

THE WHITE HOUSE  
WASHINGTON

*Sent Sew*  
96 MAY 31 P6:26

OFFICE OF THE STAFF SECRETARY

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6/P2014

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AGAINST REOPENING  
96 MAY 31 P2:20

May 22, 1996

The Honorable William Clinton  
President  
The United States of America  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C.

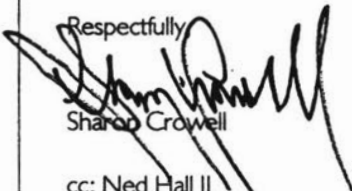
Dear Mr. Clinton:

In response to a report on the news the evening, I do not want the barricades taken down from around the Presidential residence, The White House just because tourists want it so. I don't care what tourists want. This is in part because they protect you as my President. But there is another reason. My brother was a Secret Service agent before he retired to go on to further government service. Please keep in mind, sir, he is my only kin and the son of Evalyn Gladys Groves Hall Crowell, and Ned Hall I. He placed the first barricades up just before Christmas the year of the Beirut bombing when 254 Marines were killed by a Lebanese terrorist driving an explosive-loaded vehicle into the compound which killed all those Marines. It was on my brother's birthday, October 23 in I believe 1984.

In November of 1963 my brother was in Fort Worth, Texas just finishing up his first advance for Mr. Kennedy there. He'd had a beer and a sandwich and was on his way to sleep when the call came to go to Dallas. Clint Hill, John Chips and Wyn Lawton were already there. You know the rest. At my office, George Whelpley ran through shouting "the President has been shot; two Secret Service agents are dead". When I called the White House switchboard and identified myself as his sister, they said they could only confirm to me that no agents were involved. I conveyed that to my sister-in-law at the time. Then there are the three agents who lost their lives when Queen Elizabeth was here and visited California, and the agent who lost his child in the Oklahoma City bombing. As an aside, he also took a punch in his solar plexis from Mr. Johnson, and put his knee through the glass window of a limo on an advance for Mr. Kissinger. He has been very fortunate, except maybe for Three Mile Island where his face may have glowed. As his family, we may not have always agreed with him, but we loved and defended his right to do it and he did it well.

So briefly, I care as much or more about those agents than I do the self indulgence of tourists. You are not in a position to place yourself or those agents at risk when we are surrounded by terrorists who would like nothing better than to blow your head off and take credit for it. The jerk who shot through the front fence, and the one who put the Cessna through your back door may have slipped from memory, but the men who are there to keep your head on your shoulders, along with the rest of your members and those of your family while you serve us, they are the ones who don't need to have their efforts, or their lives, undone by unthinking tourists.

Respectfully

  
Sharon Crowell

cc: Ned Hall II

MESSAGE CONFIRMATION

MAY-31-96 17:23

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send to Dorskind for reply?

Yes \_\_\_\_\_

No \_\_\_\_\_

C.

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*Staff Sec*  
96 MAY 31 4:27

May 22, 1996

*(Dictated May 21)*

President Bill Clinton  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500-2000

Dear President Clinton:

I've been wanting to congratulate you on your recent veto of the product liability bill! Then comes news of yesterday's Supreme Court decision in the BMW case.

Two of my co-members of the Board of Trial Lawyers for Public Justice Foundation gave statements reported in today's L.A. Times: Arthur Bryant, our Director, and Joan Claybrook, head of Public Citizen. I enclose an enlargement of their reported statements. I especially liked Joan Claybrook's optimistic evaluation, and I thought you and your staff might appreciate her wisdom.

The relevant California statute on punitive damages was enacted in 1872 - I believe as a part of the famous Field Codes. It has stood the test of time. I enclose an enlarged copy of the California law. The California courts have developed formulae - not based on the actual damage awards but based on what size verdict would have the exemplary effect mandated in section 3294 of the Civil Code. It works!

You are doing many things for which we can congratulate you. Keep it up.

Sincerely,

*Stephen Zetterberg*  
Steve Zetterberg  
Yale Law School '42

encl: Copy of part of L.A. Times story on BMW damage case  
Copy of California law on exemplary damages, CC 3294

*A1, LA Times*  
**Justices Reject  
Size of Punitive  
Damage Verdict**

*May 21, 1996*

By DAVID G. SAVAGE  
TIMES STAFF WRITER

WASHINGTON—In a long-awaited victory for big business, the Supreme Court for the first time Monday struck down a punitive damage verdict as so "grossly excessive" as to be unconstitutional.

