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OFFICE OF
THE SECRETARY OF EDUCATION

NOV. 13, 1987

NOTE TO: Rick Ahearn
FROM: Julie Cave *OK*
RE: Individual Schools - Back-up
for December 1

Attached is some info on:

-Newton County H.S.
Covington, GA

-Ballard H.S.
Louisville, KY

-S.S. Murphy H.S.
Mobile, AL

Also, if someone decides to go this route,
we should consider one of the high schools
in Jacksonville, probably:

-Stanton College Preparatory H.S.
Jacksonville

attachments

BALLARD HIGH SCHOOL
Louisville, Kentucky

- o Large city school
Good neighborhood
- o 1986-87 Secondary School Recognition Award winner
- o Grades 9-12
- o Enrollment: 1608
- o Ethnic Breakdown: White 73%
Black 25%
- o Low Income: 14%
- o Dropout Rate: 4% (low)
- o Diverse school, lots of activities, strong in academics,
athletics, arts.
- o Large gym; auditorium also
- o 4th District: Congressman Jim Bunning
Baseball-playing Republican
RR Support: 1980, 56 percent
1984, 69 percent

PRINCIPAL: Mrs. Alexandra Allen
(502) 454-8206

ED/Cave 732-3010
11/13/87

S.S. MURPHY HIGH SCHOOL
Mobile, Alabama

- o Medium city school
 - o Largest and oldest school in Alabama
 - o 1986-87 Secondary School Recognition Award winner
 - o Grades 9-12
 - o Enrollment: 2760
 - o Ethnic Breakdown: White 55%
Black 43%
 - o Low Income: 35%
 - o Excellent school spirit
 - o No facility big enough to accommodate the whole student body.
(Half will fit in the auditorium.) Outside is a possibility.
 - o 1st District: Congressman Sonny Callahan
Second term Republican
- RR Support: 1980, 56 percent
1984, 64 percent

PRINCIPAL: Mr. Billy Salter
(205) 690-8250

ED/Cave 732-3010
11/13/87

NEWTON COUNTY HIGH SCHOOL
Covington, Georgia
(Pop. 35,000)

- o Rural school, 35-40 miles SE of Atlanta
- o 1986-87 Secondary School Recognition Program winner
- o Grades 9-12
- o Enrollment: 2200
- o Ethnic Breakdown: White 68%
 Black 32%
 Hispanic 2%
- o Low Income: 35%
- o Strong in history; active in government and civics classes
- o Big nice gymnasium
- o 4th District: Congressman Pat Swindall
 Second term Republican
 Introduced Administration's voucher bill
- RR Support: 1980, 43 percent
 1984, 66 percent

PRINCIPAL: Truman T. Atkins
(404) 787-2250

ED/Cave 732-3010
11/13/87

MEMORANDUM

DEPARTMENT OF EDUCATION
REGION V - CHICAGO

#3 Cincinnati

TO: Julie Cave
Office of the Secretary

DATE: November 13, 1987

Thru: Dr. Andrew Gaskins, OIIA

FROM: Brian E. Carey
Special Assistant, OSRR

SUBJECT: Cincinnati Public Schools

Indicated below is the information you requested on the Cincinnati Public Schools.

Superintendent: Dr. Lee Etta Powell
(513) 369-4700
230 East 9th Street
Cincinnati, OH 45202

Number of high schools:	9
Attendance rate:	89.4%
Dropout rate	7.9% (grades 7-12)
ACT Scores (86/87)	15.8

Total Enrollment:	13,926
Grade 12	2,751
Grade 11	3,297
Grade 10	3,454
Grade 9	4,424

Current Problems

The district is confronted with the type of problems common to large urban areas (academic achievement, attendance, dropouts, etc.), but an official with the district indicates they are making good progress. They also have a high level of community support as evidenced by recent voter approval of a tax levy which will generate \$28 million in new funds. A three-year contract with the AFT expires at the end of 1987, but negotiations are progressing at a satisfactory rate.

Facilities

Cincinnati Coliseum (513)241-1818
- A large arena facility with a capacity of 17,000.

Cincinnati Convention Center (513)352-3750
- Used primarily for exhibits and trade shows, but can seat up to 5,500 depending on the needs.

Attached are several recent newspaper clippings.



Thursday, November 5, 1987 THE CINCINNATI ENQUIRER

Recount scheduled in school levy vote

BY KIMBERLY CROCKETT and JIM CALHOUN
The Cincinnati Enquirer

Hamilton County Board of Election officials said an automatic recount would be conducted on the Cincinnati school levy request because the margin of victory was less than the required one-half of 1%.

The 8.93-mill school levy passed by a mere 149 votes with more than 100,000 votes cast. The unofficial tally was 50,351 votes for the levy, or 50.7% of the vote, to 50,202 votes against.

The Cincinnati City Council race also was close enough to trigger an automatic recount, but

it could be weeks before it is concluded.

Incumbent James Cissell lost his council seat to Bobbie Sterne by 848 votes, within the margin that forces another check of the vote totals. Cissell said Wednesday he is not requesting a recount, but he will get one nevertheless.

Claude Hill, deputy director of the Hamilton County Board of Elections, said a recount will not begin until the election results are certified, and that cannot be done for at least 10 days, under state law.

If the school levy recount hadn't been automatic, the Hamilton County Home Owners Asso-

ciation said it planned to request a recount.

Thomas Brinkman, association spokesman, said if the recount produces the same results, "we might try to put a petition on the ballot trying to repeal part of the levy or have it reduced to the 20 mills the state mandated we had to approve anyway."

Brinkman said his group would attempt to place the issue on the March ballot, along with the presidential primary races.

Lynn Goodwin, Cincinnati Public School deputy superintendent of finance, said 10% of the electorate can put an issue on the ballot to reduce or eliminate a levy. However, it is limited by the

size of the original levy and can only be placed on a November ballot.

Historically, recounts don't change elections, said Jerry Lawson, Cincinnati Board of Education president.

"In terms of a petition drive to repeal the tax, I think that good sportsmanship would tell them to give up. They had their shot and voters still decided to support the levy."

Brinkman said the association's opposition to the levy was that it was a "substantial amount of money and the schools are not getting significantly better."

11. 13. 87 02:51 PM *DE OSRR Chicago P03

Thursday, November 5, 1987 THE CINCINNATI ENQUIRER

SCHOOL LEVY WON key neighborhoods

BY KIMBERLY CROCKETT
The Cincinnati Enquirer

Opponents of Cincinnati's public school levy were passing out victory statements Tuesday night when the heart of the city made itself heard.

Late returns from such diverse neighborhoods as Bond Hill, North Avondale, Clifton, Madisonville, Over-the-Rhine and Hyde Park pulled the 8.93-mill levy over the top in the board of election's final, unofficial report — for a thin 149-vote victory.

A recount is automatic because the levy won by less than 0.5% of the votes cast on the issue.

The levy, which will generate \$28 million for the schools, passed with 50.7% of the votes, 50,351 to 50,202.

Backers were reluctant Wednesday to say why the levy won at the bell. But they point to several factors.

Jan Leslie, CASE (Cincinnati's Active to Support Education) coordinator, cited those Cincinnati precincts that provided the crucial, final returns that provided the margin of victory.

Other factors were public confidence in Superintendent Lee Etta Powell, a strong wave of support ranging from grass roots constituents to corporations and a well-organized campaign, said John Henderson, campaign co-chairman.

However, until levy workers re-

(Please see SCHOOLS, back page, this section)

■ **Recounts automatic, Page E-1.**

Schools

CONTINUED FROM PAGE A-1

view precinct voting patterns, it is impossible to pinpoint specifics, he said.

Jerry Lawson, Cincinnati Board of Education president, said for the levy to pass by 149 votes, "it could have been one speech, one mailing, or any number of different things . . . It's impossible to isolate those factors.

"We're just feeling so grateful that we were not diverted into some financial crisis," he said.

Tom Mooney, Cincinnati Federation of Teachers president, called

the victory a strong statement by the community that it values education.

However, he said, "With a photo finish like that it can't make us complacent. It says a slim majority was willing to invest in education, and they want better results. It's given the schools the time and additional resources to improve the product."

Leslie said despite the upbeat mood at levy headquarters at Union Terminal on Tuesday night, there were concerns whether the levy could overcome the 53% to 46% deficit it held most of election

night.

Leslie said in previous years, absentee ballots had been an accurate indicator of the levy's outcome.

This year, absentee ballots indicated opposition to the levy would prevail by about 1,400 votes.

Early results were somewhat encouraging. With 227 precincts reporting, the margin narrowed to 48% favoring the levy. However, with the same number of reporting precincts for the 1983 levy request, the levy was ahead with a 52% approval margin.

After 306 precincts reported,

the margin slipped to 46.9% in favor of the levy.

"When it was 46%, I didn't know how we could make it up," Leslie said. "There were doubting moments. I was beginning to feel as though my optimism had been misplaced."

The margin narrowed to 49% in favor of the levy with 94% of the precincts reporting. Leslie said at that point, optimism improved because the remaining unreported precincts historically were levy supporters. Final election results were reported about 12:30 a.m. Wednesday.

THE CINCINNATI ENQUIRER Saturday, October 10, 1987

Rewarding black scholarship

The Cincinnati branch of the National Association for the Advancement of Colored People (NAACP) has launched an academic olympic program known as ACT-SO.

ACT-SO means Afro-Academic, Cultural, Technological and Scientific Olympics. The program was started by newspaper columnist Vernon D. Jarrett of the *Chicago Sun-Times*.

Jarrett called the concept "the Olympics of the Mind." He said it was designed to rally local communities behind academic achievers among black high school students.

"I think scholars should be given the same kind of recognition given to athletes. A scholar has a right to be a hero," Jarrett said.

Other cities join

After Jarrett started the program in Chicago, he turned it over to the NAACP in 1977. Now, more than 400 cities across the country have ACT-SO programs.

"ACT-SO is rooted in the firm conviction that blacks can succeed in the classroom at the superior levels of achievement constantly displayed by blacks in the athletic arenas of this nation," said Charles W. Breese, director of ACT-SO.

Breese came to Cincinnati last week to kick off the program here. Willis Baker, a life member of the NAACP and an executive with the Executech Consultants Inc. in Cincinnati, was instrumental in bringing the program here.

Executech and the Coors Brewery sponsored the kick-off meeting at Tapley's restaurant, a week ago.

Although the program is aimed at developing academic achievers among black students, much of the success of the program will depend on how much help comes from local companies.

To participate a student must have a sponsor. The sponsor can be an individual or a company. It is believed that Cincinnati will become one of the best cities in



Allen Howard

the ACT-SO program because of its strong corporate structure and something of a joint commitment between the corporate interest and educational institutions.

Lee Etta Powell, superintendent of Cincinnati School District, has endorsed the program. She brings with her the experience of having worked with it in the Montgomery County (Md.) School District.

She said that in that program, aside from focusing on the academic achievements, there was a lot of parental involvement.

