc: exec. clerk

THE PRESIDENT HAS SEEN
5-22-96

THE WHITE HOUSE
WASHINGTON

May 17, 1996

RECOMMENDED TELEPHONE CALL

TO: Senator Tom Harkin (D-Iowa)

DATE: May 17, 1996

RECOMMENDED BY: Chief of Staff Panetta; National Economic Adviser Tyson

PURPOSE: To discuss Senator Harkin's hold on your Federal Reserve nominations of Federal Reserve Chairman Alan Greenspan, Federal Reserve Vice Chairman-nominee Alice Rivlin and Federal Reserve Governor-nominee Laurence Meyer.

BACKGROUND: Please see attached background and talking points.

DISCUSSION TOPICS: Senator Harkin's hold on your Federal Reserve nominations.

CONTACT: National Economic Adviser Tyson.

ACTION: To be determined.

Very tough
consideration
BC

BACKGROUND AND TALKING POINTS FOR CALL TO SENATOR HARKIN

Background

Senator Harkin has placed a hold on the Federal Reserve nominations of current Federal Reserve Chairman Alan Greenspan, Federal Reserve Vice Chairman-nominee Alice Rivlin and Federal Reserve Governor-nominee Laurence Meyer. The Senator is adamant in his demand for significant floor time to discuss the nominations.

Senator Harkin feels very strongly that Alan Greenspan should not have been renominated as Chairman of the Federal Reserve System. He hopes to use his time on the floor to make the case against Mr. Greenspan's renomination and against the course of monetary policy during his tenure as Chairman.

The failure to move these nominations along has become very problematic, and there is a growing danger that the press will soon begin to explore whether the Administration is putting its muscle behind its nominations. First, it is now clear that neither Alice Rivlin nor Mr. Meyer will be able to participate in the next meeting of the Federal Open Market Committee on May 21. Only one Clinton appointee, Janet Yellin, will participate (not counting Chairman Greenspan). Second, Frank Raines is unable to join the Administration as your new OMB Director until Alice Rivlin secures her place on the Federal Reserve Board. Third, given the delay in moving his nomination forward, there is some talk that Mr. Meyer is increasingly reluctant to put his prestigious forecasting firm on the market and may even be considering withdrawing his name from nomination. Fourth, there is some danger that if the politicization of the re-nomination of Alan Greenspan becomes a story, it could have a destabilizing effect on the financial markets for which the Democrats and the Administration could be blamed.

Talking Points

1. I understand your concerns about the renomination of Chairman Greenspan. You should know that I raised some of these same concerns with my economic team. However, after a full airing of the relevant issues with my economic team, it was my decision that Chairman Greenspan's renomination should go forward.
2. Along with Janet Yellin whom I appointed to the Board in 1994, my two new nominees--Alice Rivlin and Laurence Meyer--will make sure that the Board's decisions give the appropriate weight to concerns about economic growth. That is why I proposed a "package" approach to the Board--linking my re-nomination of Alan Greenspan to the nominations of Alice Rivlin and Laurence Meyer. Further delay in the re-nomination of Alan Greenspan threatens to unravel this package.
3. It is now already too late to have my other two nominees participate in the next meeting of the FOMC on May 21. It is important that my nominees move over to the Federal

Reserve as soon as practicable so that they can fully participate in the formulation and execution of our Federal monetary policy.

4. As you know, I have already nominated Frank Raines to be my new OMB Director. Mr. Raines cannot come on board, however, until Ms. Rivlin secures her seat at the Fed. The OMB Director is a critical player in the formulation and execution of our Federal fiscal policy. It is very important that we have a full-time Director in place soon.

5. Mr. Meyer is one of the nation's most distinguished economic forecasters. Since he is uncertain of the status of his nomination, he is reluctant to place his prestigious forecasting firm on the market. In the meantime, his status as a Presidential nominee places severe restrictions on his ability to operate his firm in a businesslike manner.

6. There is some danger that further delays and a political battle about the re-appointment of Alan Greenspan could unnerve and destabilize the financial markets, and that the Democrats and the Administration would bear the blame.

7. For all of these reasons, I would like you to remove the hold on these nominees unless you can resolve the floor debate issue as soon as possible. I am very concerned that further delay will have negative consequences.

8. Thank you.

FYI: Harold Ickes reports that Senator Harkin is very interested in being the keynote speaker at the Democratic Convention in August. Harold does not think this phone call presents an appropriate forum to discuss this matter with the Senator.

THE PRESIDENT HAS SEEN

5.22.96

CC: Envir. Staff
to K McGinty

5/22/96

Todd:

Wanted to make
Sure I read correctly:

"cc: Envir. Staff
to K McGinty"

Yes ☒

No ☐

C

*through 8546 Sam
Patent 8546*
96 APR 12 P7:10

EDWARD E. SHUMAKER, III
P. O. BOX 1415
GONGORD, NEW HAMPSHIRE 03302

April 5, 1996

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

Dear Mr. President:

I recently had an occasion to meet with Gary Hirshberg, President and CEO of Stoneyfield Yogurt and a prominent New Hampshire Democrat. As I am sure you will recall, you visited Stoneyfield shortly before our primary in 1992.

Gary asked me to make sure that you and others in the Administration concerned about environmental matters were aware of Stoneyfield's impressive new public information program opposing Congressional budget cuts. Specifically, more than 5 million Stoneyfield Yogurt lids will be shipped across the country which contain a pro-environment message on the top: "The Planet is Everybody's Business."

The underside of the lid provides an "800" number and space for the consumer to send their name and address to Congress under the message that the sender opposes cuts in environmental funding. I enclose some of the lids, a copy of Stoneyfield's press release further detailing this effort as well as Gary's letter to me.

It seems to me that this is an excellent example of corporate responsibility and involvement. I hope you will have an opportunity to recognize Stoneyfield's original and ambitious initiative at some appropriate time in the near future.

Finally, please allow me to express my deepest condolences to you and everyone at the White House regarding Ron Brown's death. I know that every Democrat feels a great sense of loss. I will never forget Ron's outstanding service as Party Chair and Secretary of Commerce.

~~Best regards,~~

ES
Terry Shumaker

Enclosures



FOR IMMEDIATE RELEASE

Cow-"moo"-nications Contact:

Sue McGovern 617/648-7157

Moos Release

TEN BURTON DRIVE LONDONDERRY NEW HAMPSHIRE 03053 TELEPHONE (603) 437-4040 FAX (603) 437-7594

CONGRESS, HAVE YOU FLIPPED YOUR LIDS?

STONYFIELD FARM LAUNCHES "FLIP YOUR LID" CAMPAIGN TO STOP ECO BUDGET CUTS

Major Corporations and Environment Groups Support Campaign

LONDONDERRY, N.H., Mon., April 8, 1996 --- "CONGRESS, HAVE YOU FLIPPED YOUR LIDS concerning environmental budget cuts?" That is the question being asked by some of the nation's top businesses and environmental groups as they join in support of the FLIP YOUR LID campaign being launched today by Stonyfield Farm, the New Hampshire-based maker of all natural yogurt.

