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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: 40924
Folder ID Number: 40924-013

Folder Title:
[Memos and Correspondence] 3/92 [2]

Stack:

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DCF HAS SEEN

March 10, 1992

*Keep in
mind*

MEMORANDUM FROM THE PRESIDENT

TO:

CONNIE HORNER

SUBJECT:

BEVERLY BYRON, M.C.

Representative Byron was defeated in her primary. She has been a very good supporter. Please keep her in mind for any leadership spots in our Administration. She would be an excellent Democratic appointment to chair or be a member of some commission, or she could fit in somewhere else in our Administration next year.

She will stay through this term in the Congress, but it is not too early to begin to think how we could use her. I told her I wanted her involved next year assuming, of course, victory will be ours.

Thanks.

cc: Sam Skinner
Nick Calio

FROM THE PRESIDENT

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01a. Note	From D. Cameron Findlay to Sam Skinner Re DoJ Report on Judge Rita Garman (1 pp.)	3/4/92	P/5, P/2 Open on Expiration of PRA (Document Follows) By <u>CEL</u> (NLCS) on <u>01/31/05</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 and Correspondence March 1992
[2 of 4]

Date Closed:	11/29/2004	OA/ID Number:	05829
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 WHITE HOUSE
WASHINGTON

DATE: 3/7/92

TO: SKS

FROM: D. CAMERON FINDLAY *Cam*
Deputy Assistant to the President and
Counselor to the Chief of Staff
1st Floor, West Wing, x6594

- ☒ FYI
- ☐ Appropriate Action
- ☐ Let's Discuss
- ☐ Per Our Conversation
- ☐ Per Your Request
- ☐ Please Return

File

COMMENTS:

Here's the DoJ report
on Rita Garman. We've
asked DoJ to interview
her.

In the meantime, I'll
check on the woman from
Mayer Brown with Steve,
Ty, Fahrer, and Rich
Williamson, if you want ^a backup

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01b. Report	On Judge Rita Garman [FOIA RESTRICTIONS REDACTED] (7 pp.)	n.d.	P-5, P-2 , (b)(6) Open on Expiration of PR ent Follows By  (LGB) on 6/7/05	

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 and Correspondence March 1992
 [2 of 4]

Date Closed:	11/29/2004	OA/ID Number:	05829
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P-2/P-5 Review Case #:		Disposition Date:	
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AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

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

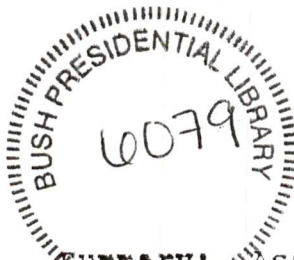
P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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JUDGE RITA B. GARMAN
Illinois Circuit Court
Fifth Judicial Circuit

Summary: Assessment of Judge Garman is based almost exclusively upon some 32 reported appellate decisions reviewing her trial court rulings, since her own opinions are not reported and no articles by her were identified. The results in the decisions reviewed, which were dominated by tort/products liability actions, were generally conservative with a marked tendency to rule for defendants in such actions. However, several decisions where Judge Garman was reversed indicate potential weakness in her judicial approach. In one such case, she applied an overly expansive interpretation of Fourth Amendment restrictions on police authority to conduct a search incident to lawful arrest in a drug-bust context. In another, she was reversed for holding property owners to a manifestly excessive duty of care -- (b)(6) resulting in a \$3 million jury verdict -- towards trespassers who injure themselves as a result of adventurous intrusions. [REDACTED]

1. General Background.

Judge Garman was appointed to fill a vacancy on the Illinois Circuit Court, a trial court of general jurisdiction, in 1974. She was subsequently elected to serve a full term on the court (ending later this year) in 1986.

Before her judicial appointment, Garman served as an Assistant State's Attorney for Vermilion County from 1969 to 1973. She received her law degree from University of Iowa in 1968. Garman is a Republican. She is 49.

Our research identified no law review articles or other published legal writings by Judge Garman.

2. NEXIS.

Most of the limited number of news stories mentioning Judge Garman identified by NEXIS were reports of routine court actions. The few items of marginal significance were as follows.

Jail Leave Pass. A very recent (February 8, 1992) AP wire reported on Judge Garman's action in authorizing a high school student serving a part-time jail sentence to attend overnight high school wrestling meets on weekends and college interviews out of state. The inmate-wrestler is serving ten months of periodic imprisonment in the county jail for a shooting which resulted in no injuries but resulted in his pleading guilty to charges of attempted armed violence. As the story reported, "Vermillion County Circuit Judge Rita Garman on Tuesday modified the sentence to allow Wilson time away from the jail to attend

high school wrestling meets on weekends and college interviews out of the state."

