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1998-0004-F[2]

FOIA Number:
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FOIA MARKER

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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: Sununu, John, Files
Subseries: Daily Agenda Files

OA/ID Number: 29195
Folder ID Number: 29195-001

Folder Title:
Chief of Staff Discussion Items 9/2/90-12/31/90 [1]

Stack:	Row:	Section:	Shelf:	Position:
G	15	25	7	5

Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. Agenda	From Ed Rogers Discussion Items for the Chief of Staff (1 pp.)	9/5/90	P-5	
02. Agenda	From Ed Rogers Discussion Items for the Chief of Staff (1 pp.)	9/6/90	P-5	
03. Memo	From Ed Rogers to POTUS Re: Ballot Initiatives to Limit Legislative Terms (2 pp.)	9/19/90	P-5	
04. Paper	Biographical Sketch of Sharon Pratt Dixon (4 pp.)	n.d.	C	
05. Agenda	From Ed Rogers Discussion Items for the Chief of Staff (1 pp.)	9/26/90	P-5	
06. Memo	From Sig Rogich to POTUS Re: Presidential Support for USO Efforts on Behalf of American Servicemen in Operation Desert Shield (2 pp.)	9/26/90	P-5	

Page 1 of 1

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Daily Agenda Files
WHORM Cat.:
File Location: Chief of Staff Discussion Items
 9/2/90 - 12/31/90 [1]

Pinksheet Number: KO0963
OA/ID Number: 29195-001
Date Closed: 1/7/2005
FOIA/Sys Case #: 1998-0004-F[2]
Re-review Case #: 2005-0426-S
P-2/P-5 Review Case #:

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Tuesday, September 4, 1990

SUBJECT	JHS	STAFF
1. Review Tuesday and Wednesday Schedules TAB A		
2. Cabinet meeting today	✓	Rept - Pulling together notes - Cindy - accept resp - ✓
3. POTUS drop by Bernath Press brief on Weds.	Rm. 450. ✓	CAUP. CAN DO WED - Resc ?!! ✓ Dinner next night
4. Congressional Dele - meet w/ POTUS re their visit to Saudi	TOMORROW @ 10:00? oh	
5. Souther ABA rating today	✓	ED/MALLIN KEEP IN TOUCH ✓
6. Budget talks this weekend L.A. ✓	In sequester? ^{missed} ✓	

CIV. RIGHTS - ✓
CLEAN AIR ✓

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Tuesday, September 4, 1990 -- P.M.

SUBJECT	JHS	STAFF
1. Political Events Options Memo TAB A		
2.		
3.		
4.		
5.		
6.		

Withdrawal/Redaction Sheet

(George Bush Library)

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01. Agenda	From Ed Rogers Discussion Items for the Chief of Staff (1 pp.)	9/5/90	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Daily Agenda Files
WHORM Cat.:
File Location: Chief of Staff Discussion Items
9/2/90 - 12/31/90 [1]

Open on Expiration of PRA
(Document Follows)
By (NLGB) on 10/28/05

Date Closed: 1/7/2005	OA/ID Number: 29195-001
FOIA/SYS Case #: 1998-0004-F[2]	Appeal Case #:
Re-review Case #: 2005-0426-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)]

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

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.

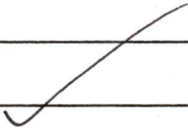
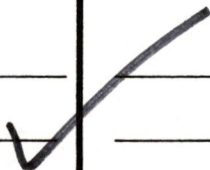
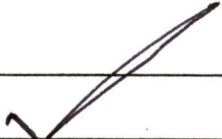
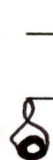
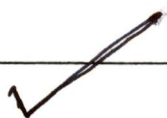
PRM. Removed as a personal record misfile.

(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]
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(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

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Wednesday, September 5, 1990

SUBJECT	JHS	STAFF
1. Review Wednesday and Thursday Schedules TAB A		
2. POTUS attend budget session Friday??	10:00 oh. = 	
3. Carefull about highlighting Pell this As M		
4. Souter in strong shape. 		
5. EPC today on energy (POTUS does not attend)		
6.		MESS closed —

Withdrawal/Redaction Sheet

(George Bush Library)

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02. Agenda	From Ed Rogers Discussion Items for the Chief of Staff (1 pp.)	9/6/90	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
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WHORM Cat.:
File Location: Chief of Staff Discussion Items
 9/2/90 - 12/31/90 [1]

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 (Document Follows)
 By JP (NLGB) on 10/28/05

Date Closed:	1/7/2005	OA/ID Number:	29195-001
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AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

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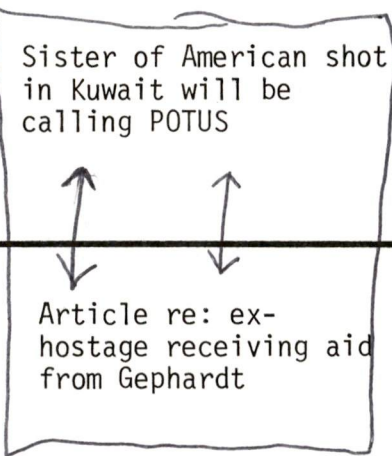
Freedom of Information Act - [5 U.S.C. 552(b)]

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DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

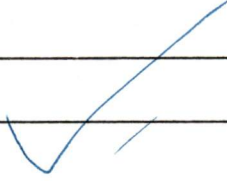
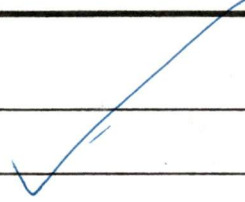
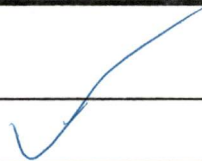
DATE: Thursday, September 6, 1990

SUBJECT	JHS	STAFF
1. Review Thursday and Friday Schedules TAB A		
2. <u>Personnel Memos</u> Citizens Dem Corps SLMA Janet Brown INSIDE COVER		
3. Sister of American shot in Kuwait will be calling POTUS 		
4. Article re: ex-hostage receiving aid from Gephardt TAB B		
5.		
6.		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