The FLIP YOUR LID campaign helps consumers contact their representatives in Congress to ask them to restore funding for the planet. During the six-week campaign, more than five million lids on Stonyfield Farm yogurt cups will reach consumers through supermarkets, natural foods stores and college Earth Day events.

Lids Offer Ready Made Letters to Congress

One side of the FLIP YOUR LID yogurt lid reads: "The planet is everyone's business. We all must work to ensure a healthy planet for generations to come. You can act on behalf of your children today by "flipping your lid." When consumers flip the lid, there is a letter to Congress they can sign and send. It says: "Government should be more efficient, but not at the cost of a polluted planet. I don't support cuts in environmental funding for they deny our children their rights to a healthy Earth. Please vote on behalf of the environment." A toll-free line staffed by 20/20 Vision (800-801-0222) supplies information, names and voting records of representatives in Congress.

"Congress has flipped its lid when it comes to the environment," said Gary Hirshberg, President/CEO Stonyfield Farm. "Cutting funds for programs that protect the earth is short sighted and in the long run will cost us more. FLIP YOUR LID tells Congress that it's not just activists who are concerned about the environment. It's consumers and the business community as well."

Hirshberg, who is co-chair of the Social Venture Network and is a member of Businesses for Social Responsibility, groups whose members strive for environmental responsibility, said: "Our ecological problems exist today only because business has not made finding their solutions a priority. Only when they make it a priority will the solutions be found and our children have a chance to enjoy a cleaner planet."

(over)

Businesses & Eco Groups Show Support

Corporations supporting the FLIP YOUR LID campaign include Ben & Jerry's, Espirit, Fetzner Vineyards, Franklin Research & Development, Hanna Andersson, Lotus, Mother Jones, Reebok, Rhino Records, The Body Shop, The Nature Company and Working Assets Long Distance.

Environmental groups supporting it are: American Oceans Campaign, Appalachian Mountain Club, Audubon Society, 20/20 Vision, Center for Marine Conservation, Conservation Law Foundation, Earth Island Institute, Environmental Action Foundation, Greenpeace, Humane Society of the US, Izaak Walton League of America, Natural Resources Defense Council, National Parks and Conservation Association, Northern Forest Alliance, Physicians for Social Responsibility, Sierra Club, The Trust for Public Land, Union of Concerned Scientists, and the Wilderness Society.

Eco Cuts Hold Serious Consequences

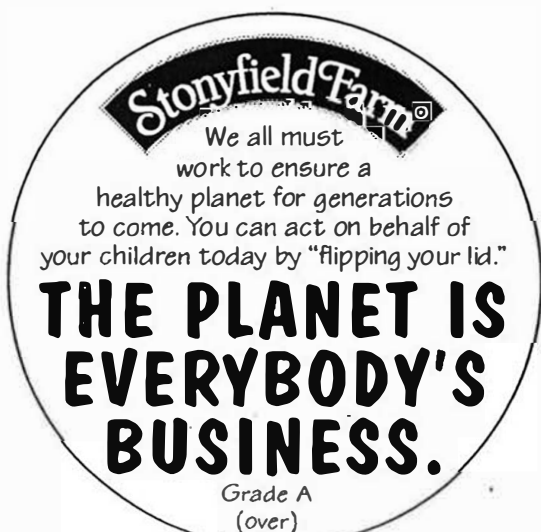
Hirshberg explained that the cuts in environmental funding proposed by Congress will negatively impact the challenges that remain in protecting health and safeguarding the future. These include: 40% of U.S. rivers, lakes and streams are still not suitable for fishing or swimming; two in five Americans still breathe unhealthy air; one in four Americans still lives within four miles of a toxic dump site; in the past 30 years, pesticide use has doubled.

Profits for the Planet

Stonyfield Farm began as a non-profit organic farming school that sold its own homemade yogurt to help raise funds. Today, 13 years later, Stonyfield Farm products are sold nationwide. The company's commitment to the environment through education and the use of all natural ingredients remains firm. Ten percent of its profits fund "Profits for the Planet", Stonyfield's *why* to support ecological projects. Its products include Certified Organic Yogurt and Planet Protectors Yogurt.

#

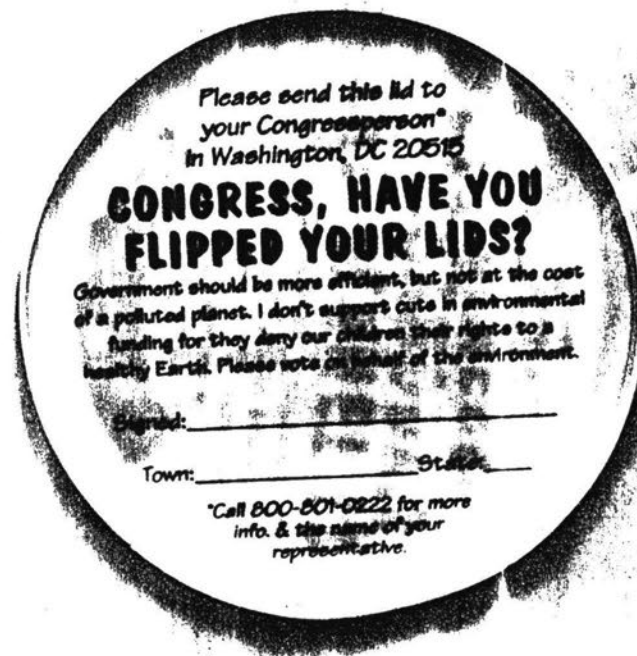
Note: Support for FLIP YOUR LID by groups & companies doesn't imply endorsement of Stonyfield Farm, Inc.



(LID TOP)



(LID BOTTOM)



Jeanne Eck Mahoney
642 Independence Avenue, S.E.
Washington, D.C. 20003

THE PRESIDENT HAS SEEN
5.22.96

*never
message
confirmation*

President Clinton

JIM DORSKIND:

Please coordinate
the reply.

Jeanne Eck Mahoney
642 Independence Avenue, S.E.
Washington, D.C. 20003
(202)547-0008

4/16/96

Dear Mr. President:

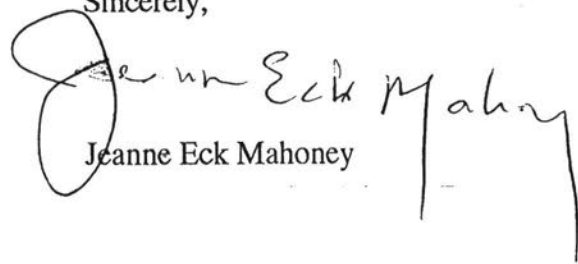
They are short and gangly, angular and husky. Some have loving, supportive families, others have only the system. Their energy is unharnessed or turned inward. Only their eyes are the same: sweet, wary, hopeful and wise to a side of life most of us will never experience. The majority of the children who participate in the Capitol Hill based Friends of Tyler School (FOTS) program, meet with their tutor/mentor on a weekly basis. They are students, or former students of Tyler Elementary School, located at 10th and G Streets, S.E. They live in Capitol Hill's Census Tract 71 (which includes Potomac Gardens and Hopkins public housing).