Trial as Adult for Juvenile Babykiller. A 1986 story reported on Judge Garman's ruling that a 13-year-old boy would be tried as an adult on charges of murder and sexual assault involving the death of a 16-month-old girl the accused was babysitting. Prosecutors charged that the injuries sustained by the child could not have been sustained by merely having her head submerged, as claimed by the accused juvenile. The report further stated:

[Judge] Garman said the issue she considered most seriously was whether transfer to adult court would be in the boy's and the public's best interest.

She said that although facilities are available under the state Juvenile Court Act, none would be adequate for [the defendant], who psychologists said needs long-term residential treatment.

3. Decisions.

Judge Garman's trial court opinions are not generally reported, but our WestLaw database identified 32 usable Illinois appeals court opinions reviewing her decisions on the Circuit Court. Twelve of those opinions were reversed or vacated, in whole or in part, for a reported reversal rate of 37% (slightly higher than the 33% median). There was no particular pattern visible in Judge Garman's reversals. The decisions in which she was affirmed were dominated by tort or commercial cases where she generally ruled for defendants in results that could be described as somewhat conservative. The more significant or troublesome of those opinions, with the usual emphasis on reversals, are summarized below.

(Fourth Amendment - Plain View)

People v. Pittman, 575 N.E.2d 967 (Ill.App.4Dist. 1991). Judge Garman's decision granting a motion to suppress cocaine evidence seized by police as a secondary consequence of a warrant-authorized drug bust was reversed by the Appellate Court of Illinois. The police had a warrant to enter a dwelling and to search an identified suspect other than defendant Pittman. Upon entry, the officers came upon eight people, with marijuana in plain view upon a table and drug paraphernalia strewn about the room. The area was secured by having the occupants lie down on the floor, handcuffing them, and then searching the individuals. The search of Pittman revealed some cocaine in his pocket.

In granting Pittman's motion to suppress this cocaine evidence, Judge Garman stated:

Clearly, under the search warrant, the officers were not legally entitled to search other occupants of the premises. There must, under the law, be an independent basis of probable cause to believe that this Defendant had committed or was committing an offense. The fact that he is present in a residence in which drugs are readily viewable and available does not support that finding under the case law.

In rejecting Judge Garman's reasoning, the Appellate Court determined that the occupants had "constructive possession" of the plain-view marijuana; that probable cause to arrest therefore existed; and that the cocaine was seized from defendant through a valid search incident to lawful arrest. Further explaining the basis for reversing Judge Garman, the Court said:

Although we are reluctant to reverse a trial court's findings in regard to a motion to suppress, we note that the trial court never addressed in its findings whether the presence of the marijuana in close proximity to defendant was sufficient to provide probable cause to arrest defendant and to search him incident to his arrest, despite the prosecutor's argument on that very point.

(Constitutional Interpretation)

Thies v. State Board of Elections, 529 N.E.2d 565 (Ill. 1988). Judge Garman held that a statute providing for a circuit judgeship in which the candidate must be a resident of a particular county within the circuit but run for office throughout (and be elected by) the entire circuit was in violation of the Illinois Constitution. Her decision was affirmed by a unanimous Illinois Supreme Court. The relevant portion of the State Constitution which Judge Garman held to be infringed by the statute provided:

The General Assembly by law may provide for the division of a circuit for the purpose of selection of Circuit Judges and for the selection of Circuit Judges from the circuit at large. [emphasis added.]

Judge Garman and the Supreme Court both buttressed their holding of unconstitutionality with an additional provision of

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the State Constitution, which provided that state judges must be, inter alia, "a resident of the unit which selects him" -- even though the invalidated statutory arrangement quite literally complied with that provision. Garman and the higher court both also relied heavily on a colloquy found in the Record of Proceedings of the pertinent state constitutional convention, in which delegates debating the provision in question queried a consulting professor on the matter and he replied, "[I]t is not intended that...those persons who are required to be selected from a county or from a division of a circuit shall be required to run at large in the circuit." It appears that both Garman and the state Supreme Court may have departed somewhat from strict interpretation of the constitutional text in order to effectuate what they perceived to be the clear intent of the drafters in striking down the statute in question.