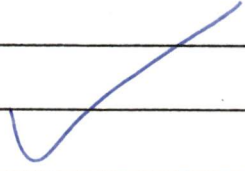
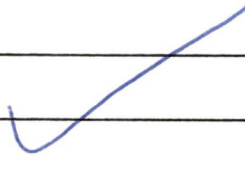
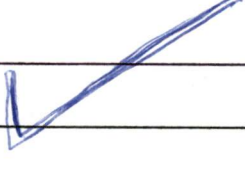
DATE: Friday, September 7, 1990

SUBJECT	JHS	STAFF
1. Review Friday and Helsinki Schedules TAB A		
2. Start at Budget Summit - pool on arrival		
3. Bat at Summit - from Dale -		Wan Power Refer back to meeting - Get ready by Monday - Do Tues. AM / Thank Tues PM
4. Civil Rts.		
5.		
6.		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Monday, September 10, 1990

SUBJECT	JHS	STAFF
1. Review Monday and Tuesday Schedules TAB A		
2. Presidential Golf Cart TAB B		
3. Photo for James INSIDE COVER		
4. <i>Cancel speech practice</i>		
5. <i>Wed AM taping for Iraq - Oval Office</i>		
6. <i>C.A.F.E. Bill</i>		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Tuesday, September 11, 1990

SUBJECT	JHS	STAFF
1. Review Tuesday and Wednesday Schedules TAB A		
2. <i>Update Budget Talker</i>		
3. <i>7:00AM taping of Iraqi message</i>		
4. <i>Souter update</i>		
5.		
6.		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE:

Sept 13, 1990

SUBJECT	JHS	STAFF
1. Review Weds and Thursday sched. (TAB-A)		
2. Souther lunch today	✓	
3. Speech reviews	✓	
4. C.A.F.E. legislation	Next Week	
5.		
6.		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Thursday, September 13, 1990

SUBJECT	JHS	STAFF
1. Review Thursday, Friday and Weekend Schedules TAB A		
2. Press Clips from Florida Trip INSIDE COVER		
3. Letter from Semitic Museum, Harvard TAB B		
4. <i>Watkins announce-</i> <i>ment today - <u>Inside</u></i> <i><u>Cover.</u></i>		
5.		
6.		

SEMITIC MUSEUM
HARVARD UNIVERSITY

SIX DIVINITY AVENUE
CAMBRIDGE, MASSACHUSETTS 02138
(617) 495-4631

September 6, 1990

Per FAX: 202-456-2397, Attention Mia Kelly

Personal and Urgent for

Governor John Sununu, Chief of Staff
The White House
1600 Pennsylvania Avenue
Washington, DC

RE: Photo proof (from 1903) for Kuwait's sovereignty (as well as an irrefutable illustration for that international collaboration - since 1783 - through which an unbroken succession of Al-Sabah rulers had maintained the peaceful independence of their city-state's territory while Iraq's 18 provinces continued to be ruled by Ottoman governors as appointed by Sultans since the 1430s)

Dear John,

Our prayers are constantly with you -- and our courageous President -- in your prudent efforts for peace and justice. May God guide your work and protect mankind's quest for order and sanity!

Allow me swiftly to pass along the enclosed photo-document (re-discovered in 1981 in India by our Photo-Curator Elizabeth Carella) -- not as a historical footnote, but rather, in this TV age, as incontrovertible proof for the correctness of President Bush's first point for U.S. policy now when basic issues are being deliberately twisted.

1. The caption (perhaps handwritten by Raja Lala Deen Dayal, the most eminent Indian photographer a century ago) could poignantly come from today's headlines: "Koweit . . . The Sheikh Waiting."

In 1903, however, the ruler was welcoming the arrival of the Viceroy of India to Kuwait's free territory where the Al-Sabah's independent rule had been confirmed through documents exchanged with Lord Curzon's various predecessors from at least the 1780s (as well as by actual treaties in 1820, 1841, 1899, 1900, etc. -- long before oil discoveries).

2. The scene shows Sheikh Mubarak (the 7th consecutive Al-Sabah ruler of Kuwait) riding upon the shore in front of a standard bearer whose dark flag (remembered as bright red) spells the name *Kuwait* in white Arabic letters.

More than a dozen years before the "Flag of the Arabs" (with black and green as additional colors) was to be raised in revolt against the Ottomans, Kuwait's original flag proclaims more even than the state's self-assured independence from the Sultan's crescent banner (then waving over Iraqi regions). Kuwait's flag is here borne in welcome to the Viceroy's Union Jack (which

THE CHIEF of STAFF
has seen

remained atop the mast of his R.I.M.S. "Lawrence" offshore) as a tangible expression of friendly *interdependence* among powers concerned with preserving free passage through Gulf waters.

3. The specific circumstances behind this 1903 scene confirm the significance of Kuwait's consistently maintained independence from Ottoman provinces administered by the Pasha of Baghdad (which were to be combined only after WWI into Mandatial Iraq). Founded about 1716, Kuwait (also know as *Grain*) had a coastal economy so that its tribes trafficked -- primarily in pearls, fish and sponges -- with Bombay.

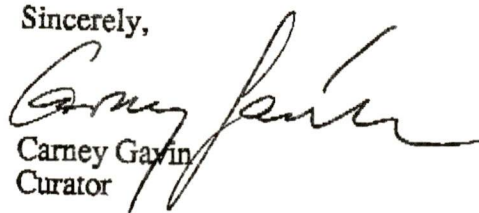
In 1899, when Imperial Germany contemplated extending the Berlin-to-Baghdad railway line on from Basra to Kuwait, Sheikh Mubarak and Lord Curzon had made a treaty (first kept secret until the British Ambassador announced it to the German Embassy as well as to the Sultan in Istanbul) specifically to prevent too close linkage with inland regions later to become Iraq. The state visit photographed four years thereafter was in part a celebration of the success of international cooperation to preserve Kuwait's independence.

Should the President find this photo-evidence helpful, our only condition for its public (non-commercial) use would be, in keeping with our pledge to the photographer's grandson who permitted us to re-photograph the crumbling original, that proper credit be given to the family, viz:

From the historic photo-collections of Raja Lala Deen Dayal (1844-1910)
Rephotographed with permission of his grandson Shri Ami Chand of Sekunderabad
by Elizabeth Carella, Harvard Semitic Museum.