Obviously, in order for ACT-SO to be successful here, parents, volunteers and other companies will have to show the interest already shown by Executech Coors and the schools.

Paul Booth, president of the local NAACP chapter, said volunteers are needed to serve in many different capacities, including such roles as coaches, counselors and judges. Persons interested in becoming a part of ACT-SO may contact the NAACP at 281-1900.

Students who enter the academic olympic competitions must be enrolled in school in grades nine through 12. The local NAACP branch, in cooperation with the schools, will conduct local competitions. The top local winners then will compete with the winners from other cities at the national ACT-SO finals during the NAACP national convention.

In keeping with the olympic tradition, winners are awarded gold, silver and bronze medals in addition to cash awards.

Breese said a student who wins at every level of competition could receive a

\$10,000 cash award.

Competition will be in 22 categories. They are: music, composition, original essay, playwriting and poetry in the humanities area; architecture, biology, chemistry, computer science, electronics, energy, mathematics and physics in the science area; dance, dramatics, music instrumental, music, vocal and oratory in the performing arts, and drawing, painting, photography, sculpture and filmmaking/video in visual arts.

Benjamin Hooks, executive director of the national office of the NAACP, said ACT-SO represents one of the greatest moments in the history of the NAACP. He referred to it as the follow-up to the great court victories that were won for black children.

"I think ACT-SO, if successful here, can be an instrument to help focus students on academics. That focus is probably most critical among black students, because many major colleges overemphasize athletics."

Athletic achievements

Unfortunately, perhaps the overemphasis on athletic achievement has caused some eroding of the learning atmosphere in colleges and high schools.

Far too many black students limit their interest in school to athletics. If they fail in that area, it is difficult for them to redirect their interest into academics because of the unpopularity of scholastic achievements.

When Jarrett conceived the idea of ACT-SO, he refused to believe that black children could only be interested in athletics or could only achieve in athletics. Through ACT-SO, Jarrett hopes to get black children thinking the same way he thought.

Allen Howard is a reporter and member of The Enquirer's editorial board.

11.13.87 02:51 PM *DE OSRR Chicago P05

F-2/Metro THE CINCINNATI ENQUIRER Wednesday, September 9, 1987

'Say no' anti-drug group says 'Thanks'

BY ROBERT M. ELKINS
The Cincinnati Enquirer

A Cincinnati anti-drug abuse group whose main slogan is "just say no" marked its first year of existence Tuesday by saying thanks to its 200 volunteers and announcing some of its plans for next year.

Citizens Against Substance Abuse (CASA), appointed last Sept. 8 by Mayor Charles Luken, heard its president, Hope Taft, say, "I don't think I ever have been so busy in such a short period of time."

Marian Tarvin, head of the parent/neighborhood committee, said the unit had been busy presenting one-hour programs encouraging parent and adult groups that they can say "no" as a loving response.

Part of the program is to display hundreds of signatures of other parents on a "Safe Home Pledge." It promises, in part, not to serve alcohol or drugs to anyone under

age in their homes. It pledges to set an example for their children and "not confuse them with double standards."

"Parents sometimes feel they are standing alone on this. These hundreds of signatures assure them they are not alone," Tarvin said.

The pledge also contains a space for each child from the fourth grade up to make a commitment to say "no" to anyone encouraging them to try drugs. "Hopefully, when it does come up, they will say no," Tarvin said.

John Massey, head of the resources committee, said a special book had been prepared for families listing all the Cincinnati area lines to call for help, where to go for treatment, where to get video cassettes on chemical abuse and the like.

Marilyn Baughman, chairwoman of the funding committee, said, "It's great to be connected with an

organization where people come in and say, we have some money for you." She said CASA's treasury, through donations and various benefits, now contains \$24,220.

She said that amount would cover the \$20,000 needed for printing of the resource booklet, but the group would prefer that certain corporations would donate \$5,000 each for a credit line in the booklet.

Terry Delaney, chairman of the education committee, said the issue of chemical substance abuse should be tackled not only in grade and high schools, but also in the preschool through graduate and technical college levels. "Each of us must take a close look at our own attitudes toward chemicals," he said.

He said a survey had been done of more than 4,000 Cincinnati school students on attitudes toward drug abuse.

Teen CASA, composed of teen-

agers from Hamilton County, plans to have a sign centrally placed during the Cincinnati bicentennial next year whose message will be changed every month, said Brad Canning and Steve Sippel, president and vice president of the group.

Canning said they hope in the next two months to produce two radio tape skits, one on the effect of drug abuse or alcoholism on family life and the other on peer counseling.

CASA also has taken positions on several bills in the state legislature dealing with drug abuse and liquor sales, said Greg Delev, law committee chairman. For instance, it supports a keg law that prohibits minors from consuming alcohol on private property and would make owners liable. It also supports a bill that would outlaw drug paraphernalia throughout the state.

Foreign teachers fill a local need

Second of a series

BY CHRISTINE WOLFF
The Cincinnati Enquirer

For Christian Pensis, a Belgian elementary teacher between jobs, a chance five years ago to teach French to Cincinnati kindergartners was too good to pass up.

The offer still looked good four years later to Jean-Marc Dethier, 26, another Belgian teacher with a yen to live in America. He, too, was recruited by the Cincinnati Public School system for the French immersion program at Mount Washington Elementary School.

They are two of about eight Belgian

Back to school



SUNDAY: Pressures and low pay mean problems for all teachers, but especially for the beginners.

TODAY: Recruiting foreign teachers — when vacancies can't be filled locally.

teachers recruited over the past several years by Cincinnati schools.

This year, the Cincinnati-Belgium connection wasn't needed, nor did recruiters visit Germany, another country where Cincinnati school officials have found teachers in recent years.

This year, it was Spanish teachers whose numbers came up short.

So the recruitment team went to Puerto Rico — and returned with four teachers who start in Cincinnati classrooms when school opens Tuesday.

"The bilingual program was the only

area where we saw a critical shortage," said Roger Effron, personnel director for Cincinnati Public Schools. "We had not anticipated going to Puerto Rico. We thought we could deal with all the vacancies. But we had a surge of resignations and in late June, we went down there."

Recruiting outside the continental United States is only done if vacancies can't be filled locally, Effron said.

"Recruiting supplements application — it's not like being a basketball coach," Effron said. "We receive 1,400 applications a year, and we always look at those

(Please see FOREIGN, Page A-6)

Foreign

CONTINUED FROM PAGE A-5

first."

Recruiting abroad is a costly venture, one not attempted by many of the smaller school districts in Hamilton County and Kentucky, administrators Dethier



Ralph Sinks, superintendent of the Hamilton County Office of Education, recalls bad memories of his

"first and only venture" two years ago into foreign teacher recruitment.

The problems weren't with the teacher, a remedial math instructor from Great Britain who also turned out to be "an excellent soccer coach," Sinks said, but rather with officials from the U.S. immigration and Ohio state employment offices.

"They questioned whether or not we had advertised locally and in the U.S. before going outside, and we felt we had," Sinks said. "It pretty much discouraged us from going abroad again. The bureaucratic red tape is too much."

The teacher is still employed by

Hamilton County schools, but "still has no green card," Sinks said.

Immigration problems also loom for Pensis come June, which marks his fifth year in Cincinnati. This is the last year he can renew his visa, he said.

He'll have to return to Belgium unless he can get his immigration status changed. He's contacted an attorney, and the Cincinnati Board of Education is looking into how it can help him, he said.

Pensis and Dethier speak only French to their kindergarten students at Mount Washington, aiming at immersing them totally in a second language at an age when English, too, is still a novelty.

"It's a good experience for the kids," Pensis said. "Learning something in two languages . . . extends the perception of the concept. It helps you understand your own language better."

"In Belgium, many schools dream about a program like that," said Dethier, who remembers having to learn English, Dutch and German in a traditional high school setting.

There are more students in Cincinnati classrooms than Dethier faced when teaching in Belgium, but the school system is "better organized," he said.

And, he added, "kids are the same everywhere."

Schools hit the big numbers

Taking care of business no trivial pursuit

BY KIMBERLY CROCKETT
The Cincinnati Enquirer

Today is the first day of school for Cincinnati Public Schools and many other area districts. If you think shopping for back-to-school clothes was tough on you, consider what it takes to get through a typical school day in Cincinnati schools.

On a typical day:

■ Staff and students are greeted by 8 million square feet of

clean floors, mopped by 550 employees.

■ Lunchroom staff prepares 25,000 hamburgers and serves them with 98 gallons of ketchup and mustard.

■ Students learn their lessons from any of 950 different textbooks.

■ Teachers will use 1,000 pencils, 550 pieces of chalk and more than 200,000 sheets of duplicating paper.

■ About 4,400 pieces of mail and 225 films are sent through the intra-system mail.

The new school year begins in Cincinnati schools with a bustling enrollment, rising student achievement scores and an upcoming school levy.

Superintendent Lee Etta Powell will personally escort the high school class of 2000 to their kin-

(Please see SCHOOL, back page, this section)

School

CONTINUED FROM PAGE A-1

ergarten class at Pleasant Hill Elementary School.

Her visibility, and that of other administrators, at several schools today is to help ensure the school year kicks off with as few back to school blues as possible.

Academically, students couldn't be returning on a higher note, said Powell. Achievement test scores remain above the national norm, with mathematics scores from the 1986-87 year being the highest in history.

The district's Bronson desegregation settlement is on target. A midpoint hearing is scheduled this fall. The Cincinnati Board of Education is confident that a Novem-

ber 8.93-mill levy request will pass.

Enrollment is expected to increase. Cincinnati Schools expect 52,227 students, up 200 from last year.

The district, which covers 90 square miles, will transport 43,180 students each day.

Among the district's 5,000 employees, 2,951 are teachers. Due to increasing enrollment, promotion and attrition, the district hired 136 new teachers.

Other Hamilton County schools starting today are Finneytown, Forest Hills, Greenhills-Forest Park, Madeira, Mount Healthy, North College Hill, Northwest, Oak Hills, Princeton, Southwest Local and Sycamore.

11.13.87 02:51 PM *DE OSRR Chicago P07

11.13.87 02:51 PM *DE OSRR Chicago P08

Cincinnati pupils match U.S. levels

Math all-time high; reading scores dip

BY KIMBERLY CROCKETT
The Cincinnati Enquirer

For the fourth consecutive year, most Cincinnati Public School children matched or exceeded the national norm in reading and mathematics scores, according to achievement test results released Monday.

Tests administered in April showed 55% of students in grades 1-8 scored at or above the norm in reading, and 61% scored at or above norm in mathematics.