On a 5-4 vote, the justices threw out a \$2-million verdict won by an Alabama doctor who was unhappy with the paint job on his new BMW.

It violates "elementary notions of fairness" to punish the German auto maker with such an exorbitant civil penalty, especially since the company did nothing wrong, the high court said.

The ruling comes three weeks after President Clinton vetoed a modest product liability bill that would have limited punitive damage verdicts to no more than twice the amount of compensatory damages.

Business lawyers hailed Monday's decision as a breakthrough that will rein in a jury system many believe is out of control, while trial lawyers denounced it as a devas-

Please see DAMAGES, A11

*(from Steve Zetterberg, attn  
Claremont, Ca*  
LOS ANGELES TIMES

## DAMAGES: High Court Rejects Verdict

Continued from A1

tating setback for injured persons.

But the court's opinion is tentative in its tone and makes clear that it will not affect most punitive damage verdicts. "We are not prepared to draw a bright line" or set a mathematical limit on punitive damages, said Justice John Paul Stevens for the court.

The BMW verdict went too far, however, because it did not arise from "reprehensible" conduct by a callous company, Stevens said. Moreover, the "multimillion-dollar penalty" is at least 500 times greater than the supposed loss suffered by the plaintiff and is vastly greater than the civil penalties for corporate fraud.

Judges should take these factors into account when reviewing punitive verdicts, he said.

For more than a decade, the justices have been struggling with the question of what to do with the occasional exorbitant punitive verdict handed down by an angry jury.

In most civil lawsuits, whether involving an auto accident, a business fraud or a defective product, the losing defendant can be forced to compensate the victim for his or her losses. This may include both actual losses, such as money to pay hospital bills, and compen-

that such damage would be discredited to buyers. The repairs to Gore's car cost \$601, the company said.

The jury sided with Gore and awarded him \$4,000 in compensation. Then, after his lawyer pointed out that BMW had sold nearly 1,000 such refinished cars in the United States since 1983, the jurors multiplied their verdict by the total number of cars and awarded him \$4 million in punitive damages. The Alabama Supreme Court upheld the verdict but cut the amount in half to \$2 million.

As Justice Stevens read the facts of the case Monday morning, there were chuckles throughout the courtroom.

His opinion sends the case (BMW vs. Gore, 94-896) back to Alabama to be reconsidered. Joining him were Justices Sandra Day O'Connor, Anthony M. Kennedy, David H. Souter and Stephen G. Breyer.

In separate dissents, Justices

Antonin Scalia and Ruth Bader Ginsburg said that the court's ruling tramples on traditional states' rights. They were joined by Chief Justice William H. Rehnquist and Justice Clarence Thomas.

"This is the victory business has been waiting for," said Steve Bok at, general counsel for the U.S. Chamber of Commerce. "The court has said, 'enough is enough' to trial lawyers."

Arthur H. Bryant, head of the Trial Lawyers for Public Justice, called it "a sad ruling for justice. The Supreme Court has opened the door to every wrongdoer held liable [to claim] they've been punished too severely."

Joan Claybrook of Public Citizen, a consumer organization, said that the outcome both preserves punitive damages as a means of "detering corporate misconduct" and shows that no federal legislation is needed. "Judicial review works to oversee jury decisions" that may go too far, she said.

*71*  
*Copy for the White House*

*— Steve Zetterberg  
Claremont, Ca*

*(Part omitted)*

CIVIL

### ARTICLE 3 Exemplary Damages

Punitive damages for homicide, oppression, fraud, or malice.

§3294.

Plaintiff to produce evidence of prima facie case of liability for punitive damages. §3295.

Special notice of judgment awarding punitive damages against insurer or health care service plan. §3296.

#### §3294. Punitive Damages for Homicide, Oppression, Fraud, or Malice.

(a) In an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice, the plaintiff, in addition to the actual damages, may recover damages for the sake of example and by way of punishing the defendant.

*California Code on exemplary damages  
(Relevant to BMW case)*

*Steve Zetterberg  
Clovermont, Ca.  
May 21, 1996*

*copy for the white House*