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U.S. National Archives & Records Administration

Current Status Details for CTRH RECID: 084903 MAIN SUBCODE: AG001

Current Status	Open
User Name	dbarrie
Status Date	2017-06-22
Case Number	
Notes	4 p. Transferred to JL002

[Change Status](#)[Close Window](#)

Review Status History

No.	Status	Date	User	Case Number	Notes
1	Open	2017-06-22	dbarrie		4 p. Transferred to JL002
2	Open	2008-05-12	mking		

ID # 084903

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

AG 001

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMING

Date Correspondence Received (YY/MM/DD) 82 106 124

Name of Correspondent: ~~S. F. Donna Kupre~~ B. F. Donna Kupre☐ MI Mail Report

User Codes: (A) (B) (C)

Subject: 57 letters regarding Supports federal product liability legislation

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
PLVALI Public Liaison	ORIGINATOR	82 06 29		C 82 07 16
Dept. of Commerce	R	82 10 12	NAN	C 82 10 20
Central Files	A	82 10 17		1 1
		1 1		1 1
		1 1		1 1
		1 1		1 1

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments:

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

B's ELECTRIC COMPANY

Phones JA 6-4906

2032 DUNLAVY - P. O. BOX 13221
HOUSTON, TEXAS

JUN 8 RECD

Electrical Contractors

084903

June 3, 1982

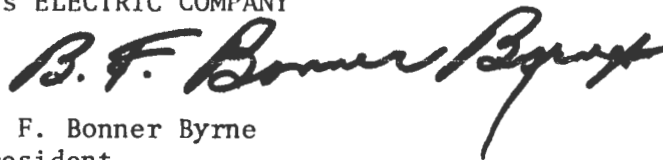
The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C.

Dear Mr. President:

I have been in business for over 30 years. I am a small business in a very competitive market and I find that one of our most costly pieces of insurance is the product liability type. I can remember a time when product liability did not mean so much. The terrific increase in cost has been caused by lawyers and people who make their living from confusion of the facts by using product liability to the advantage of the guilty parties. I was hoping that Senator Kasten was going to be able to solve this problem in the bill he was sponsoring, but apparently this seems to be faltering. I would like to ask that you consider protecting the small business by sponsoring some kind of Federal legislation that will help to protect us from this menace.

Sincerely yours,

B's ELECTRIC COMPANY



B. F. Bonner Byrne
President

BFBB:js

cc: Mrs. Elizabeth Dole



BONNER
PACKING COMPANY

June 2, 1982

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

Dear Mr. President:

For years our company has been besieged by product liability claims across the nation. Therefore, we were thrilled when the National Product Liability Council was formed intent on making product liability law fair and consistent.

Our company is a processor and packer of dried fruits, and there is very little harm that can be caused by such products. Nonetheless, we are faced with a myriad of claims from different parts of the nation, all of which seem to have different rules. We are now at the point where we pack products slightly different for New York and New Jersey, and are now even considering not shipping into those markets. This naturally leads to higher costs, all of which are eventually passed on to consumers.

Federal legislation in this area would go a long way toward making business simpler and less costly to conduct, and hopefully rule out many of the capricious claims which many consumers have learned over the years are quite profitable to file.

We urge your Administration's strongest support for sound legislation.

Yours very truly,

CHARLES B. BONNER
President

CBB/mg

cc: Edwin Meese, III
James A. Baker, III
Edwin L. Harper
Elizabeth H. Dole ✓
David A. Stockman

THE WHITE HOUSE
WASHINGTON

June 13, 1983

MEMORANDUM FOR CRAIG FULLER

FROM: BECKY NORTON DUNLOP
SUBJECT: WILD RIVERS LITIGATION

I asked Dick Hauser to check with DOJ on the wild rivers litigation.

He reported that the lower court invalidated the DOI decision on wild rivers. He said that this decision sets a bad precedent.

DOJ now has two options for action:

1. move to dismiss an appeal/eliminate the stay.
2. defend DOI's actions.

The Justice Department has not yet made a decision on its course of action. This is Carol Dinkins' area.

084917CA
JL002
NR007
ST005
FG017

OFFICE OF CABINET AFFAIRS ACTION TRACKING WORKSHEET

Action resulting from:

- ☒ document (attached)
☐ telephone call
☐ meeting (attach conference report if available)

Document Date: 82 / 06 / 23From: Edward J. TiedemannDate Received: 82 / 06 / 24Subject: California Wild and Scenic Rivers Litigation.**ACTION CODES:**

A — Appropriate Action D — Draft Response R — Direct Reply w/Copy
 B — Briefing Paper F — Furnish Fact Sheet S — For Signature
 C — Comment/Recommendation I — Info Copy Only/No Action Necessary X — Interim Reply

ROUTE TO:

Date Sent	Name	Action Codes	Date Due	Action Taken
<u>82 06 24</u>	<u>1. Dunlop</u>	<u>A</u>	<u>/ /</u>	
<u>83/06/14</u>	<u>② Hart</u>		<u>/ /</u>	
<u>/ /</u>			<u>/ /</u>	
<u>/ /</u>			<u>/ /</u>	
<u>/ /</u>			<u>/ /</u>	
<u>/ /</u>			<u>/ /</u>	

COMMENTS: CLF says you are handling this -- he gave you a note
after his meeting last Thursday.