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(Torts - Liability to Trespasser)

(b)(6)

Miller v. General Motors Corp., 565 N.E.2d 687 (Ill.App.4 Dist. 1990). The state appeals court reversed a judgment entered by Judge Garman on a jury verdict holding the corporate defendant liable for injuries suffered by an unauthorized trespasser when he touched a high voltage wire while exploring the defendant's pumphouse. The plaintiff, a 20-year-old male, had scaled a 9-foot wall and crawled through a narrow gap in the floor of a balcony (among other maneuvers) before he could reach the high-voltage wires located 13 feet above the ground at a remote pumphouse location. Despite plaintiff's status as an unobserved trespasser, Judge Garman (1) allowed a count based on a mere negligence standard to be submitted to the jury; and (2) denied the defendant's motion for judgment n.o.v., which had been based on the contention that the plaintiff had failed to sustain the burden of proving wilful and wanton misconduct by defendant, the proper standard applicable to trespasser cases. The jury held for the plaintiff on both the negligence and and willful/wanton conduct counts and awarded \$1.5 million in compensatory damages \$1.5 million in punitive damages. In reversing the entire judgment, the appeals court held that (1) the defendant did not owe the trespasser-plaintiff a duty of ordinary care, but only the lesser duty to refrain from willful and wanton conduct; (2) it was therefore error to submit a negligence count to the jury; (3) the evidence did not support a verdict of willful or wanton misconduct by defendants; and (4) the defendant was therefore entitled to judgment n.o.v.

(Torts - Social Host's Liability)

good
Flory v. Weaver, 553 N.E.2d 105 (Ill.App.4Dist. 1990). The issue in this case was whether a noncommercial social host could be held liable in negligence for providing alcohol to minors who, by reason of intoxication, thereafter cause injury (in this case by shooting) to others. Holding that such liability is not recognized under Illinois law, Judge Garman dismissed a third-party complaint based on that theory brought by the owners of the gun used in the shooting against the hosts of the event where the alcohol was served. The Illinois Appellate Court affirmed, holding that such an expansion of liability had been rejected by Illinois precedents and that any change in the law must be left to either the legislature or to the State Supreme Court.

(Criminal Law - Sentencing)

People v. Miles, 577 N.E.2d 477 (Ill.App.4 Dist. 1991). Judge Garman's rulings and tough consecutive sentences in a case of home invasion, sexual assault, burglary and armed robbery were upheld by the Appellate Court, with the exception of a secondary aspect of her sentencing decision. On a key evidentiary issue, the Court upheld Garman's decision upholding the admissibility of expert testimony and scientific evidence demonstrating the reliability of DNA evidence in identifying the defendant. The Court also held that Garman did not abuse her discretion in concluding that consecutive sentence totalling ninety years (30 years each for counts of home invasion, armed robbery, and residential burglary) were justified under the aggravated facts of the case. However, the Court did reverse and remand two additional enlarged consecutive sentences on two separate counts because of technical errors in their imposition. The remand was for the sole purpose of resentencing on those two counts and had no effect on the main 90-year sentence.

(Products Liability - Statutory Interpretation)

Bohn Heat Transfer v. General Electric Co., 574 N.E.2d 898 (Ill.App.4Dist.1991). In an action seeking damages for breach of contract, warranty, and negligence in connection with damages to an electric transformer occasioned by an allegedly shoddy repair job, Judge Garman granted summary judgment for the defendant repair company on all counts. The Appellate Court affirmed her in rejecting the contract and warranty counts, but held that she erred in holding that limitations on liability contained in the governing contract were effective to insulate the defendant from liability for negligence. The key issue turned on the application of a governing New York consumer protection law (New York law governed under the terms of the contract), which voided

provisions in certain service contracts purporting to exempt the service contractor from liability for negligence. The statute applied to the case only if the transformers were considered "appurtenances" to real property, and neither the N.Y. statute nor the N.Y. cases established a governing definition of "appurtenances." Judge Garman had held that (1) the N.Y. statute did not apply because the transformers were not "appurtenances"; and (2) even if it did apply, the contract permissibly limited the defendant's liability. The appeals court disagreed on both counts, holding that (1) the transformers were appurtenances, because they were firmly and permanently bolted to the building; and (2) the contract violated the statute by limiting the contractor's obligations to providing repair and limiting the extent of its liability to reperformance of the service or the price of the contract.

(Involuntary Commitment)

(b)(6)

In the Matter of Elkow, 521 N.E.2d 290 (Ill.App.4Dist. 1988). A manifestly insane man nearly set fire to himself and others living near him and was found in an incoherent and delusional state after the fire department extinguished the blaze. A social worker thereupon filed a Petition for Involuntary/Judicial Admission of the man to an institution. The petition did not cite or mention the provision of the Illinois Code authorizing the commitment; the petition and supporting documents were filed more than 24 hours after the patient's admission to the institution, in noncompliance with statutory requirements; the man never actually accepted service of the petition, although every effort was made to serve him properly; and counsel was not promptly appointed at the time the matter was set for a hearing, but rather was only appointed after the hearing commenced. Judge Garman ordered the commitment of the insane man despite these procedural violations, but the Appellate Court of Illinois reversed. In reversing, the Court said:

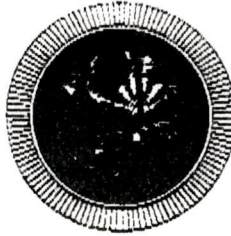
In mental health cases, the need for strict compliance with the relevant statutory provisions is compelling, as liberty interests are involved. Any noncompliance with statutory, prescribed involuntary commitment procedures renders the judgment entered in such a cause erroneous and of no effect. [citation omitted.]