FOTS, a non-profit. 501(c)3 tax-exempt organization, was established in 1990 by neighbors of Tyler Elementary School. Today, over ninety volunteers participate in the program. In addition to weekly tutoring sessions, volunteers like me spend time with their child in a variety of activities. Ricky (my child) is nine. We work together in my garden and have shared outings to the zoo, a Redskin game, the movies, picked strawberries, traveled to the country to find the perfect Christmas tree, and attended community theater productions. Despite the fact that he has every reason to hate the life he lives, Ricky, like so many of the other children, is brimming with love, joy, wisdom, and spirit. He calls me his "godmother." I call him my "heart." He has truly become a "voting" member of my family.

On June 5, 1996, FOTS is hosting a fundraiser. We hope to raise enough money to fund special enrichment programs such as swim camp, day camp and to purchase books and educational computer games for our students.

Knowing your interest in the children who participate in programs such as ours, I asked Ian to deliver this letter to you. We would be delighted if you could attend our fundraiser, or help us in any way you feel appropriate. By the way, our mutual friend Clare Giesen (who worked in your last campaign in Texas) is also a volunteer with the program.

Sincerely,



Jeanne Eck Mahoney

Make a difference!

Organized in March 1990, Friends of Tyler School is a nonprofit, 501(c)3 tax-exempt organization of volunteers. 1993-94 programs will be funded by a Sept. 19, 1993 Annual Benefit and by a grant from Ronald McDonald Children's Charities Foundation. FOTS is also grateful for support from THE HILL RAG, Bittenstein Family Foundation, Salvation Army, Pepco, CHAMPS Foundation, and the Charles Jones Memorial Fund.

Volunteer as a tutor

and / or

make a tax deductible

contribution!

You can contribute to Friends of Tyler School by designating us on your pledge card for this fall's

Combined Federal Campaign!

Our Designation is # 7280 – or look for us on the alphabetical index.

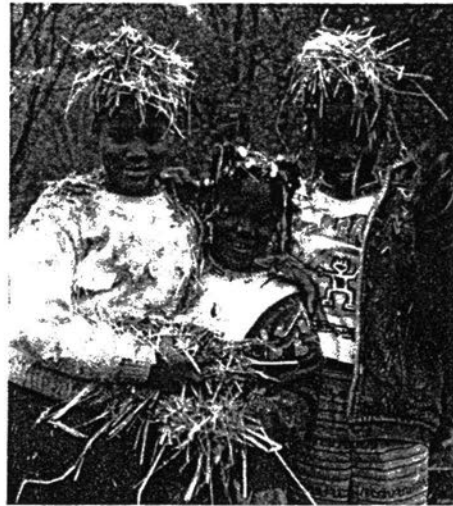
Friends of Tyler School

c/o Jan Eichhorn, Chair

753 10th St. S.E., Wash. D.C. 20003

(202) 547-8855

Friends of Tyler School Outings



Above: Children pose after a hay fight with tutors at Oxon Hill Farm.



Above: Children explore new roles at the National Children's Museum.

We invite you

to help

introduce

children

to



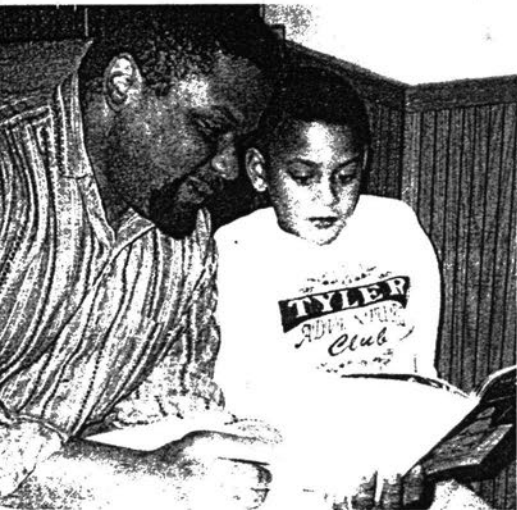
New adventures...

New Friends...

During the 1992-93 school year, 75+ volunteers served as tutor/mentors in the Friends of Tyler School "Adventure Club" tutoring and outing program. Each child is paired for weekly tutoring with a tutor/mentor (some attend tutoring twice a week and may have two tutors). The additional support and attention helps improve reading and math skills (a few children advanced in a reading or math skill by two grade levels in one year).

After a free meal at tutoring, the children read books, write stories and play geography, math, and language skill games with their tutor. A McDonald's balcony is set aside for Monday tutoring; Tuesday and Thursday tutoring is at C. Public School's Chamberlain Career Development Center.

Below: Reading at tutoring.



New Places...

Most children in the program live in the Potomac Gardens area of Capitol Hill in a census tract where reported drug crimes have been 155 percent higher than the citywide average and homicides were 118 percent higher. Upon learning that Benjamin Franklin was not alive, a child asked a tutor: "Was he shot?"

Tutoring and outings introduce children to life outside the narrow world of their neighborhood. Volunteers take the child they tutor to their homes and offices, to movies and museums, and to sporting and cultural events. Some schedule and take them for dental and medical appointments. The children and volunteers also go on group outings organized by the Adventure Club.

Below: Children and tutor/mentors explore new worlds on outings.



New Experiences...

Children who work especially hard at tutoring get special rewards. In the spring of 1993, 15 children attended a weekly after-school computer club at the National Children's Museum; five other children took classes in drama, art or acrobatics at the Capitol Hill Arts Workshop; and two children attended a five-week "Young Writer's Workshop" at the Smithsonian Museum.

In August 1993, 30 children attended a three-week D.C. Recreation Dept. swim camp; in addition to improving swimming skills, they went on two all-day trips — to raft and canoe down the Shenandoah River in the Blue Ridge Mountains and to make sand castles and swim in the ocean at Rehoboth Beach, Delaware.

Below: Being brave, with a little help, at swim camp.



THE PRESIDENT HAS SEEN

5-22-96

THE WHITE HOUSE

WASHINGTON

Copy to
Higgins

May 20, 1996

 MR. PRESIDENT:

The attached memo from OPM Director Jim King forwards for your approval the 1996 nominee for the Presidential Award for Quality – the U.S. Army Armament Research, Development and Engineering Center (ARDEC) in New Jersey.

This award is the public sector counterpart to the Baldrige Award and recognizes Federal organizations which have achieved the very highest standards of customer service and quality improvement. The award criteria and rigorous examination process are essentially identical for both awards.

ARDEC's mission is to provide the military with battlefield weaponry, engineering and technical support.

NSC and Elaine Kamarck concur in the recommendation. If you agree, the award presentation will be made in June at the Ninth Annual Conference on Federal Quality, a convention attended by over 2,000 government leaders representing all Departments and Agencies.