Again, God bless you!

Sincerely,


Carney Gayin
Curator

P.S. Please let us know if (and how) your office would wish us to send an actual photo-print.

SEMITIC MUSEUM
HARVARD UNIVERSITY

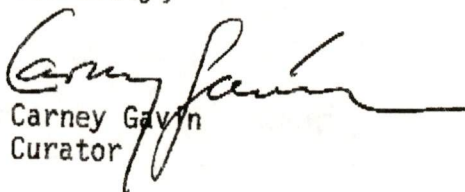
SIX DIVINITY AVENUE
CAMBRIDGE, MASSACHUSETTS 02138
(617) 495-4631

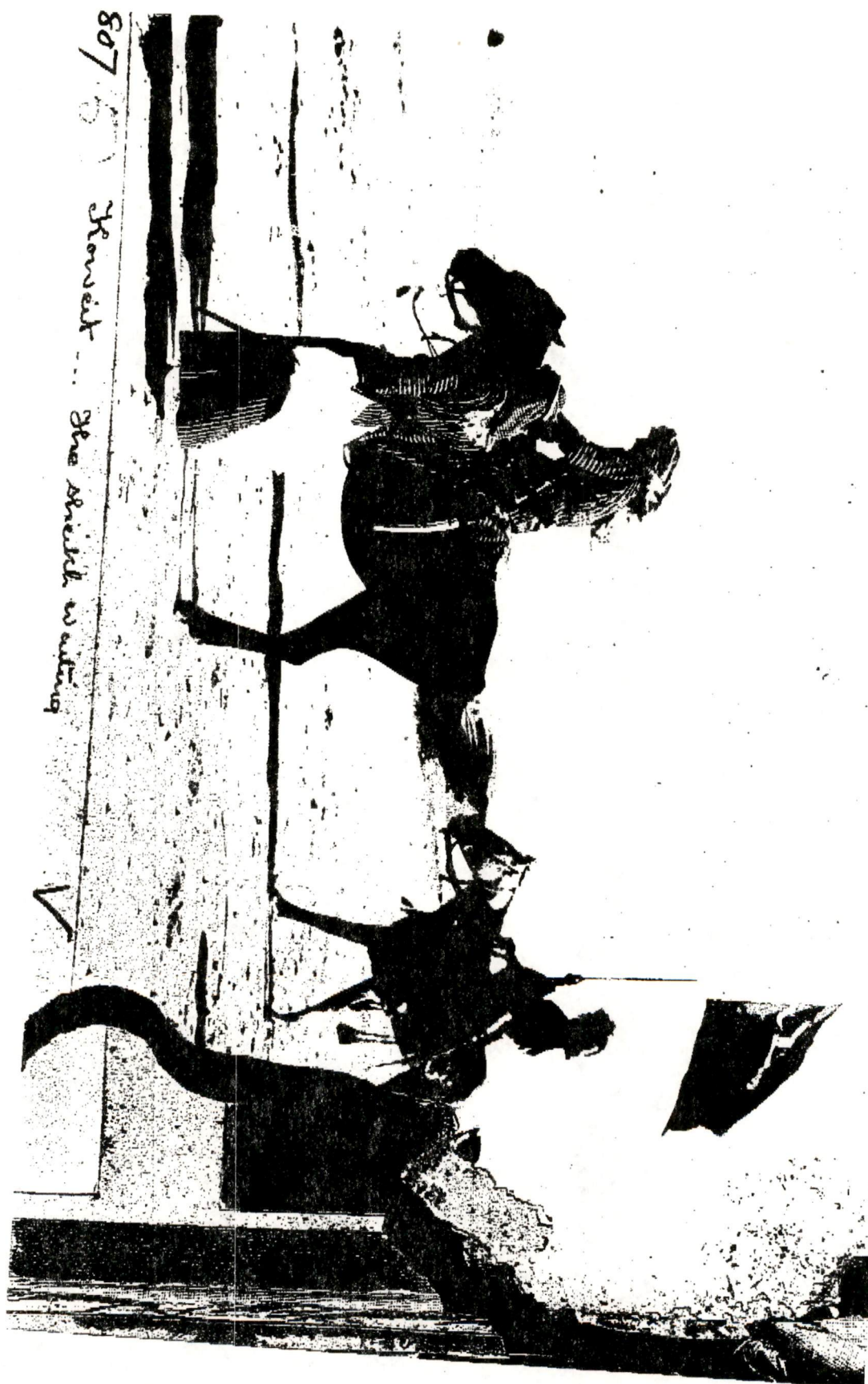
September 6, 1990

Dear John,

Following please find photographic proof of Kuwait's historic independence.

Sincerely,


Carney Gavin
Curator



HARVARD UNIVERSITY



Office for Information Technology
Network Services Division
50 Church Street
Cambridge, Massachusetts 02138

TO: Gov. JOHN SUNUNU, CHIEF OF STAFF
THE WHITE HOUSE
1600 PENNSYLVANIA AVE.
WASHINGTON, DC

202 - 456 - 2397

RECEIVING FAX #:

FROM: Fr. CARNEY GAVIN, CURATOR
TITE HARVARD SEMITIC MUSEUM
6 DIVINITY AVE. CAMBRIDGE, MA 02138

TRANSMITTING FAX # (617) 495-0500
or (617) 495-0801

THIS DOCUMENT CONSISTS OF 5 PAGES
INCLUDING THIS COVER PAGE. IF ENTIRE DOCUMENT
IS NOT RECEIVED, PLEASE CALL (617) 495-3200.