(Leases)

McCardle v. Courson, 402 N.E.2d 292 (Ill.App. 4Dist. 1980). This was a lease dispute in which the defendant lessee was withholding rent and maintaining possession of the leased premises because of the landlord's failure to effectively repair a persistently leaking roof, despite repeated efforts to do so. The lease in question contained an option to buy for the lessee and a clause requiring the lessor to maintain the roof in "good repair." The landlord filed an action for entry, detainer, and payment of unpaid rent. The lessee counterclaimed for, among other things, damages caused by the landlord's failure to keep the roof in good repair in violation of the lease. After a bench trial, Judge Garman ruled for the plaintiff-landlord on all issues, awarding the plaintiff possession of the building, \$4,225 for back rent, and the costs of the lawsuit. Judge Garman also denied the defendant's counterclaim. The Court of Appeals affirmed Judge Garman's decisions for the plaintiff on the main claim, but reversed her decision denying the defendant's counterclaim. The Court held that Garman's finding that the lessor had complied with the roof repair clause was contrary to the manifest weight of the evidence, and that the defendant was therefore entitled to recover for damages caused by the roof leakage pursuant to his counterclaim. The Court upheld Garman's judgment for the plaintiff on the main claim on the grounds that the defendant was not entitled to withhold rent and maintain possession because the covenant to repair the roof and the covenant to pay rent were independent rather than mutual.

Points Concerning Governor Chiles' Letter

- The Governor's primary desire for meeting is to request access to the \$35 million immigration emergency fund, \$20 million of which is available to reimburse state and local governments for expenses related to a mass immigration influx. To date, the interagency consensus has been not to release the funds, as the situation does not yet warrant it. We can, of course, change this position at any time, but the desire for money from the fund from a number of border states far exceeds the amount available.
- The Governor also would like to meet to discuss the details of the Mass Immigration Emergency Plan. We are certainly prepared to do so, and so notified the Governor's chief of staff last night following the President's phone call (we informed John Wilson of WTSP TV of this last night).
- By way of background, we held off on scheduling the meeting at the request of the NSC Deputies Committee. The Federal Government was focusing on interdiction to prevent a mass immigration influx, and the Deputies were concerned that publicity about contingency planning would send a signal that might encourage the very influx we were seeking to avoid.



THE GOVERNOR OF THE STATE OF FLORIDA

LAWTON CHILES

March 3, 1992

The Honorable George Bush
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

Since you will be campaigning in our State tomorrow, I wanted to alert you to an important federal issue that is on the minds of the people of Florida.

As you know, immigration and foreign policy decisions are exclusively the responsibilities of the federal government. Florida does not have a Border Patrol or an Immigration Service, yet we are vulnerable to immigration emergencies similar to the 1980 Mariel boat lift. In good faith, we rely upon the federal government to fulfill its Constitutional responsibilities in these areas.

The State has been negotiating with the United States Department of Justice over the federal Mass Immigration Emergency Plan, which was drafted in 1982 in response to the Mariel boat lift. It is our hope that this contingency plan will ensure the State will receive the necessary federal assistance in the event of an immigration emergency.

As you will note during your visit, state resources are already stretched well beyond their limits. We cannot assume the federal government's responsibilities in the event of another immigration emergency. Recent events in Haiti and Cuba dramatize the State's exposure to events beyond our control and underscore the importance of concluding negotiations on this issue.

Mr. President, our patience has run out. Ten years have passed and the federal government has yet to finalize and implement this important plan. It has been more than eight months since our last meeting with federal officials on this issue. The door has repeatedly been slammed shut on the State of Florida as we have sought to reach long overdue agreement with the federal government on outstanding issues in the contingency plan.

On May 10, 1991, federal, State, and local officials met in Key West to restart

The Honorable George Bush
March 3, 1992
Page Two

negotiations on the emergency plan. Significant progress was made and a follow-up meeting was scheduled for June 27, 1991 in Tallahassee.

In the interim, State and local agencies, at the request of the federal government, reviewed a draft of the emergency plan. Written comments were compiled based on our experience with this issue and our capacity to respond to an emergency of this nature. We were prepared to review an updated plan, based on our written comments, but the Tallahassee meeting was abruptly postponed by federal officials.