 ☒ Approve ☐ Reject ☐ Discuss

Todd Stern 

Phil Caplan 



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-0001

THE PRESIDENT HAS SEEN
5-22-96

MAR 15 1996

OFFICE OF THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT
THE WHITE HOUSE

FROM: JAMES B. KING
DIRECTOR
OFFICE OF PERSONNEL MANAGEMENT

SUBJECT: Recommendation for the 1996 Presidential Award for
Quality

It is a high honor and distinct privilege for me to recommend to you that the U.S. Army Armament Research, Development, and Engineering Center (ARDEC) receive the 1996 Presidential Award for Quality.

Like its private sector counterpart, the Malcolm Baldrige National Quality Award, the Presidential Award for Quality recognizes Federal organizations which have achieved the very highest standards of customer service and quality improvement accomplishments. The award criteria and rigorous examination process are essentially identical for both awards.

Our President's Quality Award Program panel of judges reviewed many excellent organizations to receive Program awards this year. With confidence, the panel concluded that ARDEC met the demanding examination standards for the Presidential Award and would be an excellent model for others, demonstrating that government can be significantly improved while costing less.

I have attached relevant information about ARDEC's mission and highlighted many of their highly successful accomplishments.

If you approve this recommendation, ARDEC will be honored at the Ninth Annual Conference on Federal Quality, a gathering of over 2,000 government leaders and change agents representing all departments and agencies.

____ APPROVE AWARD RECIPIENT

____ DISAPPROVE AWARD RECIPIENT

William J. Clinton
President

Attachment

**U.S. Army Armament Research, Development, and Engineering Center (ARDEC)
Picatinny Arsenal, New Jersey**

The mission of ARDEC is to provide America's soldiers, sailors, marines, and aviators the weaponry needed to achieve decisive battlefield victory. ARDEC performs quality focused armament life cycle science, engineering, and technical support and is the Army executive agent for research and development of pollution prevention.

Through its strong leadership, ARDEC created an environment in which employees continually strive to improve their systems and serve customers better. Employees actively participate in creative teaming processes which empowers individuals and encourages participation. ARDEC improved their support systems and the quality of their products and technology by:

- ◆ Initiating internal improvements such as concurrent engineering/integrated product teams which integrate and validate customer requirements, and MANTLE, the reverse appraisal system. The MANTLE system was a finalist in the JFK Innovation in American Government.
- ◆ Developing a new training template linking training to their key business drivers.
- ◆ Implementing computer modeling which reduced customer testing costs and reduced processing time frames for customer products, while maintaining performance levels that exceeded customer delivery requirements.

As a result of ARDEC's quality improvement initiatives, they:

- ◆ Significantly improved ammunition lethality as demonstrated by introducing systematic changes to the M829 during Desert Storm and designing improvements of a training projectile resulting in better hit variance and 25 percent lower production cost.
- ◆ Reduced overhead costs by eliminating layers of management through creative teaming.
- ◆ Through their innovative Contractor Performance Certification Program, reduced the average number of defects per supplier proposal by 50 percent over the past 5 years.



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-0001

OFFICE OF THE DIRECTOR

MAR 15 1996

MEMORANDUM FOR KATHRYN HIGGINS
ASSISTANT TO THE PRESIDENT
AND SECRETARY TO THE CABINET

FROM: JAMES B. KING
DIRECTOR
OFFICE OF PERSONNEL MANAGEMENT

SUBJECT: FY 1996 Presidential Award for Quality
Recommendation

I am forwarding the Office of Personnel Management's recommendation for the FY 1996 Presidential Award for Quality. The attached memorandum to the President provides background information on the award and identifies the final award nominee.

The U.S. Army Armament Research, Development, and Engineering Center (ARDEC) is our nominee for the 1996 Presidential Award for Quality. They have demonstrated that government can be significantly improved while costing less (as noted in the attached overview) and they would serve as an excellent model for other agencies.

If the President approves this recommendation, ARDEC will be honored at the Ninth Annual Conference on Federal Quality, June 3-6, 1996, in Washington, DC.

Attachments

March 18, 1996

96 MAR 18 P5:01

NOTE TO: TODD STERN

FROM: KITTY HIGGINS

Please forwarded the attached memo from Jim King, OPM to the President. Thanks.

THE WHITE HOUSE
WASHINGTON

96 MAY 21 P 3: 53

May 21, 1996

MEMORANDUM TO THE PRESIDENT

FROM: STEPHANIE STREETT
SUBJECT: SCHEDULING DECISIONS
CC: EVELYN LIEBERMAN

ACCEPT:

Date of Event:

Description of Event:

6/4/96

Interview With Deborah Weiner, White House Correspondent For ABC, Princeton, N.J.

6/6/96

Satellite to the Capitol Cities / ABC Affiliates Meeting in Florida

6/6/96

National Homeownership Summit, Washington, D.C.

6/6/96

White House Reception With Environmental Supporters

6/14/96

Remarks to Ethnic Leadership, Washington, DC

6/18/96

Speech to the American Nurses Association, Washington, D.C.

6/19/96

White House Event Honoring the 35th Anniversary of the Peace Corps

6/20/96

OPTIONAL Drop By White House Coffee With Emily's List Trustee-Level Members

6/22/96

U.S. Conference of Mayors Summer Meeting, Cleveland, Ohio

tbd

Presentation of Cabinet Chair to Mrs. Ronald H. Brown

PENDING:

Date of Event:

Description of Event:

5/25/96

Phone Call to French Prime Minister Chirac

This needs to be done as soon as possible. Would you be willing to do this after the Saturday radio address around 11:00 am ?

Yes ☒ _____

No _____

6/1/96

Bill Knapp Filming

We need to re-schedule this as soon as possible. Would you be willing to do this on Saturday June 1st since you have Friday, May 31 off as well as Sunday, June 2?

Yes _____

No _____

6/18/96 - 6/20/96

Satellite to the American Federation of State, County, and Municipal Employees 32nd International Convention, Chicago, IL.

6/24/96 - 7/7/96

Deliver a Speech on the Administration's Science and Technology Accomplishments, Goals and Investment Strategy in Conjunction With the Awarding of the National Medals of Technology

REGRET:

Date of Event:

Description of Event:

6/26/96

*Rein
Muller
Muller*

Meeting With the Baltic Presidents

You are down until 12pm, have lunch with the VP as well as briefing for the G7 before you depart that evening for France. The VP is scheduled to meet with the Baltic Presidents on 6/26/96.

6/29/96 - 7/2/96

*Simon
Simon Co.*

Speech to the Fifth Annual International Conference of the Parents as Teachers National Center, St. Louis, MO.

7/14/96 - 7/16/96

National Association of Counties Summer Meeting, Houston, TX.