MESSAGE:

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Friday, September 14, 1990

SUBJECT	JHS	STAFF
1. Review Friday, Weekend and Monday Schedules TAB A		
2.		
3.		
4.		
5.		
6.		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

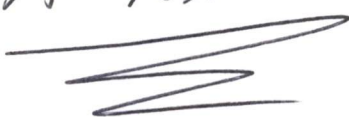
DATE: Monday, September 17, 1990

SUBJECT	JHS	STAFF
1. Review Monday and Tuesday schedules TAB A	<u>CALL DUBERSTEIN</u> ✓ <u>HAPPY B-DAY.</u> -	
2. <i>Textile Bill</i>	<u>VETO</u> -	
3. <i>Budget Deal if POTUS on the rd. ? ? ?</i>	✓	
4. <i>Souter</i>	✓	
5. <i>POTUS Start at Regional Press Briefing today</i>	✓	
6. <i>Marion Berry</i>	✓	
<u>TRAVEL</u>	✓	

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Tuesday, September 18, 1990

SUBJECT	JHS	STAFF
1. Review Travel Schedule for Tuesday and Wednesday TAB A		
2. Hispanic Executive Order (Event on Sept 24) TAB B		
3. ① Textile Bill ② Civil Rights		
4. ATLANTA 		
5.		
6.		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Thursday, September 20, 1990

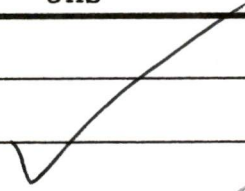
SUBJECT	JHS	STAFF
1. Review Thursday, Friday and Weekend Schedules TAB A		
2. White House Window Program INSIDE COVER	Meet the Gary Walters again	12³⁰
3. Scheduling Request for POTUS to meet with group for Jewish High Holy Days TAB B	Short Photo of ok Bryant JHS	11³⁰ JHS Hise
4. Letter to POTUS from Bill Coleman TAB C	↑	No conference RUN PRO
5. Proposed Reilly letter on CAFE bill TAB D		
6. Memo from Ed re: limiting congressional terms TAB E	Charles Baughman V.P. legislation	Get Baugh Const. Amendment?

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE:

9-20-90

SUBJECT	JHS	STAFF
1. <i>Hickle in Alaska</i>		
2.	<i>MULRONEY</i>	
3.		
4.		
5.		
6.		

O'MELVENY & MYERS

400 SOUTH HOPE STREET
LOS ANGELES, CALIFORNIA 90071-2899
TELEPHONE (213) 669-6000
TELEX 674122 • FACSIMILE (213) 669-6407

1800 CENTURY PARK EAST
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153 EAST 53RD STREET
NEW YORK, NEW YORK 10022-4611
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WASHINGTON, D. C. 20004-1109

TELEPHONE (202) 383-5300
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September
19th
1990

EMBARCADERO CENTER WEST
275 BATTERY STREET
SAN FRANCISCO, CALIFORNIA 94111-3305
TELEPHONE (415) 984-8700
FACSIMILE (415) 984-8701

10 FINSBURY SQUARE
LONDON EC2A 1LA
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AVENUE LOUISE 106
1050 BRUSSELS, BELGIUM
TELEPHONE 32 (2) 647 06 50
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OUR FILE NUMBER

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

Dear Mr. President:

When you called from Kennebunkport on August 17 you said that I could meet with you about the Civil Rights Act of 1990 if I could not work out the provisions with Governor Sununu. This point has been reached. I know that the Middle East, the unification of Germany, the budget and other issues are pressing, but there soon has to be a decision on the Administration's position with respect to the Civil Rights Act of 1990 as I am advised that the Conference Report will probably be filed by Monday, September 24, 1990.

I and those who voted for the bill in Congress are convinced that the bill, as presently drafted, is not a quota bill. First, it specifically says that it does not call for quotas. Second, as the bill worked its way through Congress six changes were made to assure that it was not a quota bill. Third, as shown by the attached two memoranda, even the Jewish groups, who are most vociferous against quotas, state that this is not a quota bill. Thus, in fairness, any new and subsequent public debate should be on other grounds, which grounds I do not think exist. For, as of today, the bill does not call for quotas, and like Griggs, will not result in the adoption of quotas.

The points on which you have to exercise final judgment are as follows:

1. Most people, including most people in your Administration, agree that Wards Cove must be overruled. Wards Cove contains two errors: (1) erroneously placing the

burden of proving the lack of business necessity on the plaintiff and (2) lowering the standards of business necessity in selection cases, e.g. hiring, promotion, etc. Appropriate language has been put in the bill which overrules Wards Cove with respect to the burden of proof. This has been accepted by the Administration. The continuing struggle, however, is over how one defines "business necessity" as used in Griggs. Section 3 of the bill defines it as follows:

"The term 'required by business necessity' means --

"(A) in the case of employment practices involving selection (such as hiring, assignment, transfer, promotion, training, apprenticeship, referral, retention, or membership in a labor organization), the practice or group of practices must bear a significant relationship to successful performance of the job; or

"(B) in the case of employment practices that do not involve selection, the practice or group of practices must bear a significant relationship to a significant business objective of the employer."

Some in the Administration object. At a meeting with Senator Kennedy held on July 12, 1990, Governor Sununu indicated a willingness to accept the following language:

"The term required by business necessity means:

(1) in the case of employment practices primarily intended to measure job performance, the practice or group of practices must bear a significant relationship to successful performance of the job.

(2) in the case of other employment practices that are not primarily intended to measure job performance, the practice or group of practices must bear a significant relationship to a significant business objective of the employer."

You should note that the standards to measure 1 and 2 respectively, are word for word what is in the bill, so there is no dispute over the two standards. The difficulty with other language in the July 12th proposal, however, in addition to the erroneous use of the word "intended" in a statute not based upon intent, is that many in the civil rights movement and other employment lawyers feel that subparagraph (2) will be used to swallow up subparagraph (1). In other words, the courts will not know in which situations to apply subpara-

graph (1) and in which situations to apply subparagraph (2). And since the standard in (2) is less stringent (or at least different) than the standard that is in (1), there is the fear that (2) would be applied to selection and promotion cases.

In my meetings with Governor Sununu he readily acknowledges that his (1) is to deal with job selection issues and his (2) is to deal with issues of plant closings, bankruptcies, alcohol or smoking restrictions. Regrettably Boyden Gray and I have not been able to settle on mutually acceptable language to codify my understanding with Governor Sununu. To avoid any possible argument that (A) in the bill will swallow up (B) to the disadvantage of the employer, I propose that we handle the issue by adding a new subsection to the present bill as follows:

"(C) Where the employer proves that its employment decision -- whether or not involving selection -- was based primarily on rules relating to the use of illegal drugs, excessive drinking on the job, attempting to create a smoke free environment or plant termination or bankruptcy such employment decision is to be measured by (B) above and not (A) above."