② we did not respond / we have been monitoring / status remains the same -
See attached memo - recommend closing this file

Originator: ☐ Dunlop ☐ Faoro ☐ Fuller ☐ Gonzalez ☒ Hart ☐ Hodapp

**KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING MATERIAL AND
 WHEN THE ASSIGNED ACTION IS COMPLETE,
 RETURN TO:**

Office of Cabinet Affairs
 Attention: Karen Hart (x-2823)
 West Wing/Ground Floor

THE WHITE HOUSE

WASHINGTON

July 6, 1982

MEMORANDUM FOR DICK HAUSER

FROM: BECKY NORTON DUNLOP *BN*
SUBJECT: STATUS CHECKS WITH DOJ

1. ASSOCIATION OF CALIFORNIA WATER AGENCIES VS WATT AND COUNTY OF DEL NORTE VS WATT--Would you please check with the Department of Justice on the status of these cases. We do not want to indicate any position or make any recommendations--we simply would like more background.
2. BOSTON TEACHERS--Fact sheet regarding case, background, status, etc.
3. See attached communication.

update

check

no response 8/18/82.

check by memo 6/1/83

response 6/7/83

STANLEY W. KRONICK
ADOLPH MOSKOVITZ
EDWARD J. TIEDEMANN
FREDERICK G. GIRARD
LLOYD HINKELMAN
CHARLES A. BARRETT
CLIFFORD W. SCHULZ
JAMES E. THOMPSON
ROBERT E. MURPHY
THOMAS W. ERES
JAMES F. GEARY
JAMES M. BOYD, JR.
STEPHEN A. KRONICK
JANET K. GOLDSMITH
PAUL M. BARTKIEWICZ
ROBIN LESLIE STEWART
ROBERT BROWNING MILLER
RUTHANN G. ZIEGLER
PAUL W. TOZER
DONALD W. FITZGERALD
ANDREA M. MILLER
SETH P. BRUNNER

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
555 CAPITOL MALL, SUITE 900
SACRAMENTO, CALIFORNIA 95814-4693
TELEPHONE (916) 444-8920

OF COUNSEL
E. KENDELL DAVIS
LEONARD M. FRIEDMAN

June 23, 1982

084917

Mr. Craig L. Fuller
Special Assistant to
the President
The White House
Washington, D. C. 20500

Re: California Wild and Scenic Rivers Litigation
County of Del Norte, et al. vs. United States, et al.
C-81-0567 WAI; Association of California Water
Agencies, et al. vs. The United States, et al.,
C-81-1457 WAI (USDC, N.D. Cal.)

Dear Mr. Fuller:

When you so kindly took your time last Thursday to discuss the wild and scenic rivers litigation with John Fraser, the Executive Director and General Counsel of the Association of California Water Agencies, Robert P. Will, ACWA's Washington counsel, and me, we said we would provide you with a short synopsis of the situation, which this letter is intended to do.

On July 18, 1980, Governor Brown sent a letter to then Secretary of the Interior Andrus requesting the Secretary to include portions of five California rivers in the National Wild and Scenic Rivers System. In response to that letter, the Department of the Interior, with the cooperation of various California officials, hastily set about processing the request, including the preparation of an EIS, with the objective of completing all necessary action in an unprecedented short period of time so that Secretary Andrus could approve the request before he left office on January 20, 1981. This was done despite the fact that a substantial majority of the members of the California Legislature requested Secretary Andrus not to grant Governor Brown's request.

Mr. Craig L. Fuller
Page 2
June 23, 1982

In response to earlier litigation, United States District Judge William A. Ingram on January 16, 1981 enjoined Secretary Andrus from acting on the request until January 21, 1981, but three days later, on January 19, the Ninth Circuit Court of Appeals set aside the injunction on the basis that the District Court lacked jurisdiction to enjoin the Secretary. The Ninth Circuit indicated the courts must presume federal officials will properly follow the law and therefore should not be enjoined on mere speculation that they might not do so. Within a matter of minutes after the Ninth Circuit issued its decision, Secretary Andrus acted by including the rivers in the National system.