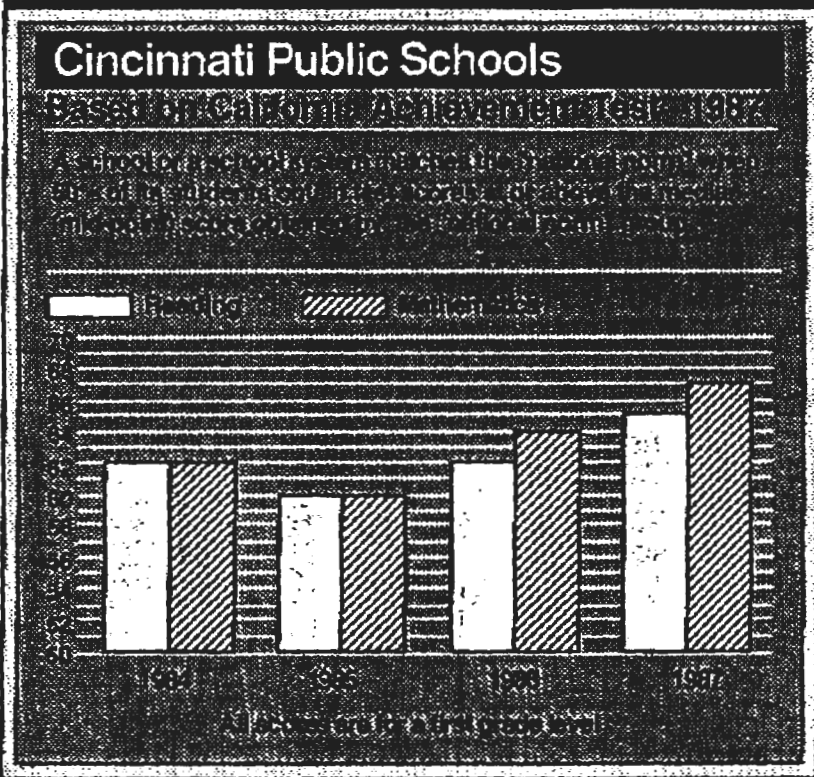
While the mathematics passing percentage reached an all-time high, reading scores fell .3% from 1986, from 55.5% to 55.2%. In fact, only grades 1, 4, and 11 had improved reading percentages. All

other grades showed decreases in reading test results.

A school or school system matches the national norm when 50% of its students obtain test scores at or above the median (midpoint) score obtained by the national norm group.

During the 1986-87 school year, 38 of 78 Cincinnati schools (49%) increased the percentage of students at or above the national average in reading. In mathematics, 45 of 78 schools (58%) matched or exceeded the national norm. During the 1985-86 school year, 79% of the schools met the

(Please see SCORES, back page, this section)



The Cincinnati Enquirer

Scores

CONTINUED FROM PAGE A-1

national norm in both reading and mathematics.

Superintendent Lee Etta Powell said she was pleased with the results. "They reflect a lot of hard work that has been done by a number of people over the district. . . . I won't be satisfied until a large majority, or two-thirds, are achieving above the national norm. That would make me fairly happy."

The test results also showed some problem areas.

■ Test results from grades 1-11 show that in reading, 53% of students scored at or above the norm, a decrease of .7% from 1985. In mathematics, 58% of the students scored at or above the norm, an increase of .5%.

■ Elementary grades recorded the highest percentage of students at or above the national norm in reading and mathematics. Junior high/middle schools were next, followed by senior high schools.

Among the district's 11 junior/middle schools, five schools (Bloom, Crest Hills, Gamble, Peoples and Schwab), reported a reduction in the percentage of students reaching the national norm in reading. There was a decrease in students reaching the national norm in mathematics at Crest Hills, Gamble, Schwab and Schroder Paideia.

■ Taft and Withrow were the only high schools that showed an increase in the percentage of students matching the national norm in reading last year.

In mathematics scoring, Taft, Withrow, SCPA and Woodward high schools showed increases.

Walnut Hills, a college preparatory high school, showed a decrease in reading test scores norm from 99.4% to 98.5%, and math scores dropped from 99.1% to 98.9%.

Powell said all schools where academic performances dropped will be evaluated and corrective measures will be taken.

ALL BILLING QUESTIONS SHOULD BE DIRECTED TO THE FOLLOWING:

White House Staff

Olivia Hamilton
Office of Administration
Room 1 OEOB
The White House
Washington, DC 20500

USSS

Ms. Sandy Miller
USSS
Room 10 OEOB
The White House
Washington, DC 20500

WHCA

White House Communications Agency
Attn: RMD
Building 94
Washington Navy Yard - Anacostia
Washington, DC 20374-0940

Military Office

Special Programs Office
1222 22nd Street, NW
Washington, DC 20037

HMX Squadron

Material Officer
Marine Helicopter Squadron 1
USMC Air Facility
Quantico, VA 22134-5061

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Special Programs Office
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HMX Squadron

Material Officer
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USMC Air Facility
Quantico, VA 22134-5061

THE WHITE HOUSE

WASHINGTON

November 16, 1987

MEMORANDUM FOR ADVANCE STAFF

SUBJECT: ATTACHED MEMORANDUM REGARDING GOVERNMENT ETHICS:
ACCEPTANCE OF FOOD AND REFRESHMENTS BY EXECUTIVE
BRANCH EMPLOYEES

Attached please find a Memorandum distributed by the Office of Government Ethics concerning when an employee of the Executive Branch can/cannot accept breakfast/lunch/dinner from members of the news industry, lobbyists, lawyers and contractors.

If you have any specific questions, contact Kathy Cook in the Legal Counsel's Office.

11/16/87 11:00 a.m.

Koch

United States Government
MEMORANDUM

**Office of
Government Ethics**

Subject: Acceptance of Food and Refreshments by Executive Branch Employees

OCT 23 1987

From: Donald E. Campbell
Acting Director



To: Designated Agency Ethics Officials, Inspectors General, General Counsels and Other Interested Persons

Recent news articles have suggested that this Office has issued a "new rule" on acceptance of breakfasts, lunches or dinners by Executive branch employees from members of the news industry, lobbyists, lawyers and contractors. That "new" rule was simply a newly revised version of the Federal Communications Commission's standards of conduct which does not vary from this Office's long-standing interpretations of E.O. 11222 and Part 735 of Title 5, C.F.R. While some news reports were unclear about the origin of the rule, most reports did generally state the correct interpretation of the rule prohibiting Executive branch employees from accepting free food and entertainment when provided for by prohibited sources. In general, an Executive branch employee's acceptance of "one-on-one" meals from someone who hosts that individual because of his or her government position is prohibited, regardless of the cost of the meal.¹

The context in which this issue arose was this Office's response to the Federal Communications Commission's request for guidance as to the proper implementation of its rule permitting the acceptance of certain food and refreshments at group functions. Earlier this year the Commission had drafted an amendment to its version of the standard language in §735.202(b)(2), in order to clarify what constituted an appropriate luncheon or business meeting as well as to establish a standard for employees of the agency to use in determining whether they might attend and accept the food and refreshments at a widely-attended meeting or reception hosted by an otherwise prohibited source of gifts to employees of the agency. Because the latter issue has not been addressed by most agencies' standards of conduct, their regulations lack an exception which would permit employee attendance at such functions. Consequently, we have encouraged agencies to draft an exception, subject to our approval, to permit agency employees to attend this typical Washington event when their attendance would be beneficial to the mission of the agency. (See OGE Informal Advisory Letter 85 x 9.)

¹The term "one-on-one" meals should not be read so literally as to cover only those situations where there is one host and one guest. It should be read to include any situation where one or more prohibited sources host one or a very small number of employees with or without their spouses at a restaurant or private club where the meal is purportedly the reason for the individuals to meet at that time. This is distinguished from the larger group gathering where the invitees and/or the hosts are more diverse. While acceptance of the meal during an occasion fitting the latter description may still be improper, there is some possibility it can be covered by an exception discussed herein.

After discussing the basic restrictions and this exception with this Office, the FCC chose also to make it clear that the standard gift restriction applies to a meal offered by an individual member of the news media as well as a communications organization which is regulated by the Commission when that meal is offered simply because of the Commission employee's position. When members of the news media recognized that they too are considered "prohibited sources" for gifts to Executive branch employees when seeking information from them, they had a markedly renewed interest in the restriction.

The initial reaction of many members of the news media was to complain that they were being singled out in order to prohibit their access to government officials. This is not and has never been the purpose of the rule. Further, from their perspective, if there had always been a general restriction against Executive branch officials accepting one-on-one meals from "prohibited sources," it was being widely honored in the breach. While we believe that most Executive branch officials are aware of and act within their agencies' regulations on this subject, to avoid further misunderstanding about this Office's long-standing position on this issue, we are providing this memorandum as a reminder. Those who have participated in our training sessions and have read our materials over the years, should find no surprises in this memorandum. Previously written materials of this Office are referenced where appropriate. We would suggest that if after reviewing this memorandum an agency ethics official believes there may be some misunderstandings on the part of the employees of his or her agency, a reminder should be sent to them.

Basic Administrative Rule

Pursuant to section 201 of Executive Order 11222 and the implementing regulations at 5 C.F.R. §735.202(a), without a written exception drafted by his or her agency and approved pursuant to subsection (b) discussed below, an employee of the Executive branch may not accept, directly or indirectly, anything of monetary value from an organization or person who:

- (1) Has, or is seeking to obtain, contractual or other business or financial relations with his or her agency;
- (2) Conducts operations or activities that are regulated by his or her agency;
or
- (3) Has interests that may be substantially affected by the performance or nonperformance of his or her official duty.

Meals and entertainment, as items of monetary value, clearly fall within these restrictions.

Further, pursuant to section 201 of E.O. 11222 and 5 C.F.R. §735.201a, an Executive branch employee shall avoid any action, whether or not specifically prohibited by the Executive Order and Part 735 of Title 5, C.F.R., which might result in, or create the appearance of, using public office for private gain; giving preferential treatment to any person; making a government decision outside official

channels; or affecting adversely the confidence of the public in the integrity of the Government. These standards, too, have a clear bearing on the subject of the acceptance of gifts.

Individuals or organizations who fall within those groups outlined by 5 C.F.R. §735.202(a) or individuals or organizations who offer anything of monetary value to Executive branch employees simply because of their official positions are considered "prohibited sources" for purposes of this memorandum. And, the acceptance of the "one-on-one" meal from a "prohibited source," absent the application of one very narrow exception regarding relatives and close personal friends, is prohibited. The acceptance of food and refreshments at a larger group gathering hosted by a "prohibited source" is also prohibited, unless the agency has an approved exception for such acceptance.

Examples of prohibited sources include, but are not limited to:

- A company which has or is seeking a government contract from an agency is a prohibited source of gifts for employees of that agency.²
- A business regulated or inspected by an agency is a prohibited source of gifts for employees of that agency.
- A public interest group which is neither regulated by nor does business with an agency but which seeks regulatory action by the agency is a prohibited source for employees of that agency involved in the regulatory process because they can affect the group's interests through their official duties;
- A company involved in litigation with an agency is a prohibited source for employees of that agency and for the employees of the Department of Justice if the Department is handling the litigation.
- A reporter seeking information from, or an interview or ongoing working relationship with, a government employee because of the employee's official position is a prohibited source for that official.
- A professional, trade, or business association, a substantial majority of whose members are regulated by or do or seek to do business with an agency is itself a prohibited source for employees of that agency. (Sec 84 x 5, page 3, example 1.)
- A foreign business who seeks a benefit or an action such as a loan, a contract, a permit or a license from an agency is a prohibited source for gifts to employees of the agency regardless of where, geographically, the gifts are given.

