

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN

2/18/95

95 FEB 15 17:07

*we need to
discuss next
week*

February 15, 1995

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed

SUBJECT: Welfare Reform Activity in the House

I. Markup in House Subcommittee

Clay Shaw will finish markup of the Republican welfare reform bill in his subcommittee today. On straight party-line votes, Republicans rejected Democratic amendments to dramatically strengthen work requirements, require minor mothers to live at home and stay in school rather than just cutting them off, and allow legal immigrants who have paid taxes for 5 years to remain eligible for benefits. They put off action on child support enforcement until full committee markup on the bill two weeks from now.

House Republicans may continue to march in lockstep, but there are encouraging signs of dissension in Republican ranks. The current bill is vulnerable in at least three ways:

1. Weak on work: The Heritage Foundation called the work requirements in the Shaw bill a "major embarrassment to many Republicans." They're much weaker than ours, and weaker even than current law. Democrats will keep pushing that real welfare reform is about sending people to work, and the Shaw bill is just about cutting people off.

2. Mean to children: Some Republicans have begun to distance themselves from the punitive provisions of the bill. This week, Henry Hyde and Olympia Snowe broke ranks to criticize the cutoff of young unwed mothers (which Dole and Kassebaum already oppose). So did Tommy Thompson.

3. A bad deal for states: Congressional Republicans will have a hard time holding onto their governors by offering more micromanagement and less money. We will put out state-by-state numbers on the cost shift of their various block grants (food stamps, AFDC, child welfare, child care) as well as the impact of all their conservative strings (numbers cut off because of provisions on young unwed mothers, legal immigrants, SSI kids, etc.).

II. Communications Strategy

This week, we used the subcommittee markup to issue the attached Administration views letter outlining our differences with the Shaw bill, which was well-received by the press and by Hill Democrats who were looking to us for direction. We also put out the attached comparison of Republican work requirements with current law, as well as an estimate of the impact of child welfare cuts on foster care (states would lose a third of the projected 310,000 slots they need in the year 2000) and an analysis of the funding formula showing that Michigan would benefit most and New York, Florida, and Texas would be big losers.

On Thursday, Carper and Carnahan will hold a press conference with Gephardt and Hoyer on why the Shaw bill is a bad deal for states. At the same time, the White House will get state-by-state cost-shift numbers out to local and regional press. Later this week, PPI will issue a devolution study criticizing current Republican block grant proposals on welfare and crime.

Over the next few weeks, we will be resurrecting many of the tactics that worked for the crime bill: targeting editorial boards in districts with moderate Republican members; inviting Democratic and Republican members to bring their constituents to the White House for welfare reform briefings; circulating daily talking points in Washington and around the country; and so on.

III. Developing an Alternative

We are working to develop a range of options on what our ideal bill would be, and how to get there. Ideally, we could start working with Daschle, Breaux, Moynihan, and others (including the governors) on a bill that gives states real flexibility at less financial risk, and puts a stronger emphasis on work and responsibility. In the short run, we will need to work with House Democrats over the next month to develop a Democratic substitute for the floor debate (expected in early April). In the Senate, Kassebaum and Packwood will start hearings soon, but no action is likely until May.

AFDC Recipients in Work under House Republican Proposal and Current Law		
Average Monthly Caseload 1996	5,212,000	
CURRENT LAW REQUIREMENTS		
Number of Adults in Two Parent Families required to work under Current Law	205,000	4%
Number of Current Recipients working full or part time	360,000	7%
Number of JOBS participants in OJT, Work Supplementation or CWEP	30,000	.5%
TOTAL WORKING UNDER LAW IN 1996	595,000	11.5%
HOUSE REPUBLICAN PROPOSAL		
Required to participate in "work activities"	105,000	2%

Note: OJT is on the job training; CWEP is community work experience program

HHS\ASPE preliminary staff analysis based on 1993 Quality Control Data and 1993 JOBS Form 108 Data

13 Feb. 1995



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

FEB 13 1995

The Honorable E. Clay Shaw
Chairman, Subcommittee on Human Resources
Committee on Ways and Means
U.S. House of Representatives
Washington D.C. 20515

Dear Mr. Chairman:

This letter expresses the Administration's views on the Chairman's mark for welfare reform legislation under consideration by the House Ways and Means Subcommittee on Human Resources.

