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Record Group/Collection:	George H.W. Bush Presidential Records
Collection/Office of Origin:	Chief of Staff, White House Office of
Series:	Skinner, Sam, Files
Subseries:	

OA/ID Number:	40919
Folder ID Number:	40919-010

Folder Title:
Memos [9]

Stack:	Row:	Section:	Shelf:	Position:
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Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. Memo	From Sam Skinner to the Attorney General and C. Boyden Gray (1 pp.)	1/2/91	P-5	
02a. Note	Handwritten note Re 1st Circuit (1 pp.)	n.d.	P-5	
02b. Memo	From C. Boyden Gray to Sam Skinner Re Status Report on Judicial Selection [FOIA RESTRICTIONS REDACTED] (13 pp.)	12/19/91	P-2, P-5, (b)(6)	
02c. Letter	From Nicholas Brady to Alan Greenspan Re List of economists who met with POTUS 11/22/91 (2 pp.)	12/11/91	P-5	
03. Memo	From Marlin Fitzwater to Sam Skinner Re Communications Plan March 10-31 and beyond [Open Upon Deed of Gift - March 16, 2015] (3 pp.)	3/3/91	PRM	

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Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Skinner, Samuel
Subseries:
WHORM Cat.:
File Location: Memos [9 of 14]

Pinksheet Number: KO0473
OA/ID Number: 05826-40919-016
Date Closed: 11/19/2004
FOIA/Sys Case #: 1999-0277-F
Re-review Case #: 2005-0368-S
P-2/P-5 Review Case #:

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01. Memo	From Sam Skinner to the Attorney General and C. Boyden Gray (1 pp.)	1/2/91	P-5 Open on Expiration of PRA (Document Follows) By <u>CU</u> (NLGB) on <u>6/7/05</u>	

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File Location: Memos [9 of 14]

Date Closed:	11/19/2004	OA/ID Number:	05826
FOIA/SYS Case #:	1999-0277-F	Appeal Case #:	
Re-review Case #:	2005-0368-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

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

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

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

PRM. Removed as a personal record misfile.

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

(b)(1) National security classified information [(b)(1) of the FOIA]
(b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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(b)(9) Release would disclose geological or geophysical information

file

THE WHITE HOUSE
WASHINGTON

January 2, 1991

MEMORANDUM FOR: The Attorney General
C. Boyden Gray

FROM: Samuel K. Skinner

SUBJECT: Seventh Circuit Vacancy

Wonders never cease: Congressman Henry Hyde called me this morning to recommend Mary Ann McMorrow, the Democratic party's slated nominee for the Illinois Supreme Court, for appointment to the U.S. Court of Appeals for the Seventh Circuit. Henry tells me that she is currently on an Illinois intermediate appellate court, that she has a strong conservative record on issues important to him, and that she would step down from the Democratic ticket in Illinois if nominated for the Seventh Circuit.

I pass this on only for information but frankly hope that we can locate an acceptable conservative Republican (preferably a woman or minority) before resorting to the appointment of Democratic candidates, even those acceptable to Henry Hyde.

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THE WHITE HOUSE
WASHINGTON

1st Circuit

60 - Norman Stahl
U.S. DC

EXTRAORDINARY

Joseph DiClerico

D.C. → D/N.H

Withdrawal/Redaction Sheet

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02b. Memo	From C. Boyden Gray to Sam Skinner Re Status Report on Judicial Selection [FOIA RESTRICTIONS REDACTED] (13 pp.)	12/19/91	P-2, P-5, (b)(6) Open on Expiration of PRA (Document Follows) By <u>CO</u> (NLGB) on <u>6/7/05</u>	

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THE WHITE HOUSE

WASHINGTON

December 19, 1991

MEMORANDUM FOR SAMUEL K. SKINNER
CHIEF OF STAFF TO THE PRESIDENT

FROM: C. BOYDEN GRAY *cmg*
COUNSEL TO THE PRESIDENT

SUBJECT: Status Report on Judicial Selection

You asked for a report on where we stand on judicial selection. We presently have 44 nominations pending before the Senate Judiciary Committee, of which 7 are for court of appeals positions and 34 for district court positions. In addition, there are 2 nominations pending at the White House ready to go, both of which are for court of appeals positions. There are 47 candidates in clearance, 7 of whom are slated for court of appeals positions and 40 for district court positions. There are an additional 36 vacancies for which no candidate has been selected, 6 of which are court of appeals seats and 30 of which are district court seats. There are 7 seats where replacement candidates are needed because of clearance or other problems with the original candidates selected, 4 of which are court of appeals seats and 3 of which are district court seats. I have attached a complete chart that shows where everything is. See Tab A.

You had also asked for some initial thoughts on the project of getting as many of these candidates as possible confirmed before the election. I will focus on the courts of appeals, because those are the positions where we have real discretion in the selection and because in several cases control of a circuit hinges on confirmation of the nominees. For the most part, the district court nominees have strong Senatorial or Congressional sponsors who will press for their confirmation. Although there may be a few district court candidates who for one reason or another are specifically important to the President (e.g. David McKeague in Michigan), these can be handled on an ad hoc basis.

I. THE PRIORITY CIRCUITS

There are 14 vacancies in circuits in close equilibrium: the D.C. Circuit (4 Carter appointees, 7 Reagan or Bush appointees, 1 vacancy), the First (1 Carter, 3 Reagan or Bush, 2 vacancies), the Second (although there are only 2 Democratic appointees out of 13, a bad Nixon appointee and Senator d'Amato's influence over the Reagan and Bush selections have left this important commercial law circuit up for grabs much of the time), the Fourth (4 Carter, 8 Nixon, Ford, Reagan or Bush, 3 vacancies), the Sixth (5 Carter, 9 Reagan or Bush, 2 vacancies), the Tenth (4 Johnson

or Carter, 6 Reagan, 2 vacancies) and the Eleventh (3 Carter, 6 Ford, Reagan or Bush, 3 vacancies).

In addition, although the Fifth Circuit is firmly in Republican hands, it is very short handed with four vacancies, and the Chief Judge there has declared a judicial emergency. [REDACTED]

(b)(6)

II. STATUS OF SELECTION IN THE CIRCUITS

The President has made nominations for 4 of the priority vacancies (BeVier and Boyle in the Fourth, Keating and Kelly in the Tenth). Two others are ready to go on the Senate's return (Fitzwater in the Fifth, Smietanka in the Sixth). There are candidates in clearance for another 6 (D.C., Second, Fourth, Sixth, and 2 in the Eleventh). Of these, we would hope to be able to nominate the D.C., Fourth, and possibly one of the Eleventh Circuit candidates when the Senate is in on January 3. The other Sixth and Eleventh Circuit candidates, and possibly the Second Circuit candidate, should be ready sometime in February, although the ABA will have to be pushed on these.

Accordingly, on the selection end the top priority is to select candidates for the First Circuit seats and the remaining Fifth and Eleventh Circuit seats. I hope to resolve three of these this week.

There are an additional 3 court of appeals seats (Seventh and two Federal Circuit) where no candidate has been selected or the selected candidate has dropped out. I hope to resolve one or two of these this week.

III. CONFIRMATION

A. FBI REPORTS

The first complication on confirmation is the issue of Committee access to the nominees' FBI reports. The background on that issue is as follows.

As best we have been able to determine, during the Carter Administration, the Judiciary Committee obtained a special dispensation on FBI reports allowing its staff to obtain and keep a copy of the full FBI report on all nominees. This differs from the practice with respect to all other Committees, where a summary of the report is hand-carried by White House Counsel's Office staff to the Chairman, Ranking Member, and other Senators on the Committee designated by them, where it is read in the presence of nobody other than our staff member and carried back. In other words, there is no staff access to anything on other

Committees, no copy of the report left on the Hill, and no access by anybody to anything other than the summary.

After President Bush was elected, we considered whether to attempt to treat the Judiciary Committee like the other Committees, but decided against in the face of strong opposition from Duke Short, Senator Thurmond's Administrative Assistant, who claimed that the Committee's security system had historically been adequate to protect against leaks. In a letter memorializing the arrangement, however, we reserved the right to revisit it should Judiciary's security system break down. On October 23, 1991, in light of the leak of the Anita Hill FBI material, the President announced that the Judiciary Committee would be treated like the other Committees. Shortly before adjournment, the Committee passed a resolution unanimously calling for a return to the old system, and claims it will process no nominees whose FBI files are not handled in this fashion.

The Committee makes four arguments: (1) judicial nominees have life tenure, and should accordingly receive special scrutiny; (2) its staff has frequently asked the FBI to do important follow-up investigations; (3) the Senators do not have time to review all these files; and (4) there is no reason to believe its investigative staff was responsible for the leak.¹ There is also a fifth unstated issue, which is that Senator Thurmond's eyesight leaves him not really able to read the reports himself, but he does not want to delegate the task to another Republican Senator.

The first argument is the only one with any real public appeal. The second is wrong as a factual matter (the Committee staff has only made rare requests for follow-up, and they have produced almost nothing of any value. The third exposes the Committee to the charge that it is too lazy to do its own work. And the fourth leads to the conclusion that the leaker must have been a Senator.

In light of the outcry about the Hill leak, we might be able to win this issue in the public arena if we framed it right. This, however, would require a great deal of resolve on our part,

¹Several Members of the Committee have also claimed that there was no leak of FBI material, only of Anita Hill's statement to the Committee, but that is wrong. Although only a full investigation will reveal exactly what was leaked, the highlighted portions of the attached Newsday article and NPR transcript, the two leak recipients, clearly indicate that not only Hill's statement but also the contents of the FBI report itself, including what somebody other than Hill told the FBI, were leaked. See Tab B.

particularly because of the problem on the Republican side created by Senator Thurmond's staff's opposition to our position. Moreover, the Committee's argument about the importance of careful Senate scrutiny for these life-tenured positions will resonate very well in the press, many of whose members would clearly like to see more Senate control over these positions as a general matter.

The threat of a public fight, combined with the desire of many Senators to get candidates they personally care about through, should however be sufficient to win some significant concessions. We also have one piece of leverage with Thurmond that we should think about how to use to try to get him to stop making common cause with Biden on this issue: he has a Fourth Circuit candidate, Karen Williams, whom he would like to see nominated on January 3, and in whose confirmation he is profoundly interested.

As a place to end up, I would propose (1) that all non-judicial appointments be handled under the new rules, because the first argument does not apply to them; and (2) that rather than a copy of the FBI reports being sent up to the Hill, one Democratic and Republican staffer be given access to the full reports but that they be maintained at the Justice Department. That handles our core concern by assuring much more accountability for who has access to the file while addressing the Committee's argument about life tenure, which has public appeal, and its argument that its investigative staff behaves responsibly, which is important to the Committee institutionally. I would further propose that John Mackey of Justice and Brian Waidmann from our legislative office be tasked with attempting to work this out as an initial matter.

B. OTHER ISSUES

As part of resolving the FBI report issue, we should also try to get a commitment from the Committee that if we do resolve it, they will commit to a hearing schedule that will result in confirmation of candidates nominated through a relatively late date. We might start with July and move backward.

Beyond this, the best way to assure our nominees' confirmation is of course to make sure they have a strong supporter in the Senate, preferably one from each party. Among the candidates already nominated or selected for the hotly contested circuits, one (Keating in the Tenth Circuit) has strong bipartisan support from Nickles and Boren. As I mentioned earlier, Williams in the Fourth has Senator Thurmond's strong backing, which is just as useful. Kelly in the Tenth has Domenici, Moreno in the Eleventh has Mack and would be the first Hispanic appointed to that Circuit, and Carnes in the Eleventh will probably have Heflin and Shelby. Jacobs in the Second should be able to get support from d'Amato and Moynihan. Accordingly, all of these should go

through smoothly, although the Tenth Circuit nominees could conceivably run into problems with Senator Simpson, who feels Wyoming should have received one of these seats, and all the candidates not yet nominated could encounter problems in the ABA.

Thurmond's support for Williams can probably be leveraged into a commitment of assistance for the other Fourth Circuit nominees (Boyle and BeVier). Senator Thurmond would like us to nominate Williams on January 3, and this commitment should be sought from Thurmond personally at that time, and discussed not only with Duke Short but also with his new counsel Thad Strom to make sure the Senator remembers it. This mechanism worked in getting Mike Luttig confirmed, and can probably be duplicated. It is important to put it in place, since Senator Byrd feels one of these seats should have gone to West Virginia, Biden's counsel has signaled some interest in trying to block BeVier, and Boyle is a plausible target simply because he is Helms's candidate. On the other hand, BeVier is the first woman to be nominated to this court, has Warner's support (although he does not fight very hard for his candidates) and is very well liked by her University of Virginia colleagues, some of whom must have ties to Democratic Senators; and Helms can be very effective on behalf of his candidates. On the whole, these will require work but should be able to be done.