²In this example and in some of those which follow, an entity is used rather than an individual. When that is the case, the example must be read to include the entity's officers, employees and agents as prohibited sources.

Exceptions to the Administrative Restrictions

Executive Order 11222 at subsection 201(b) recognizes that individual agencies may need to provide for certain exceptions to this broad restriction. These exceptions are to be tailored to situations where acceptance of gifts from otherwise prohibited sources might be appropriate in view of the agency's work and duties. The Order provides general examples of the kinds of exceptions anticipated. The regulatory provision for agency-specific exceptions is found in 5 C.F.R. §735.202(b) and, like the Executive Order, it sets forth examples of the kinds of exceptions agencies could consider for inclusion in their regulations.

The exception which directly addresses the acceptance of food and entertainment from otherwise prohibited sources is found at 5 C.F.R. §735.202(b)(2). It states that an agency may develop an exception through regulation approved by the then Civil Service Commission, now this Office, which would —

"[p]ermit acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance."

This exception, which most agencies adopted verbatim, is the one which has apparently been relied upon in justifying the offer and acceptance of the "one-on-one" meal. It has been and is the position of this Office that a meal at a restaurant or private club during which some business may be discussed is not a meeting of the kind contemplated by this exception. Consequently, in that context the questions of what is nominal and what is infrequent under that exception do not have to be addressed. What is contemplated by this exception is the kind of luncheon or dinner attended by a large group at which the employee is the guest speaker (often referred to as the "rubber chicken" exception), or the real working meeting at which food is brought in to facilitate the continuance of the work and is not itself the focus of the meeting. We have attempted in our agency training sessions,³ in the pamphlet "How to Keep Out of Trouble",⁴ and whenever the issue has been discussed in our

³See Question 4 of the Problems for Ethics Counselors in the OGE 1984 training materials, Questions 3 and 9 of the Case Studies in the OGE 1985 training materials, Questions 1, 7, 12, and 14 of the Case Studies in the OGE 1986 training materials, and Questions 6 and 16 of the Case Studies in the 1987 OGE training materials. These materials were used in our regional training sessions and the training sessions we have typically held in February and March of each year in Washington and were a part of the packets given to each participant.

⁴"How to Keep Out of Trouble", Office of Government Ethics, January, 1986, at pp. 2-3.

informal advisory letters,⁵ to make the restriction and the limited extent of the exception clear. Any agency which has adopted language similar to that of §735.202(b)(2), should have been, and must in the future, follow this interpretation when counseling its employees. Further, for any agency that has an exception which does not use substantially the language of §735.202(b)(2), and the ethics official's interpretation of his or her agency's regulation differs significantly from that presented here, the ethics official should review the approval documents received for the agency's exception and should discuss the exception with this Office.

The second exception which has been used occasionally to justify the acceptance of the "one-on-one" meal from an otherwise prohibited source is one based upon that suggested in §735.202(b)(1) for gifts given for —

". . . obvious family or personal relationships . . . when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors."

We have heard in many of our training sessions that individuals claim to have worked together so long that they have become personal friends and that the meals offered by the non-government individual to the government employee are based upon that relationship. If that is clearly the case, then the exception would apply. What we frequently find, however, is that the meals are still used as a business deduction by the non-government individual. In that case, these are not gifts of personal friendship, they are business expenses. Further, even though the personal relationship may exist, certain government employees are in such conflict-sensitive positions that the perception of an improper gift will still be present. In those cases, we would hope that the government employee and the prohibited source/"friend" would recognize this and both strive to avoid creating any appearance of impropriety on the part of the government employee by simply enjoying each other's company without involving gifts.

We have been encouraging agencies to review their regulatory exceptions in order to provide guidance to their employees on the issue of attending certain widely-attended receptions held by what might otherwise be prohibited sources. We believe that there are certain instances where an agency may have a legitimate interest in permitting attendance at certain group events where food is served so that employees may be able to meet on a less formal basis and have an interchange of ideas with a variety of individuals, including members of non-government groups, legislators and other government agency personnel, who are interested in but may have divergent positions on the same issues. The food and refreshments involved should, of course, not be excessive. The general standards we expressed to the FCC and others in the past who have wished to implement such a regulation is that any exception to the basic restriction should include the following concepts:

- (1) it is in the agency's interest that the employee attend the event where food and refreshments are being served;

⁵See informal advisory letters 84 x 10 and 85 x 9.

(2) the sponsor of the event should not be one individual or entity that is regulated by the agency, or one individual or entity that has some other business connection with an agency or is directly involved in a matter pending before the agency so that the timing or the reason for the event would create an appearance of impropriety;

(3) the exception should be applied only to widely-attended gatherings of mutual interest to the government and industry such as receptions, seminars, conferences and training sessions;⁶

(4) the food and refreshments offered in conjunction with these events is not excessive; and

(5) some mechanism for providing an approval process that does not rely solely on the individual invitee's own judgment of what is in the agency's best interest.

Again, it is important to stress two points. First, if an agency does not have such an exception, attendance at such an event by one or more of the agency's employees where the host is a prohibited source will fall within the restriction. Second, if an agency does have such an exception, it will still not permit the acceptance of the one-on-one meal.

Gifts from Foreign Governments

If the offeror of a gift to an Executive branch employee is a foreign government, then the provisions of the Foreign Gifts Act, 5 U.S.C. 7342, and the employee's agency's implementing regulations should be applied before determining whether the gift, including a meal, may be accepted. If an agency has not promulgated the implementing regulations referred to in the statute, ethics officials may wish to review those of the State Department at 22 C.F.R. Part 3 for some guidance. Remember, this statute applies only to gifts from foreign governments and not to gifts from private foreign organizations or businesses.

Criminal Restrictions

There are three criminal conflict of interest statutes in ch. 11 of Title 18, United States Code, which may apply to the offer by nonfederal sources and acceptance by Executive branch employees of gratuities, which includes meals and

⁶This concept is not to be confused with the situation where an agency has paid for an employee's admission to a conference or seminar. In those instances, an employee may participate in all events hosted by the conference organizers as a part of the paid admission. Receptions and dinners hosted by someone other than the conference sponsor but held at the same time in order to invite all or a portion of the conference participants must be analyzed separately because they are not a part of the paid conference admission.

entertainment.⁷ Their application, of course, turns on the particular facts of the situation. The first statute is 18 U.S.C. 201, particularly at subsection (c)(1) (formerly subsections (f) and (g)).⁸ We mention this for reference only. This Office's Memorandum of Understanding with the Department of Justice concerning our issuing advisory opinions on the criminal conflict of interest statutes does not extend to section 201. We suggest, however, that ethics officials review the following 3rd and 5th Circuit opinions which interpret this statute's restrictions.

United States v. Evans, 572 F.2d 455 (5th Cir.), cert. denied, 439 U.S. 870 (1978).

United States v. Niederberger, 580 F.2d 63 (3d Cir.), cert. denied, 439 U.S. 980 (1978).

United States v. Standefer, 610 F.2d 1076 (3d Cir. 1979), affg, 452 F.Supp. 1178 (W.D. Pa. 1978).

The following opinions may also be of interest:

United States v. Brewster, 506 F.2d 62 (D.C. Cir. 1974).

United States v. Irwin, 354 F.2d 192 (2d Cir. 1965), cert. denied, 383 U.S. 967 (1966).

United States v. Alessio, 528 F.2d 1079 (9th Cir.), cert. denied, 426 U.S. 948 (1976).

The second and third ch. 11 criminal conflict of interest statutes we believe could, given the right facts, apply to the offer and acceptance of gratuities, including meals and entertainment, are 18 U.S.C. 203 and 209. Although our Memorandum of Understanding with the Department of Justice on advisory opinions does extend to these sections, because of the more general nature of this memorandum, we feel that a simple reminder of their potential application is sufficient. A review of the materials provided by this Office in the past which discuss sections 203 and 209 and a review of the Office's four previous memoranda concerning conflict of interest prosecutions by U.S. Attorneys' offices nationwide should be helpful. Note, for example, Case #4 in our September 4, 1984 prosecutions memorandum, Case #17 of the July 15, 1985 prosecutions memorandum, and Case #8 of our January 23, 1987 prosecutions memorandum.

⁷There are other statutes which deal with the offer and acceptance of gratuities when the employees involved are carrying out functions under specific statutes. For example, see 7 U.S.C. 87(a) (grain inspection), 21 U.S.C. 622 (meat inspection), and 18 U.S.C. 212 and 213 (bank examination). These types of statutes are not addressed in this memorandum but should be considered when counseling affected employees.

⁸It is important to note that Executive Order 11222 is recognized as related and is reprinted in its entirety immediately following Section 201 of Title 18, United States Code.

Conclusion

We frequently hear government employees claiming that they cannot be bought with a lunch and that to prohibit them from accepting an occasional meal from a person doing business with them impugns their integrity. We also are told that the private sector conducts business at such occasions and that government employees must participate in the same kinds of activities in order to get the government's position disseminated and understood. We sincerely hope and expect that government employees cannot be bought for a lunch; we do not agree that for the government to have such a restriction impugns the integrity of its employees nor that the entertainment standard for businesses dealing with one another is the standard that should be adopted by a government. The standards involved in public service are based on different considerations and include a concept of avoiding situations where an employee's integrity can be made an issue.

This concept is also reflected in the criminal conflict of interest code. For instance, 18 U.S.C. 208 prohibits an Executive branch employee from taking an action in a matter in which he or she has a financial interest.⁹ There is no concept of a de minimis interest in this restriction. It simply prohibits all such acts and, therefore, does not involve any judgment of the integrity of the employee in taking them. There are some waiver provisions, but they too turn not on the integrity of the employee but on the extent of the financial interests and the integrity of the services the employee would provide. The administrative gift restriction follows the same pattern. When certain relationships exist between an agency and a non-government person or entity, an employee of that agency may not accept anything of monetary value from that individual or entity. Again, this restriction is not a judgment of the integrity of the employee. It simply creates a bar to a situation where an employee's integrity could be questioned, without denying the employee anything to which he or she is entitled. Similar to the waiver provisions of section 208, however, there can be limited exceptions, and in those, too, it is not the integrity of the individual which is the determining criteria for the exception, but whether an important governmental interest will be served or the relationship between the government employee and the donor is predominately personal.

⁹For purposes of this memorandum, a matter in which an employee has a financial interest is a matter in which he or she, his or her spouse, minor child, partner, organization in which he or she serves as an officer, director, trustee, partner, or employee, or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment, has a financial interest.