The Administration shares the commitment of the Congress and the American people to real welfare reform that emphasizes work, parental responsibility, state flexibility, and the protection of children. Last year, the President submitted a bold welfare reform bill, the Work and Responsibility Act of 1994, which embodied these values. It imposed tough work requirements while providing opportunities for education, training, child care and supports to working people. It included a stringent set of child support enforcement provisions. It required each teen mother to live at home, stay in school and identify her baby's father. It increased state flexibility without sacrificing accountability. And it maintained a basic structure of protections for children.

The Administration looks forward to working cooperatively with the Congress in a bipartisan way to pass bold welfare reform legislation this year. The Administration has, however, serious concerns about a number of features of the Chairman's mark that appear to undermine the values to which we are all committed. The Administration seeks to end welfare as we know it by promoting work, family and responsibility, not by punishing poor children for their parents' mistakes. Welfare reform will succeed only if it successfully moves people from welfare to work.

Work

For years, Republicans and Democrats alike have agreed that the central goal of welfare reform must be work. That is still our goal: People who can work ought to go to work and earn a paycheck not a welfare check. The Administration believes that no adult who is able to work should receive welfare for an unlimited time without working. The Administration believes that from the first day someone comes onto welfare, he or she should be required to participate in job search, job placement, education, or training needed to move off welfare and into a job quickly. It is government's responsibility to help ensure that the critical job placement, training, and child care services are provided. Individuals who are willing to work should have the opportunity to work and not be arbitrarily cut off assistance.

The Administration therefore has serious concerns about the Chairman's mark before you:

- o It eliminates requirements that recipients participate in job search, education, work or training as a condition of receiving welfare, and ends any responsibility of state welfare systems to provide education, training and placement services to move recipients from welfare to work. The proposed legislation effectively repeals the bipartisan Family Support Act signed by President Ronald Reagan in 1988.
- o The proposed legislation includes only minimal and unenforceable requirements that recipients work. The bill requires only that persons on the rolls for more than 2 years engage in "work activities" loosely defined by the state welfare bureaucracy, rather than a real work requirement. The proposed participation standards are very low. In many ways, the work requirements are even weaker than those in current law.
- o The proposed legislation provides no assurance of child care to recipients who work or are preparing to work--even if a state requires them to participate. It offers no promise of child care for those who leave welfare for work or for those who could avoid falling onto welfare if they had some help with child care. While it repeals provisions of existing law that provide funding for child care, this bill is silent on whether any additional funds will be available for subsidized child care for low income working families.
- o The proposed legislation repeals the current rule that anyone who leaves welfare for work can receive Medicaid for an additional year to ease the transition. This would further reduce health care coverage and make it harder for people to move from welfare to work.
- o The proposed legislation would deny all cash assistance to families that have received assistance for more than five years, even if the adult in the family is unable to find a job or prevented from holding a job because of illness or the need to care for a disabled family member. Children would be seriously jeopardized even if their parents cannot find any work.

The Administration supports an alternative approach that would genuinely transform the welfare system into a transitional system focused on work. It would have strict requirements for recipients to participate in and clear responsibilities for states to provide education, training and placement assistance; it would have serious time limits after which work would be required; it would ensure that children would not be left alone when parents were working by providing assistance for child care; it would put parents to work, not just cut them off; and it would ensure that children can expect support from two parents.

Parental Responsibility

The Administration believes that welfare reform should recognize the responsibility and encourage the involvement of both parents in their children's lives. The Administration considers child support enforcement to be an integral part of welfare reform, particularly because it sends a strong message to young people about the responsibility of both parents to support their children. The Administration was pleased that you had agreed to add child support enforcement to your welfare reform bill, and sorry that your proposals are not yet part of the bill now under consideration. The Administration looks forward to working closely with you on this issue in the coming weeks.

- o The only child support provision included in the Chairman's mark is one that allows states to reduce payments to children for the first 6 months if paternity has not been legally established. This provision seems ineffectual and unfair. Even if a mother fully cooperates by giving detailed information identifying the father and his possible location, and even if the state is diligent in pursuing the father, it can easily take 6 months to get paternity legally established. There is no reason why the child should be punished during this period.