[REDACTED]

(b)(6)

He would like McEwen nominated on January 3. If we can nominate John Roberts at the same time, we should ask Specter to see to it that both nominations move forward on the same track. We should probably also ask him to push the other two Pennsylvania Third Circuit candidates (both of whom are Thornburgh rather than Specter choices) at the same time. These should also be doable.

There are no Republican Senators from either of the Sixth Circuit states (Michigan and Tennessee) where our two nominees are from, and neither of them starts out with support from the Democratic Senators. In addition, Ohio feels with some justification that it is entitled to the seat that went to Michigan, so its Senators may block that nominee. A strategy needs to be devised to move these nominations forward.

On the Fifth Circuit, Phil Gramm will push very hard for Sidney Fitzwater, but we should discuss how to proceed before sending that nomination forward, because Fitzwater had a close confirmation for the district court (55-45) when the Republicans controlled the Senate. Senator Metzenbaum went after him on his peripheral involvement in a "ballot security program" in Texas, and will likely do so again.

Finally, Morris Arnold, the President's nominee for the Eighth Circuit (which is less closely divided than some of these others) should get through all right on the basis of strong support from his two Democratic home state Senators (Bumpers and Pryor) and Senator Grassley, who is on Judiciary and promised to help out as a result of an earlier seat going to Iowa. The possible obstacle there is opposition from Senators from other States in the Circuit who may feel the seat should have gone to their State, Minnesota or Nebraska being the most likely candidates, because the retiring judge arguably came from one of these. So far, however, none of these Senators has been heard from.

Table of Judges

I. COURTS OF APPEALS

Pending Before Senate Judiciary Committee (7)

<u>Circuit</u>	<u>Nominee</u>	<u>Date Nominated</u>	<u>Hearing</u>
Third Circuit	Jay Waldman (WQ)	7/26/91	
Third Circuit	Fred Van Antwerpen (WQ)	9/11/91	
Fourth Circuit	Lillian BeVier (WQ/Q)	10/22/91	
Fourth Circuit	Terrence Boyle (Q)	10/22/91	
Eighth Circuit	Morris Arnold (WQ)	11/6/91	
Tenth Circuit	Frank Keating (WQ/Q)	11/14/91	
Tenth Circuit	Paul Kelly (WQ)	11/19/91	

<u>Pending at White House (2)</u>	<u>Into Clearance</u>	<u>Came from Justice</u>
Fifth Circuit Sidney Fitzwater (Q/WQ)	3/12/91	6/26/91
Sixth Circuit John Smietanka (Q/NQ)	3/26/91	11/15/91

Selected/In Clearance (7)

<u>Circuit</u>	<u>Candidate</u>	<u>Into Clearance</u>
Second Circuit	Dennis Jacobs	12/18/91
Third Circuit	Stephen McEwan	10/31/91
Fourth Circuit	Karen Williams	9/14/91
Sixth Circuit	Justin Wilson	9/14/91
11th Circuit	Ed Carnes	9/24/91
11th Circuit	Federico Moreno	11/29/91
D.C. Circuit	John Roberts	12/4/91

Vacancies For Which No Candidate Selected (6)

<u>Circuit</u>	<u>Date Vacancy Arose</u>
First Circuit	1/2/92 (MA)*
Fifth Circuit	1/15/92 (MS)*
Fifth Circuit	new (TX/LA)
7th Circuit	1/15/92 (IL)*
11th Circuit	8/31/91 (FL)*
Fed. Circuit	4/30/91*

* To discuss at today's meeting with an eye toward resolving.

<u>Replacement Candidate Needed (4)</u>	<u>Into Clearance</u>
First Circuit Stephen Thayer	2/15/91
Fifth Circuit John O'Neill	12/12/90
Fifth Circuit Ricardo Hinojosa	11/25/91
Federal Circuit Michael Horowitz	1/21/91

All candidates in this category have encountered insuperable ABA opposition except Ricardo Hinojosa who wishes not to go forward.

II. DISTRICT COURTS

Nominations Pending Before Judiciary Committee (37)

<u>District</u>	<u>Nominee</u>	<u>Date Nominated</u>	<u>Hearing</u>
N.D. New York	Michael Kavanagh (WQ)	7/25/91	
S.D. Ohio	Sandra Beckwith (Q/NQ)	7/26/91	
S.D. Florida	Thomas Scholts (Q/NQ)	7/26/91	
D. New Jersey	Mary Parell (Q)	7/26/91	
N.D. Calif.	Ronald Whyte (WQ)	7/26/91	
E.D. Cal.--T	Garland Burrell (Q/NQ)	8/1/91	
N.D. Georgia	Julie Carnes (Q/NQ)	8/1/91	
N.D. Illinois	Philip Reinhard (WQ)	8/1/91	
W.D. Tenn.	Jon McCalla (WQ/Q)	8/1/91	
E.D. Michigan	Nancy Edmunds (WQ)	9/11/91	
W.D. Michigan	David McKeague (Q/NQ)	9/11/91	
N.D. N.Y.(T)	Fred Scullin (Q)	9/12/91	
M.D. Florida	Steven Merryday (Q)	9/23/91	
S.D. Florida	K. Michael Moore (Q)	10/4/91	
E.D. Virginia	Henry Morgan (Q/WQ)	10/22/91	
D. V. Islands	Thomas Moore (Q)	10/22/91	
M.D. Tennessee	Robert Echols (WQ)	10/22/91	
W.D. Arkansas	Jimm Hendren (Q)	10/24/91	
E.D. Penn.	Curtis Joyner (WQ)	11/5/91	
E.D. Penn.	John Padova (WQ)	11/5/91	
D. Delaware	Roderick McKelvie (WQ)	11/5/91	
S.D. New York	Andrew O'Rourke (Q/NQ)	11/12/91	
N.D. Oklahoma	Tony Graham (Q/NQ)	11/14/91	
E.D. Missouri	Donald Stohr (WQ)	11/14/91	
D. S.C.	William Traxler (WQ)	11/14/91	
D. New Jersey	Joseph Irenas (WQ)	11/14/91	
M.D. Alabama	Ira DeMent (Q)	11/14/91	
E.D. Virginia	Robert Payne (WQ)	11/20/01	
W.D. Oklahoma	Timothy Leonard (WQ)	11/20/91	
S.D. Texas	Ewing Werlein (WQ)	11/20/91	
N.D. Calif.	Carlos Bea (Q/NQ)	11/20/91	
E.D. Penn.	Anita Brody (Q/NQ)	11/22/91	
S.D. Florida	Ursula Ungaro (Q/NQ)	11/26/91	
S.D. Georgia	James Franklin (WQ)	11/26/91	
E.D. Penn.	Eduardo Robreno (Q/NQ)	11/26/91	
E.D. New York	David Trager (WQ)	11/27/91	
S.D. New York	Sonia Sotomayor (Q/WQ)	11/27/91	

In Clearance (40)

<u>District</u>	<u>Candidate</u>	<u>Into Clearance</u>
W.D. Texas	Kenneth Carr (Q/NQ)	4/30/91
D. V. Islands	Ray Finch (Q)	4/30/91*
E.D. Louisiana	John Volz (Q)	5/21/91
N.D. Texas	Carolyn Wright	7/16/91
N.D. Texas	Joe Kendall (Q)	7/16/91
S.D. Texas	Jane Brasch	7/16/91

S.D. Texas	Lee Rosenthal	7/16/91
W.D. Texas	Terral Smith	7/16/91
E.D. Texas	Leonard Davis	7/16/91
S.D. Texas	Russell Lloyd	7/23/91
E.D. Missouri	Lawrence Davis	8/1/91
D. Nebraska	Richard Kopf	8/1/91
D. Nebraska	James Mitchell	8/1/91
N.D. Ohio	James Jackson	8/1/91
D. New Mexico	Leroy Hansen (WQ)	8/12/91
C.D. Calif.	Linda McLaughlin (WQ/Q)	8/15/91
C.D. Calif.	Percy Anderson	9/10/91
S.D. Texas	Andrew Hanen	9/10/91
W.D. Wash.	Ronald Leighton	9/10/91
C.D. Calif.	John Walter	9/24/91
D. Mass.	Nathaniel Gorton	9/24/91
E.D. Missouri	Carol Jackson	9/24/91
S.D. New York	Paul Schechtman(WQ/Q)	9/24/91
W.D. W.Va.	Irene Keeley	9/24/91
S.D. New York	Manuel Quintana	10/23/91
N.D. Alabama	Robert Hunter	11/5/91
E.D. Arkansas	Charles Banks	11/5/91
W.D. Michigan	Gordon Quist	11/5/91
D. Minnesota	Richard Kyle	11/5/91
W.D. Missouri	Gene Voigts	11/5/91
S.D. Calif.	Irma Gonzalez	11/19/91
D. Maryland	William Quarles	11/29/91
S.D. New York	Loretta Traska	11/29/91
S.D. Illinois	Thomas Long	12/4/91
W.D. Kentucky	John Heyburn	12/13/91
D. Connecticut	Timothy Covello	12/16/91
D. Maryland	Katherine Armentrout	12/16/91
D. New Jersey	Jerome Simandle	12/16/91
E.D. Virginia	Maureen Mahoney	12/16/91
E.D. Wisconsin	Rudolph Randa	12/16/91

* ABA resolved, FBI issues remain (2).

Vacancies (30)

<u>District</u>	<u>Date Vacancy Arose</u>
D. Alaska	9/16/91
S.D. California	new
C.D. California (3)	3 new*
D. Conn.	new
N.D. Georgia (2)	9/30/91, 12/31/91
M.D. Georgia	new
D. Guam	1/1/88
N.D. Illinois	11/4/91
N.D. Iowa	11/26/91
W.D. Kentucky	11/26/91
D. Maryland	11/15/91
D. Massachusetts (3)	2/1/91, 9/24/91, 1/1/92
E.D. Michigan	5/1/91
D. New Hampshire	new

E.D. New York	new
S.D. New York (2)	3/1/91, 6/27/91
N.D. Ohio (2)	4/1/91, 12/2/91, 1/1/92
N, E, & W. Oklahoma	12/31/91
M.D. Penn.	new*
W.D. Texas	5/30/91
D. Wyoming	new
C.I.T. (2)	2/28/91, 4/30/91

* To discuss at today's meeting with an eye toward resolving 2 C.D. California and the M.D. Pennsylvania seats.

Vacancies Anticipated after Congress Returns for Which No Candidate Selected (11)

<u>District/ Circuit</u>	<u>Date Vacancy Expected</u>
W.D. Arkansas	upon Arnold elev.
S.D. Florida	5/21/92
W.D. Louisiana	2/29/92
E.D. Missouri	4/9/92
W.D. Missouri	10/31/92
D. Nevada	7/15/92
E.D. North Carolina	upon Boyle elev.
D. Oregon	7/28/92
E.D. Penn.	upon Waldman elev.
E.D. Penn.	upon Van Antwerpen elev.
D. S. Dakota	3/16/92

<u>Replacement Candidates Needed (3)</u>	<u>Into Clearance</u>
D. Hawaii	Ronald Moon 11/5/91
E.D. Kentucky	Robbie Dyche 6/18/91
E.D. Tennessee	James London 6/4/91

All candidates in this category have encountered insuperable ABA opposition except for Ronald Moon who wishes not to go forward.