It seems a public tragedy that we have a situation where the political officers of the Administration agree with the House and Senate but for some reason the lawyers cannot put that agreement into language. I hope that after consultation you would accept the language presently in the bill as is, or with the addition I propose or suggest other language which will accomplish the result Governor Sununu, Senator Kennedy and Coleman all agree upon.

2. The other major issue is damages. Under the Act of 1866 if there is intentional discrimination against blacks in connection with job selection, racial harassment, etc., a black is entitled to back pay and restoration to his job¹, other compensatory damages including pain and suffering, and, in malicious intent cases, to punitive damages. A black is entitled to a jury trial on the compensatory damages and punitive damage issues as the Constitution so requires. Thus, a black always brings suit under the Civil Rights Act of 1964 as well as the Act of 1866. The problem faced here comes about because women are included in the Civil Rights Act of 1964 but not in the Act of 1866. Thus under present law a

¹The two items of relief are also conferred by the Civil Rights Act of 1964, as amended.

woman who proved intentional sexual discrimination, including harassment, would receive only back pay, if any, and a restitution to the job, each of which is considered to be an equitable remedy and thus the Constitution does not require a jury trial. Women rightfully have said that in cases of intentional sexual discrimination they ought to be able to get compensatory damages including pain and suffering and in the egregious cases punitive damages. The House bill caps for businesses with less than 100 employees the punitive damages at the greater of \$150,000 or the compensatory damages. The Senate sponsors and the Majority Leader agreed to accept an amendment with the same cap but it applies to all businesses regardless of the number of employees. Thus the issues in the conference on the damage issue are: (a) Does the cap apply to all businesses or only those with less than 100 employees? and (2) perhaps should the cap, as some in the Administration suggest, cover something more than punitive damages?

Obviously these are provisions on which the White House and Congress should reach agreement. In any event, it would be a tragedy of the worst order to veto a bill which black and other minority communities overwhelmingly want and need when the dispute, minuscule by any standards, is how you express agreed upon principles in statutory language.

I stand ready to meet with you at your convenience, but I do have to leave the country at 5:00 p.m. on Saturday, September 23 for Stuttgart, Germany. I will be back in the United States at 9:00 a.m. on Wednesday, September 26, but that might be too late if the House-Senate Conference has acted.

Respectfully,

Bill

William T. Coleman, Jr.

Quotas

When the Civil Rights Act was first introduced, concerns were expressed that sections 3 and 4 -- the provisions which overturn the decision in Wards Cove Packing Co. v. Antonio, would result in hiring or promotion quotas. The language of the Bill, even as originally drafted, did not purport to require quotas. The concern raised, however, was that an employer with a racially imbalanced workforce would be certain to lose a disparate impact case under the terms of the legislation, and that as a consequence employers would resort to quotas as the only way to avoid a lawsuit under Title VII.

In response to these arguments, sponsors of the legislation made 6 different changes specifically designed to assure that the Bill would not induce employers to hire or promote on the basis of race or sex.

(1) Anti-Quota Provision

From the outset the debate about sections 3 and 4 centered on the claim that they could and would be construed to impose on employers a burden so onerous the employer would adopt quotas to avoid lawsuits. Supporters of the Bill insisted that its correct meaning did not impose such burdens, and argued it would not be so interpreted; critics expressed fear of a particularly harsh interpretation. To address this concern in its most general terms,

NO QUOTAS

a provision was added in the House which expressly directs the courts not to give the Bill an interpretation that would, in effect, coerce employers into using quotas:

"Nothing in the amendments made by this Act shall be construed to require an employer to adopt hiring or promotion quotas on the basis of race, color, religion, sex or national origin"

(2) Mere Restoration of Griggs

Most of the concerns regarding quotas have related to the proposed definition of "business necessity". Under Griggs, once a plaintiff establishes a prima facie case of disparate impact, the employer must prove that the practice or practices involved related to job performance and were justified by business necessity. The Wards Cove decision changed and weakened the standard of justification in such cases. The stated purpose of sections 3 and 4 was to restore the standard of business necessity to that which existed under Griggs. Critics objected, however, that the language of the Bill in fact established a new standard far more onerous than Griggs. Opponents did not, in general, object to returning to the law that prevailed prior to Wards Cove. There has been no

NO QUOTAS

suggestion that Griggs and its progeny ever resulted in quotas, only a concern that the Bill went beyond a simple restoration of the pre-Wards Cove standard. Because we know from 18 years of experience that Griggs did not lead to quotas, mere restoration of Griggs itself could not do so.

For these reasons a provision was inserted in both the Senate and House bills which state expressly

"This subsection is meant to codify the meaning of 'business necessity' as used in Griggs v. Duke Power Co".

Comments of Interested Organizations

The Anti-Defamation League of B'Nai B'Rith, the national organization with the longest and most outspoken record of opposition to quotas, supports the Civil Rights Act. A.D.L. endorsed the Bill even in its original form, confident that the Bill would not result in quotas:

"We are pleased to lend our support to the proposed Civil Rights Act of 1990... It offers necessary and important federal protection to potential victims of discrimination and does so sensibly and reasonably - - without resort to quotas or numerical preferences which can themselves become discriminatory and which we have for many years opposed. We do not believe that the Bill, properly interpreted should result in quotas -- or their functional equivalent."¹

After the Senate adopted a number of changes to alleviate the concerns described above, a spokesman for A.D. L. reiterated the organization's view in an article entitled "Once and For All, It's Not A Quota Bill"::

¹ Statement of Anti-Defamation League on H.R. 4000, February 20, 1990, p.1.

COMMENTS

"[T]he Anti-Defamation League ... has fought ... vigorously against the use of quotas, goals, and timetables [T]he Anti-Defamation League does not believe the civil rights bill would authorize or promote quotas... .

Critics charge that the Civil Rights Act would impose liability on employers simply because their work force didn't reflect the racial composition of the community... . This has never been so, and would not be the case under the new Civil Rights Act... .