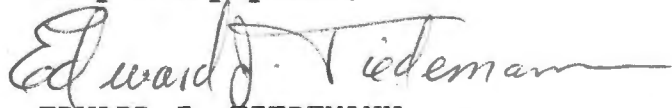
Shortly after Secretary Andrus acted, the plaintiffs in the previous litigation filed the present suits contending that the Secretary's action was invalid. They moved for summary judgment and after thorough briefing and oral argument, on March 28, 1982, Judge Ingram issued two documents. First, in a companion case begun in Oregon (County of Josephine, et al. vs. Watt, et al., No. C-81-3262-WAI) he denied the plaintiffs' request for summary judgment and granted the defendants' requests for summary judgment on three of the four claims, leaving the issue in the fourth claim relating to the adequacy of the environmental impact statement to be tried. Second, in the California suits, he issued a Memorandum to Counsel setting a status conference for June 30, 1982 and said he continues to adhere to his January 16, 1981 ruling that the Secretary of the Interior could not properly act on the Governor's request until January 21, 1982, implying that he felt Secretary Andrus' January 19 action was void. Judge Ingram did not indicate what his views are on the other issues raised in the California suit, such as the adequacy of the EIS and the ability of California to permanently administer the rivers in conformance with federal law. In a prior action, a California state court ruled, in a judgment now final, that "neither the Governor nor the Secretary of Resources of the State of California presently has power to permanently administer the rivers...in the absence of legislatively-approved management plans, and until such management plans have been approved by the Legislature, neither official can guarantee that any of those rivers will be permanently administered as wild, scenic or recreational rivers." (County of Del Norte, et al. v. Edmund G. Brown, Jr., et al., Sacramento County Superior Court No. 292019).

Mr. Craig L. Fuller
Page 3
June 23, 1982

While Judge Ingram has not said what he intends to do at the status conference, the speculation is that he may be considering remanding this matter to the Secretary of the Interior so that he can respond to the Governor's request in a proper manner. It is Judge Ingram's opinion, apparantly, that the action of Secretary Andrus on January 19, 1981 was premature and therefore invalid. If Judge Ingram remands the matter to the Secretary, it will then be up to him to act upon the Governor's request, provided that Judge Ingram's remand is not somehow appealed.

When we were in Washington last week, Mr. Fraser and I, along with counsel for the timber interests, met with Assistant Attorney General Carol E. Dinkins, the solicitor for the Department of the Interior, and representatives of the Department of Agriculture to discuss this matter. We urged her not to appeal Judge Ingram's order should he remand the matter to the Secretary of the Interior. We believe such a remand holds the possibility of resolving this matter with the least amount of litigation and the least possibility of any precedential court rulings that might some day pose problems for the United States or others in other matters. Anything you can do to help persuade the Department of Justice to concur in a remand of this case would be most appreciated. If you have any questions or need further information, please feel free to call Robert Will at 554-2470 or me at (916) 444-8920. We thank you for your consideration in this matter.

Very truly yours,


EDWARD J. TIEDEMANN

EJT/kg
cc: John Fraser
Robert P. Will



U.S. National Archives & Records Administration

Current Status Details for CTRH RECID: 084943 MAIN SUBCODE: JL002

Current Status	Open
User Name	dbarrie
Status Date	2017-07-03
Case Number	F97-098
Notes	7 p. Transferred to JL003

[Change Status](#)[Close Window](#)

Review Status History

No.	Status	Date	User	Case Number	Notes
1	Open	2017-07-03	dbarrie	F97-098	7 p. Transferred to JL003
2	Open	2017-07-03	dbarrie	F97-098	7 p.



U.S. National Archives & Records Administration

Current Status Details for CTRH RECID: 085196PD MAIN SUBCODE: AG001

Current Status	Open
User Name	dbarrie
Status Date	2017-06-22
Case Number	
Notes	4 p. Transferred to JL002

[Change Status](#)[Close Window](#)

Review Status History

<u>No.</u>	<u>Status</u>	<u>Date</u>	<u>User</u>	<u>Case Number</u>	<u>Notes</u>
1	Open	2017-06-22	dbarrie		4 p. Transferred to JL002
2	Open	2008-05-12	mking		

OFFICE OF POLICY DEVELOPMENT

LB

AG001
LE

STAFFING MEMORANDUM

DATE: 7/13/82 ACTION/CONCURRENCE/COMMENT DUE BY: FYISUBJECT: Executive Summary - Product Liability Tort Legislation

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BARR	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	GRAY	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	PROPERTY REVIEW BOARD	<input type="checkbox"/>	<input type="checkbox"/>
DENEND	<input type="checkbox"/>	<input type="checkbox"/>	OTHER	<input type="checkbox"/>	<input type="checkbox"/>
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
FERRARA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
✓ GUNN	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
MALOLEY	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
MONTOYA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
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ADMINISTRATION	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

*enclosure sent to Gunn*Please return this tracking
sheet with your response.Edwin L. Harper
Assistant to the President
for Policy Development
(x6515)

EXECUTIVE SUMMARY

THE NEED FOR FEDERAL ADOPTION OF PRODUCT LIABILITY TORT LEGISLATION

I. Nature of the Product Liability Problem

The law of product liability has undergone profound changes over the last ten years. By the mid-1970's, the problems created by these changes had become national in scope. The business community was facing increasing uncertainty and inequity with product liability laws. Further, many businesses, especially small businesses, were experiencing increasing difficulty in obtaining or being able to afford product liability insurance.