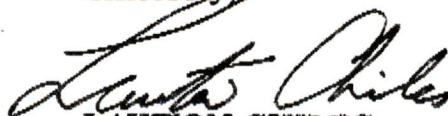
On July 23, 1991, then Acting Attorney General William Barr indicated that "in the very near future, a workable plan will be drafted and formalized by the appropriate federal, State and local officials." After repeated attempts to reschedule the Tallahassee meeting, I joined the entire Florida Congressional Delegation on November 20, 1991 in writing to Attorney General Barr to request that the Tallahassee meeting be rescheduled. To date, we have received no response to this letter.

On January 3, 1992, I once again contacted the Attorney General to ask for specific assistance regarding ongoing federal Haitian resettlement efforts in Florida. I am concerned about the lack of communication and coordination with appropriate State officials regarding this operation. I also reiterated our desire to finalize the Mass Immigration Emergency Plan. No response has been received to this letter.

Mr. President, on behalf of all Floridians, I request your immediate assistance with the Department of Justice, the National Security Council and other federal agencies so that a workable plan will be in place in the event of an immigration emergency. We anxiously await your response.

With kind regards, I am

Sincerely,


LAWTON CHILES

(America 2000 file)

AMERICA 2000: TRANSFORMING IDEAS	REVOLUTIONARY CHANGE	"BUSINESS AS USUAL"
★ <i>Flexibility for Educators</i>	● Secretary allowed to waive regulations on request for good reason ● Covers more than 70 federal programs and almost \$11 billion ● For all school districts, in all states	● No waiver authority (House) ● Limited demo program (Senate)
★ <i>Break-the-Mold New American Schools</i>	● \$545 million over three years for communities to create first 535 + break-the-mold schools ● No limitations on types of schools ● Submitted by Governors to Secretary guaranteeing truly break-the-mold	● Usual actors deciding (State Education Agencies and school districts) ● Usual approach (public schools only) ● No assurance that communities will create break-the-mold schools
★ <i>World Class Standards and Voluntary National Exam</i>	● Bi-partisan recommendations of National Council on Education Standards and Testing (NCEST) ● Approved by Senate in S.2	● Anything that significantly weakens NCEST recommendations
★ <i>Parental Choice of Schools</i>	● Help for middle and low-income families to have more choices of all schools, public, private, religious (could be demonstration)	● No express support for middle and low-income families having more choices of all schools

AMERICA 2000: Transforming Ideas

	<i>Bush Administration Proposal S. 1141 / H.R. 2460</i>	<i>S.2</i>	<i>H.R. 4323</i>
<i>Flexibility for Educators</i>	<i>Governor applies to the Secretary to obtain waivers from Federal statutory and regulatory requirements that impede educational improvement, in return for waiver of State requirements and State commitment to achieve higher, measurable student outcomes.</i> <i>All States could participate.</i>	<i>Demonstration program allows up to fifty (50) LEA's in each of up to six (6) States, that have implemented comprehensive regulatory reform programs, to apply to the Secretary to receive waivers of Federal statutory and regulatory requirements, in exchange for their entering into a plan for attaining higher educational outcomes.</i>	<i>No provisions for educational flexibility</i>
<i>Break-the-Mold New American Schools</i>	<i>Authorizes \$545 million over a three-year period to create at least one New American School in each Congressional district. Governor nominates communities from those that have applied; Secretary selects communities.</i>	<i>Chief State school officer, in consultation with the governor, applies to the Secretary for a combined waiver of up to 25% (10% + 15%) of the State's grant, to be used to create New American Schools (public only).</i>	<i>Limited to only one of a number of "allowable activities" that LEA's can use grant funds for the purpose of "district-wide reform, consistent with the State and local plans."</i>
<i>World Class Standards and Voluntary National Exam</i>	<i>Strongly supports the NCEST recommendations to establish world class standards in the five core subject areas and a system of voluntary national examinations tied to those standards.</i>	<i>Adopts many of the recommendations of the National Council on Education Standards and Testing (NCEST).</i>	<i>No provisions for standards and testing</i>
<i>Parental Choice of Schools</i>	<i>\$200 M for local school districts that permit parents to select among a variety of public schools for their children. \$30 M for demos of different methods of enhancing Choice. Amends the Chapter 1 Compensatory Education program to require that Chapter 1 services "follow the child" who changes schools under a Choice program.</i>	<i>Authorizes only public school Choice</i>	<i><u>Deleted</u> provision permitting public and private Choice as one of a number of "allowable activities."</i>

STANDARDS AND TESTING AMENDMENTS

Curricular Frameworks and Content Standards

PAGE 22, after line 21, insert the following (and redesignate succeeding paragraphs accordingly):

"(5) RESTRICTIONS ON APPROPRIATIONS.--No funds appropriated under paragraph (1) and (2) for any fiscal year may be used to support--

(A) research and development activities in the area of student assessment except those activities which are carried out in accordance with subsection (j) of section 405B;

(B) the development of content or student performance standards unless specifically authorized by law; or

(C) the development of curricular frameworks by state education agencies or other entities except through the provision of support and technical assistance by the regional laboratories in accordance with subsection (h) of section 405C."