7/15/96 - 7/17/96

Address the International Association of University Presidents, San Francisco, CA

8/8/96

Receive the Professional Golf Association Distinguished Service Award, Valhalla Golf Club, Louisville, KY

*Bob Gail!
and Gail to go
on vacation
this*

BILL CLINTON

May 20, 1996

Lawrence J. O'Brien
1200 N. Nash Street #535
Arlington, Virginia 22209

cc O'Brien letter to
VP / Lee / Smith
H. Clinton
M. Clinton
Tom —
Planned — Boz

Dear Larry:

Thank you for your kind words of encouragement. Lee Williams has shared with me many of your thoughts over the past year. I'm very appreciative of your commitment and help.

I am proud of all that we have achieved over the past three years, and I am confident that the progress we have made will lead us toward a more secure and prosperous future.

As my Administration continues working to move our nation forward, I hope you will stay involved.

Thanks again.

Sincerely,

Bill Clinton

Your letter was great -
I read it carefully and
will explore the suggestion
fully.

430 S. Capitol St., S.E.
Washington, DC 20003

[Paid for by the Democratic National Committee]

Lawrence J. O'Brien
1200 N.Nash Street
#535
Arlington, Va. 22209

April 5, 1996

Ms. Marsha Scott
Deputy Assistant To The President
The White House
Washington, D.C.

Dear Marsha:

This note is to express my sincere appreciation for your decision to include me in the meeting with President Clinton on March 29, and for the warm and gracious manner in which you received me that day. Thank you.

The meeting fully confirmed my longstanding judgment that President Clinton is an extraordinary human being. My exposure over the years to people in high political office has left me with the general impression of many instances of incomplete ego development. This abiding impression causes me to deeply appreciate a man like the President, who exudes exceptional personal balance and mental health. I like him very much, and believe it is a refreshing, reassuring and most fortunate happenstance for our culture to have President Clinton in the Oval Office at this pivotal juncture in the incredible American experiment. We have to make certain that he remains there.

President Clinton made the point at the meeting that either he will win, or the know-nothings and robber barons will be given a field day beyond their wildest imaginings, with this country being steered firmly onto the road to division and decline. The "Trojan Horses" being used so skilfully by Gingrich & Company have concealed the powerful reality of the Presidents' point from many American voters. There is a huge communications task to be accomplished here, and it probably cannot be done with sound bites or slogans.

Enclosed is a condensed version of the notes sent to Lee Williams a few weeks back on "fireside chats", along with brief notes on Republican Trojan Horses loose in the land.

It was a special pleasure for me to meet you, after Lee bragging on you all the time. I'm impressed by the work you are doing in bringing these politically active and well-placed people into direct contact with the President, and I was pleased to be there with them. Thank you again for your most friendly welcome. I look forward to next time.

Sincerely yours,


Larry
Lawrence J. O'Brien
(703) 522-6364

cc: Lee Williams

April 5, 1996
(Revised)

NOTES FOR LEE WILLIAMS:

The "malaise" or "funk" prevalent in America today, and the current behavior of the voters in the Republican primary elections, can cogently be attributed to an instinctive understanding that the news about the challenges we face in the new global economic competition is not all good; and to a corollary sense of frustration over the fact that none of these political leaders are addressing the unsettling new economic realities, and are surely not providing the citizenry with trenchant insight into the tough choices Americans must face up to in order merely to keep up with the competition from Europe, Japan and others in the rapidly emerging global economy in which we are now participating, like it or not.

Who is speaking pragmatically about the real, worrisome economic challenges that face this nation? And, who is bringing clarity and insight to what we can do about this pivotal complex of challenges which directly threaten the bedrock American belief that each succeeding generation will be better off economically than its forbears?

To date, only President Clinton has been stepping up to these challenges, albeit in a low-key way.

In his February 5, 1996 New Yorker article entitled "The Next Prime Minister", Sidney Blumenthal says Tony Blair told him that, in a recent meeting he had with President Clinton in London, the President told him he felt he had "...focussed his energies on legislative achievements to the neglect of communicating with the public".

As he did so effectively with the bus tours during the '92 campaign, recapturing the images and power of HST's "whistle stop" speeches from the rear of a train, it is my judgment that the President should now give consideration to recapturing the power of FDR's "fireside chats", by developing a series of cogent discussions on the new challenges facing our people as the result of undergoing rapid conversion to a truly global economy. The President can utilize these "chats" to set the events of "globalization" in context for the American people, so that

we can better understand and respond to the challenges that must be overcome; and relate these events to the policies and achievements of his Administration so far.

The President would also thereby more clearly situate himself on the highest moral and political plane in his approach to meeting our global competitors in head-to-head economic competition, preempting all of his challengers.

Lots of Americans watched the Perot "infomercials" in 1992 because they represented an effort, albeit a wrongheaded and shallow one, to give people some facts they could directly relate to about what has been happening to us in terms of the federal budget. Buying the time for a series of "fireside chats" on television, to enable President Clinton to communicate his insights on the new global economic competition, and to telegraph his rock-solid confidence in our ability as a people to meet these new challenges and prevail in the global competition, would be likely to attract a far larger audience than Perot did in '92.

The transition this nation is now undergoing, in adjusting to a global economy and to a new century in which the organization of information will be the driving force, is presenting challenges to the American people which are more profound, more complex and more difficult to comprehend than those posed by the Axis powers at the outset of World War II.

FDR gave his first "fireside chat" on March 12, 1933, and the last on June 12, 1944. There were a total of 27 such "chats", averaging about thirty minutes in length. They were given between 9PM and 11PM on Sunday evenings. They can be categorized into three groups: six were designed to rally the nation to rise out of the Great Depression, during FDR's first nineteen months in office; six were given on various topics during the subsequent four years; and fifteen chats, from 1939 to 1944, were on the subject of World War II, and of America's role and responsibilities in insuring the defeat of the Axis powers. Elmer E. Cornwell, who wrote a book entitled *Presidential Leadership of Public Opinion*, has said that these war-related chats "...were aimed at setting events in context ...and relating the policies of his administration to those events".

FDR clearly used his WWII "fireside chats" on radio to offer insight to the population about the overwhelming events rapidly unfolding before a nation which was ill-prepared to

cope with them. He was using the "bloody pulpit" to maximal effect for his time, to offer insight to our citizens, and to shore up their confidence and their courage in the massive undertaking of starting from zero and accomplishing the total defeat of the combined military might of Nazi Germany and its Japanese and other allies. At the time, many believed that it couldn't be done.

President Clinton can recapture the power of FDR's "fireside chats" to dramatically enhance his effectiveness in communicating with the public, especially on the subject of the cutting-edge reality of tangible economic anxiety, stirred principally by the changed and still rapidly changing world of work and commerce, which many Americans perceive to be resulting in significant economic losses for this nation, and in major economic gains for some of our chief competitors in the world.

In 1996, the medium for a series of "fireside chats" would have to be television - perhaps a Sunday evening 10 to 15 minute time slot not encroaching on major sports events; perhaps as often as twice a month for six months - from May to October. The average space between FDR's radio chats was 5 1/2 months.

FDR wrote that he tried to picture himself talking to individuals as he spoke, and a CBS commentator said: "He gave the impression of speaking to every listener personally. You could practically feel him physically in the room".