THE WHITE HOUSE

WASHINGTON

November 18, 1987

MEMORANDUM FOR JAMES L. HOOLEY

FROM:

MARYLOU P. SKIDMORE

Marylou

SUBJECT:

OFFICE COVERAGE DURING THANKSGIVING 1987

Staff coverage on:

Wednesday, November 25: Kim O'Brien - morning
Ashley Parker - afternoon

Thursday, November 26: Kim O'Brien - on call
Ashley Parker - on call

Friday, November 27: Kim O'Brien - morning
Ashley Parker - afternoon

Saturday, November 28: O'Brien and Parker on call to receive
Santa Barbara departure schedule and
distribute in White House

Additionally, both Ashley and Kim will be in the office more than the above delineated coverage if necessary to coordinate the Jacksonville trip or the Gorbachev Summit Schedule, respectively.

Staff in Washington, D.C., on call, if needed:

Mike Lake (Summit)
Joe Brennan (Summit)
Maralyn Elmore (on call, if any advance travel necessary)
Shelby Scarbrough (family in-town from California)
Bob Schmidt (returns from Denver on 11/25/87)

Staff in Jacksonville, Florida:

Steve Tiemann

Staff in Santa Barbara, California:

Joanne Hildebrand
Gary Foster

Staff out-of-town reachable through Signal:

Jim Hooley	Tom Pernice
Grey Terry	Marylou Skidmore
Rick Ahearn	Betty Richter

NOTE: All interns except Jennifer Oldham, who is working the Jacksonville trip, will be with their families for the holidays.

11/19/87 1:00 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ADMINISTRATION
Washington, D.C. 20503

November 19, 1987

MEMORANDUM FOR:

CLAIRE O'DONNELL
SPECIAL ASSISTANT TO THE PRESIDENT
FOR WHITE HOUSE OPERATIONS

FROM:

DENNIS P. KEATING *DPK*
MANAGER, WHITE HOUSE INFORMATION SYSTEMS

SUBJECT:

Santa Barbara Trip

As we discussed, Greg Roberts will be providing on-site support for the Presidential trip to Santa Barbara beginning November 24. We would appreciate your assistance in securing a seat on the backup plane going to Santa Barbara and returning to Washington. If you need any additional information, please let me know.

cc: Greg Roberts

Endorsement: November 19, 1987

To: Claire O'Donnell
Special Assistant to the President for
White House Operations

From: *Jules B. DuPeza*
Jules B. DuPeza
Director, Information Resources
Management Division

Forwarded approved.

Mary Lou
pls inform Joanne to
manifest on back-up
plane coming home, he
will go out commercially.
(Will need a room).
cc: Foster
Jim

THE WHITE HOUSE
WASHINGTON

SCHMIDT / LAKE / PERNICE /
TO: STEVENSON / THOMPSON

FROM JAMES L. HOOLEY
Deputy Assistant to the President
Director of Presidential Advance

Information

Action

The attached correspondence speaks
for itself; there is nothing for me to
say except add my sincere thanks.

cc: Advancemen's confidential files

**MARTIN MARIETTA
ASTRONAUTICS GROUP**

P. O. BOX 179
DENVER, COLORADO 80201
TELEPHONE (303) 977-4488

PETER B. TEETS
PRESIDENT

November 25, 1987

Mr. James Hooley
Deputy Assistant to the President
Director of Presidential Advance
The White House
Washington, D.C. 20500

Dear Jim:

Attached you will find a copy of a letter that I sent to Senator Baker thanking him for the recent visit and pointing out to him the high degree of professionalism exhibited by you and your staff prior to and during the visit. You should be proud to have such a cadre of outstanding talent working for you.

Thanks for everything and I hope to see you again sometime soon.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Pete", written over a horizontal line.

MARTIN MARIETTA ASTRONAUTICS GROUP

PETER B. TEETS
PRESIDENT

P. O. BOX 179
DENVER, COLORADO 80201
TELEPHONE (303) 977-4488

November 25, 1987

The Honorable Howard H. Baker, Jr.
Chief of Staff and Assistant to the President *
The White House
Washington, D.C. 20500

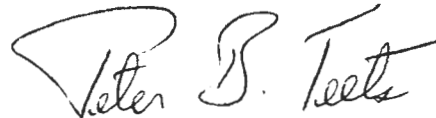
Dear Senator Baker:

We were pleased and honored to be able to host the President and you during your visit to review Strategic Defense Initiative programs. The event was certainly a highlight for Martin Marietta Astronautics, and I was pleased to see the positive press coverage which resulted from the visit.

You are to be commended on having a highly professional staff which made hosting the visit pleasureable and easy. In particular, I would like to specifically commend the professionalism shown by Jim Hooley, Bob Schmidt, Dean Stevinson, Jim Lake, Tom Pernice and Jonathan Thompson.

Once again, thank you very much for visiting us and I hope to see you sometime soon.

Very truly yours,

A handwritten signature in cursive script that reads "Peter B. Teets". The signature is written in dark ink and is positioned below the typed name "Peter B. Teets".

THE WHITE HOUSE
WASHINGTON

November 25, 1987

MEMORANDUM FOR JOY S. BARKER
SECURITY DEPARTMENT
MCDONNELL DOUGLAS SECURITY DEPARTMENT

FROM: MARYLOU P. SKIDMORE *MS*
THE WHITE HOUSE PRESIDENTIAL ADVANCE OFFICE

SUBJECT: FREDERICK L. AHEARN VISIT TO MCDONNELL DOUGLAS

Per your request to the White House Security Office, I have been asked to provide you with a brief description of the purpose of Frederick L. Ahearn's visit to McDonnell Douglas.

Frederick L. Ahearn visited the McDonnell Douglas Aeronautics Company facility in Huntington Beach, California on Saturday, November 7, 1987. He visited the facility between the approximate times of 1:00 p.m. and 3:00 p.m. and met with Mr. Jerry Johnston. The purpose of his visit was to survey the facility as a potential site for a possible Presidential activity. The visit was arranged by Mr. Jim Dorrenbacher.

11/25/87 2:00 p.m.

THE WHITE HOUSE
WASHINGTON

TO: ALL ADVANCE STAFF
AND ACTIVE VOLUNTEERS
FROM JAMES L. HOOLEY
Deputy Assistant to the President
Director of Presidential Advance

Information

Action

SENATOR BAKER HAS HIGHLY
RECOMMENDED THE ATTACHED
ARTICLE AS BEING "RIGHT ON
THE MARK."

Nov. 29, 1982

America's Conservatives Mustn't Block the Fruits of Peace Through Strength

By BEN WATTENBERG

Yes, it will be difficult to totally verify the medium-range missile treaty (INF); yes, we should have had the details pinned down before we made a summit date; yes, in arms control the devil can be in the details; yes, INF is causing some nervousness among our allies.

Notwithstanding, the Republican hard-liners who are opposing the treaty are wrong—tactically, substantively, domestically and internationally. Many of them are generally responsible people. This time their actions are not.

Conservative action groups are gearing up for a fight to block Senate ratification. Four of the six Republican candidates for president are against INF: Jack Kemp, Alexander Haig, Pierre du Pont and Pat Robertson. Sen. Robert Dole is on the fence. Wisely, Vice President George Bush favors INF.

One wonders: Do the hard-liners realize just what they are throwing away politically? Conservatives have been making a case for decades that the way to negotiate with the Soviet Union is through strength. In 1981, when President Reagan proposed the zero-zero option, it opened up a global giggle season. For the President it must have been like modeling for that old ad, "They laughed when I sat down to play the piano."

The press and the critics had a field day.

We were told, "It was a phony proposal—Reagan wanted it to fail." We heard that "the Russians would never accept it." We were informed that "the West Europeans would never allow deployment." It was said that "Reagan doesn't really want a missile deal."

It wasn't phony. Reagan wanted it. The Europeans deployed the missiles. And the Soviets, facing strength, sat down and cut the cards.

The conservatives proved their case. Be tough and succeed. They had acquired a combination lock on the two best words in the presidential political lexicon: *peace* and *strength*. In political practice the term of art is "America needs a policy that is based on peace through strength."

This sequence should put Republican conservatives in the catbird seat. They should support INF, and when Democrats support it, too (as they will), the Republicans should be saying, "There never would have been a deal if we had listened to you Democrats. You were for a nuclear freeze. If we had frozen, the Soviets would have had a thousand SS-20 warheads, and we would have had no medium-range missiles at all. The Soviets never would have dealt. But we hung tough, and ended up with a real reduction."

The conservatives not only would have had the liberal Democrats on the defensive, but they also could actually have helped educate them.

Instead, the Republicans will be saying, "The verification procedures are no good, Reagan got snookered." Doubtful. If, as all agree, the actual military implications of INF are slim, then the likelihood of Soviet cheating (on a risk-vs.-reward basis) is small and not monumentally consequential.

More important, the verification protocols will probably be adequate.

The political advantage can now go to the Democrats, who will say, with merit: "These conservatives can't take yes for an answer. We're supporting Reagan's treaty. This proves that we must really be tough guys—after all, Reagan's tough. And we'll support more treaties like it—negotiated with patience and strength. We're for peace through strength."

In fact, those softish Democrats who originally only half-believed it may now (I hope) become true believers.

But the importance of this debate goes well beyond which side captures the partisan bonus in 1988. The issue concerns a strategy for diplomacy in the 1990s. What INF can lead to is that the idea of peace through strength does work. To establish that view in both of our major political parties and among our allies could establish rules of the road that might lead, indeed, to peace through strength. To throw that chance away is irresponsible.

Ben Wattenberg is a senior fellow at the American Enterprise Institute.

ML5

THE WHITE HOUSE

WASHINGTON

December 14, 1987

MEMORANDUM FOR THOMAS C. GRISCOM
GEN. COLIN POWELL

FROM: JAMES L. HOOLEY *JLH*

SUBJECT: PRESIDENTIAL FOREIGN TRAVEL IN 1988

With the conclusion of the Gorbachev visit, we should begin to focus on development of the themes, concepts and itinerary of potential foreign travel in 1988. One year ago last week, we were in Venice for the first survey and meetings with Italian officials for the Economic Summit in June. By this yardstick, though the logistical survey to Toronto next Tuesday is driven by the Canadians' demand for inspection of their proposed Presidential/staff residence, the timing is exactly right.

Accordingly, it becomes evident that potential trips to Mexico (February), the Middle East (March), Brussels, Japan (whenever), and Moscow/Europe (Spring-Summer) require that we begin to focus on themes, scenarios, itinerary and site survey immediately. And we must begin making plans for the first trip of an advance survey team during the first weeks of January.

I would like to share with you a little of the process in which we are about to become heavily involved.