As a result, President Ford convened an Interagency Task Force on Product Liability to study these problems. The Task Force's comprehensive Final Report, issued in October 1977, confirmed that uncertainty and inequity in the product liability tort-litigation system were causing major problems in the product liability field. These problems included sharply rising costs in resolving product liability disputes, disincentives toward product innovation, and overly subjective insurance ratemaking practices.

II. An Unsuccessful Experiment with State Legislation: the Model Uniform Product Liability Act.

In 1979, the United States Department of Commerce's Task Force on Product Liability and Accident Compensation authored a comprehensive model Uniform Product Liability Act ("UPLA"), for voluntary adoption at the state level.

At the time that the UPLA was first promulgated, most commentators, including its drafters, agreed that it would be more appropriate for any model law on product liability to be adopted by the states rather than enacted by Congress as federal law. Since the development of tort law has been traditionally left to the states, it was thought that the states should be given time to adopt a uniform approach to product liability law on their own initiative.

The attempt to achieve uniformity and consistency by having states adopt the UPLA has been singularly unsuccessful. Since 1979, only four states have adopted portions of the uniform law. While twenty-nine states have enacted some form of product liability legislation over the years, each of these laws varies from the others in significant respects, none is comprehensive, and each touches on only a few of the many product liability issues that typically arise in litigation. More important, these statutes reflect a notable absence of

uniformity in language and of consistency in approach. Manufacturers who sell nationwide are thus confronted with a myriad of often contradictory rules and standards from state to state-- a situation that is no better, and arguably worse, than the common law that would otherwise apply.

III. The Case For Federal Legislation

In the absence of uniform legislation, there is little that any single state can do to remedy this situation, as they are unable to protect product sellers within their borders who ship their products into other states. Nationwide, individual states ship almost 70 percent of their manufactured goods outside their borders.

Additionally, according to some commentators, it would be against the overall economic self-interest of any state to enact a law benefitting product sellers. Two governors have vetoed product liability legislation for this reason.

The difficulties of trying to secure a fifty-state-passed uniform product liability bill are obvious. It is no longer realistic, if it ever was, to expect that states can respond in an adequate way to product liability problems that are essentially nationwide.

Conclusion

With the promulgation of UPLA in 1979, many commentators believed that the states by considering uniform legislation, could resolve the problems of uncertainty and inconsistency. It is now clear, however, that the states have failed to adopt either comprehensive or uniform product liability statutes. It is evident that individual states cannot effectively address this nationwide problem.

Moreover, rather than abating, the product liability problem has grown even more pervasive and burdensome. The number of product liability claims has increased significantly. In just the last three years, the number of product liability claims brought in the federal courts has doubled. In addition, verdicts and settlements in excess of one million dollars have become commonplace.

Many commentators believe that the tort system is reaching a breaking point. Balance and uniformity must be restored if the traditional tort system is to continue to provide a viable mechanism for dealing with product liability.

Federal action offers the only feasible means of addressing the present difficulties with the product liability system.