The Senate-approved Bill defines business necessity context as that which 'bear[s] a significant relationship to successful performance of the job.' This does not mean that to pass muster, practices must be absolutely necessary, as some critics have charged."²

The American Jewish Committee also concluded that even the original language of the Civil Rights Act would not lead to quotas:

"[Q]uotas ... we oppose because we believe that quotas

² Legal Times, July 30, 1990

COMMENTS

undermine the concept of individual merit... . [N]othing in the Civil Rights Act of 1990 creates or condones the institution of quotas.

Contrary to what some will argue, providing remedies for unjustified employment practices which result in disparate impact has nothing whatsoever to do with quotas. Title VII, as it was interpreted prior to Wards Cove ... and as it will be again once the Bill before us becomes law, did not require that employers adopt immutable percentages for minorities and women in the workforce."³

The President of the American Jewish Committee denounced as totally baseless charges that the Bill would lend to hiring or promotions on the basis of percentages. In an article entitled "The Civil Rights Act is Not A Quota Bill", he wrote"

"A small coterie of opponents to the Civil Rights Act of 1990 have sought to advance their cause by labeling the act 'a quota Bill'. Nothing could be further from the truth... The

³ Testimony of Sholom Comay, President, American Jewish Committee, on H.R. 4000, February 20, 1990, pp. 3,4,6.

COMMENTS

The American Jewish Committee is an organization long opposed to quotas and is a strong supporter of the Bill... . [T]he Bill would reestablish a Supreme Court standard first developed in 1971 in Griggs v. Duke Power Co. Before the court reversed itself in the June 1989 Wards Cove decision, the Griggs precedent stood for nearly 20 years, without once resulting in racially based numerical quota systems... .[B]efore Wards Cove employers satisfied the business necessity standard without resorting to quotas... The quota scare tactic is much ado about nothing."⁴

⁴ Christian Science Monitor, July 11, 1990.

THE WHITE HOUSE

WASHINGTON

September 19, 1990

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: EDE HOLIDAY *[Signature]*

SUBJECT: Follow-up to Our Meeting With Secretary
Watkins

Attached is a draft letter, prepared by Secretaries
Watkins and Skinner for signature by Bill Reilly, to
insure consistent Administration position on the CAFE
legislation.

I have submitted it to OMB for appropriate clearance.

Attachment

Straight opposition. Option #1

September 19, 1990

The Honorable George J. Mitchell
The Majority Leader
United States Senate
Washington, D.C. 20510

Dear Senator Mitchell:

I am writing with regard to S. 1224 which is now before the U.S. Senate. I want to add my opposition to that of Energy Secretary Watkins and Transportation Secretary Skinner to S. 1224. I believe, as they stated in their letter of September 13, 1990, that the fuel economy levels required by S. 1224 are not achievable with available fuel economy technology and would require other changes in vehicle design and product restrictions. These changes would unnecessarily jeopardize other goals such as safety and environmental improvements.

Of particular concern to me is the likelihood that the fuel economy levels for light trucks can be achieved only with significantly increased use of light duty diesel engines. While the technology to control diesel emissions is advancing rapidly, I do not believe that achieving the very low NO_x and particulate levels likely to be required by the Clean Air Act would be compatible with rapid introduction of new light duty diesel engines to meet the unrealistic fuel economy goals of S. 1224.

I also want to reiterate the point Secretaries Watkins and Skinner made regarding overloading the auto industry's engineering resources. The Clean Air Act and new safety requirements will tax the ability of the industry without the additional need to make rapid changes in fuel economy technology.

I urge Congress not to rush ahead with ill-considered policies, such as S. 1224 that may unnecessarily jeopardize other equally important goals.

Sincerely,

William K. Reilly

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Memo	From Ed Rogers to POTUS Re: Ballot Initiatives to Limit Legislative Terms (2 pp.)	9/19/90	P	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Daily Agenda Files
WHORM Cat.:
File Location: Chief of Staff Discussion Items
 9/2/90 - 12/31/90 [1]

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 10/28/05

Date Closed:	1/7/2005	OA/ID Number:	29195-001
FOIA/SYS Case #:	1998-0004-F[2]	Appeal Case #:	
Re-review Case #:	2005-0426-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)]

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

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

PRM. Removed as a personal record misfile.

THE WHITE HOUSE

WASHINGTON

September 19, 1990

MEMORANDUM FOR THE PRESIDENT

FROM: ED ROGERS *ER*

SUBJECT: BALLOT INITIATIVES TO LIMIT LEGISLATIVE TERMS

As I'm sure you noticed, yesterday a ballot initiative to limit State legislative terms passed by a greater than 2 to 1 margin in Oklahoma. As I mentioned in my memo of August 17, 1990, these ballot initiatives, particularly in California, are potentially significant. There are two remaining on the 1990 ballot: California and Colorado, and Colorado's version even goes so far as to try to limit terms for Members of Congress.

Several groups are appearing around the country hoping to promote similar initiatives for state ballots in 1992. A couple of these groups are interested in limiting terms of Members of Congress through a Constitutional Amendment - and they're gathering strength. These initiatives are salient, and becoming more so, for 2 reasons:

1. They allow voters to voice dissatisfaction with the whole legislative institution. Voters argue constantly that "my legislator is OK, but the entire body is terrible" - with a ballot initiative the argument becomes: "My guy is alright, but I've got to do something about all those other clowns".
2. Any opponent of these initiatives would immediately be put on the defensive by having to argue in favor of the status quo. Given the low opinion most people have of how legislative bodies conduct business, this will be a very tough position to maintain.

The Democrat leadership nationwide is very fearful of these initiatives - particularly in California - where Willie Brown is leading a fundraising effort to stop them. The initiatives have also attracted the attention of National Democrats and leaders of Congress.

It's only a matter of time before our own press corps becomes interested, probably with the California vote, and asks your opinion about limiting legislative terms. I've tried to do some research to determine if you've ever spoken out on this issue. Although I couldn't find any direct references, I think I remember a statement from you during the '88 campaign saying we should not limit legislative terms.

Sometime before the 1990 season is over, I expect you will have to deal with this question again. I wanted to make you aware of this issue and just how frightened the Congressional Democrats are of its success. Obviously, they would be even more so if they felt that the President could be supportive of an initiative to limit their terms.