Judges Appointed by President Bush

Total: 130 (15 in 1989, 58 in 1990, 57 in 1991)

<u>District/ Circuit</u>	<u>Nominee</u>	<u>Date Nominated</u>	<u>Date Confirmed</u>
<u>1989 (15)</u>			
9th Circuit	Pamela Rymer (EWQ/WQ)	2/28/89	5/18/89
9th Circuit	F. Fernandez (WQ)	2/28/89	5/18/89
C.D. Calif.	Robert Bonner (WQ/Q)	2/28/89	5/18/89
S.D. Texas	Melinda Harmon (Q)	2/28/89	5/18/89
1st Circuit	Conrad Cyr (WQ)	8/4/89	10/24/89
D. Md.	Marvin Garbis (Q)	8/4/89	10/24/89
E.D. Va.	Rebecca Smith (Q)	8/4/89	10/24/89
Fed. Circuit	S. Jay Plager (Q/WQ)	9/12/89	11/8/89
N.D. Ill.	George Lindberg (Q/NQ)	9/21/89	11/3/89
N.D. Calif.	Vaughn Walker (Q/WQ)	2/28/89	11/22/89
D. Kansas	Thomas Van Bebber (WQ)	9/13/89	11/22/89
2d Circuit	John Walker (WQ)	9/21/89	11/22/89
D. Colorado	Edward Nottingham (WQ)	10/20/89	11/22/89
E.D. New York	Arthur Spatt (WQ)	10/25/89	11/22/89
D. Idaho	Edward Lodge (Q)	10/30/89	11/22/89
<u>1990 (58)</u>			
N.D. Alabama	Edwin Nelson (Q)	9/13/89	1/23/90
E/W D. Ark.	Susan Wright (Q)	9/21/89	1/23/90
D.C. Circuit	Clarence Thomas (Q)	10/30/89	3/6/90
5th Circuit	Jacques Weiner (WQ)	11/17/89	3/9/90
5th Circuit	Rhesa Barksdale (WQ/Q)	11/17/89	3/9/90
E.D. Michigan	Gerald Rosen (Q/NQ)	11/9/89	3/9/90
W.D. Penn.	Donald Lee (WQ)	11/9/89	3/9/90
E.D. Penn.	Ronald Buckwalter (WQ)	11/17/89	3/9/90
Claims Court	Robert Hodges	1/24/90	3/9/90
Fed. Circuit	Alan Lourie (WQ/Q)	1/24/90	4/6/90
S.D. New York	John Martin (WQ)	1/24/90	4/6/90
D. N.H.	Norman Stahl (WQ)	1/24/90	4/6/90
D. Colorado	Daniel Sparr (WQ)	1/24/90	4/6/90
1st Circuit	David Souter (WQ)	1/24/90	4/27/90
3d Circuit	Samuel Alito (WQ)	2/20/90	4/27/90
Fed. Circuit	Raymond Clevenger (Q/WQ)	1/24/90	4/27/90
S.D. New York	Lawrence McKenna (Q)	1/24/90	4/27/90
M.D. Penn.	James McClure (WQ)	1/24/90	4/27/90
D. Kentucky	Joseph Hood (Q/NQ)	1/24/90	4/27/90
D. Oregon	Robert Jones (WQ)	2/20/90	4/27/90
D. Maine	Brock Hornby (WQ)	3/6/90	4/27/90
11th Circuit	Stanley Birch (Q)	3/22/90	5/11/90
S.D. Texas	John Rainey (WQ)	1/24/90	5/11/90
N.D. Alaska	James Singleton (WQ)	1/24/90	5/11/90
D. Maryland	William Nickerson (WQ)	1/24/90	5/11/90
D. Arizona	Stephen McNamee (Q)	2/20/90	5/11/90
D. Montana	Jack Shanstrom (WQ)	2/23/90	5/11/90

W.D. Virginia	Sam Wilson (Q)	3/6/90	5/11/90
S.D. Alabama	Richard Vollmer (Q/NQ)	3/30/90	5/11/90
E.D. Mich.	Robert Cleland (Q)	2/20/90	6/18/90
D.C. Circuit	Karen Henderson (WQ)	5/8/90	6/28/90
Sixth Circuit	R. Suhrheinrich (Q/NQ)	4/18/90	6/28/90
D. S. Carolina	David Norton (WQ)	4/18/90	6/28/90
N.D. W.Va.	Frederick Stamp (WQ)	5/11/90	6/28/90
D.C. Circuit	Raymond Randolph (Q/WQ)	5/8/90	7/13/90
S.D. Florida	Fred Moreno (Q)	6/5/90	7/13/90
Fourth Circuit	Paul Niemeyer (WQ)	5/11/90	8/2/90
N.D. Texas	John McBryde (WQ)	5/11/90	8/2/90
D. D.C.	Michael Boudin (WQ)	5/18/90	8/2/90
E.D. New York	Carol Amon (WQ)	5/21/90	8/2/90
W.D. New York	William Skretny (Q/NQ)	6/12/90	8/2/90
Fed. Circuit	Randall Rader (Q)	6/12/90	8/2/90
D. Vermont	Fred Parker (WQ)	6/20/90	8/2/90
W.D.N.C.	Graham Mullen (WQ)	2/20/90	9/10/90
11th Circuit	Joel Dubina (WQ)	6/6/90	9/28/90
D. Miss.	Charles Pickering (Q)	5/11/90	9/28/90
E.D. Missouri	Jean Hamilton (WQ)	8/3/90	9/28/90
N.D. Cal.	James Ware (WQ)	8/3/90	9/28/90
C.D. Cal.	Gary Taylor (WQ)	8/3/90	9/28/90
E.D. Cal.	William Shubb (WQ)	8/3/90	9/28/90
E.D. Cal.	David Levi (Q/WQ)	8/3/90	9/28/90
S.D. Texas	Samuel Kent (WQ)	8/3/90	9/28/90
Supreme Court	David Souter (WQ)	7/25/90	10/3/90
Second Circuit	Joseph McLaughlin (WQ)	7/12/90	10/12/90
Eighth Circuit	James Loken (WQ/Q)	9/10/90	10/12/90
Ninth Circuit	Thomas Nelson (WQ/Q)	7/17/90	10/12/90
Claims Court	Diane Weinstein	7/31/90	10/12/90
D. S.C.	Dennis Shedd (Q)	10/17/90	10/28/90

1991 (57)

C.I.T.	Richard Goldberg (Q)	1/8/91	3/22/91
E.D. Cal.	Oliver Wanger (WQ)	9/21/90	3/22/91
W.D. Oklahoma	Robin Cauthron (WQ)	2/7/91	3/22/91
M.D. Alabama	Harold Albritton (WQ)	3/11/91	5/9/91
S.D. Calif.	Marilyn Huff (WQ)	3/12/91	5/9/91
E.D. Wash.	Fred Van Sickel (Q)	3/21/91	5/9/91
E.D. Wash.	William Nielsen (Q/NQ)	3/21/91	5/9/91
D. S. Carolina	Henry Herlong (WQ)	4/9/91	5/9/91
Fifth Circuit	Emilio Garza (Q)	4/11/91	5/24/91
S.D. New York	Louis Freeh (WQ/Q)	4/9/91	5/24/91
N.D. Alabama	Sharon Lovelace (Q)	4/11/91	5/24/91
W.D. Louisiana	Richard Haik (Q)	4/11/91	5/24/91
M.D.N.Carolina	William Osteen (WQ)	4/25/91	6/13/91
W.D. Penn.	Timothy Lewis (Q)	4/25/91	6/13/91
N.D. Cal.	Saundra Armstrong (Q)	4/25/91	6/13/91
Third Circuit	Jane Roth (WQ/Q)	5/16/91	7/2/91
E.D. New York	Sterling Johnson (Q)	5/16/91	7/2/91
M.D. Florida	Harvey Schlesinger (WQ)	5/22/91	7/2/91

M.D. Florida	Buddy Nimmons (WQ)	5/22/91	7/2/91
Fourth Circuit	Clyde Hamilton (WQ)	6/12/91	7/19/91
W.D. Missouri	Fernando Gaitan (WQ)	5/16/91	7/19/91
D. Maine	Morton Brody (WQ)	6/14/91	7/19/91
Fourth Circuit	Michael Luttig (Q/NQ)	4/23/91	7/26/91
Sixth Circuit	Eugene Siler (WQ)	6/19/91	9/13/91
Ninth Circuit	Andrew Kleinfeld (Q/NQ)	5/23/91	9/13/91
E.D. Penn.	Harvey Bartle (WQ)	5/15/91	9/13/91
D. Maryland	Benson E. Legg (WQ)	5/15/91	9/13/91
D. Utah	Dee Benson (WQ)	5/16/91	9/13/91
E.D. Penn.	William Yohn (WQ)	6/14/91	9/13/91
D. New Jersey	William Bassler (Q)	6/14/91	9/13/91
S.D. Florida	Donald Graham (Q)	6/17/91	9/13/91
N.D. Texas	Jorge Solis (Q)	6/19/91	9/13/91
D. Oregon	Michael Hogan (WQ)	6/27/91	9/13/91
W.D. Louisiana	James Trimble (WQ)	6/27/91	9/13/91
S.D. Florida	Shelby Highsmith (WQ)	6/27/91	9/13/91
E.D. Penn.	Stewart Dalzell (WQ)	7/24/91	9/13/91
Supreme Court	Clarence Thomas (Q/NQ)	7/8/91	10/16/91
W.D. Louisiana	Rebecca Doherty (Q)	6/27/91	10/31/91
E.D. New York	Denis Hurley (Q)	6/27/91	10/31/91
N.D. Calif.	Barbara Caulfield (WQ)	6/27/91	10/31/91
D. Kansas	John Lungstrom (WQ)	7/24/91	10/31/91
S.D. Iowa	Ronald Longstaff (WQ)	7/24/91	10/31/91
N.D. Texas	Terry Means (Q)	7/24/91	10/31/91
8th Circuit	David Hansen (WQ)	7/30/91	11/18/91
N.D. Ohio--T	Paul Matia (Q)	6/27/91	11/18/91
N.D. Illinois	Wayne Andersen (Q)	7/24/91	11/18/91
N.D. Florida	Lacey Collier (WQ)	7/24/91	11/18/91
D. Delaware	Sue Robinson (WQ)	9/30/91	11/18/91
M.D. Florida	Ann Conway (Q)	7/24/91	11/22/91
D. Kansas	Monti Belot (WQ)	7/26/91	11/22/91
S.D. Miss.	David Bramlette (Q)	7/26/91	11/22/91
S.D. W.Va.	David Faber (Q)	8/1/91	11/22/91
C.D. Illinois	Joe McDade (WQ)	9/11/91	11/22/91
E.D. Louisiana	Edith Clement (Q)	9/30/91	11/22/91
W.D. Texas	Sam Sparks (WQ)	9/30/91	11/22/91
D. Arizona	John Roll (Q)	9/23/91	11/22/91
Fifth Circuit	Hal deMoss (Q)	6/27/91	11/27/91
Sixth Circuit	Alice Batchelder (Q)	6/12/91	11/27/91

Number of Appointees/Year: Bush Administration

1991	57	(44 left pending before Senate)
1990	58	
1989	15	

Number of Appointees/Year: Reagan Administration

1988	42	(25 from 1988 and 1987 withdrawn or returned)
1987	45	
1986	49	
1985	85	(judgeship bill 7/10/84)
1984	44	
1983	34	
1982	47	
1981	42	

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02c. Letter	From Nicholas Brady to Alan Greenspan Re List of economists who met with POTUS 11/22/91 (2 pp.)	12/11/91	P-5 Open on Expiration of PRA (Document Follows) By <u>EL</u> (NLGB) on <u>1/5/05</u>	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Skinner, Samuel
Subseries:
WHORM Cat.:
File Location: Memos [9 of 14]

Date Closed:	11/19/2004	OA/ID Number:	05826
FOIA/SYS Case #:	1999-0277-F	Appeal Case #:	
Re-review Case #:	2005-0368-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

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

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

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

PRM. Removed as a personal record misfile.

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

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



THE SECRETARY OF THE TREASURY
WASHINGTON

cc The President
12/11/91

December 11, 1991

The Honorable Alan Greenspan
Chairman
Federal Reserve System
20th & C Streets
Washington, DC 20551

Dear Alan:

Per our conversation this morning, attached is the list of economists who met with the President on November 22nd. As mentioned to you on the telephone, each one was specifically asked the question "Would a further cut in short-term interest rates have a negative effect on long-term interest rates, i.e. raise long-term interest rates?" In a setting where each economist was asked to speak individually to the point, every single one replied that it would do no harm to the long-term rate--that it would not raise long-term interest rates. To the contrary, virtually all felt that further reductions in short-term rates would lower long-term rates.

Alan, in my travels you stand alone in your view. Real short-term rates are still positive, inappropriate for this point in a recovery and M2 figures are at the bottom of the Fed's own targets. Inflation measured by almost every index has receded and rate reductions and/or increases in M2 would not rekindle serious or permanent inflationary expectations.

The main worry now in long-term markets is that the fiscal discipline will give way. Lack of forceful leadership by the Fed will be the major contributor to the breakdown in fiscal discipline which is sure to come through the political process if economic activity does not show a more evident and near-term turn around.

Sincerely yours,

Nicholas F. Brady

Att.