PARTICIPANTS--COALITION FOR
UNIFORM PRODUCT LIABILITY LAW

Aeroil Products Co., Inc.	Harris Corp.
Aeroquip Corp.	Herman Miller Inc.
Alberto-Culver Co.	Hexcel Corp.
The Allen Group Inc.	Hillenbrand Industries, Inc.
American Standard Inc.	Inductotherm Industries, Inc.
Avon Products, Inc.	Itel Corp.
Baker Perkins Inc.	Katy Industries, Inc.
Bassett Furniture Industries, Inc.	Kennametal Inc.
Bemis Company, Inc.	Laclede Steel Co.
Blue Bell, Inc.	Leisure Group, Inc.
Borg-Warner Corp.	Liberty Industries, Inc.
Browning	Lockheed Corporation
Camco, Inc.	Loctite Corp.
Cameron Iron Works, Inc.	Lubbock Manufacturing Company
Canron Inc.	Masco Corp.
Carpenter Technology Corp.	Maxon Corp.
Castle & Cooke, Inc.	McGraw-Edison Co.
Clark Equipment Co.	Meredith Corp.
Clorox Co.	Midland-Ross Corp.
Coachman Industries, Inc.	Modine Manufacturing Co.
Coca-Cola Bottling Plants Inc.	Monarch Machine Tool Co.
Coleco Industries, Inc.	Monogram Industries, Inc.
Coleman Co., Inc.	Munsingwear, Inc.
Coleman Systems	NCH Corp.
Colt Industries Inc	Navy Arms Company Inc.
Columbian Rope Company	Nor-Am Agricultural Products, Inc.
Columbus McKinnon Corp.	Oneida Ltd.
Commercial Shearing Inc.	Parker Hannifin Corp.
Cooper Industries, Inc.	Pittway Corp.
Crompton & Knowles Corp.	Power Rental Equipment, Inc.
Cross & Trecker Corporation	Republic Corp.
Cubic Corporation	Rexnord Inc.
Dana Corporation	Richardson-Vicks Inc.
Datapoint Corp.	Robertshaw Controls Co.
Dayco Corp.	A. H. Robins Company, Inc.
The DeHavilland Aircraft of Canada, Limited	Rohm & Haas Co.
Dunham-Bush, Inc.	Roper Corporation
Dyneer Corp.	Russell Corporation
Echlin Mfg. Co.	Sanitary Scale Co.
Elcor Corporation	Schering-Plough Corp.
Ensign-Bickford Industries, Inc.	A. O. Smith Corp.
Everest & Jennings, International	Standard Tool & Mfg. Co.
Federal Signal Corporation	Stewart-Warner Corp.
The Foxboro Company	Sundstrand Corporation
Franklin Electric Co., Inc.	Tappan Co.
Fruehauf Corp.	Tampax Inc.
GAF Corp.	Tecumseh Products Co.
GK Technologies Inc.	Teradyne Inc.
Gates Learjet Corp.	Toyota Motor Sales USA, Inc.
General Signal Corp.	Tracor, Inc.
General Tire & Rubber Co.	U.S. Industries, Inc.
Goulds Pumps, Inc.	Valley Steel Products Co.
Great Lakes Chemical Corp.	Van Dorn Co.
Grow Group Inc.	Vermont American Corp.
Halstead Industries Inc.	Vulcan Iron Works Inc.
Harnischfeger Corporation	Wham-O Mfg. Co.

OFFICE OF POLICY DEVELOPMENT

LDY JL002

PV

STAFFING MEMORANDUM

DATE: 7/15/82 ACTION/CONCURRENCE/COMMENT DUE BY: FYI

SUBJECT: Christian Science Monitor Article "The Bankruptcy Ledger"

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BARR	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
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B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
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ADMINISTRATION	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Please return this tracking sheet with your response.

Edwin L. Harper
Assistant to the President
for Policy Development
(x6515)

The bankruptcy ledger

Bankruptcies have been soaring, and at the same time the Supreme Court has required changes in the bankruptcy courts set up by the 1978 bankruptcy reform law. While Congress sorts things out, both the American people and their representatives need some perspective on headlines about business failures and legal chaos.

In simplest terms, the situation is bad but not as bad as comparisons to depression days of the 1930s might suggest. Among the factors:

- The numbers of failures have to be seen in the light of an economy that is enormously larger than in the '30s. The real gross national product, for example, is seven times higher.

- The numbers of Americans thrown out of work have to be seen against an economy providing employment for far more than before. In 1933, 43.5 percent had a job. In 1981, 58.3 percent had a job. According to such figures, 25 million more Americans would have to lose their jobs to return to depression levels.

- The firms that go bankrupt have to be seen in relation to laws making bankruptcy a more inviting alternative than in the past. The reform act's Chapter 11 facilitates reorganization with management still in place. Even the terminology has been changed to remove some of the onus, with the "bankrupt" becoming the "debtor."

- The companies going out of business have to be calculated along with those starting up in business. More than twice as many businesses began in 1981 than even a decade earlier. Incorporation figures do not necessarily mean the start of brand-new businesses, since new incorporations are often entered into by established firms for tax purposes. But the number of incorporations in 1981 was more than 580,000, up 9 percent from the year before.

To keep such factors in mind is not to minimize the other ones in the bankruptcy equation. These include the 66,259 filings for business bankruptcy in 1981, according to federal bankruptcy court records, compared to a total of 30,130 at the height of the previous recession in 1975. From January through May this year, the total was 31,627, up from 28,418 last year.

To take another set of figures, failures that cause loss to creditors are found to be occurring at an annual rate of 80 per 10,000 companies, on the way toward 1933's 100 per 10,000. And economists calculate that there are

many more business terminations for every one reported in such figures.

Among those who file for bankruptcy, four-fifths file simply for liquidation, with assets auctioned off and all jobs eliminated. Businesses of many kinds are affected, with this year's casualties in manufacturing, services, and wholesaling rising by more than 50 percent over the same period last year, while 37 percent more retailers have failed.

The effects are not only on the given company and the present situation. The reduction in capacity can prove a problem when more capacity is needed in the future. The construction industry has been cited as one example. When a small lumber mill closes now, it may not be noticed. But should housing revive, prices could go up because this source of supply would be missing.

In short, perspective, yes; complacency, no.