Also, attached please find a brief paper on Sharon Pratt Dixon.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04. Paper	Biographical Sketch of Sharon Pratt Dixon (4 pp.)	n.d.	C	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Daily Agenda Files
WHORM Cat.:
File Location: Chief of Staff Discussion Items
 9/2/90 - 12/31/90 [1]

Date Closed: 1/7/2005	OA/ID Number: 29195-001
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PRM. Removed as a personal record misfile.

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DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Friday, September 21, 1990

SUBJECT	JHS	STAFF
1. Review Friday, Weekend, and Monday Schedules TAB A	_____ _____ _____	_____ _____ _____
2. SEE THURSDAY AGENDA	CANADA _____ _____ _____	_____ _____ _____
3. Talk to POTUS re: Camp David Saturday Points of Light Foundation	_____ _____ _____	_____ _____ _____
4.	_____ _____ _____	_____ _____ _____
5.	_____ _____ _____	_____ _____ _____
6.	_____ _____ _____	_____ _____ _____

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05. Agenda	From Ed Rogers Discussion Items for the Chief of Staff (1 pp.)	9/26/90	P/5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Daily Agenda Files
WHORM Cat.:
File Location: Chief of Staff Discussion Items
 9/2/90 - 12/31/90 [1]

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 10/28/05

Date Closed: 1/7/2005	OA/ID Number: 29195-001
FOIA/SYS Case #: 1998-0004-F[2]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
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Freedom of Information Act - [5 U.S.C. 552(b)]

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DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Wednesday, September 26, 1990

SUBJECT	JHS	STAFF
1. Review Wednesday and Thursday Schedules TAB A		
2. <i>Speakers are tough on Congress. Today</i>		
3.		
4.		
5.		
6.		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Tuesday, September 25, 1990

SUBJECT	JHS	STAFF
1. Review Tuesday and Wednesday Schedules TAB A		
2. Newsday interview request for POTUS re: Mrs. Bush <i>Marlin has no opinion</i> TAB B	<i>oh with ground rule</i> <i>oh</i> 	<i>(to Ed)</i>
3. UNICEF <i>New York trip</i>		
4. <i>Southern / Civil Rts group.</i>		
5. <i>Growth paragraph in today's speech</i>		
6.		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Tuesday, September 25 -- P.M.

SUBJECT	JHS	STAFF
1. Reception at the United Nations		
2.		
3.		
4.		
5.		
6.		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Friday, September 28, 1990

SUBJECT	JHS	STAFF
1. Review Friday, Weekend and Monday Schedules TAB A		
2. Planned Parenthood Advertisement INSIDE COVER	NSC / CPC SPRO / DOWN	
3. USO Project TAB B (Action)		Freedom of information + 5 pg - Futtl. H.R. / M. Law / T. B. B.
4. Meeting with Ambassador Lahoud		
5. We should receive textile bill today		
6. <u>Civil Rts Bill</u>		



For women, abortion is a tough decision. For President Bush and Tom Tauke, it was a snap.



Twice this year, Congressman Tauke went out of his way to endanger the lives and privacy of women all across America.

In February, he joined President Bush in asking the U.S. Supreme Court to overturn *Roe v. Wade*, the case that made abortion safe and legal in all fifty states.

More recently, he voted against federal Medicaid help for victims of rape and incest too poor to afford their own health care. Even before President Bush went out of his own way to veto it.

Tom Tauke is not a doctor. So he probably doesn't know thousands of women were maimed and killed in bloody back-alleys before the Supreme Court upheld safe and legal abortion in 1973.

Nor is he a woman. And maybe that's why he finds it so easy to dismiss the deep concern and outrage most women feel when a few politicians decide to make headlines out of such intensely

personal and private decisions.

Most others in Congress aren't doctors and women either.

But unlike Congressman Tauke and President Bush, they respect the American majority view that abortion must remain a private decision, free of government interference.

Tom Tauke went out of his way to urge the Court to make abortion dangerous and illegal again. For every woman. No matter what the circumstances. Then he turned his back on women who are poor and need medical help because of rape and incest.

It's time we let both of them know their irresponsible actions threaten the health and privacy of women.

And that's something we care about, here in Iowa. Just like the rest of America.

Please mail the coupon.

President Bush:

Whatever your personal feelings about abortion, you have a responsibility to protect the private choice of others. Stop trying to overturn *Roe v. Wade*. Stop interfering in women's lives.

NAME _____

ADDRESS _____

Congressman Tauke:

Whatever your personal feelings about abortion, you were elected to represent the rest of us. We don't want *Roe v. Wade* overturned. We want to keep abortion legal and safe.

NAME _____

ADDRESS _____

Forward my messages to President Bush and Rep. Tauke. I also enclose a donation to support all Planned Parenthood does to reduce the need for abortion, through family planning services and education, while ensuring its safety. \$15 \$30 \$45 other _____



Planned Parenthood
of Mid-Iowa

P.O. Box 4537, Des Moines, IA 50306

Des Moines Register 12-10-87

© 1987 PPA, Inc. This ad was paid for with general contributions.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
06. Memo	From Sig Rogich to POTUS Re: Presidential Support for USO Efforts on Behalf of American Servicemen in Operation Desert Shield (2 pp.)	9/26/90	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Daily Agenda Files
WHORM Cat.:
File Location: Chief of Staff Discussion Items
9/2/90 - 12/31/90 [1]

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Ambr Toland

THE WHITE HOUSE

WASHINGTON

September 26, 1990

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SIG ROGICH
ASSISTANT TO THE PRESIDENT FOR PUBLIC EVENTS AND
INITIATIVES

ED ROGERS
DEPUTY ASSISTANT TO THE PRESIDENT, AND EXECUTIVE
ASSISTANT TO THE CHIEF OF STAFF

SUBJECT: PRESIDENTIAL SUPPORT FOR USO EFFORTS ON BEHALF OF
AMERICAN SERVICEMEN IN OPERATION DESERT SHIELD

I. ACTION-FORCING EVENT:

For you to participate in a multi-media public service campaign to launch "Project Oasis" an ongoing campaign of the United Service Organization (USO) to bolster the morale of our service personnel deployed in Operation Desert Shield.