[NOTE: The Department's FY 93 appropriations request for the GEPA 405 account includes \$25 million to assist states, apparently through grants, to develop new curricular frameworks and systems of assessment linked to new content and student performance standards. The Department has also indicated that it plans to use part of the FY 93 appropriations for the Fund for Innovation in Education (FIE) and the Eisenhower Math and Science National Programs for the same purpose. This amendment would prohibit GEPA 405 funds from being used for this purpose unless specifically authorized by law, but would not apply to the FIE or Eisenhower programs. Funding for state development of curricular frameworks would also be made available when the Neighborhood Schools Improvement Act (H.R. 4323) is enacted.]

THE WHITE HOUSE

WASHINGTON

LSG - Education

March 31, 1992

Questions:

- 1) What constitutes revolutionary change in education? How do we "draw the line" with Congress?
- 2) In the three areas aside from "choice", what concrete/tangible goals must we have in the bill it to be signable?
- 3) How do we frame the "choice" issue to best serve our purposes?

I. G.I. BILL FOR CHILDREN LONG-TERM STRATEGY

II. WHAT THE PRESIDENT SHOULD SAY AND DO ABOUT EDUCATION (MARCH 10 to APRIL 18)

III. ELEMENTARY AND SECONDARY BILLS PENDING

(S.2 passed the Senate)

(H.R. 4323 Back to Committee)

- Standards and Testing
- Flexibility
- New American Schools
- Choice

IV. HIGHER EDUCATION REAUTHORIZATION BILLS PENDING

(S.1150 passed the Senate)

(H.R. 3553 due March 19)

- Pell Entitlement
- Direct Student Loans

Votes a Member of Congress can cast to help radically transform American education rather than perpetuate it as business as usual:

“First, give middle- and low-income families more of the same choices of all schools that wealthy people already have. Choice will unleash powerful marketplace forces to change schools as well as create opportunity.

“Second, create more choices for families.
Vote for New American Schools -- Help communities in every State begin the design and implementation of thousands of new, start-from-scratch, break-the-mold schools that teach to world-class standards, that put all assumptions aside, that seek to meet the needs of children the way children are growing up today, and that will challenge, upset and constructively transform our education system.

“Third, vote to take the \$11 billion in more than 80 Federal programs that Congress has passed to help elementary and secondary schools, and give teachers and communities more flexibility in the spending of that money. Let them use their own imagination to improve educational performance.”

DEPARTMENT OF STATE
DAILY PRESS BRIEFING

DPC #34

FRIDAY, MARCH 6, 1992, 12:10 P. M.
(ON THE RECORD UNLESS OTHERWISE NOTED)

MS. TUTWILER: I don't have a statement. I'll be happy to try to answer any of your questions that you may have.

Q Do you have anything beyond your brief comment about the column by former Mayor Koch with respect to alleged remarks by Secretary Baker?

Q That's what he's talking about, Margaret.
(Displays newspaper headline)

MS. TUTWILER: No, I don't. And I'll be happy, if those of you who have not seen my earlier comment, to repeat it for you here.

The article is false, it is outrageous, and it's garbage.

Q Did Secretary Baker not say those words?

MS. TUTWILER: Did the Secretary?

Q Yes.

MS. TUTWILER: The Secretary's view is no different than my own.

Q Did the Secretary not use the words? You said the article was false. Did the Secretary not use those words?

MS. TUTWILER: Of course not, Ralph. The article is false.

Q Was he criticized at a meeting of high-level White House advisers for his supposedly belligerent attitude toward Israel?

MS. TUTWILER: Since I have no characterization of the article other than it's garbage, I'm not going to sit here and go through an article that I view -- and I believe most people

-2-

Friday, 3/6/92

view --- as garbage -- Ralph just held up his own headline -- and dissects an article that I, to be perfectly honest with you, don't think deserves or is not -- I'm not going to dignify by dissecting paragraph by paragraph, statement by statement, of unnamed official after unnamed official in alleged meetings that did or didn't happen. It's just not worth it. Forget it.

Q Did the Secretary contact Mayor Koch at all to discuss this --

MS. TUTWILER: No, he has not, nor has the Mayor called him.