President Clinton has well established credentials as an extremely effective and articulate communicator. His reported statement to Tony Blair takes note of a gap to be closed. The State of the Union address was a big, effective move in that direction. A series of "fireside chats" could dramatically overcome any remaining sense of neglect the President may harbor about his efforts at communicating with the public.

President Clinton could appear alone, and talk to the camera. Or, he could have an interlocutor as a sort of surrogate for the average American family. My thought on a personality for this role is Paul Duke, who can keep a dialogue moving in a pleasant manner, without revealing a bias on any issue. After all those years moderating Washington Week In Review, no one has any idea where Paul Duke stands on a single issue, nor any idea what his

political biases might be, which is what recommends him for the role. There are others. Vice President Gore might join some or all of the "chats".

The great architect of American Pragmatism, John Dewey, has written that: "...the most pervasive fallacy in human thinking is the neglect of context". The trouble Americans are having in coping with the realities of global economic competition stems principally from the lack of a context in which these realities might be more readily grasped. The primary purpose of the proposed "fireside chats" would therefore be to "set these events in context" for the American people, with clarity and confidence, as FDR did. Other issues - the environment, Medicare, etc. can of course be included, and tied in as a part of the context of the new global marketplace in which we now must function and compete.

There is sufficient grist in the following three paragraphs from Lester Thurow's book "Head to Head" to grind out several "fireside chat" episodes, aimed specifically at bringing essential insight to the American public about what we must do in order to win in the global economic competition.

At the end of his book, Thurow made this statement:

"The American problem does not lie in the severity of the necessary solutions. America's tough problem is realizing that there are problems that need to be solved. Without that realization, nothing can be done".

Thurow included this trenchant observation in his 1992 book:

"Having been rich longer than anyone else, the United States starts the twenty-first century with more real economic assets that can be deployed in the twenty-first century's economic competition than anyone else. Technologically, it is seldom far behind and often still far ahead. Its per capita income and average productivity are second to none. Its college-educated work force is the best in the world; its domestic market is far larger than that of Japan and far more homogeneous than that of Europe.

But it squandered much of its starting advantage by allowing its educational system to atrophy, by allowing itself to run a high-consumption, low-investment society, and by incurring huge international debts. No one at the end of the twentieth century is less prepared for the competition that lies ahead in the twenty-first century."

The Clinton Administration has been working hard to assure a level global playing field for us to compete upon. Mickey Kantor's achievements have been a fairly well-kept secret. The positive results seen to date need to be highlighted: 200 new trade agreements signed; initiatives to move competing nations to the practical and legal recognition of Franklin's dictum, inscribed on the Commerce Department building: "Commerce among Nations should be fair and equitable".

In his State of the Union address, the President said several times words to this effect: "When we pull together, no one can beat us". This can certainly be true in terms of global economic competition, however the nation will need a far greater understanding of the nature of the contest, of our current weaknesses and strengths, and of the sacrifices we have to make now in order to assure that we will be a consistent winner over the long future.

Thurow uses a football analogy in "Head To Head":

"While very different histories have led to very different systems, today those very different systems face off in the same world economy. Let me suggest that the military metaphors now so widely used should be replaced by the language of football. Despite its competitive element - the desire to win - football also has a cooperative element. Everyone has to agree on the rules of the game, the referees, and how to split the proceeds. One can want to win yet still remain friends both during and after the game. But what the rest of the world knows as football is known in America as soccer. What Americans like about American football - frequent time-outs, lots of huddles, and unlimited substitutions - is not found in world football. It has no time-outs, no huddles, and very limited substitutions. It is a faster game. So too is the economic game ahead. All sides will call themselves capitalists, but participants will be playing two very different games".

When we pull together, no one can beat us. But, we must understand the nature of the competition we are engaged in, and the context within which it is occurring.

When Pearl Harbor was attacked, the American public was sound asleep in terms of its preparation to fight a global war. Under FDR's leadership, we got it in gear and stunned the world with our power to produce the weapons needed for a definitive victory over the Axis.

In the flush of this stunning victory, how did we behave as a people? We invested our treasure in helping our enemies get back on their feet economically, in democratic systems.

Japan and Germany form the backbone of the competitive forces we have now to deal with in the global economy. They would not be where they are today if not for our considerable and effective post-war help.

As a nation made up of only 4.5% of the world's population, we live on the ability to export our goods and services - thus it was a very intelligent strategy to help Japan and Germany grow into strong economies, and into major markets for American products. The fact that both are now very strong competitors is an inescapable by-product of our having done the right thing, in the right way. We can be friends during and after the game, and still want to win - playing by agreed-upon and fair rules, with competent and fair referees.

An absolutely key factor for America in playing the game of keep-up will be the wholesale revamping of our K through 12 educational system, and of non-college post-secondary education. Thurow on "benchmarking" student performance:

"Consider the fifteen-thousand-plus independently elected school boards that run America's schools - the ultimate in Jeffersonian democracy. If an educational system that allows thousands of independent local school boards to run schools was a good one, one might reasonably expect that at least one of those fifteen thousand school systems could match those of Europe or Japan. None can. ...The world's best school systems operate under a strong centralized ministry of education that sets tough standards that everyone must meet. No one passes without performing. In contrast, locally elected school boards have a direct incentive

to cater to the lowest common denominator when it comes to setting standards. No substantial fraction of the students can be flunked, whatever their performance. If they were flunked, a different school board would be elected. Teachers would be fired. Yet no one in America can say that local school boards should be abolished. That would be un-American.

...The performance of American high-school graduates may have declined, it depends upon exactly how performance is measured, but the real problem is not deterioration. The rest of the world is simply reaching levels of performance far above those ever reached in the United States. This is especially true if one looks at performance standards for the bottom half of the distribution. Even in the good old days, America wasn't very good at the bottom. Blacks that are today left uneducated in America's central cities were yesterday left uneducated in its rural South.

With just 4.5% of the world's people, the United States simply cannot expect to win, or even to keep up, in the global economic competition if it continues to have a large, uneducated underclass; and if it continues to graduate students who cannot measure up to the educational standards being met by our principal global competitors. The issues of fairness, justice and discrimination based on race may now be seen as less powerful reasons for change than is the new global economic reality that a sizeable uneducated underclass will guarantee that America will be a consistent loser in world-class economic competition. As Thurow states: "Skilled people become the only sustainable competitive advantage".

GOP ELEPHANT REPLACED BY HERD OF TROJAN HORSES

PARTY, DOLE BELIEVE LINCOLN ERRED: YOU CAN FOOL ALL OF THE PEOPLE ALL OF THE TIME

David Stockman snitched about Republican strategy on Kemp/Roth, the Reagan tax cut. He said a Trojan Horse was used to bring down the top rates.

They realized they couldn't sell "trickle down" anymore, so they made up "supply side" as an economic theory. It was a Trojan Horse for "trickle down", and people fell for it. The twin goals were to put more money into the hands of the rich; and to "starve the beast", (the Federal government) so that there would eventually be no alternative than to cut entitlements.