Outside Attendees--Meeting w/ The President, November 22, 1991

George Eads, GM

Kathryn Eickhoff, Eickhoff Economics

Martin Feldstein, Harvard University

David Hale, Kemper Group

Robert Hall, Stanford University

Paul W. McCracken, University of Michigan

Allen Sinai, Boston Economic Advisers

John B. Taylor, Stanford University

Nina Totenberg's Report on
WEEKEND EDITION
October 6, 1991

TRANSCRIPT

HOST: A woman who served as personal assistant to Clarence Thomas for over two years has accused him of sexually harassing her. National Public Radio has learned that the woman brought her accusation to the Senate Judiciary Committee last month...but it was not investigated until the week of the committee's vote. Thomas's nomination to the Supreme Court is scheduled for a vote in the full Senate Tuesday night. But some senators believe the vote should be delayed while the accusation is investigated further. NPR's Nina Totenberg reports.

NINA TOTENBERG: In an affidavit filed with the Judiciary Committee, law professor Anita Hill said she had much in common with Clarence Thomas, and that she initially believed that common background was one of the reasons he hired her as his personal assistant 10 years ago. Hill was raised in poverty on a farm in Oklahoma, she said, the youngest of 13 children, with strict disciplinarian parents. Like Thomas, she graduated from Yale Law School and after a brief stint in a law firm was hired, by Thomas, as his personal assistant at the Department of Education in 1981. According to Hill's affidavit, Thomas soon began asking her out socially and refused to accept her explanation that she did not think it appropriate to go out with her boss. The relationship, she said, became even more strained when Thomas, in work situations, began to discuss sex. On these occasions, she said, Thomas would call her into his office to discuss work, or, if his schedule was full, would ask her to go to a government cafeteria for lunch to discuss work. According to Hill's affidavit, Thomas, after a brief work discussion, would "turn the conversation to discussions about his sexual interests. His conversations," she said, "were vivid. He spoke about acts he had seen in pornographic films involving such things as women having sex with animals and films involving group sex or rape scenes. He talked about pornographic materials depicting individuals with large penises or breasts involved in various sex acts." Hill said she repeatedly told Thomas she did not want to discuss those kinds of things but sensed that her apparent disgust only urged him on. After some months, she said, the conversations ended. Thomas had a girl friend and she thought the episode was over. When Thomas became head of the EEOC, Hill said, she moved with him. But some months after she

Went to the SBOC, said Hill. Thomas resumed his advances. He never touched her, she acknowledged in an interview, and he never directly threatened her job, but she said she was 25 and began to worry that she would suffer professionally if she did not submit.

ANITA HILL: I felt as though I did not have a choice, that the pressure was such that I was going to have to submit to that pressure in order to continue getting good assignments, being able to work and be comfortable in the work environment, which if I had submitted to his pressure, I would not have felt comfortable anyway. But I felt that that was part of the bargain that he was trying to message, that he was trying to send to me that if I did not submit that I was not going to be continue to be a good employee.

TOTENBERG: In 1981, after being hospitalized for what she believes was stress related stomach pains, Hill resigned her job and took a teaching job at Oral Roberts Law School in Oklahoma. She says she will always remember her last conversation with Clarence Thomas.

ANITA HILL: He made a statement about his behavior that it was if I ever did disclose it that it would be enough to ruin his career. My response was that I really just wanted to leave the experience behind me. I just wanted to get out.

TOTENBERG: Hill says that back in the early 1980s she told only one person about what was happening to her, a friend she had gone to law school with. The friend, now a state judge in the west, agreed to talk to NPR on condition her identity not be revealed, and she said that Hill had indeed told her at the time of the alleged harassment.

When Thomas was nominated to the Supreme Court, Hill said she initially decided not to reveal her experience because she did not want to re-live the experience. But, in early September, she changed her mind.

ANITA HILL: Here is a person who is in charge of protecting rights of women and other groups in the workplace and he is using his position of power for personal gain, for one thing. And he did it in a very just ugly and intimidating way. But he's also really in spirit, and I believe in action too, violating the laws that he's there to enforce.

TOTENBERG: Indeed, the law defines sexual harassment as including a hostile environment.

By the time Clarence Thomas was testifying before the Senate Judiciary Committee the week of Sept. 10, Hill had contacted the staff of Judiciary committee chairman Joseph Biden. She says

that while Biden's staff seemed interested, it was not until ten days later, after repeated calls from her, that she was interviewed by the FBI. Her friend, the state judge, was also interviewed, as was Clarence Thomas. Thomas, according to Senate sources, told the FBI he had asked Hill to go out with him but when she declined, he said he dropped the matter. According to sources who have seen the FBI report, nothing in it contradicted Hill's story, except nominee Thomas who denied any harassment.

Hill is now a tenured law professor at the University of Oklahoma Law School. The dean of the school and the former dean of Oral Roberts speak highly of her, calling her an outstanding professional, a woman of the highest integrity.

Last night, the White House, responding to inquiries from NPR, issued a statement saying that it had been informed by the Senate Judiciary Committee on Sept. 23 about the allegation against Thomas and that the President had directed the FBI to conduct an investigation. Two days later, the White House reviewed the report and "determined that the allegation was unfounded." A White House spokesman said the President continues to believe that Judge Thomas is eminently qualified to serve on the Supreme Court.

But several senators contacted by NPR say they are troubled by the Hill allegations and the long delay in investigating them by Chairman Biden. Sen. Paul Simon of Illinois.

SEN. SIMON: I did not know about it until after our vote, and I heard about it and then asked to see it.

TOTENBERG: Do you know why nobody on the committee knew about it or many on the committee didn't know about it until after the vote?

SIMON: I think that question you would have to direct to the chairman.

TOTENBERG: Are you mad?

SIMON: No, it's a judgement call.

TOTENBERG: A Biden staff assistant said last night all committee members had been informed before the vote. Simon and other senators, who did not want to go on the record last night, said the Hill episode raises once again the question of Thomas' credibility.

SEN. SIMON: I think the question of credibility is the serious question here, is a serious question here.

TOTENBERG: And put against the backdrop of the hearings how does that work out?

SIMON: Well, I think there was a credibility factor and it just adds some weight to the credibility question.

TOTENBERG: Simon and some other senators said they would press to have Tuesday's vote on Thomas delayed.

SEN. SIMON: I think it would be wise to take a serious look at it and I doubt that that can be done before Tuesday night vote.

TOTENBERG: Changing the time of the vote could prove difficult. According to Senate sources, both Majority Leader George Mitchell and Minority Leader Bob Dole were briefed about the Hill allegation last week before agreeing to a vote for Tuesday. Moreover, Judiciary Committee Chairman Joseph Biden had read both the FBI report and the Hill affidavit last week when he cast his vote against Thomas, but Biden went out of his way to praise the nominee's character.

SEN. BIDEN: I believe there are certain things that are not at issue at all. And that is his character or characterization of his character... this is about what he believes, not about who he is.

Judiciary Committee Chairman Biden was not available for comment last night.

[END]

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Ex-Aide Says Thomas Sexually Harassed Her

By Timothy M. Phelps

WASHINGTON BUREAU

Washington — An Oklahoma University law professor has recently told the FBI that she was sexually harassed by Supreme Court nominee Clarence Thomas while working for him at the Equal Employment Opportunity Commission.

The professor, Anita F. Hill, told the FBI that Thomas repeatedly discussed sexual matters with her in a suggestive way while she worked for the job discrimination monitoring agency in Washington, according to a source who has seen her statement to the FBI. Thomas was separated from his first wife at the time.

Hill confirmed yesterday that she had told agents she was harassed by Thomas, but declined to discuss the details with New York *Newseid*.

"He made suggestions to her about what kind of sex she engaged in, asking her in great detail about different forms of sex," said the source.

While Thomas implicitly pressured Hill to have sex with him, he never told her explicitly that she would lose her job if she did not, the source said.

Thomas could not be reached immediately for comment yesterday. White House spokesman Doug Davidson, asked about the law professor's statement to the FBI, said he had no comment. He said he did not know whether White House officials had been informed of the woman's allegations by the FBI or the Justice Department.

Phyllis Berry Myers, who worked for Thomas at the same time that Hill did, said she was not aware of any such allegations against the chairman and that he had lived "a monastic life." "He comported himself with that kind of dignity," said Myers, now a private consultant. "I can't imagine him conducting himself in such a way that it would lead to an allegation of that kind."

Sen Paul Simon (D-Ill.), reached last night at a college reunion in Nebraska, called for a postponement of the Senate's scheduled vote Tuesday on Thomas' nomination.

"I think it is a serious enough charge that the committee ought to look at it and if necessary the vote ought to be postponed," Simon said.

Simon said he and most other members of the Senate Judiciary Committee were not aware of the allegations when they voted on the nomination, though he has since read the FBI report.

"I would say it adds to the credibility concern," Simon said, referring to allegations that Thomas had tailored his testimony to suit the committee. But he said he could not go into detail. "It's difficult to discuss because I'm not able to discuss the FBI report," he said.

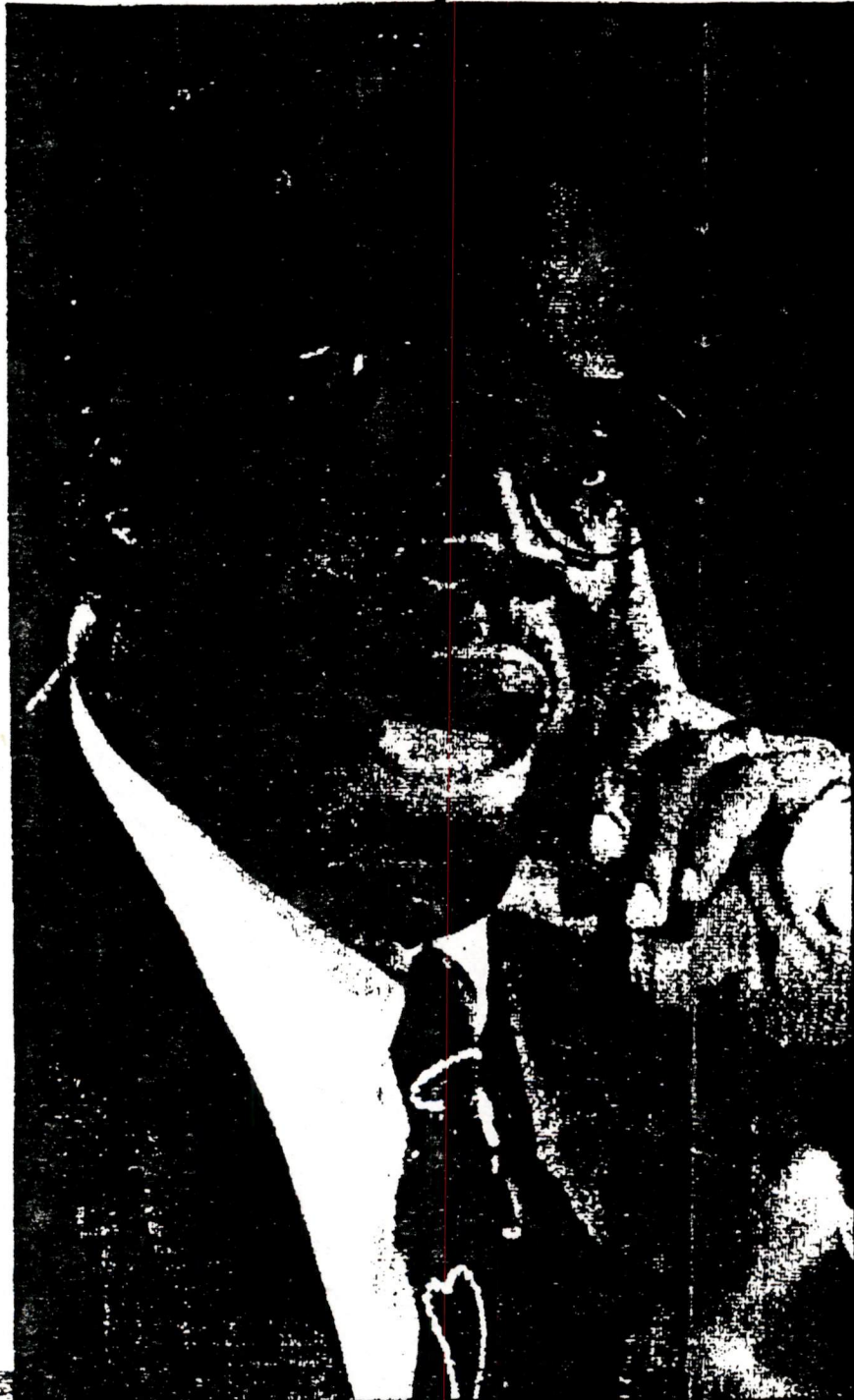
Hill apparently did not file a formal complaint at the time — the federal agency charged with investigating such complaints was the EEOC — but confided in a friend. The FBI has interviewed the unidentified friend who corroborated her account, the source said.