THE WHITE HOUSE

March 6, 1952

Sam -

Mary thanks for joining us at this morning's Reform Breakfast Group. We are delighted that you were able to spend some time with us.

As for George Mitchell - keep up the criticism. You're absolutely correct. The Congressional Democrats want Jerry Bush to fail. One suggestion: no more Air Force One trips back to Maine this Summer for Mitchell.

Sincerely -

Char Kest

THE WHITE HOUSE
WASHINGTON

Honorable Sam Skinner
Chief of Staff
1st Fl., West Wing

House of Representatives
OFFICE OF THE REPUBLICAN WHIP
Washington, D.C. 20515

3/6/82

To Sam Skinner

Dear Sam

Thank you for
calling me and reading
my clarification of
the church tax problem.
My earlier note was
probably too harsh but we
are just chewing
ourselves up with confusion.

Thanks again for
taking the time
you friend

PS I really pounded
Budanan on McLaughlin's
one on one -

House of Representatives
OFFICE OF THE REPUBLICAN WHIP
Washington, D.C. 20515

The Honorable Sam Skinner

THE WHITE HOUSE

WASHINGTON

Yesterday representatives of the Treasury Department, including Assistant Secretary of the Treasury for Tax Policy Fred Goldberg, met with a number of charitable and religious organizations to discuss their concerns with a proposal that would have required such organizations to report large donations to the Internal Revenue Service.

These organizations expressed concern to the Treasury that the proposal would place onerous burdens on them. The Administration agreed to consider alternatives to address the problem of over-reporting of charitable contributions by certain taxpayers. The Treasury Department reaffirmed its earlier decision not to press forward with the current proposal. All parties agreed to make a concerted effort to develop a mutually acceptable solution to the over-reporting problem, while at the same time minimizing the burden on religious and charitable organizations.

3/6/92

THE WHITE HOUSE

WASHINGTON

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3/6/92

THE WHITE HOUSE
WASHINGTON

DATE: March 10, 1992
3:55

Show
POTUS

TO: Sam Skinner

FROM: EDE HOLIDAY
Assistant to the President
and Secretary of the Cabinet

Barbara Franklin is proposing a
swearing-in ceremony in Lancaster,
Pa., at a small company which she
thinks characterizes the President's
agenda for Commerce. What do you
think?

Attachment

NO

IN-town

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

MAR - 9 1982

MEMORANDUM FOR HONORABLE EDE HOLIDAY
ASSISTANT TO THE PRESIDENT
AND SECRETARY OF THE CABINET

FROM: Barbara Hackman Franklin 

SUBJECT: Swearing-In Ceremony

As we've discussed, I believe there are advantages for the President in doing an official event outside the Beltway, but within helicopter range, for the purpose of swearing me in as Secretary.

I attach a memorandum from my public affairs consultant who did a site survey yesterday with such an event in mind. I think the idea offers a solid alternative to the standard event we would normally put on here at the Department. I'd be happy to discuss this further with you and others at the White House.

Attachment

400 North Capitol Street, NW
The Hall of States Building
Suite 585
Washington, DC 20001

202.393.5247
202.393.5218 Fax

C T Communications

To: Secretary of Commerce
From: Carole Trimble 
Date: March 9, 1992
Re: Swearing-in Ceremony Site
CC: Tom Collamore

Burle Industries, Inc., a small privately-held high-tech manufacturer of electronic tubes and security equipment in Lancaster, Pennsylvania, offers some exciting possibilities as a potential site for your swearing-in ceremony. This company has a fascinating history, complete with a terrific turn-around story, and is an outstanding example of the ability of American business to compete internationally when good business practices are followed and total quality is emphasized. Holding your swearing-in ceremony at the company's plant will provide the President and you with an excellent opportunity to get out the message that a healthy American economy derives from progressive and aggressive business competition in a global arena.

Burle Industries evolved from a division spun-off RCA in 1987 following the GE acquisition of RCA. GE intended to close the division, an action that would have resulted in the loss of about 1,000 jobs, most of them in Lancaster County. The division managers proposed a leveraged buy-out, financed by First Boston, and formed the company. At the time of the buy-out, sales were about \$125 million annually. Today they are about \$150 million and the company employs about 1,150 people. Most of the jobs, about 900, are still in Lancaster County where the vast majority of the manufacturing is done, but the company does have sales offices, warehouses and small manufacturing facilities in London, Germany, Ireland, Singapore, North Carolina and Dearborn, Michigan. The current debt to equity ratio is 25 to 30 percent. Projections are for 10 percent growth in sales this year.