Congress is hardly inclined to provide additional subsidies to keep businesses from going bankrupt. The answer lies in a revival of the economy to bring interest rates down and encourage purchase of the goods and services companies have to offer. The role of high interest rates may be exaggerated in their direct effect on business, where they ordinarily constitute a much smaller part of sales than does the cost of labor, for example. But they are part of a cycle in which buyers are reluctant to buy, inventories suffer, and the ripples of unemployment reach back to wholesalers and manufacturers.

Thus Congress has to go beyond considering changes in the bankruptcy act as required by the Supreme Court — and revisions in its "liberalizing" provisions called for by others. It can do more to save businesses by putting its own budget in order.



U.S. National Archives & Records Administration

Current Status Details for CTRH RECID: 085236PD MAIN SUBCODE: AG001

Current Status	Open
User Name	dbarrie
Status Date	2017-06-22
Case Number	
Notes	3 p. Transferred to JL002

[Change Status](#)[Close Window](#)

Review Status History

<u>No.</u>	<u>Status</u>	<u>Date</u>	<u>User</u>	<u>Case Number</u>	<u>Notes</u>
1	Open	2017-06-22	dbarrie		3 p. Transferred to JL002
2	Open	2008-05-12	mking		

THE WHITE HOUSE
WASHINGTON

July 28, 1982

RO

085236PD
1140
AG001
LE
FG252

Dear Mr. Swain:

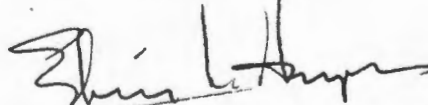
Thank you for your letter of July 13 concerning your interest in the establishment of a federal product liability law. This is an important problem to which we are giving top priority attention.

An interagency task force has been established to examine the questions raised by a products liability law and I am happy to forward your correspondence and raise the concerns that you mention in your letter to the task force.

The task force will be reporting to the Cabinet Council on Commerce and Trade in the near future.

Thank you for your interest and for sharing your views with us on this important matter.

Sincerely,



Edwin L. Harper
Assistant to the President
for Policy Development

Mr. Frank S. Swain
Chief Counsel for Advocacy
U. S. Small Business Administration
Washington, D.C. 20416

OFFICE OF POLICY DEVELOPMENT

STAFFING MEMORANDUM

DATE: 7/14/82 ACTION/CONCURRENCE/COMMENT DUE BY: [REDACTED]

SUBJECT: Frank S. Swain re Product Liability

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BARR	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	GRAY	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	PROPERTY REVIEW BOARD	<input type="checkbox"/>	<input type="checkbox"/>
DENEND	<input type="checkbox"/>	<input type="checkbox"/>	OTHER	<input type="checkbox"/>	<input type="checkbox"/>
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
FERRARA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
✓ GUNN	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
MALOLEY	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
MONTOYA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
SMITH	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
UHLMANN	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
ADMINISTRATION	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

W. Gunn -
Please draft a response for EHT's
signature. Thanks.

E. Rock



Edwin L. Harper
Assistant to the President
for Policy Development
(x6515)



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

OFFICE OF
POLICY DEVELOPMENT

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OFFICE OF THE ADMINISTRATOR

JUL 13 1982

Honorable Edwin L. Harper
Assistant to the President for
Policy Development
The White House
Washington, D.C. 20500

Dear Mr. Harper:

Product liability law is a growing burden for many of the Nation's fifteen million small businesses. A great deal of uncertainty and inequity exists among the laws in the fifty states. The lack of uniformity created by different state court systems results in a patchwork of liability rules applicable to a single product. In addition, a uniform Federal law would eliminate forum shopping and provide certainty for manufacturers and other product sellers with regard to their legal obligations. This burden falls particularly on smaller businesses.

Consequently, we believe that Federal legislation to bring uniformity to product liability law is a critical small business initiative. Fair, reasonable and impartial rules are necessary for both plaintiffs and defendants in product liability disputes. If we can be of assistance during deliberations on this important small business issue, please let us know. As advocates for the small business community, we believe this issue is of the highest importance.

Sincerely,

James C. Sanders
Administrator

Frank S. Swain
Chief Counsel for Advocacy

cc: Malcolm Baldrige
President Pro Tempore
Cabinet Council on Commerce & Trade



U.S. National Archives & Records Administration

Current Status Details for CTRH RECID: 085276PD MAIN SUBCODE: AG001

Current Status	Open
User Name	dbarrie
Status Date	2017-06-22
Case Number	
Notes	4 p. Transferred to JL002

[Change Status](#)[Close Window](#)

Review Status History

<u>No.</u>	<u>Status</u>	<u>Date</u>	<u>User</u>	<u>Case Number</u>	<u>Notes</u>
1	Open	2017-06-22	dbarrie		4 p. Transferred to JL002
2	Open	2008-05-12	mking		

THE WHITE HOUSE
WASHINGTON

[085276PD]
JL002

8/2

TO: ED HARPER
FROM: WENDELL GUNN

Product Liability Task force
meeting has been scheduled for
Wednesday, August 4 at 3:30 pm
in Room 5870, Main Commerce.