The FBI investigation of Hill's allegations took place after the beginning of last month's hearings by the Committee. The information has been closely held by the Judiciary Committee. Several senators have read the reports, which are supposed to remain confidential, according to Senate staffers.

One senator, an opponent of Thomas who read the report and an accompanying statement by Hill, said he thought it could make a substantial difference when the Senate votes on Thomas. A thin majority of Republicans and conservative Democrats have already indicated they plan to vote in favor of Thomas. He said that because of its confidentiality little could be done with the information because she had not come forward publicly.

Some opponents hammered Thomas repeatedly at the hearings for what they said was a lack of zeal in prosecuting allegations of racial and sexual discrimination in the eight years he was at the EEOC.

Hill graduated from Yale Law School in 1980, six years after Thomas. She was his special counsel when he was Assistant Secretary for Civil Rights at the Department of Education in 1981. When he became chairman of the EEOC in 1982, she worked as his legal adviser until 1983.



He made suggestions to her about what kind of sex she engaged in, asking her in great detail about different forms of sex, said the source.

NEW YORK NEWSDAY, SUNDAY, OCTOBER 6, 1991

THE WHITE HOUSE

WASHINGTON

February 5, 1992

MEMORANDUM FOR SAMUEL K. SKINNER ✓
W. HENSON MOORE

FROM: C. BOYDEN GRAY *cm*

SUBJECT: Regulatory Reform Initiative

file

Attached are the talking points you requested, in addition to a progress report on the entire regulatory reform initiative.

Talking Points on Deregulation Initiative
(Timing of Initiative)

- o A number of people have asked why we chose now to launch a full-scale effort within the Executive Branch to reduce the economic burdens of regulation. There are two reasons.
- o The first is Congressional inaction. Congress has so far failed to enact most of our pro-growth reform proposals, such as our banking and energy legislation. Because we cannot afford to wait any longer, we must try to do what we can under existing laws, and hope that Congress will finish the job later.
- o Similarly, Congress has failed for two years to confirm the official who oversees the regulatory review process. We must now take steps to fill the resulting gap as best we can.
- o Second, it is always appropriate from time to time to reassess regulations to see if they still make sense in light of changes in technology and markets. Such a review is particularly appropriate given the current economic situation.

Talking Points on Deregulation Initiative
(Progress Report)

In the week since the President announced his regulatory reform initiative, the Administration has taken the following steps to cut red tape and reduce the burden of federal regulation:

- o On Thursday, January 30, the Administration announced the specifics of several initiatives to improve access to capital by businesses and individuals, and to reduce the costs of compliance with the tax laws. These include:
 - actions by the bank and thrift regulatory agencies to enhance the ability of banks and thrifts to raise capital by making capital standards better comport with market realities; and
 - upcoming actions by the SEC to make it easier for small businesses to raise capital in the stock market.
 - actions by the IRS to reduce the compliance burden of the payroll tax system by abolishing several requirements that needlessly increase employer costs.
- o We expect to announce several more pro-growth initiatives in these and other areas during the next 90 days. Members of the Competitiveness Council and White House staff have been working with various agencies to develop such initiatives in energy, the environment, financial services, transportation, communications, and exports, among others.
- o The vast majority of the 24 Departments and agencies that received the President's memorandum have already begun an intensive review of their existing regulatory schemes, and have begun to identify changes that will promote economic growth without threatening health or safety.
- o 18 of these Departments and agencies have appointed a permanent regulatory oversight official, as the President requested. All of the remaining agencies expect to name this official by Monday.
- o To our knowledge, all of these departments and agencies are abiding by my request to observe a moratorium on regulations that do not promote economic growth and do not fall within one of the exceptions outlined in my memorandum.

THE WHITE HOUSE
WASHINGTON

December 31, 1991

MEMORANDUM FOR SAM SKINNER

FROM: EDE HOLIDAY *file*

SUBJECT: Food Stamp Participation Increase

This afternoon, the Department of Agriculture (USDA) will release food stamp participation figures for the month of October. October participation increased to 24,161,071 persons from 23,759,902 in September, a 1.69% increase. This is a 15.44% increase over October 1990. Unusually high increases are also predicted for November and December. Participation is traditionally at its highest during the winter months.

Food stamp participation increases have been a concern for the last two years. A 1990 study commissioned by USDA and conducted by Mathematica determined that the major causes of increases were expansion of Medicaid, pockets of state unemployment, and legalization of undocumented aliens. Enhanced education and outreach were responsible to a lesser degree. Medicaid participation expanded due to changes in the law. Applicants tend to apply for all available benefits at the welfare office; in some states one can apply for Medicaid and food stamps using the same form.

A follow-up study published in August 1991 reported that expansion of Medicaid and pockets of state unemployment continued to be major contributing factors to the increases. It further revealed that states can be segregated into three groups according to the relative influence of the economy on increases in food stamp participation:

--states in which changes in the economy played only a minor role in the increase in participation, including Texas, California and Arizona.

--states in which changes in the economy can account for a significant proportion of the increase, but in which factors unrelated to the state of the economy also played an important role. Florida, New York and Michigan are in this group.

--states in which an increase in unemployment and other changes in the economy were the major reasons for the increase, including New Jersey and Massachusetts.

The study concluded that no one factor caused the increase in food stamp participation between FY'89 and FY'90. Further, less than one-half of the increase in participation between the second quarter of FY'90 and the second quarter of FY'91 was the result of increased unemployment, where a direct proportional relationship once existed.

Increased food stamp participation burdens already stretched Federal and state budgets. There are currently more than a dozen states involved in litigation for failure to meet application process standards. At the same time, benefits are adjusted each year to account for changes in the price of food. Maximum benefits for a family of four rose to \$370 per month this year from \$352 last year.

USDA is intensifying efforts to more precisely determine the causes for recent and anticipated increases in food stamp participation. Declines in participation historically lag behind economic recovery, as participants make the transition from assistance to financial independence. Therefore, increases will continue to be a concern.

THE WHITE HOUSE

WASHINGTON

January 17, 1992



MEMORANDUM FOR SAM SKINNER

FROM: EDE HOLIDAY 

SUBJECT: Weekly Activities Report for the DPC and EPC

The following is a review of the major activities of the Domestic Policy Council and the Economic Policy Council for the week of January 13, 1992 through January 17, 1992 and a tentative schedule of meetings through the week ending January 24.

I. DOMESTIC POLICY COUNCIL:

DPC Meetings

No meetings held.

Working Groups

Domestic Policy Reform Breakfast: Emil Sunley, of the accounting firm Deloitte and Touche, addressed the breakfast group on Friday, January 17. He presented an overview of tax policy options.

Environmental Breakfast: The environmental breakfast group considered Endangered Species Committee issues and the recovery plan relative to the Spotted Owl conflict at their Tuesday, January 14 breakfast meeting. They also held a discussion on Clean Air Act implementation.

Job Training 2000: The Job Training 2000 initiative, which was developed jointly by the DPC and the Council on Competitiveness, was announced by the President in Atlanta on Friday, January 17.

Pensions: DPC and White House Counsel staff met with private sector economists to discuss a Labor Department interpretation of a rule that could have a harmful effect on small insurance companies.

Regulatory Reform: A meeting with the Vice President was held on Tuesday, January 14 to review regulatory reform proposals. Two Rump Competitiveness Group meetings were convened this week, on January 16 and 17, to determine which deregulatory initiatives should be included in the State of the Union Address.

Next Week

Auto Insurance: DPC and agency staff will meet on Tuesday, January 21 to begin consideration of an auto insurance/tort reform initiative.

Border Security: The Border Security Working Group will meet on Thursday, January 23 to discuss progress to date on this initiative.

II. ECONOMIC POLICY COUNCIL:

EPC Meetings

No meetings held this week.

Working Group

Trade Policy Statement: At our request, USTR is preparing a paper on the Administration's trade policy. The paper, which will include a section of questions and answers, is intended to help counter public misperceptions, e.g., that the Administration is moving toward "managed" trade.

U.S.-Asia Environmental Partnership: EPC staff chaired a meeting of Commerce and AID officials who will co-chair an interagency working group to implement the Partnership, which the President announced in Singapore. The working group will report to the EPC's Trade Promotion Coordinating Committee, chaired by Commerce.

White Paper on Deregulation:

IRS Procedures: EPC staff met with the IRS commissioner, White House Counsel's office, and OVP on Thursday, January 16 to discuss IRS recommendations on streamlining filing and accounting procedures.

Next Week

McCarran-Ferguson: EPC staff will meet with Justice and Treasury to discuss McCarran-Ferguson anti-trust exemption in the Insurance industry.

THE WHITE HOUSE
WASHINGTON

January 10, 1992

MEMORANDUM FOR SAM SKINNER

FROM: EDE HOLIDAY ~~W~~

SUBJECT: The Kansas City Star Series on USDA, "Failing the Grade"

THE CHIEF of STAFF
has seen

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The Kansas City Star series, "Failing the Grade" is basically a collection of USDA's sins and omissions over the past decade derived from reports issued by the General Accounting Office and USDA's inspector general. There are perhaps a few new anecdotes, but there is nothing new in the general criticisms.

The paper invested sixteen months worth of staff time into the series, and their goal is to submit it to the Pulitzer committee. However, the general impression of other agricultural press is that the series provided nothing new. Since the series was not picked up outside of Kansas City, USDA theorizes that the paper could run a consolidated print of the series for distribution to the White House press corps.

We propose that the President respond to inquiries in the following manner:

QUESTION: Mr. President, have you seen The Kansas City Star stories reporting on how your Department of Agriculture has been mismanaged?

RESPONSE: I have talked to Ed about this and we are both concerned that the Department of Agriculture is operated effectively to serve farmers and consumers. And, quite frankly, in many instances we are bound by Congressional statute, and you all know they are not always eager to enact Administration proposals.

I am certain that Ed would be happy to tell you about all of the good things he is doing at USDA.

In the attached we are providing:

- a) specific responses to each of the issues contained in "Failing the Grade",
- b) Secretary Madigan's letter to the editor in response to the series,
- c) a detailed analysis of the series, and

d) the Kansas Farm Bureau's letter to the editor in response to the series.

Finally, we will have the presidents of the Kansas and Missouri Farm Bureaus at the farm and prepared to respond to reporters questions, and we have provided these materials to the Press Office for their use.

Please let me know if you have any additional questions or comments.

Attachments

THE WHITE HOUSE
WASHINGTON

THE CHIEF of STAFF
has seen 1/8

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1/7

January 7, 1992

Bill

MEMORANDUM FOR SAM SKINNER

FROM:

EDE HOLIDAY *EH*

SUBJECT:

Department of Labor Press Conference on North
Carolina's OSHA plan

The Department of Labor is planning a press conference for Wednesday, January 8 as a follow-up to the Hamlet, N.C. fire. After the chicken plant fire, Secretary Martin directed OSHA to evaluate North Carolina as a state plan and report back to her in 90 days. She promised the results of that evaluation to Congress and 90 days will have passed on January 10. Secretary Martin is planning to announce tomorrow that she is giving the state of North Carolina 90 days to fix seven specific problems found in OSHA's review. If they don't comply, then the Labor Department will take over and North Carolina will no longer have a state run OSHA.

THE WHITE HOUSE
WASHINGTON

January 7, 1992

THE CHIEF of STAFF
has seen 1/8



MEMORANDUM FOR SAM SKINNER

FROM: EDE HOLIDAY *Ede*

SUBJECT: Press Conference announcing the results of a Rand study on the "Pay or Play" proposal.

The Department of Labor commissioned the Rand Corporation to produce a study of the "pay or play" health care proposal. Secretary Martin is planning a press conference with Secretary Sullivan on Thursday morning to release the data from the study. The purpose of the press conference is to release the results of the study and point out the problems with the pay or play proposal, not to speculate on any other health care initiatives.

Under a "pay or play" proposal, such as Mitchell-Rostenkowski, employers would have the option of either "playing" by offering a standard benefit plan to their employees or "paying" a tax to the federal government to provide similar insurance for their employees. An employer would rationally choose the public plan if it cost less than private insurance.