As one who has been involved in every Presidential foreign trip since 1982, I am convinced that the degree of success of a trip is directly related to the amount of lead time and the extent of preparation we are allowed to devote to the trip. The schedule becomes the vehicle that drives the trip development process. It becomes the operative document from which every person and every agency works. It forces the substantive people to focus on the agenda for meetings, which is often a function of the amount of time allotted to them, and who the participants will be. The schedule is used, in terms of the relative amount of time given to one country or one meeting over another, to send messages. It charges the speechwriters and the people who prepare briefings with development of Presidential remarks and positions, according to certain limitations such as time, audience and environment. The schedule development process for the Summit this week was a case in point.

As you may know, the President's first overseas trip (Europe, 1982) was plagued with problems resulting from overscheduling. The most familiar of these problems, although not the only one, was the incident where the President appeared to doze during the audience with the Pope. He was clearly exhausted from a full and intensive day before which culminated in an elaborate state dinner at Versailles which lasted late into the night. This itself had been only the last day of an intensive summit, and visits to England and Germany were still to come.

Following that trip, Mike Deaver asked the Advance Office to thoroughly and critically examine the process by which the President's itinerary was developed, and to recommend ways in which we could improve a system which had produced a schedule which would drive to exhaustion a man much younger than the President.

There had not been enough regard for the effects of travel, preparation and meetings on the President personally. There was also a natural reluctance on the part of embassy and foreign service people to object to the taxing demands on the President's time made by host governments. Not enough consideration was given to rest time prior to commencement of substantive meetings, and accommodations for jet-lag were not sufficient. It was important to ensure that uninterrupted time was provided each day for the President to use for reading and briefings. It also became evident that the President preferred to start the day at an early-but-reasonable hour, and finish the day in late afternoon, rather than starting late and finishing late.

The Advance Office had to act as a protector of "the body," and our sole interest and client had to be the President, not the interests of the host country, the State Department, security forces, commercial interests, First Family personal friends, and others whose wish-lists might conflict with the need for privacy and rest.

We instituted a consistent and systematic approach to preparation of foreign travel, involving the institution of a senior working group co-chaired by the National Security Advisor and a representative of the Chief of Staff. An expanded group, co-chaired by the representatives of these two (usually the NSC executive secretary or a designate and the Director of Advance, both of whom sat with the senior

working group), would develop schedules, assign briefing preparation, develop tasking check-lists, etc., based upon the discussions of the senior working group. Finally, the advance director would oversee the evolution of the schedule, and identify unresolved logistical issues, by working with a group of support experts, constituted of the senior representatives of Presidential support groups (WHMO, USSS, WHCA, State Administrative bureau, USIA, WH Press Office, the Lead Advanceman, the WH Transportation Office, State security, etc.).

Next, a three-phased approach was instituted:

Phase One is the Survey Mission, conducted by a very small group of support experts. At a minimum of three months from a trip date, the survey mission travels to the host country. The goal is to make a general assessment as to feasibility of the proposed schedule via an examination of the actual venues; and to determine the suitability of meeting and residence sites in regard to security, communication, comfort, and logistics. In addition, a general assessment is made as to the extent of manpower and material support required to support the President, First Lady, and their staffs, for the visit.

Following the survey, a report is submitted to the Chief of Staff and National Security Advisor, with recommendations and alternatives regarding the proposed itinerary and any important or controversial issues. As in the case of domestic trips, this memo presents the concept, themes and goals of the trip, in consultation with the NSC representative on the survey.

Phase Two is the Pre-advance Mission, whose membership is greatly expanded beyond the survey, and which introduces the actual advance team (Lead, USSS, WHCA, State, etc.) to the trip sites. The venues, formats and scenarios of the proposed events are introduced to the members of the advance team assigned responsibility for that country, and to a group of representatives of the media who are along on the trip for planning purposes only. The pre-advance normally takes place a month or so before the advance teams take up residence in the host country. Following the pre-advance, a proposed summary schedule of the trip is presented for approval.

The third and final phase is the actual "advance," that period of time (anywhere from ten days to three weeks) when the advance team is actually in residence in the foreign country.

With this perspective in mind, we should conduct a survey visit to Egypt and Israel about a month from now. At the same time, a February visit to Mexico necessitates a survey in January there, as well; a pre-advance will have to take place in early February. Therefore, we can be certain of two surveys in January, with perhaps two pre-advances in February. On top of that, Jack has to survey and pre-advance all of Mrs. Reagan's stops, besides accompanying me on the President's. We know that Japan's Emperor will die sometime this month or next; even if we compress the process, a combined survey/pre-advance team drop could be necessary in the same January time frame. In a worse case scenario, if Moscow pops up for April or May, we should be over there in January or February, as well.

If you have borne with me this long, perhaps you now share Jack's and my nightmare. If you do, my mission is complete. There isn't much we can do about it, I know, but the sooner we get started, the better.

P.S.

Oh, yeah, before you tell me "life's a bitch," I forgot one more thing: rumor is that the Moscow trip looks like early June. I'm getting married June 4.

cc: Jack Courtemanche
Marybel Batjer

THE WHITE HOUSE

WASHINGTON

December 16, 1987

MEMORANDUM FOR JAMES L. HOOLEY

FROM: JOANNE HILDEBRAND *JH*
SUBJECT: TRAVEL PROPOSAL - RHODE ISLAND

Other proposals and further information are forthcoming, but I would like to throw out the University of Rhode Island (URI) as a proposed location for future travel (see attached blurb on URI from Edward B. Fiske's Selective Guide to Colleges - 1988).

URI is located in Kingston, Rhode Island (see map). It is a mid-size school, with a total enrollment of 14,300 (11,420 of these are undergraduates). It is located in a rural area approximately 15 minutes from the Atlantic Ocean (near Narragansett). From everything I've read about it, the campus offers a well-rounded student body, with degrees offered in everything from humanities to oceanography. Campus life includes fraternities and a heavy emphasis on sports.

In addition to a stop at URI, perhaps the President could go to the Naval War College in Newport, a quick 15 minute ride by helicopter. There, the President could participate in a briefing with senior Naval personnel on the newly signed INF treaty and the proposed START treaty that is under negotiation. A brief event with the troops could also be arranged.

Now, for the pros and cons of this proposal:

1. Pro: Politically, Rhode Island is represented by Senator John Chafee (R), Senator Claiborne Pell (D), Congresswoman Claudine Schneider (R-Narragansett) and Congressman Fernand St Germain (D-Woonsocket). Senator Chafee is Chairman of the Senate Republican Conference and Senator Pell just happens to be Chairman of the Senate Foreign Relations Committee. The Governor of Rhode Island is Edward DiPrete, a Republican, who was elected just recently.
2. Pro: Air Force One landing sites are good - either at Quonset State Airport in North Kingston or at T.F. Green State Airport in Providence.

12/16/87 8:00 a.m.

3. Pro: The latest unemployment statistics that we have on hand (Jan.-July '87) are good for the Kingston and Newport areas, as well as the state. We can pursue this further for more current information if necessary.

4. Pro: The President has never been to Rhode Island and this would be a great chance.

5. Pro: Pete Peterson, former Marine Aide to the President, lives in Newport and goes to school at the War College.

6. Con: The President just did a "military" event at West Point, however, just for argument's sake, it was an "army" event and what I am proposing is a more substantive "briefing" with military advisors.

Let me know what you think of this and if you need more information.

University of Rhode Island

Kingston, RI 02881

Location Small town
Total Enrollment 14,300
Undergraduates 11,420
Male/Female 50/50
SAT V/M 450/500
Financial Aid 55%
Expense Pub \$\$\$

Applicants 8,320
Accepted 71%
Enrolled 38%
Academics ★ ★
Social ☼ ☼ ☼
Q of L ● ● ●
Admissions (401)792-2164

The student newspaper at the University of Rhode Island is *The Good 5-Cent Cigar*—taken from the famous remark by Woodrow Wilson's vice president (OK, all you AP history types, who was he?) in reference to what this country "really needs." Until recently what URI has really needed was more money from the legislature. Under the leadership of a popular new president that situation has been looking up, and word is spreading across state lines that URI is one state university where classes are small, professors are accessible and "students are people, not numbers."

URI's two-thousand-acre campus is located on Kingston Hill, a rural area in the midst of farmland about fifteen minutes from the coast. The main academic buildings, a mixture of modern and old New England granite, surround a central quad, with residential housing on the hillside below. For the first two years, all students enroll in the University College, where they pursue a general education program that includes writing, humanities, science and foreign language requirements. Then they move on to more specialized colleges. Among the latter, pharmacy is nationally ranked, and the engineering (with a new emphasis on robotics), zoology, nursing and accounting programs also are first rate. The graduate school of oceanography, which has its own campus nearby, is best known of all. Computer offerings were recently enhanced by the opening of a new computer center; meanwhile, business is popular but lacks adequate resources. Though applications to the College of Arts and Sciences have been on the rise recently, the humanities and social sciences are not a high priority and still draw only marginal funding. Students interested in public service may intern under the University Year for Action, while others take advantage of study abroad, independent study and field placement in some departments. The pharmacy school offers a much-used five-year work-study option, and Rhode Island residents with a 3.5 GPA may apply for early admission to Brown University's medical school. The honors program offers tiny classes and the chance to work on an individualized senior project.

It is much easier to get accepted at Rhode Island than it is to register for courses once you are there. Required and popular introductory courses and electives are often booked to capacity, and "even pre-registering doesn't assure a class," one junior notes. And while the library is good enough for most everyday needs, a journalism major believes it is "quite inadequate for proper research." On the plus side, Rhode Island's student faculty ratio is one of the lowest you'll find at any state school, and a history major says that "the professors here really seem to care about the students." Profs even take their advising seriously, a rare attitude at a state school. Significantly, the faculty instituted a system of student evaluation of teaching and opened up a small center to

help them do it better. URI draws almost two-thirds of its students from Rhode Island, and most of the rest from surrounding states. The university is becoming increasingly popular with out-of-staters, especially those from New York, New Jersey and Connecticut. New Englanders are also attending in growing numbers; any who want to major in a subject not provided at their own state universities pay only 25 percent above in-state tuition, a hefty savings over the regular nonresident charge. Top students can vie for over one hundred academic scholarships, awarded regardless of need and ranging from \$130 to \$2,375, and 253 athletic scholarships.

Less than half the students live in the dorms, most of which are of the modern, run-down variety. There are traditional dorms—long hallways with bathrooms at the end—and suites, and some dorms have saunas, balconies or weight rooms. All but one dorm for women are coed. Freshmen have first crack at housing, and students not wishing to exercise squatters rights for their current accommodations may find a better room hard to find. Housing has tightened up recently, and some out-of-staters are apt to get bumped. Upperclassmen usually live off campus, and a sizable percentage of the student body commutes from home. Twelve percent of the students live in Greek houses. A meal plan in one of the three dinings halls, which serve standard college fare, is mandatory for those living on campus. The Greek houses have their own kitchens and cooks, and there are numerous restaurants and pizza establishments nearby. Students who tire of institutional cuisine can escape to one of the three pizza parlors on campus, the snack bar or coffeehouse.