WHAT NEW TROJAN HORSES ARE BEING TROTTED OUT TO FOOL THE AMERICAN PEOPLE INTO ACCEPTING FURTHER REDISTRIBUTION OF WEALTH TO THE RICHEST IN AMERICA?

Horse #1: Newt chose "balance the budget in 7 years" as his lead Trojan Horse, with the constant twin goals: reduce entitlements, and add more to the abundance of those who have much.

Horse #2: Reduce capital gains taxes, and free investment income of taxation. Cutting taxes in these ways will increase income to the Federal government. Who believes this?

Horse #3: Flat tax. As one wag wrote, Steve Forbes is the first person to run for President on a platform of giving himself a gigantic tax break. This Trojan Horse has the potential for outdoing the original in deceitfulness and attractive illusion. Its purpose is continuous - redistribute wealth in favor of the rich.

Horse #4: According to Newt, "...the market is rational, and the government is dumb". If the working people of America can be fooled into believing this nonsense, the end of the American experiment will not be far off.

Horse #5: "The Federal government has exploded in recent years, is fat and wasteful and must be drastically cut". This is a classic attempt at deceit, in that the exact opposite is true: the federal government is now about the same size as it was twenty years ago; and as a proportion of national income, the cost of running the federal government today is lower than it was under Ronald Reagan.

Horse #6: "We need to kill the Federal government and return sovereignty to the 50 states and the District of Columbia". This is clearly a push toward the dis-united states, but is intended to further the underlying purpose of radically cutting the benefits and cost of entitlement programs, while diverting the blame for doing so.

There are many more such Trojan Horses, and the R's are busily breeding.

THE WHITE HOUSE
WASHINGTON
May 17, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: JACK QUINN

SUBJECT: SUPREME COURT RULING ON STATE SOVEREIGN IMMUNITY

Handwritten notes and stamps:
- "COP" (likely for "Copy")
- "R" (likely for "Review")
- "G" (likely for "Gibson")
- "96 MAY 20 All: 32" (vertical stamp)

You asked, in a recent note, whether the Supreme Court's decision in Seminole Tribe v. Florida threatens private suits against states to enforce federal environmental laws.

Seminole Tribe made clear that in the context of federal legislation passed pursuant to the Commerce Clause of the Constitution, states have sovereign immunity from any type of private suit -- whether for injunctive or declaratory relief or for monetary damages. The Court specifically ruled that the Seminole Tribe could not sue the State of Florida for injunctive and declaratory relief to enforce the Indian Gaming Regulatory Act, a statute promulgated by Congress pursuant to the Constitution's Indian Commerce Clause. In so ruling, the Court also held that Congress similarly lacks authority under the general Commerce Clause to create private rights of action against states. State sovereign immunity, in this context, derives from the Eleventh Amendment.

At the same time, the Court made clear as well that Congress generally *does* have the power under the Commerce Clause to authorize certain private suits against *state officials*, as opposed to the state itself. (The Court dismissed the Seminoles' claim against the Governor of Florida, but for separate reasons related to the unique features of the Indian Gaming Regulatory Act.) In this regard, the law is well established that private parties may sue state officials for declaratory or injunctive relief to enforce federal laws passed pursuant to the Commerce Clause. And, such declaratory or injunctive relief against state officials can include a prospective requirement that a state expend funds. But the law is also quite clear that a private party may not sue state officials to obtain payment of *past* damages from the State fisc.

The Seminole Tribe decision is significant for environmental litigation because so many federal environmental laws are enacted pursuant to the Commerce Clause. I have been advised by the Department of Justice, however, that the majority of private suits to cause state enforcement of federal environmental statutes are suits against state officials for declaratory or injunctive relief. Nothing in the Seminole Tribe decision appears to restrict such suits. Indeed, the Court approvingly cites the Federal Water Pollution Control Act as an example of a statute authorizing such suits.

However, certain other statutes, including the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA -- i.e., the Superfund statute), have contemplated private claims directly against states for past monetary damages -- such as clean-up contributions that a state failed to make. In Seminole Tribe, the Court expressly overturned an earlier decision that had upheld a private action against a state for such monetary relief under CERCLA. States may now effectively be insulated from private suits for monetary damages under federal environmental statutes, since current law, as noted above, suggests that private parties also cannot sue state officials to obtain payment of damages by the state. The Department of Justice is currently analyzing how significant an impact this restriction is likely to have on private enforcement of federal environmental statutes.

Finally, in its decision, the Supreme Court did emphasize three separate circumstances in which suits directly against states remain permissible. First, the federal government may sue a state to enforce federal law. Second, states can waive their sovereign immunity from private suits -- which would mean, for example, that Congress could make such a waiver a condition of receiving federal funding. And, third, the Fourteenth Amendment gives Congress power to create private rights of action against states to enforce laws enacted pursuant to that Amendment.

A handwritten signature in black ink, appearing to be "Jan" or similar, located to the right of the distribution list.

cc: Harold Ickes
Katie McGinty

Losing Our Day In Court

By John Cronin
and Robert F. Kennedy Jr.

Do you have the right to take your state to Federal court for putting raw sewage in your drinking water? The United States Supreme Court, it seems, has said no.

In a recent 5-4 decision that is as politically charged as it is constitutionally wrongheaded, the Court held that Congress has no right to pass a law under the Commerce Clause of the Constitution that allows a citizen to sue a state for violating Federal laws.

The case that prompted the decision, *Seminole Tribe v. Florida*, is about casino gambling. But the Court has set a precedent that may apply to a range of Federal statutes, from environmental to copyright law.

The example of sewage-polluted drinking water is far from hypothetical. In 1988, the Hudson Riverkeeper Fund sued the New York State Department of Corrections for more than 10,000 violations of the Federal Clean Water Act at its Bedford Correctional Facility. At the time, the

John Cronin heads the Hudson Riverkeeper Fund, a nonprofit conservation group. Robert F. Kennedy Jr. is its chief prosecuting attorney.

sewage-treatment plant at the women's prison in Westchester County was regularly discharging raw and improperly treated sewage into Beaver Dam Creek, which drains, a half-mile away, into the New York City water supply. We even saw wadded toilet paper and untreated fecal matter filling the stream — a stream that was once a noteworthy trout fishery. Prison employees had been falsifying their discharge reports to regulatory agencies.

Enforcement officials at the New York State Department of Environmental Conservation were under orders to ignore the prison. We know, because a hamstrung department official tipped us off to the violations. And Robert Abrams, then the State

Who will watch over states that pollute?

Attorney General, could not prosecute: It was his job to defend state agencies. The Federal Environmental Protection Agency did nothing. Even the usually aggressive and independent United States Attorney for the Southern District of New York seemed loath to prosecute a state agency.

This reluctance of government

agencies to bring environmental cases against one another is exactly why Congress has included a citizen-suit provision in most Federal environmental statutes.

Using the citizen-suit provision in the Clean Water Act, our group forced New York State to spend \$11 million to rebuild the prison's run-down treatment plant. Today, the trout are back and Beaver Dam Creek is providing high-quality drinking water to New Yorkers.