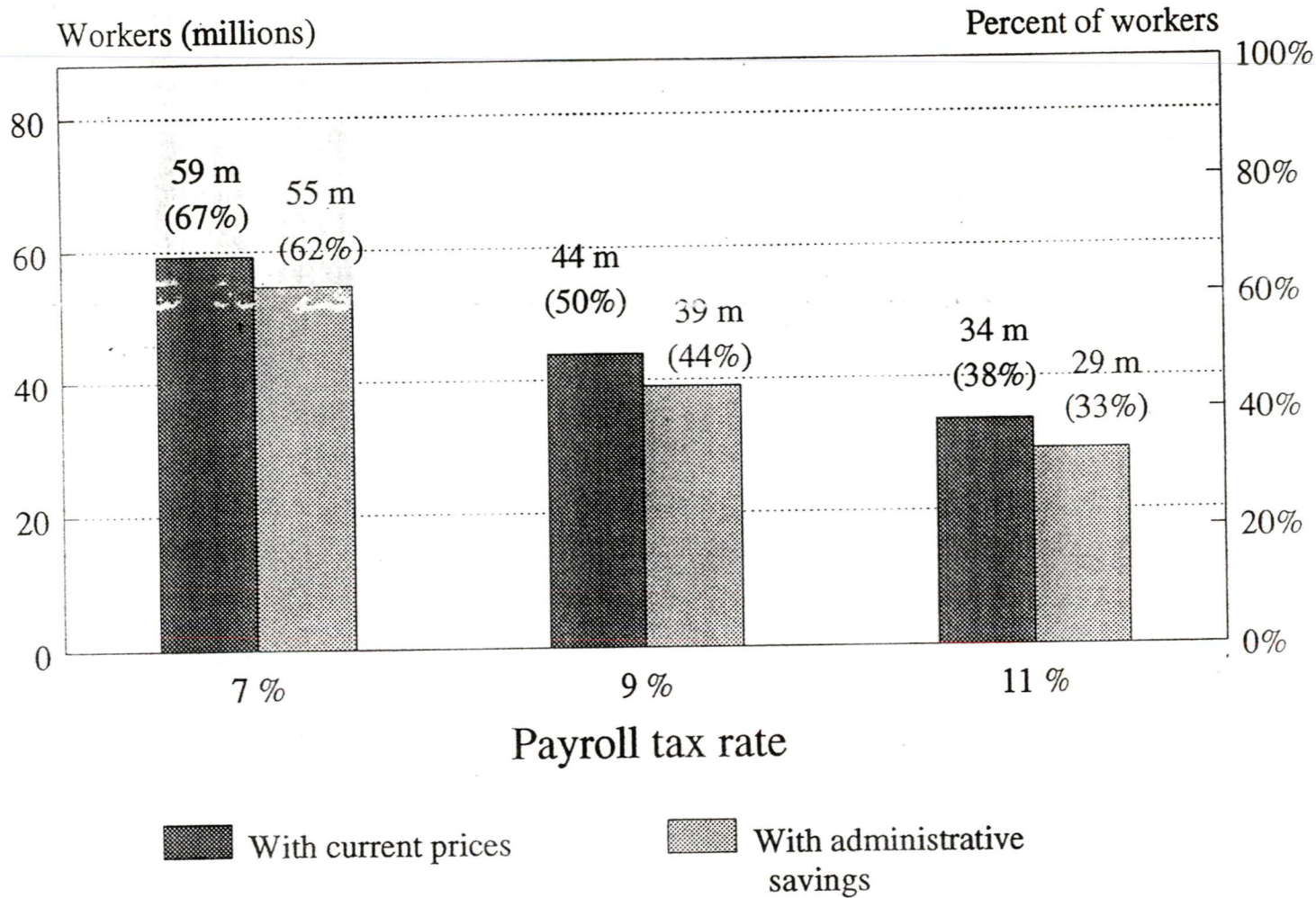
The Rand study considered three possible payroll tax rates for the public system: seven, nine and eleven percent. To varying degrees, the study demonstrated that "pay or play" is a fraud -- the incentives would drive most employers to choose government insurance. The study shows that up to 67 percent of Americans would find themselves in the public plan. The number that would opt for the public plan at the three different tax rates are shown on the attached chart.

In sum, the study shows that "pay or play", as proposed in various forms by Senator Mitchell and Representative Rostenkowski, would be a significant step toward a government takeover of medicine.

Attachment

CHART 9

Private Sector Workers in Public Plan Pay or Play Employer Mandate



1/6

THE WHITE HOUSE
WASHINGTON

January 3, 1992

1300
THE CHIEF of STAFF
has seen 1/8

MEMORANDUM FOR SAM SKINNER

FROM: EDE HOLIDAY *SH*

SUBJECT: Weekly Activities Report for the DPC and EPC

The following is a review of the major activities of the Domestic Policy Council and the Economic Policy Council for the weeks of December 23, 1991 through January 3, 1992 and a tentative schedule of meetings through the week ending January 10.

I. DOMESTIC POLICY COUNCIL:

DPC Meetings

No meetings held.

Working Groups

Global Change: The Global Change Strategy Task Force met on Thursday, January 2 to receive a briefing on the recent meeting of the INC in Geneva and to discuss issues emerging from that meeting.

Regulatory Reform: Following up on the President's approval of a regulatory reform initiative, staffs of the DPC, EPC, Counsel's office and the Competitiveness Council met twice to discuss next steps.

Next Week

Border Security: The Border Security Working Group will be convened sometime in the next two weeks to discuss progress to date on this initiative.

Drugs: A decision memo will be sent to the President next week requesting his approval of National Drug Control Strategy IV.

Veterans: The Veterans Health Care Task Force has developed a paper which sets forth different options for modifying the relationship between DVA's and DOD's health care systems. A meeting originally scheduled for Thursday, December 19 will be rescheduled for sometime in the next two weeks.

II. ECONOMIC POLICY COUNCIL:

EPC Meetings

No meetings held.

Working Groups

Uruguay Round: The Trade Policy Review Group met on Friday, January 3, to discuss the status of negotiations in the wake of the consolidated text issued before Christmas by GATT Director General Dunkel. While U.S. objectives have not been fully met in most sectors, Ambassador Katz was mildly positive, and argued that the value of the Round to the U.S. will be determined in market access negotiations that will continue over the next six to eight weeks. Particular problems remain in negotiations on agriculture, services, and intellectual property. EC Commissioner Andriessen will be in Washington on January 6 and 7 to discuss the Round.

Machine Tools: USTR chaired a subcabinet group on January 3 to begin discussing how to implement the President's decision to phase out VRAs on machine tool imports over a two-year period. A clear difference has emerged between Commerce (which favors no relaxation of restraints for the first year) and other agencies (which want a steady relaxation over the entire two-year period).

Next Week

Uruguay Round: We are considering the desirability of convening the EPC in the near future to assess the Uruguay Round. Ambassador Hills and staff will begin intensive negotiations in Geneva on January 13.

THE WHITE HOUSE
WASHINGTON

December 19, 1991

file

MEMORANDUM FOR SAM SKINNER

FROM:

EDE HOLIDAY *EHA*

SUBJECT:

Major Issues for the Cabinet

THE CHIEF of STAFF
has seen

Attached is a paper briefly describing the top issues facing each Cabinet officer. The list is not comprehensive but should provide you with an understanding of the major items currently occupying the attention of the Cabinet.

In addition, we have just made our customary request of the departments for a report which provides a thorough review of the issues they anticipate during the months of January through May (known as the "Winter - Spring Issues Review"). I initiated this process when I first came to the White House and we conduct three of these reviews during the year.

After we receive all of the reports, we will prepare a consolidated paper for your review. Further, our plan is to meet with departmental officials following the State of the Union address to discuss their reports in detail and share ideas for accomplishing the Administration's objectives.

Please let me know if you have any questions regarding the attached listing, or the Winter - Spring Issues Review.

Attachment

AGRICULTURE

The Uruguay Round. USDA continues to place top priority on a successful conclusion to the Uruguay Round. Negotiations have intensified since the President's meetings with EC leaders in The Hague. Agriculture remains a pivotal issue, and there is concern about the EC's willingness to move to an acceptable position.

Assistance To The Soviets. USDA is coordinating agricultural assistance in the form of commercial loan guarantees, food aid, and technical assistance projects. The department's goal is to provide food and feed during the critical winter months, and to help improve Soviet production and distribution capabilities. In addition to the difficulty of working with Soviet political dynamics, the department will be watching whether the Soviets meet their obligated interest and principal payments due in January/February on previously issued food credits.

Disaster Assistance. The department will spend the next several months determining those eligible to receive a portion of the \$995 million agricultural disaster payments authorized by the emergency supplemental bill recently signed into law by the President. The department anticipates pressure from California and other affected states to reverse its determination that whitefly damage to fruit and vegetable crops is ineligible for assistance since it was not the result of "disastrous weather", a Congressional condition for USDA disaster relief.

COMMERCE

Presidential Trade Delegation. The department is focusing on ensuring a successful trip to Asia for the President and the delegation of U.S. business executives accompanying him. Secretary Mosbacher would like the business leaders to reaffirm good trade relations, raise market access issues, and ultimately expand export opportunities for American businesses.

Inshore/Offshore Allocation in Alaska. The Secretary has received a proposal from the North Pacific Regional Fishery Council which would allocate the catch of Alaskan ground fish between offshore catcher/processors and inshore processors from 1992 to 1995. The proposal is highly controversial and has become a priority for Congressional delegations from the states of Oregon, Washington, and Alaska. The Secretary has 95 days from December 2, 1991 to approve or disapprove the proposal.

Machine Tool VRAs. Absent actions to extend, voluntary restraint agreements (VRAs) on imports of selected machine tool products from Japan and Taiwan will expire on December 31, 1991. The interagency coordination of this issue has been managed under the National Security Council. The VRAs were imposed in 1986 for national security reasons. An NSC meeting without the President was held on December 16, 1991 to discuss the VRA's. A Presidential decision is expected soon.

EDUCATION

Implement the President's America 2000 Education Strategy. By the end of the year, more than 30 states will have formally adopted the America 2000 strategy as part of their own state education plans. The Secretary plans to continue his efforts to organize more states around the America 2000 strategy, and monitor progress in states that are already pursuing a strategy.

Education Legislation in the Senate. The Senate is scheduled to take up S. 2, the Democrat-backed legislation on education. The department vigorously opposes the legislation, which provides no funding for school choice or New American Schools, and establishes a new and duplicative national goals panel. The bill also would create a comprehensive services program that could allow abortion counseling on school premises.

Reauthorization of the Higher Education Act. A House and Senate conference is expected to take up a bill covering the federal government's largest student loan program for post-secondary education. The Administration opposes a number of proposals in the conference bill, including: a direct student loan program; expansion of student aid eligibility to middle class students; turning the current Pell grant into an entitlement; and changing the department's accreditation system for higher education institutions.

ENERGY

Implementation of the National Energy Strategy (NES). The department will continue to work with Congress for passage of legislation implementing portions of the NES, and will oppose the addition of burdensome amendments such as raising CAFE standards. They will also work with the White House in implementing those portions of the NES that do not need legislative authorization.

Resumption of Operations at DOE Defense Facilities. The department will continue to work toward the resumption of activities at its defense facilities, particularly completing the restart of the K-reactor at the Savannah River facility and the resumption of plutonium operations at the Rocky Flats facility.

Nuclear Waste Storage and Clean-up. Achieving success in the preparation and operation of various nuclear waste storage sites, particularly the low-level waste site (the Waste Isolation Pilot Plant) in New Mexico and the high-level waste repository at Nevada's Yucca Mountain, remains a high priority for the department. Likewise, the department will continue to work with EPA and state governments in cleaning up various DOE facilities throughout the country.

HEALTH AND HUMAN SERVICES

Child and Family Health. Secretary Sullivan will continue his focus on child and family health. He will emphasize the Administration's strong record on disease prevention, immunization, pre-natal care, Head Start, infant health, lead poisoning reduction, and other child health initiatives. Sullivan wants the Administration's success in this area to receive more prominence.

Health Care Reform. For the past two years, Sullivan has made numerous speeches outlining the key elements of health care reform: reducing costs, improving access, increasing personal responsibility, making medical treatment more effective, stabilizing the market for small business insurance, and making Americans aware of the actual costs (and benefits) of health care procedures. These points will continue to be a chief focus of the department as the Administration moves forward with its own health care reform proposals.