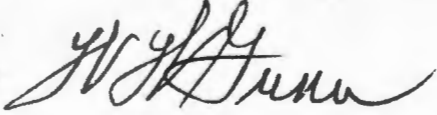
MEMORANDUM

THE WHITE HOUSE
WASHINGTON

July 30, 1982

085276 PD
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FG258
FG010-02

MEMORANDUM FOR: JOHH FOWLER
MICHAEL HOROWITZ
JONATHAN ROSE
TIMOTHY RYAN
SHERMAN UNGER

FROM: WENDELL W. GUNN
Executive Secretary 

SUBJECT: Product Liability/CM212

During the Cabinet meeting held on July 15, 1982, the following points with respect to product liability were agreed upon by those present and approved by the President.

- o The Administration approves in principle the enactment of federal legislation providing uniform standards for product liability.
- o Product liability litigation should remain in the normal forums of the judicial process (i.e., no changes in jurisdiction).
- o No new federal enforcement powers or machinery shall be created.
- o The legislation shall not change other, unrelated areas of the law (e.g., workmen's compensation, etc.).

The CCCT has designated you a member of the Product Liability Task Force ("the Task Force"). The Task Force is directed to develop and recommend options for CCCT consideration which are consistent with the principles listed above. The Task Force study should cover the consideration of pending product liability legislation and the possible development of a clean Administration bill. The Task Force is to report its findings and recommendations to the CCCT in 30 days.

Sherman Unger will serve as Chairman of the Task Force and will contact you directly regarding your participation.

cc: M. Baldrige
E. Harper
R. Porter

OFFICE OF POLICY DEVELOPMENT**STAFFING MEMORANDUM**DATE: 7/17/82 ACTION/CONCURRENCE/COMMENT DUE BY: 7/30/82SUBJECT: Next Steps on Product Liability

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BARR	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	GRAY	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	PROPERTY REVIEW BOARD	<input type="checkbox"/>	<input type="checkbox"/>
DENEND	<input type="checkbox"/>	<input type="checkbox"/>	OTHER	<input type="checkbox"/>	<input type="checkbox"/>
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
FERRARA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
✓ GUNN	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
MALOLEY	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
MONTOYA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
SMITH	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
UHLMANN	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
ADMINISTRATION	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Please return this tracking sheet with your response.

21


Edwin L. Harper
Assistant to the President
for Policy Development
(x8515)

THE WHITE HOUSE

WASHINGTON

July 17, 1982

MEMORANDUM FOR WENDELL GUNN

FROM: EDWIN L. HARPER 
SUBJECT: Next Steps on Product Liability

At the Cabinet meeting on July 15th, it was agreed that we set four standards for moving forward with Federal Product Liability legislation:

- 1) We'll have federal legislation providing uniform standards.
- 2) We'll keep all litigation in state courts.
- 3) We'll mandate no new federal machinery or powers.
- 4) No other areas of the law would be changed.

What are the next steps you contemplate in following up on this direction from the President.



U.S. National Archives & Records Administration

Current Status Details for CTRH RECID: 085291PD MAIN SUBCODE: AG001

Current Status	Open
User Name	dbarrie
Status Date	2017-06-22
Case Number	
Notes	2 p. Transferred to JL002

[Change Status](#)[Close Window](#)

Review Status History

No.	Status	Date	User	Case Number	Notes
1	Open	2017-06-22	dbarrie		2 p. Transferred to JL002
2	Open	2008-05-12	mking		

OFFICE OF POLICY DEVELOPMENT

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STAFFING MEMORANDUM

DATE: 7/17/82 ACTION/CONCURRENCE/COMMENT DUE BY: 74ISUBJECT: Product liability letter to the President from
Don Dan Koehn

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BARR	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	GRAY	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	PROPERTY REVIEW BOARD	<input type="checkbox"/>	<input type="checkbox"/>
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FERRARA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
✓ GUNN	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
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UHLMANN	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
ADMINISTRATION	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Please return this tracking
sheet with your response.Edwin L. Harper
Assistant to the President
for Policy Development
(x6515)



Home and Builders' Hardware

National Manufacturing Company

P. O. Box 577 · Sterling, Illinois 61081 · (815) 625-1320

July 15, 1982

The President
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. President:

The purpose of this letter is to ask for your support of federal product liability legislation which will bring uniformity to the law. Currently product liability is left to the interpretation of product liability codes in the 50 states. Our product liability insurance premiums have skyrocketed due to the lengthy litigation over what rules apply in each case.

We support S.2631: The Product Liability Act, introduced by Senator Robert Kasten. This bill would provide the needed uniformity and is fair to manufacturers, insurers, and consumers. Your support is needed to achieve passage of this in a similar bill.

We appreciate your efforts.