The environmental violations were by no means isolated. An investigation by the State Assembly in 1990 found that "New York State government is the largest single violator of environmental laws in New York" and that enforcement was virtually nonexistent.

Nationwide, state-run highways, hospitals, landfills and incinerators regularly pollute our land, air and water. Two years ago, for example, a Federal court found that California's Transportation Department had polluted Santa Monica Bay by failing to control its urban water runoff.

No one yet knows how strictly lower courts will follow the Supreme Court's ruling in the Florida case. One interpretation of a footnote in the opinion is that citizens may be able to file suit against specific state officials rather than the state itself.

That's a small hope. The big worry is this: The decision indicates that the Court's majority is marching in lockstep with a Congress that is fervently embracing states' rights — to the detriment of the very individual rights that many Federal laws are written to protect. □

Supply-Side Medicine

By J. Roy Rowland
and Louis W. Sullivan

Imagine that while sitting down to dinner one night your spouse suddenly collapses and is rushed to the hospital in cardiac arrest. In the intensive care unit, the doctor says that a balloon angioplasty is needed as soon as possible. But in order to have the procedure, your loved one will have to be transported overseas — if the angioplasty is even available.

Such a scenario could take place in some undeveloped country, right? Actually, this could soon be the case in the United States, which faces a potentially severe shortage of raw medical materials.

More than eight million Americans have had life-saving or life-enhancing medical devices implanted. These include pacemakers, heart valves, artificial blood vessels, hydrocephalic shunts, hip and knee joints and even sutures. But the suppliers of many chemical polymers and other so-called biomaterials used in such devices are cur-

sales to manufacturers rather than face potential lawsuits.

Under the nation's state-based tort system, these companies are routinely named by plaintiffs' lawyers in lawsuits even though they have no direct role in the design, manufacture and sale of medical devices.

The courts have consistently ruled that biomaterial suppliers are not liable — even when manufacturers produce a faulty product. But biomaterial supply is a low-profit indus-

Lawsuits could cause a shortage of life-saving devices.

try, and the cost of litigation can drive suppliers out of the business. Some that have stayed in the market now insist that manufacturers indemnify them against all potential lawsuits, a risk few manufacturers can afford.

Companies are large

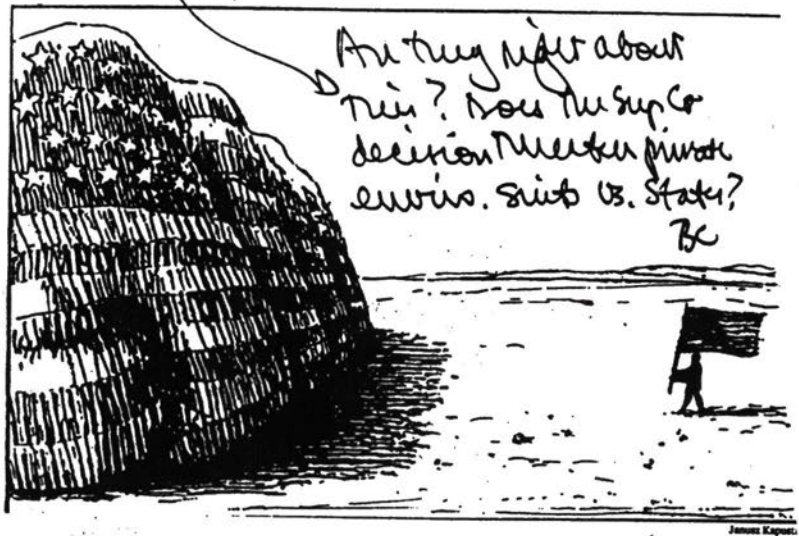
defending a product used in jaw implants even though the courts had ruled in its favor.

Any new supplier that wants to enter the market faces millions of dollars in research and development costs and months or years for Food and Drug Administration approval.

The product liability reform bill, passed with bipartisan support last month by both the Senate and House, would limit the liability of biomaterial suppliers to instances of genuine fault and would help them avoid frivolous suits without incurring heavy legal costs. This would not deny anyone the right to make a claim and recover damages from manufacturers.

President Clinton objects to other parts of the bill and has vowed to veto it. If the veto is not overridden, Congress should quickly pass a narrower bill protecting biomaterial suppliers. Otherwise manufacturers will be hard-pressed to get the materials they need, and America will lose its leadership in the medical-implant industry.

During hearings on the issue, Lynne Lindenthal described how her 17-year-old son, Luke, used to suffer up to 120 epileptic seizures a day. Surgeons implanted an electrical stimulator in his brain, made by Medtronic, a Minnesota company, to control



James Kaput

Roy Rowland
et

F

Elect

n

THE WHITE HOUSE
WASHINGTON
5-22-96
May 21, 1996

✓
Mr. President:

An e-mail from Paul Richard on
the same sex marriage issue
that I thought you'd want to
see.

✓
MS
- got letter
from Richard
Reynolds
RM
Stern

5-22-96

EXECUTIVE OFFICE OF THE PRESIDENT

20-May-1996 03:28pm

96 MAY 20 P6:52

TO: hernreich_n
FROM: U.S. EEOC
CC: eeocmill
SUBJECT: Defense of Marriage Bill

Nancy: Would you be so kind as to pass the following on to the President when I has some time. Thanks so much.

Paul

May 20, 1996

The President
The White House
Washington, DC 20507

Dear Mr. President:

Last week, I met with other members of the Administration to discuss approaches to the controversy raised by the Defense of Marriage bill now pending in the Congress. During the course of the conversation, one participant attempted to explain your position on this subject. We were told that while you think that discrimination against gays and lesbians should be eliminated, you also think that our relationships with our life partners are somehow "different" from those of heterosexual husbands and wives.

This announcement was followed by stunned silence. It was as if we had all been rabbit punched in the solar plexus.

I do not disagree with the political calculus that compels your opposition to same sex marriages. Like all of the gay and lesbian members of your Administration, I don't want to jeopardize your chances for reelection because of a controversial issue that prompts the opposition of the vast majority of the electorate. However, I would hope that in your heart of hearts you would begin to understand and recognize the visceral importance of this issue to gay men and lesbians. Imagine how you would feel if Hillary fell ill and you were denied the right to visit her in the hospital. Imagine your frustration if you thought your family might try to thwart your testamentary wishes because they disapprove of your choice of life partner. Imagine the pain of having your deepest and most intimate relationship caricatured as "separate but not even close to equal."

I recognize that most people do not understand homosexuality. I myself do not understand all that has brought me to this time and this

But I do believe that respect for our common humanity demands greater sensitivity and concern than has been displayed in the past week. And I hope that the White House and campaign staff will begin to characterize your position as opposition to gay marriage without unnecessary explanations that only cause hurt and pain to people who have loyally supported you.

Thanks for all you have done for us and for this country. I look forward to your reelection and to better days ahead.

Sincerely,

Paul Richard

30 Seventh Street, NE
Washington, DC 20002-6022