HOUSING AND URBAN DEVELOPMENT

Implement the HOPE program. HUD has set a goal of disbursing all the FY 1992 funds for the Administration's HOPE program as early in the year as possible. HOPE is the department's key program for promoting home ownership and self-sufficiency among public housing residents.

Implement the HUD Reform Packages of 1989 and 1990. Reform of HUD's financial management will be closely scrutinized through the election year. Secretary Kemp believes that the department's reform process is on track.

INTERIOR

Endangered Species Act Issues. Major species listed or proposed to be listed under the Endangered Species Act will have major regional impacts include the spotted owl and salmon in the Northwest, the delta smelt in Northern California, the California gnatcatcher in Southern California, the Mexican spotted owl in the Southwest, and the gulf sturgeon in the South. The Endangered Species Act comes up for reauthorization by Congress next year.

Enjoy Outdoors America Initiative. The department's outdoor recreation initiative, "Enjoy Outdoors America," will be an increasingly important issue next year. The initiative focuses on the department's commitment to increase and diversify opportunities for safe and enjoyable outdoor recreational experiences, particularly on federal public land, for all Americans. The initiative focuses primarily on fishing, hiking, scenic touring, camping, boating, bicycling, winter sports, and hunting.

Challenges to Public Land Management. Public land management issues receiving attention include efforts to prevent timber harvest on public land, current management practices at National Parks and wildlife refuges, efforts to designate additional lands in the West as wilderness, efforts to amend existing law relating to grazing fees and mining on public lands, water management (particularly in California), and off-shore oil and gas leasing.

JUSTICE

Passage of Crime Bill. The department will continue to work with Congress to ensure passage of a crime bill acceptable to the Administration.

Combatting Violent and White Collar Crime. Though combatting violent crime is a matter primarily for state and local law enforcement, the department continues to play an important role in this area. In particular, two of the department's crime initiatives, Project Triggerlock (using federal firearms laws to combat violent crime) and the Violent Crime Task Force (using such thematic initiatives such as the "Weed and Seed" program to be unveiled in the State of the Union and/or the FY 1993 budget), continue to be high priorities. Likewise, white collar crime is a continuing priority for the department, particularly financial institution fraud (including investigations into activities of BCCI and auctions of U.S. Treasury securities).

Continuing the War on Drugs. The war on drugs will continue to be a high priority. The focus will be upon both domestic and international law enforcement, with particular emphasis on money laundering and the extradition of fugitives to the U.S. The emphasis on multi-agency efforts through the Organized Crime Drug Enforcement Task Forces targeting major drug organizations will continue.

LABOR

New American Apprenticeship. Labor is developing programs aimed at increasing opportunity and training for the 50 percent of youth who do not enter college by establishing a new, nationwide system of transition from school to work based on structured apprenticeship-like training programs operated by employers and focusing on new and high demand occupations.

Strengthen Long-term Economic Opportunity. Labor is working to increase the competitiveness of American workers by developing a system of voluntary industry-based occupational skill standards and certifications of mastery. Employers will be able to target training resources and capture productivity gains from training investments, as well as promote workers' flexibility with their firms. The department is also working on ways to assist the transition of workers in defense related industries to non-defense jobs.

The Glass Ceiling Initiative. Following the department's report in August on barriers to career advancement for qualified minorities and women, the Secretary has initiated a major outreach effort to the corporate world to help them identify and remove such barriers. The department also is continuing its compliance enforcement through glass ceiling reviews of specific corporations.

Regulation. The Department of Labor is the second largest regulatory agency and is under significant political pressure to reform OSHA and pension regulations. Other regulatory areas receiving attention involve civil rights, immigration, civil and criminal penalties and worker adjustment assistance programs.

TRANSPORTATION

Implement Surface Transportation Act. The department's top priority is implementing and accelerating the flow of funds from the Intermodal Surface Transportation Efficiency Act of 1991 and other DoT assistance programs.

Airline Competition and Safety. The department will continue its efforts to enhance airline competition and safety through implementation of the Airport Noise and Capacity Act of 1990 and the Aviation Safety and Capacity Expansion Act. The department will also develop legislation to reauthorize Federal Aviation Administration programs. DoT will resist Congressional efforts to reregulate the airline industry.

Miscellaneous Issues. The department will be working on several other issues including: development of statutorily required alcohol testing of safety-sensitive transportation workers; implementation of the Oil Pollution Act of 1990; implementation of Clean Air regulation in coordination with EPA; continued Haitian lifesaving efforts; and continued work toward Senate ratification of the Montreal Protocols.

TREASURY

Economic Growth Package. The number one objective of the Treasury Department is the formulation and implementation of the President's economic growth package to be presented in his State of the Union address.

International Economic Growth. Treasury will continue working in coordination with our G-7 allies to ensure that global economic growth does not slow. Treasury will also be working on trade expanding, market opening measures such as the Uruguay Round, the NAFTA, and SII. Finally, Treasury will be working to assist with the problems attendant to the dissolution of the Soviet Union.

Various Domestic Issues. The credit crunch, further funding for and reorganization of the RTC, renewed attempts at banking reform, and the final report on the government securities market (Solomon scandal) are the issues occupying Treasury's domestic policy team.

VETERANS AFFAIRS

Inadequate Funding. The VA is focusing on managing acute budget problems created by rising health care costs and an aging client base. With an additional \$1 billion per year needed just to cover inflation, the VA is facing equipment backlogs and staff shortages.

Medical Eligibility Reform. Current eligibility requirements are extremely vague and ultimately inefficient. VA's review and ultimate implementation of eligibility reform will be controversial.

Restructuring of the VA Health Care System. This Spring a "national health care plan" will be produced by VA as a blue print for restructuring VA hospitals. The current system of comprehensive health care at every VA facility is inefficient and must give way to streamlining measures based on regional referral patterns. Veterans groups will strongly resist these changes.

USTR

Uruguay Round. On December 20, GATT Director General Arthur Dunkel produced a draft final text which embodies the results of the negotiations. On January 13, 1992, negotiators will begin work on market access issues for goods and services, and legal drafting will continue through the first quarter of the year.

North American Free Trade Agreement (NAFTA). USTR is working to meet the President's goal of bringing the NAFTA talks to a successful conclusion as soon as possible, with the goal of completing a "bracketed" text by the end of January, 1992. Negotiators have completed an exchange of draft texts in most areas. NAFTA would create one of the world's largest free trade areas, encompassing some 360 million consumers and total output of more than \$6 trillion.

Japan. USTR is pursuing a three-part strategy to expand access to the world's second largest market economy: 1) Use the Uruguay Round to help open the Japanese public and private sector markets for agricultural products, goods, services and investment; 2) attack structural barriers to trade and investment through the Structural Impediments Initiative (SII); and 3) attack sector specific barriers (eg., autos and auto parts, computers, legal services, etc.) through negotiations and application of our trade laws and other means. An interagency delegation, led by USTR, is currently meeting with Japanese officials at the annual U.S.-Japan Trade Committee meeting in Hawaii.

EPA

Clean Air Act Implementation. EPA is implementing provisions of the Clean Air Act. In particular, EPA is working with OIRA and the Competitiveness Council in the promulgation of regulations regarding state operating permit programs, enhanced automobile inspection and maintenance programs, and regulations limiting emissions of nitrogen oxide.

Wetlands. EPA will continue to work with the Competitiveness Council and the Domestic Policy Council Task Force on Wetlands to implement the proposed changes to the Section 404 regulatory program and revise the wetlands delineation manual.

Superfund. EPA will continue enforcement of Superfund cleanups, implement proposed changes to the Superfund contractor program, and evaluate the current state of the program in light of the upcoming reauthorization of the Superfund law.

OFFICE OF NATIONAL DRUG CONTROL STRATEGY

The National Drug Control Strategy. The fourth National Drug Control Strategy will be released in conjunction with the President's FY 1993 budget. ONDCP will be forwarding a schedule proposal to request that the President participate in the release of the strategy. ONDCP will also be forwarding Presidential event proposals to highlight the Administration's drug treatment, prevention, and law enforcement activities.

Monitor Drug Use Data. ONDCP, working with other agencies, will continue to monitor data on U.S. drug use. An annual survey of drug use among high school seniors, scheduled for late January, is expected to show continued declines in drug use among young people. Hospital drug related emergency data for the second half of 1991 is expected in February or March.

DCF
12/28

THE WHITE HOUSE

WASHINGTON

December 27, 1991

MEMORANDUM FOR SAMUEL K. SKINNER

FROM:

EDE HOLIDAY *EH*

SUBJECT:

Cabinet Correspondence

I've had a chance to look at the memo Phil Brady sent to you on December 23 regarding Cabinet Correspondence. His understanding of the process is exactly the same as mine.

I thought I should add a few points about how the Office of Cabinet Affairs handles such correspondence before it is submitted as part of the President's Cabinet Report.

Members of the Cabinet (as well as Administrator Reilly and Director Martinez) have been invited to send correspondence for Friday night's Cabinet Report either directly to me or to Daniel Casse on my staff who is responsible for preparing the President's copy of the Cabinet Report. I usually review the correspondence before we submit the Cabinet Report to Phil Brady's office to ensure that it conforms with the general ground rules -- i.e., that it does not breach an ongoing budget or policy review process by appealing directly to the President.

As Phil pointed out in his memo, the instances of truly "personal and confidential" letters are few, and in those rare cases they have been delivered, unopened to Phil Brady's office. In an unusual case, last month Secretary Kemp sent a "personal and confidential" letter while the President was travelling abroad. We explained the situation to Kemp's office, which granted us permission to open the letter so it could be faxed overnight. No copies were made and Kemp's office seemed entirely satisfied with the way in which it was handled.

I am copied on the President's reply to these letters. These copies of the correspondence are also closely held; they are never given broad circulation either among my staff or within the White House. In those instances where the letter and the response might require some follow-up on our part, I share it with the appropriate Associate Director on my staff.

In the briefing book I prepared for Barbara Franklin, I included a few paragraphs on Cabinet Correspondence (attached) that will give you a sense of how we present the system to the Cabinet.

As Phil indicated, the system has worked very well for us. I would, of course, welcome any suggestions you might have on this topic.

EXCERPT FROM DECEMBER 26 MEMO TO BARBARA FRANKLIN

Cabinet Correspondence. At the beginning of his Administration, the President invited his Cabinet and two or three senior agency heads to send him personal correspondence for his weekend reading. It was not intended to be a routine reporting burden, but a direct and personal means of communicating with the President when you so desire. Such correspondence is attached only to the President's copy of our weekly Cabinet Report. On average, we have one or two such Cabinet letters per week. This material is treated as highly confidential and is sent directly to the President. Your colleagues have used Friday Cabinet correspondence to report on conversations with world leaders, to give assessments of important legislation or simply to provide periodic updates about their speeches, activities, and concerns.

Generally this correspondence should be brief. Any longer document that you want the President to see could be conveyed through our normal Cabinet liaison operation. The President does not, of course, intend that his offer circumvent the Administration's policy or management processes -- such as OMB budget review, policy clearance or regulatory review; NSC, DPC, and EPC deliberations; or the weekly Cabinet Report from your agency. We have had terrific cooperation in this regard.

In order to get such correspondence to the President as he requested, please submit it on Thursday or Friday, but no later than Friday at 5:00 p.m. The original should be delivered to my office or to Daniel Casse, Deputy Director for Cabinet Liaison, in Room 239 of the Old Executive Office Building (EOB).

Of course, if you have time-sensitive correspondence for the President it can be sent to him through the Cabinet liaison office. We will see that it is handled appropriately and with dispatch.

THE WHITE HOUSE
WASHINGTON

December 23, 1991

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: Phillip D. Brady *PD Brady*
SUBJECT: Cabinet Correspondence

Regarding the President's note to you on Cabinet correspondence, I wanted to let you know how we have been handling this matter since the beginning of the Administration.

Routine Cabinet correspondence is included in the President's copy of the weekly Cabinet Report. This material is copied for the Chief of Staff and General Scowcroft only. (The Cabinet Report without correspondence is sent to all Senior Staff.)

The small amount of Cabinet correspondence marked "personal and confidential" is handled differently. Nearly all of this is sent directly, unopened, to the President. Ede and I see it as it comes out of the President's box. (The only exceptions have been when one or two Cabinet members have misunderstood the system and included such items as news clippings with notes as "personal and confidential." In each case where we have opened this correspondence before it went to the President, we checked with the relevant Department.)