Yours respectfully,

Dan Koehn
Marketing Services Manager

/mlm



U.S. National Archives & Records Administration

Current Status Details for CTRH RECID: 085397PD MAIN SUBCODE: JL002

Current Status	Open
User Name	dbarrie
Status Date	2017-07-03
Case Number	S8008
Notes	4 p. Transferred to JL003

[Change Status](#)[Close Window](#)

Review Status History

<u>No.</u>	<u>Status</u>	<u>Date</u>	<u>User</u>	<u>Case Number</u>	<u>Notes</u>
1	Open	2017-07-03	dbarrie	S8008	4 p. Transferred to JL003



U.S. National Archives & Records Administration

Current Status Details for CTRH RECID: 085510PD MAIN SUBCODE: AG001

Current Status	Open
User Name	dbarrie
Status Date	2017-06-22
Case Number	
Notes	4 p. Transferred to JL002

[Change Status](#)[Close Window](#)

Review Status History

No.	Status	Date	User	Case Number	Notes
1	Open	2017-06-22	dbarrie		4 p. Transferred to JL002
2	Open	2008-05-12	mking		

THE WHITE HOUSE

WASHINGTON

June 24, 1982

085510PD

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C M

Dear Mr. Holt:

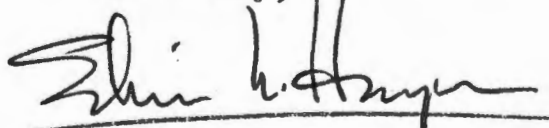
Thank you for your letter of June 14 to Edwin Meese III concerning your interest in establishing a federal uniform products liability law. Mr. Meese has asked that I answer your letter on his behalf. This is an important problem to which we are giving top priority attention.

An interagency task force has been established to examine the questions raised by a uniform products liability law and I am happy to forward your correspondence and raise the concerns that you mention in your letter to the task force.

The task force will be reporting to the Cabinet Council on Commerce and Trade in the near future.

Thank you for expressing your interest in the Administration's support of legislation to establish a uniform products liability law.

Sincerely,



Edwin L. Harper
Assistant to the President
for Policy Development

Mr. Leon C. Holt, Jr.
Vice Chairman
Air Products and Chemicals, Inc.
Box 538
Allentown, PA 18105

✓ cc: Hammerstrom

THE WHITE HOUSE
WASHINGTON

*Tom
McCoy*

TO: Wendall Gunn

FROM: T. KENNETH CRIBB, JR.
Assistant Counsellor
to the President

The attached was received by
Edwin Meese III and requires
special handling by your office
and staff for response.

Please handle as appropriate
and forward a copy of your
response, with the incoming
to - Neil Hammerstrom, Rm. 420,
EOB, Ext. 7940.

Thank you.

cc: letter to

TKC



Air Products and Chemicals, Inc.

LEON C. HOLT, JR.

Vice Chairman

and

Chief Administrative Officer

Box 538, Allentown, PA 18105

(215) 481-7065

14 June 1982

The Honorable Edwin Meese III
Counselor to the President
The White House
Washington, D. C. 20500

Dear Mr. Meese:

As Chief Administrative Officer of one of the nation's leading industrial gas and chemical companies, I am writing to urge your support of a federal product liability law.

As you know, product liability law has developed on a case-by-case basis in each of the 50 states. This has resulted in a crazy quilt of laws which vary widely from state to state and has made the task of compliance almost insuperable for industry. I am certain that the time and human resources of our company which are being directed to coping with the present product liability system could be more usefully invested in the development of innovative new products and processes to enhance productivity and to bring more useful products to the marketplace.

Thus far, 31 states have passed so-called reform statutes; yet, no two of these are alike. This attempted reform at the state level has impeded the effort to achieve uniformity in product liability laws. At the same time, this hodgepodge of laws has served as a disincentive for developing safer manufacturing practices since state laws differ as to whether a manufacturer's efforts to improve its product and make it safer after an accident can be used as evidence against it in a product liability case.

It would be far preferable for the Administration, in this case, to recognize that the United States is a single market. This large market requires uniform regulations. A federal law would fulfill the federal government's responsibility to regulate and promote interstate commerce, and would be fairer to both the consumer and the manufacturer.



The Honorable Edwin Meese III
14 June 1982
Page 2

I hope you will take these general comments into consideration as you help to develop the Administration's policy on this issue.

Sincerely,



Leon C. Holt, Jr.

LCH, JR.:psr
4-F



U.S. National Archives & Records Administration

Current Status Details for CTRH RECID: 085548 MAIN SUBCODE: JL002

Current Status	Open
User Name	dbarrie
Status Date	2017-07-03
Case Number	F97-098
Notes	7 p. Transferred to JL003

[Change Status](#)[Close Window](#)

Review Status History

No.	Status	Date	User	Case Number	Notes
1	Open	2017-07-03	dbarrie	F97-098	7 p. Transferred to JL003
2	Open	2009-12-23	jmandel		prior