A little less than 25 percent of Burle's sales come from exports. The main export target for the company is Europe where sales growth of 10 to 15 percent is expected this year and may be more if the European economy improves more rapidly than currently anticipated. The company does sell into China, Japan and other Pacific Rim nations, but is targeting Europe

C T Communications

-3-

technology. The president says that the company's capital replacement program calls for a new generation of technology every five years.

As you can see, Burle embodies many of the concepts that are key to the message you want to communicate out of the Commerce Department. Burle is an international company creating American jobs through participation in the global economy, building exports while maintaining a strong domestic market. It is competing successfully under the Bush Administration policies of free and fair trade and it is maintaining its competitive edge through its commitment to quality and innovation. As evidenced by the company's growth plans, ongoing product introduction capabilities and fierce determination to compete aggressively in the marketplace, the spirit of entrepreneurship is alive and well at Burle.

Logistically, holding your swearing-in ceremony at Burle is fairly easy to accomplish. Lancaster is close to DC, making a day trip very possible. In addition, there is a helicopter pad on the plant grounds.

The downside to holding this event outside of DC is that it limits the number of people who will be able to attend. Further limitations on audience size come from the space available at Burle for such an event.

The only two spaces available are an auditorium and an open area on the plant floor. The auditorium is small, seating only about 200 people, and not particularly attractive. I favor the open area on the plant floor. This is a space backing up to the inhouse printing facilities at Burle with an open employee break room to the side. The backdrop for the event then would be machines and equipment and we could pack probably a couple or three hundred people in the room if everyone stands.

This plan obviously puts a limitation on the number of media which can cover the event. If the full White House press corps travels to an event, space is needed to accommodate about 125 to 150 reporters and crew members at a minimum. Obviously, the space at Burle cannot accommodate this size of a media contingent. My recommendation would be to limit White House press corps coverage to the expanded pool and then to invite the Commerce Department beat reporters and other selected business reporters to cover the event.

C T Communications

-4-

I think this plan also will help make sure that the message we want to communicate gets through. One of the problems the Administration may be having in effectively communicating business stories is that we are talking to the wrong audience. White House political reporters generally do not understand business stories. If we want to communicate a business story and message, we need to talk to business reporters who understand the issues.

The only other potential downside I see to holding the event at Burle is that the company's facilities also house another RCA spin-off company. This one is called Thompson, manufactures televisions and is owned by the French government. It is a totally separate operation so we can probably arrange activities so the Thompson ownership question does not become an issue.



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20500

March 10, 1992

DCF HAS SEEN

Michael R. Deland
Chairman

(202) 395-5080

3/19
SHOWED
POTUS

MEMORANDUM TO: PHIL BRADY
FROM: MIKE DELAND
SUBJECT: *done* "Heads of State" Participation at UNCED Conference -- UPDATE

Show POTUS

In my note of this morning, I indicated I would keep you posted on developments and there now appears to be one of some significance...

It turns out that June 11 is a "high Holy Day" for Muslims so the current thinking is to consolidate the "Head of State" participation into one day which is now tentatively scheduled for Saturday, June 13th.

I will keep in touch with Maurice Strong, Secretary General of UNCED, and continue to keep you posted.

cc: ✓ Sam Skinner
Brent Scowcroft
Clayton Yeutter
Kathy Super

DCF HAS SEEN

March 10, 1992

*Keep in
mind*

MEMORANDUM FROM THE PRESIDENT

TO:

CONNIE HORNER

SUBJECT:

BEVERLY BYRON, M.C.

Representative Byron was defeated in her primary. She has been a very good supporter. Please keep her in mind for any leadership spots in our Administration. She would be an excellent Democratic appointment to chair or be a member of some commission, or she could fit in somewhere else in our Administration next year.

She will stay through this term in the Congress, but it is not too early to begin to think how we could use her. I told her I wanted her involved next year assuming, of course, victory will be ours.

Thanks.

cc: Sam Skinner
Nick Calio

FROM THE PRESIDENT

THE WHITE HOUSE
WASHINGTON

3/11
DCF HAS SEEN

Sam,

As you can imagine there's
a history here which I
can share at your convenience.
Historically Puerto Rico has
had a White House liaison,
a position which held through
most of the Fort two Administrations.
I served in that capacity during
a brief period. Your options
are Benson, Smith or me.
We can discuss. Phil SB

MRJ
who will
handle Puerto Rico
March 2, 1992
D//

Dear President Bush
I hear that Phil Brady is

back at the White House. Since
Andy is now over at Transportation,
I would really like Phil to work
with us issues related to P.R.

Please ask him to take
over Puerto Rico? I worked well
with him in the past.

My best wishes,

Miriam

Miriam J. Ramirez de Ferrer, MD
P.O. Box 3225, Mayaguez P.R. 00709
Tel. (809) 834-0726