Many upperclassmen choose to live "down the line" in empty vacation homes near the beach. It's an attractive and economical alternative, but check the annual heating oil bill before signing your lease. A campus shuttle bus provides ready access to Kingston. Those who drive will find a shortage of parking spaces close to campus, and the campus police don't hesitate to ticket and tow. Fraternities have their own private parking lots, an extra incentive to go Greek.

Kingston is a tiny village that has been restored to its eighteenth-century splendor. The URI student center, run by students, offers everything from a newsstand to flower and dress shops. Rhode Island is famous for its beaches, which lie only a few miles down the road, and in the early fall and spring "everyone goes to the beach after classes." The university is also within striking distance of the major New England ski slopes. Newport, with its heady social scene, is readily accessible, and Boston, Hartford, New Haven and Providence are all an easy drive; and the Amtrak station is on the campus. Many natives of this tight little state where everybody knows everybody else return home on weekends, so Thursday is usually set aside for partying. The administration is working to reduce the suitcase carrying, and for the growing numbers of those who stick around, the Greeks offer beer blasts, off-campus students sponsor beach parties and an organization called Weekenders helps keep the campus busy Saturday and Sunday. But the state drinking age of twenty-one has put a damper on on-campus partying and dorm parties are strictly regulated.

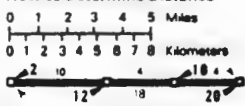
Sports are big at Rhode Island, and the intramural program draws high praise. The pep buses to basketball games at the Civic Center are usually full, and varsity football, a recent conference champion, always attracts a crowd. The sailing team regularly produces all-Americans, and as for the women's teams, volleyball, softball, soccer, and cross-country are consistent winners. Students tend to be "casual and outdoorsy," and the campus in general offers a relaxed, friendly atmosphere.

Many programs at URI still suffer from a lack of resources, and the large number of commuters has hindered URI's development of a strong sense of identity. Unfair comparisons to its prestigious neighbor, Brown, have not helped morale either. But with a little effort and some scouting about for the right programs, you can get a lot more than a nickel's worth at URI.

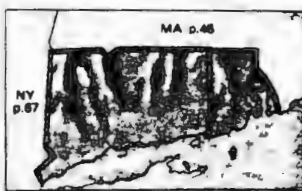
- Access Highways
- Access Highways
- Lane Divided Highways
- Highways
- Through Highways
- Roads
- Road
- Routes

For explanation of all map symbols, see pg. 1, Index of counties and towns, page 120.

How to Determine Distance

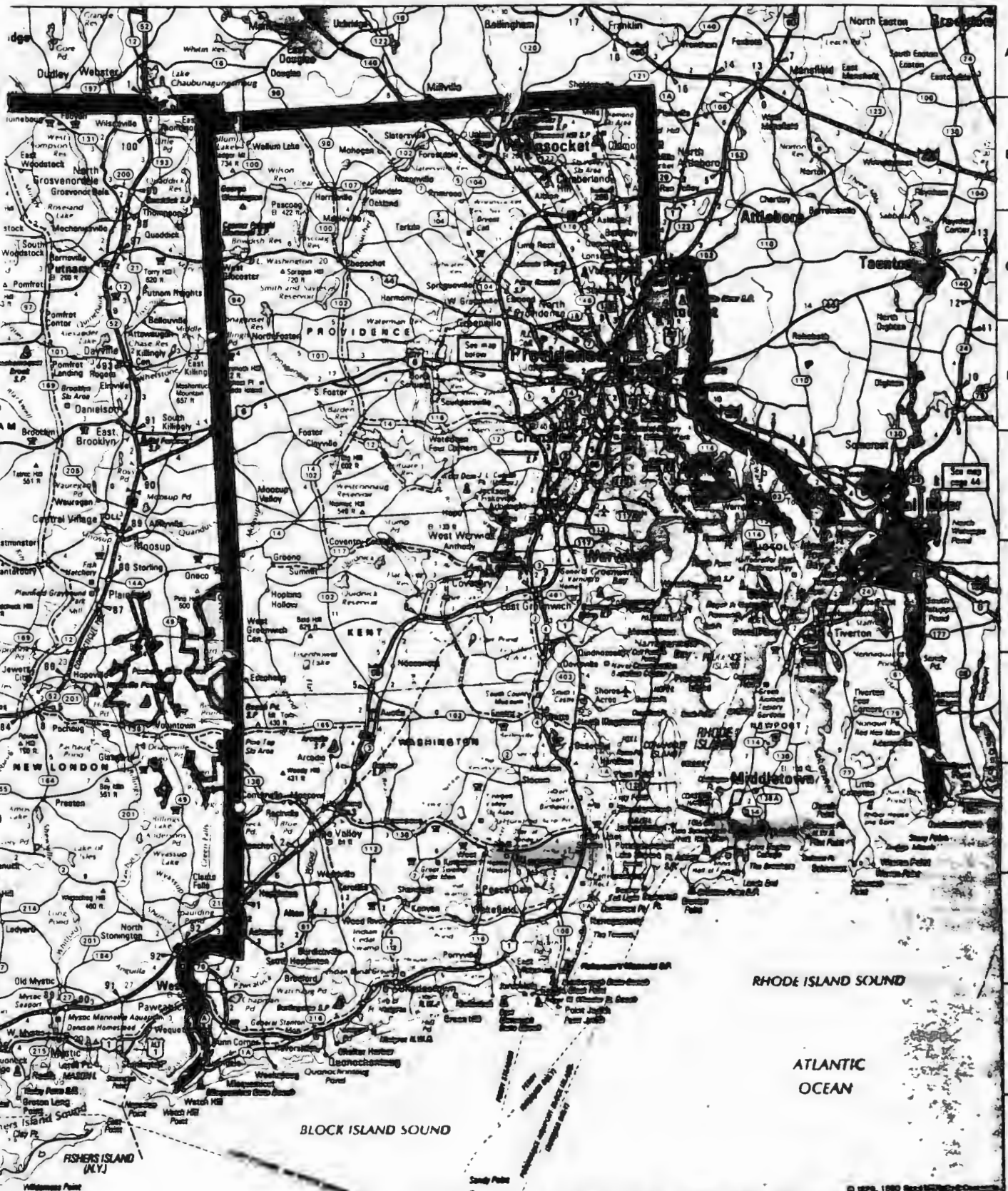


Mileage in red between red arrowheads, in black between intersections. Some interchange numbers indicate mileage.



Connecticut 19 Rhode Island

Connecticut	Rhode Island
Area: 4,862 sq. mi. (48)	1,048 sq. mi. (50)
Population: 3,107,576 (25)	947,154 (40)
Capital: Hartford, E-11	Providence, D-23
Largest City: Bridgeport, L-8	Providence, D-23
Index page 120	Index page 126



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THE WHITE HOUSE
WASHINGTON

TO: *BILL HENKEL*
TOM GRISCOM

FROM **JAMES L. HOOLEY**
Deputy Assistant to the President
Director of Presidential Advance

RE: 1988 AGENDA DISCUSSIONS

Information

Action

- I ASKED GARY SHUSTER (FORMERLY OF "DETROIT NEWS" AND CBS) FOR A COPY OF THE REPORT HE DID FOR DON REGAN ON THE LAST YEARS + AGENDAS OF OTHER PRESIDENTS. IT MAKES INTERESTING READING.

To: Don Regan/Larry Speakes

Nov. 19, 1986

From: Gary Schuster

Re: 1988 Presidential Year

In researching the last years in office of those presidents who knew they were having their last hurrah, I gathered up the papers, including speeches and appearances, of Truman, Eisenhower and Johnson. And because of obvious comparisons between Presidents Reagan and Franklin D. Roosevelt, I also looked at FDR's last year.

Because of a number of things--the advent of daily television coverage of the presidency, easier travel, the Vietnam War, and the political make-up of Congress--each president's final year differed in tone and scope.

There are things to be learned and perhaps employed from this research. Of course President Reagan's final year will be tailored to fit his style. But there are things that previous presidents did and, mistakenly in my estimation, did not do that can serve as lessons for planning this president's exit from office.

This report will focus on legislative initiatives and accomplishments, political activities, travel, and domestic events and speeches culled from a number of research sources. Also included will be some ideas of my own that the president and his senior staff might consider in an attempt to give a continuity to his eight years in office while at the same time putting the RR brand on the last year.

Legislative

All of the presidents mentioned put forward legislative plans, either directly to Congress in proposal form or as Truman and Johnson more often did--through special messages to Congress. Among the subjects addressed in those special messages were the health needs of the nation, the farmer and rural America, urban problems and conservation.

Because they dealt mostly with a "friendly" Democrat-led Congress, Truman and Johnson did better in the accomplishment area than Ike. Eisenhower had eight years of a Democrat Congress. Despite that, he did well. With control of the Senate and the 100th Congress being in the hands of the other party, it is possible, based on Ike's record, to successfully push presidential initiatives through the Hill.

What has to be done is to stake out the high ground on an issue--the deficit, for example--and start early. Whatever issue is selected--the deficit or a more social program, such as the environment--it should be nationalized by the GOP from the start, even as early as the 1987 State of the Union address, so Republican Senate and House candidates can run on it in 1988.

Stevenson in 1952, Nixon in 1960 and Humphrey in 1968 all might have fared better and, so too, the legislative candidates had the incumbent presidents picked an issue early that others could latch on to and take to the voters.

Political Activities

Understandably all of the presidents were quite active politically during their last year in office. Eisenhower and Truman both attended their party conventions to speak out for their party nominees. Truman was blatantly political in his address while Ike was more low key, soul searching and populist to a degree. But there is little to be learned from here as far as what is the best way to go because in both instances their presidential candidates lost the elections. Both men also made broadcasts on election eve urging a vote for their party's tandem. Eisenhower also did several "Dinners with Ike" as fundraising events around the country.

Johnson didn't go to the 1968 convention because of his vow to devote his last year in office to ending the Vietnam War instead of partaking of partisan politics. I am attaching the Truman and Ike convention speeches for you to have at hand.

Travel

Travel took up a sizeable part of Eisenhower's last year. He visited Europe, South America and the Far East. Johnson went to South America. He might have done more globe-trotting had he not had the assassinations of Martin Luther King and Bobby Kennedy to deal with as well as the Abe Fortas nomination and the USS Pueblo capture.

Most of Truman's travel was by train around the west where he made rear platform political speeches much like President Reagan did in Ohio during the 1984 campaign. This might not be a bad touch in 1988 as well.

Domestic Events and Speeches

Johnson spent most of his last year trying to placate an anxious public about the Vietnam War. He did manage to get through the Civil Right legislation and, not surprisingly, a gun control bill. He sent several special messages to Congress outlining national needs that required attention in the coming years if problems were to be averted. And he devoted many appearances to speaking out for better Mexican-American relations.