The point here is simply to say that the system has worked pretty well. I do not know of a case where a Cabinet officer has been upset that his or her mail was seen by others before it went to the President. (The letter from Secretary Martin, by the way, was not marked "personal and confidential.")

I'd be happy to discuss this further if you like. Thanks.

JC Ede Holiday

*cc:
Daniel -
Casse*

Ed's copy



December 21, 1991

Sam:

Just FYI

Re: Cabinet correspondence of the private kind.

I have encouraged Cabinet officers to send in weekly confidential memos to me personally. I, in turn, jot notes on the margins commenting on what they have said and sometimes asking for more info.

The C of S gets copies of the in and out.

Please review this system with ED/E.

Do the Cabinet members feel that this system gives them 'access'? Do they feel that their 'confidential and personal' memos

are merely distributed to all WH staff, and thus it is useless to send in such reports. If they feel this way perhaps we should change the way the documents come to me.

Some Cabinet members use this system frequently- some not at all. I try to get back to each one that does use the system, marking up their letters on Saturday mornings at Camp David and sending back the replies on Monday.

Please talk to EDE and then advise what if any changes should be made. Just FYI attached are the 2 that I received late yesterday at week's end.

GB

A large, stylized handwritten signature, likely "GB", is written in the center of the page.

FROM THE PRESIDENT

SECRETARY OF LABOR
WASHINGTON

December 19, 1991

*Lynn Martin
Take a
Have a
Merry Christmas,
anyway
OB*

MEMORANDUM FOR THE PRESIDENT

FROM: LYNN MARTIN *LM*
SUBJECT: General Motors

You may be hearing that the new president of General Motors had no choice. Well, like most things, it's only partly true. He may be new, so therefore not fully to blame for former management errors, world conditions, or slow recovery....

But the timing of the announcement may be one other indication of why GM is out of sync with the American consumer. To announce 74,000 layoffs a week before Christmas is lousy. *12-21*

Mr. President, the ripple effect is tremendous -- not just literally but psychologically. The excuse for the announcement was that rumors had started.

Well, the announcement has left a wake of uncertainty and despair. And look at what they did to the positive news of your jobs announcement on the Highway Bill.

We may need downsizing; we must be competitive. But the company that just a few years ago gave huge executive bonuses before announcing hard layoffs has done it again.

You can tell I'm ticked -- for the people that deserved better.



Take
Good point!

Dear Mr President

as your "lone ranger" in the
inner city, I want to remind your
staff & D.P.C., that your HOPE &
Enterprise zone initiative for jobs & opportunity
must be part of any "anti-drug" strategy. Ryons,
J.K.

The Secretary of Housing and Urban Development



THE WHITE HOUSE
WASHINGTON
Dec. 23, 1991

TO: Daniel Casse
FROM: EDE HOLIDAY

- ☐ FYI
☒ Action
☐ Comment
- 

*Per our discussion
pls draft memo
to Skinner*



OCF
12/27

THE WHITE HOUSE
WASHINGTON

December 23, 1991

File

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FROM THE PRESIDENT

SECRETARY OF LABOR
WASHINGTON

December 19, 1991

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Have a
Merry
anyway
Christmas,
GB*

MEMORANDUM FOR THE PRESIDENT

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SUBJECT: General Motors

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Enterprise zone initiative for jobs & opportunity
must be part of any "anti-drug" strategy. Ryals,
J.K.

The Secretary of Housing and Urban Development

OCF
12/18

THE WHITE HOUSE
WASHINGTON

December 18, 1991

File

MEMORANDUM FOR SAM SKINNER

FROM: EDE HOLIDAY *EH*

SUBJECT: Release of New Drug Use Data

Tomorrow, Secretary Sullivan and Director Martinez will hold a press conference to announce new drug use data. Here are the highlights:

- Overall drug use continued to decline in 1991, although not as sharply as it had in the two previous years.
- Drug use among people under 18 continued to decline at a steady rate; drug use increased among those 35 and older.
- During the first half of 1991, hospitals reported a sharp increase in cocaine-related emergencies.

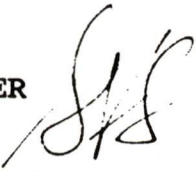
In their statements, Martinez and Sullivan will stress the following points:

- Drug use continues to fall among the most critical population -- young people. This is the most important target in our war on drugs.
- The increase in hospital emergencies suggests a sudden upswing in dangerous and addictive drug use -- a result anticipated by the President's drug strategy. Hard core drug use typically moves up and down over short periods.
- The Administration's strategy included programs designed to gain ground against addicted and frequent drug use: in two key areas Congress refused to act on our initiatives:
 - o we requested \$100 million for drug treatment capacity expansion -- Congress funded it at \$9 million
 - o we requested \$50 million for Urban Emergency Grants (prevention programs aimed at-risk youth) -- Congress funded it at less than half the President's request.
- The new data is consistent with the Administration's description of the drug problem all along: we are fighting a war on two fronts: the first against casual drug use where progress is steady; the second against addicted and inner city drug use where gains are much tougher to achieve.

THE WHITE HOUSE
WASHINGTON

December 17, 1991

MEMORANDUM FOR THE CABINET

FROM: SAMUEL K. SKINNER
CHIEF OF STAFF 
SUBJECT: TELEVISION APPEARANCES

There undoubtedly will be an increase in requests for television appearances by Administration spokesmen as we enter the Presidential campaign. The campaign organization will be asking you to accept many appearances as surrogates for the President. And we encourage you to conduct media interviews as you travel around the country.

We would like to coordinate national television interviews through the White House to ensure statements and themes are consistent. The Office of the Press Secretary maintains daily liaison with network television shows such as Sunday talk shows, morning shows, evening news, and special events programs. Please let us know if you receive requests to do these shows, or if there are any shows you would specifically like to do. Marlin will coordinate your requests with others he has received and advise you of his thoughts quickly so you can either accept or decline such requests promptly.

While our Communications staff maintains daily contact with your Public Affairs staff, please do not hesitate to let us know of any special media opportunities or stories that are developing.

Our television coordinator is Laura Melillo, (202) 456-2100.

THE WHITE HOUSE
WASHINGTON

December 19, 1991

MEMORANDUM FOR THE CABINET

FROM: SAMUEL K. SKINNER
CHIEF OF STAFF



SUBJECT: URUGUAY ROUND

The Director General of the GATT, Arthur Dunkel, will be releasing in Geneva at 4:00 p.m. on Friday, December 20 (10:00 a.m. Washington time) a composite Uruguay Round draft agreement. It will be an extensive document, running several hundred pages in length and covering all fifteen negotiating groups. The text will take time to analyze within the Administration, and we will want to coordinate with interested agencies and to consult industry advisors and Congress as we develop an Administration position regarding the draft agreement.

The President will need time to consider the recommendations presented and to make his own judgement. Statements by Administration officials that criticize elements of the draft text will make it much more difficult for the President to support the agreement. Alternatively, praise for elements will make it more difficult for him to oppose the agreement. Please caution your staffs to refrain from any comments that will limit the President's options.

Public response to the Dunkel text will be coordinated by USTR, which will issue a general statement on behalf of the Administration on Friday, praising Dunkel for his hard work and reserving judgement on the substance of the text pending analysis and consultation. USTR will also circulate talking points and press guidance for agencies' use by Friday close of business.

We have all worked very hard to bring the Uruguay Round to a successful conclusion. Now more than ever our coordination is required.

Mr. Skinner

THE WHITE HOUSE
WASHINGTON

DCF HAS SEEN

March 3, 1992

file

MEMORANDUM FOR CHIEF OF STAFF TO THE PRESIDENT SAM SKINNER
CAMPAIGN CHAIRMAN BOB TEETER
DEPUTY CHIEF OF STAFF W. HENSON MOORE
COUNSELLOR TO THE PRESIDENT FOR DOMESTIC POLICY
CLAYTON YEUTER

FROM: MARLIN FITZWATER 
SUBJECT: Communications Plan March 10-31 and Beyond

March 10-20

Each day our theme should capture the agenda by highlighting the Congressional deadline for two purposes: raise awareness of the deadline among average Americans, explain how our plan will address everyday Americans, set up a major speech by the President on March 20, and keep the focus on Democratic failures.

March 10 -- Statement or Press Conference regarding results of Super Tuesday.

March 11 -- First choice: identify an event at which the President could make a major address to kick off his final ten day push for Congress to meet his deadline. He would explain the plan, the need for a deadline, and how his plan addresses the concerns of everyday Americans.

The schedule now shows a speech before the American Association of Association Executives. This is not the ideal setting for the aforementioned speech but would do if absolutely necessary. We would prefer a second opportunity be created for the major address.

March 12 -- Create an event to repeat the general themes of March 11, and highlight one particular part of his short-term plan. We would suggest the investment initiatives. The Math and Science event already on the schedule might provide such an opportunity.

March 13 -- One week out. Create an event to highlight a major aspect of his short-term plan. We suggest a veto of the Democratic Economic Plan, if it is ready by March 13. This would dominate the weekend talk shows.

Weekend shows -- Try to keep the focus on the deadline, the Democratic tax increase, and the veto.

March 16 -- Fundraisers in Wisconsin and Illinois. We should add color events in both states to highlight investment and trade in Wisconsin, and housing and trade in Illinois. The fundraising speeches should do the same.

March 17 -- Illinois and Michigan primaries. POTUS can make appropriate comments at photo-op in the course of the day's activities.

March 18 -- Schedule Presidential address to the New Jersey General Assembly and State Senate. The legislature has indicated that they may have by then passed a resolution endorsing the President's plan. FYI: Also a majority of New Jersey's Democratic Congressional Delegation opposed the Democratic plan in the House.

March 19 -- National Newspaper Association remarks. These are small town newspapers -- perfect for explaining how the President's plan helps average Americans.

March 20 -- Address the nation, prime time. Strong, tough message to Congress (to be discussed). Theme" "I'm taking things into my own hands."

March 21 -- Need to create an event to highlight an action item teased in previous night's address such as unilateral indexing of capital gains.

Rollout of groups to support the President and his deadline speech.

Post-March 20

Weekend shows -- Major push to get policy experts on shows to explain why indexing is good for economy and the American people. (Yeutter on capital gains)

March 24 -- Address Wholesaler Grocers. Excellent audience for capital gains.

March 25 -- Teleconference to several breakfast sites across the nation -- set up by National Association of Homebuilders.

March 31 -- Prime Time Press Conference, East Room of the White House.

April events to highlight additional POTUS (I'm taking things into my own hands) action items:

Interim review of regulatory reform
Line-item veto
Call for term limitations for Congress
Impound appropriated money
Refuse to spend appropriated money
Veto of legislation that doesn't apply to Congress
Campaign finance/ethics

Approve _____

Disapprove _____

With comments _____

THE WHITE HOUSE
WASHINGTON

DATE: 1/23/92

TO: CHIEF OF STAFF

FROM: PHILLIP D. BRADY
Assistant to the President and
Staff Secretary

The attached has been forwarded
to the President

Def-
1/23

THE WHITE HOUSE
WASHINGTON

January 22, 1992

2 JAN 22 P6:53

MEMORANDUM FOR THE PRESIDENT

FROM: EDE HOLIDAY *Ede Holiday*

SUBJECT: Your Questions Concerning the Labor Force

You recently asked several specific questions regarding the labor force. Below are the answers to each question.

1. How many people are there working in the U.S. today?

Answer: In December 1991 (latest data available), there were 116.7 million persons employed in the United States.

2. How many people were working in January 1989 and January 1992?

Answer: In January 1989, there were also 116.7 million persons employed. Data for January 1992 are not yet available, they will be published February 7.

3. What percentage of the work force was working in January 1989 and January 1992?

Answer: In January 1989, 62.9 percent of the population was employed, compared with 61.2 percent in December 1991. The proportion of the labor force that was employed (the complement of the unemployment rate) was 94.6 percent in January 1989; it was 92.9 percent in December 1991.

4. How many people are out of work?

Answer: A total of 8.9 million persons were unemployed in December 1991.

5. What is the highest number of people that have been at work in the U.S. and when was that?

Answer: In May 1990, employment reached a high of 118.4 million.

92 JAN 22 A 9: 57

January 22, 1992

To: Phil Brady

Please get me answers to the following questions:

- 1) How many people are there working in the U.S. today
- 2) How many people were there working in January 1989 and January 1992
- 3) What percentage of the work force was working January 1989 and January 1992.
- 4) How many people are out of work
- 5) And, what is the highest number of people that have been at work in the U.S. (and when was that)

I would like the answers fairly soon.