II. ANALYSIS:

The American public supports our efforts in the Persian Gulf, but there seems to be a growing public concern about the conditions and potential risks faced by our service men and women. Supportive citizens are eager to find ways to boost the morale of our forces. Providing a means to express this public support would contribute to the strength of our national security efforts.

The USO is a Congressionally chartered, non-profit corporation whose sole purpose is to provide morale, welfare and recreational services to the men and women of the Armed Forces. For 50 years, since the time Prescott Bush, Sr. played a vital role in funding the USO, every President has served as the USO's honorary chairman and has made public statements in support of the organization and its mission.

In coordination with the Central Command and the Department of Defense, the USO has initiated a three-point program entitled "Project Oasis" to boost the morale of the forces participating in Desert Shield. This project includes:

1. Sending each service member an "oasis" package containing snacks, writing materials, sundries, small games, cassette tapes and books.

2. Providing live entertainment aboard ship and in the field.
3. Establishing USO centers to facilitate recreations, cultural orientations, and communications with home.

After review, White House counsel has deemed your participation, with your approval, would be appropriate because of your longstanding relationship with the USO and the fact that you serve as its Honorary Chairman.

III. RECOMMENDATION:

It is recommended that you take a key leadership role in the major advertising effort seeking public support for this project. Your participation would demonstrate action to boost the morale of the troops and provide a method for the American people to assist in this effort.

We recommend you participate in a kick-off event at the White House and tape three promotional television spots. The television spots would publicize a 1-900 telephone number for American citizens to provide their support of the USO by making a \$5 donation which would be charged to their monthly phone bill.

For your information, the USO has agreed to spend approximately \$400,000 on paid media for the first two weeks of the campaign. This represents 300 gross rating points per week, which will ensure wide exposure for the spots so we will not have to rely solely on discretionary public service announcements. By way of comparison, the 300 gross rating points per week would represent approximately 60% of our peak political media buy during the campaign in 1988.

The spots we propose you tape would be used to commence the campaign. They would be followed and reinforced by additional spots with celebrities, talk show appearances, promotional activities at major sports events, print media advertisements and press releases reporting on USO's Persian Gulf activities.

IV. DECISION:

_____	APPROVE	_____	APPROVE AS AMENDED
_____	REJECT	_____	NO ACTION

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

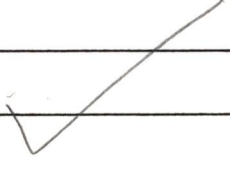
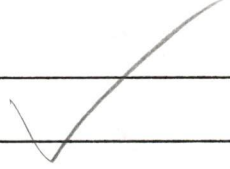
DATE: Tuesday, October 2, 1990

SUBJECT	JHS	STAFF
1. Review Tuesday and Wednesday Schedules TAB A		
2. Report on JHS Conversation with Secretary Kemp (per Ed)	5:00 PM TODAY	10:00 XXXXXXXXXXXXXXXXXXXX
3. Nationwide Address - East Room? KASSABAUM - COLIN - OCT-14	✓ [Redacted] JHS → Colin	SULLIVAN
4. Souter Swearing-In [Redacted]	Mon. Evening 1 PM Mon 5:00 EAST Room W.H.	
5. Cancel travel on Thursday & Friday	X	
6. Branching the meeting - last room? Don Sandquist at 10:00 AM	✓	

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Oct 2, 1990

SUBJECT	JHS	STAFF
1. Demos vote "no" on Persian Resolution		
2. Textile Bill - Rosti		
3.		
4.		
5.		
6.		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Wednesday, October 3, 1990

SUBJECT	JHS	STAFF
1. Review Wednesday and Thursday Schedules TAB A	 	
2. Phone calls or meetings this afternoon??	 ✓ 	
3. HS not at 9:15 AM meeting	 ✓ 	
4. Greenspan testing today	 ✓ 	
5.	 	
6.	 	

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: Wednesday, October 3 -- P.M.

SUBJECT	JHS	STAFF
1. Thanksgiving plans TAB A		
2. Citizens Democracy Corps Executive Comm. INSIDE COVER		
3.		
4.		
5.		
6.		

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

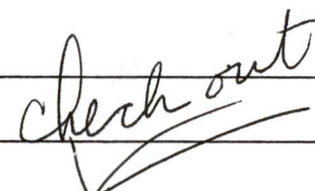
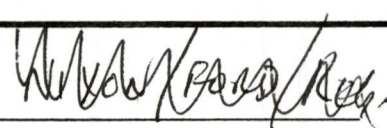
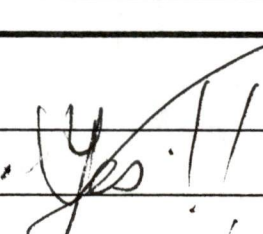
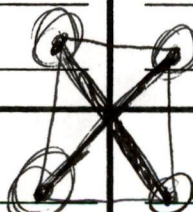
DATE: Thursday, October 4, 1990

SUBJECT	JHS	STAFF
1. Review Thursday, Friday and Weekend TAB A		Letter Answer Response Send to? Prepare
2. JHS conversation with Guy Vander Jagt	✓	John Paul? Solomon?
3. POTUS Thanksgiving Plans TAB B	Tom Bailey ✓	Shawway ✓ oh
4. 9:00 AM meeting • Letter from POTUS	✓	STEVE BARTGETT ok 2 NEGOTIATE w/ CONSERVATIVES
5. XXXXXXXXXXXXXXXXXXXX Potential & shut Down Friday at midnight	GERRY SACOMAN ✓	SONNY MONT. QUILMAN ok
6.	D Baker	Foil 44 LY LN U 79 81 23 27 45 ②

DISCUSSION ITEMS FOR THE CHIEF OF STAFF

FROM: ED ROGERS

DATE: FRIDAY, October 5, 1990

SUBJECT	JHS	STAFF
1. Review Friday and Weekend, Monday TAB A		
2. Textile Bill		
3. Crims Bill OK, ^{2.4} Habeas & Death pen. passed		
4. If govt. is shut down - Souther separating in ??		
5. Childrens T.V. Bill Prospects for override override are high		
6.		