Truman entertained many visiting heads of state when he wasn't off politicking. He also did something that was smart. He made it a point to visit all of the service academies. There was no Air Force academy, but West Point and Annapolis were done a week apart in May. And the Coast Guard Academy in September. With his often pronounced feelings about the military and the young people of this nation being what they are, I think he would miss his bet if he failed to make the commencement addresses at at least one of the academies while stopping by the others during 1988. (Pres. Reagan)

Johnson went to the National Governors' Conference. With so many new GOP governors taking over in 1987, it would be a good political touch for a presidential stop at the 1988 national governors' meeting.

With more of the burden of government being shifted to the state and local levels, President Reagan could use such an event for a speech summing up his federalism program and how it might be improved on in the future.

It also is important to give a speech to the UN General Assembly for a final assessment of the Soviet Union and the global situation. Ike used his UN address to call for world peace after the Soviets walked out of arms control talks at Geneva. Sound familiar?

Summation

Because 1988 is a presidential election year, it will be increasingly difficult to receive and sustain any media attention to what this president is doing as far as day to day activities are concerned. In fact, his policies will be the constant target of Democrats and even some GOP candidates running for office. To accent the positive he will have to pick his spots and hit hard certain issues and events. This way he can short-circuit mounting lame-duck talk and strive for that continuity that historians care about.

Get an issue that President Reagan can ride into the Pacific coast sunset. The environment would be workable because he hasn't cut himself off from that issue by past statements and positions as he has on other fronts, such as hunger. Picking up with acid rain and his record as California governor on "outdoors" issues, he could work to better the environment in the areas of air pollution, noise pollution and, if it's not too late, water contamination.

The results of the Reagans' involvement in the drug abuse issue shows the benefit of getting on a social issue and staying with it. It also is possible to thematically combine the environmental issue with SDI in such a way as to say not only am I working to spare our global neighbors the effects of a nuclear holocaust, but I also want to work against all of us falling victim to something much more imminent, the effects of short-sighted environmental policies.

5.

The 1988 Economic Summit is to be held in Canada, the scene of the first such summit the president attended in 1981. At that Ottawa gathering, President Reagan outlined what he called his North American Accord. He could use the 1988 summit to speak out on allied relations with specific mention of how relations with Canada and Mexico have improved through the pursuit of the accord. Again, continuity.

And it might be a good idea to consider a trip to Europe during that last year to meet with leaders and visit the Berlin Wall. It would be an excellent setting for the president to again make the point that not an inch of land has fallen into Communist hands since he took office and he could use the occasion to restate his earlier call for the elimination of the Wall.

did it in 1987

There will be other events that can be properly used for particular reasons. The opening of the Reagan Presidential Library is one. It will be the first time a presidential library has opened while the president it is named after still is in office.

But from researching the final years of other chief executives one gets the impression that careful planning would have made those last days in office more worthwhile, both politically and personally. Caution is the watchword. It's all too easy to jump at an issue or certain invitation only to find out too late that it's like driving into a cul-de-sac. Stay presidential to the end. It's better to stay in step with your seven year performance record than to misstep at the end. What happens last is remembered first.

TABLE 2 -- STATE FISCAL DISCIPLINE MANAGEMENT TOOLS
PRESENTLY UNDER STUDY

STATE	Balanced Budget Requirement	Gubernatorial Line Item Veto	Constitutional Debt Restrict.	Revenue Earmarking Requirements*	Tax and Expenditure Limitations	Require Super-majority Vote to Pass Tax	Index Income Tax	Fiscal Note Review Procedure	Program Evaluation & Sunset	"Rainy Day" Funds
New England										
Connecticut	x	x						x	x	x
Maine	x		x	x			x		x	
Massachusetts	x	x		x				x		
New Hampshire	x			x				x	x	
Rhode Island	x		x			x		x	x	x
Vermont									x	
Mideast										
Delaware	x	x				x			x	x
Maryland	x	x		x				x	x	
New Jersey	x	x	x	x				x		
New York	x	x								x
Pennsylvania	x	x		x				x	x	
Great Lakes										
Illinois	x	x		x				x	x	
Indiana	x		x	x				x	x	x
Michigan	x	x		x		x		x		x
Ohio	x	x	x	x				x		x
Wisconsin	x	x	x	na			x	x		
Plains										
Iowa	x	x	x	x			x	x		x
Kansas	x	x	x	x				x	x	
Minnesota	x	x	x	x			x			x
Missouri	x	x	x	x		x		x		
Nebraska	x	x	x	x				x		x
North Dakota	x	x	x	x						
South Dakota	x	x	x			x		x		
Southeast										
Alabama	x	x	x	x				x	x	
Arkansas	x	x		x		x		x		
Florida	x	x		x		x		x		x
Georgia	x	x	x	x				x	x	x
Kentucky	x	x	x	na				x		x
Louisiana	x	x		x		x		x	x	
Mississippi	x	x	x	na		x		x		x
North Carolina	x			x				x		
South Carolina	x	x	x				x	x	x	x
Tennessee	x	x				x		x	x	x
Virginia	x	x	x					x		x
West Virginia	x	x	x					x	x	

(continued on next page)

TABLE 2 -- STATE FISCAL DISCIPLINE MANAGEMENT TOOLS
PRESENTLY UNDER STUDY
(continued)

Southwest										
Arizona	x	x	x	x	x		x	x	x	
New Mexico	x	x	x	x				x	x	x
Oklahoma	x	x		na					x	
Texas	x	x	x		x			x	x	
Rocky Mountain										
Colorado	x	x	x	x	x		x	x	x	x
Idaho	x	x	x	x	x			x		x
Montana	x	x			x		x	x	x	
Utah	x	x	x		x			x	x	
Wyoming	x	x	x					x	x	x
Far West										
California	x	x	x	x	x	x	x	x		x
Nevada	x			x	x			x		
Oregon	x	x	x	x	x		x	x	x	
Washington	x	x	x		x			x	x	x
Alaska	x	x	x		x				x	x
Hawaii	x	x		x	x				x	
TOTAL	49	43	30	**	18	7	10	41	29	24

SOURCES: 1984 ACIR Survey of Executive and Legislative Fiscal Officers

* states marked with an x earmark 5% or more of their general revenue to specific spending purposes.

** 31 states earmark 5% or more of their revenues.
Data is missing in the case of 4 states.

TABLE 3 — BALANCED BUDGET REQUIREMENTS
 (Is requirement for balanced budget statutory(S) or constitutional(C)?
 What is the nature of requirement?)

States	(1)		(2)	(4)	(6)	(8)	Degree of Stringency Scale 1/ (high=10; low=1)	
	Statutory	Constitutional	Governor Only has to Submit a Balanced Budget	Legisla- ture Only has to Pass a Balanced Budget	May Carry Over a Deficit but Must be Corrected in Next Fiscal Year	State Cannot Carry Over a Deficit Into Next Biennium		State Cannot Carry Over a Deficit Into Next Fiscal Year
New England								
Connecticut	X		S	S	S		5	
Maine	X					S	9	
Massachusetts		X	C				3	
New Hampshire	X		S				2	
Rhode Island		X				C	10	
Vermont			No Requirement					0
Midwest								
Delaware		X				C	10	
Maryland		X	C	C	C		6	
New Jersey		X				C	10	
New York		X	C				3	
Pennsylvania	X	X	S,C	S	S,C		6	
Great Lakes								
Illinois		X	C	C			4	
Indiana		X				C	10	
Michigan		X			C		6	
Ohio	X	X				S,C	10	
Wisconsin		X			C		6	
Plains								
Iowa		X				C	10	
Kansas		X				C	10	
Minnesota	X	X			S,C		8	
Missouri		X				C	10	
Nebraska		X				C	10	
North Dakota		X			C		8	
South Dakota	X	X				S,C	10	
Southeast								
Alabama		X				C	10	
Arkansas	X					S	9	
Florida	X	X				S,C	10	
Georgia		X				C	10	
Kentucky	X	X			C	S	10	
Louisiana		X		C			4	
Mississippi	X					S	9	
North Carolina	X	X				S,C	10	
South Carolina	X	X			S,C	C	10	
Tennessee		X			C	C	10	
Virginia	X	X				S,C	8	
West Virginia		X				C	10	
Southwest								
Arizona		X				C	10	
New Mexico		X				C	10	
Oklahoma		X				C	10	
Texas		X		C		C	8	
Rocky Mountain								
Colorado		X				C	10	
Idaho		X				C	10	
Montana		X		C		C	10	
Utah	X	X				S,C	10	
Wyoming		X				C	8	
Far West								
California		X	C		C		6	
Nevada	X	X	S	C			4	
Oregon	X	X	S			C	8	
Washington	X	X				S,C	8	
Alaska	X	X	S		C		6	
Hawaii	X	X	S,C			C	10	

Source: ACIR staff compilation based on 1984 surveys of executive and legislative fiscal directors, and Limitations on State Deficits, Council of State Governments, Lexington, Kentucky, May 1976.

TABLE 3 NOTES

1. The degree of stringency index is based on the number of points each state can receive for its requirement, as noted above each of the "Nature of the Requirement" columns. In cases where a state had more than three features incorporated in its requirement, only the highest for each category is counted. For example, in a case where a state had a requirement that the Governor has to submit a balanced budget, and a requirement that the legislature has to pass a balanced budget, it would only receive 2 points for the latter, not 1 point in addition for the former. If that state's requirement was both statutory (1 point) and constitutional (2 points), it would only receive the 2 points for the latter. Such a (hypothetical) state would receive a total of 4 points. The weights assigned to different features is based on the subjective judgement of ACIR staff.

investigation, to have significant effects on measurable aspects of state government fiscal behavior.

The most widely used fiscal discipline tool (which all states but Vermont employ in one form or another) is the requirement of a balanced budget. **Table 3** lists state balanced budget requirements in detail. In seven states, the requirement is solely statutory; in twenty-nine, solely constitutional; and in thirteen states, the requirement is both constitutional and statutory. In three states, the requirement stipulates only that the governor must submit a balanced budget, but in twenty-five states, it mandates that the state may not carry over a deficit into the next fiscal year. There is a wide range of variation in the stringency of these requirements across states. In the statistical work reported below, a simple index of the degree of stringency of balanced budget requirements was developed and employed in order to test for the effects of such variable requirements.

B. Do Fiscal Discipline Mechanisms Work?

The statistical techniques employed in this investigation are cross sectional linear regressions with single equation models. There are well known limitations to these techniques (discussed in detail following the outline of results below); however, they are extremely useful for evaluating which potential influences are statistically related to particular effects. The procedure is designed to show whether particular institutional or fiscal influences are associated with certain state fiscal behaviors and whether this association is statistically reliable, even when other influences are taken into account. Our interest here is twofold: (1) is the presence of fiscal limitations significantly associated with relatively more "disciplined" fiscal behavior? and (2) to the extent that this apparent association exists, does it continue to hold up when other important factors are taken into account?

The results concerning the effects of fiscal restraints are divided into four sections: (1) effects on deficits/surpluses in state budgets; (2) effects on levels of state government spending; (3) effects on levels of state government long-term debt; and (4) effects on levels of tax revenues collected.