The Administration believes that it makes far more sense to deny benefits entirely to any parent who refuses to identify the father or to cooperate in locating him. However, once the mother has done all she can, the family should qualify for aid, and then the state should establish paternity within one year.

The Administration believes that the welfare system should encourage the formation and support of two-parent families. The Administration is therefore concerned about an important omission in the proposed legislation:

- o The proposed legislation would encourage the break-up of families by repealing the requirement that states provide cash assistance to two-parent families in which a parent is unemployed or unable to work. It allows states to discriminate against married, two-parent families by treating single-parent families better than two-parent families.

The Administration supports an approach that both encourages the formation of two-parent families and makes sure that both parents take responsibility for children in all cases.

Teen Pregnancy

The Administration and the American people agree that the best reform of welfare would be to ensure that people do not need it in the first place. Welfare reform must send a very strong message to young people that they should not get pregnant or father a child until they are ready and able to care for that child, and that if they do have children, they will not be

able to escape the obligations and responsibilities of parenthood. We must be especially concerned about the well-being of the children who are born to young mothers, since they are very likely to grow up poor.

The Administration therefore has serious concerns about the bill before you:

- o The proposed legislation would deny all federal cash benefits for eighteen years to any child born to an unmarried mother under 18, as well as to the parent. This provision appears to punish children for their entire childhood--18 years--for the mistakes of their parents.
- o The proposed legislation does not require that teen mothers live at home, stay in school, and identify the child's father. It weakens requirements in current law, and may make the prospects for mother and child even worse.
- o The proposed legislation establishes only minimal expectations for states to provide services to unmarried parents, and provides no additional funds to support them.

The Administration supports an alternative approach that would require minor mothers to live at home, stay in school, make progress toward self-sufficiency, and identify the father of the child. The Administration also supports a national campaign to prevent teen pregnancy. It is time to enlist parents and civic, religious, and business leaders in a community based strategy to send a clear message about abstinence and responsible parenting. The Administration also supports a state option not to increase benefits for children born to mothers on welfare. This decision should be made by the state, not the federal government.

State Flexibility with Accountability

The Administration embraces the creativity and responsiveness of states, and the opportunities for real reform when states have the flexibility to design and administer welfare programs tailored to their unique circumstances and needs. Already this Administration has granted waivers to nearly half the states for welfare reform demonstrations. National welfare reform should embody the values of work and responsibility in a way that assures taxpayers that federal money is being spent prudently and appropriately. For reform to succeed, the funding mechanisms for welfare should not put children or states at risk in times of recession, population increase or unpredictable growth in demand.

In this context, the Administration has serious concerns about the proposed legislation:

- o The spending cap in the proposed legislation makes no allowances for potential growth in the need for cash assistance because of economic downturn, population growth, or unpredictable emergencies. It could result in states

running out of money before the end of the year, and thus having to turn away working families who hit a "bump in the road" and apply for short-term assistance. It could preclude states from investing in job placement, in work programs, in education and training, and in supports for working families.

- o The proposed legislation removes the requirement that states match federal funds with their own state funds. With none of their own money at risk, states will have many fewer incentives to spend the funds efficiently and effectively to improve performance and increase self-sufficiency.
- o The proposed legislation provides virtually no accountability. There are no incentives for good performance and virtually no penalties for failure. There is no provision for the recovery of monies paid out fraudulently or in error. There are no mechanisms for ensuring that states are actually spending the money on needy children rather than on state bureaucracies, or for monitoring whether federal money is being used to help parents gain self-sufficiency, require work, and enforce parental responsibility. Indeed, the federal government is forbidden from taking any meaningful steps to ensure program performance and accountability.

The Administration supports proposals that significantly increase state flexibility but also ensure accountability for achieving national goals. The Administration supports a funding mechanism that will not put children and states at risk down the road, and that enables states to succeed in moving people from welfare to work and in supporting working families. The Administration has significant doubts about the ability of a pure block grant funding mechanism to adequately protect both children and states.

Protection of Children

The Administration recognizes that the protection of children is the primary goal both of cash assistance programs and of child welfare and child protective services. Cash assistance programs assist families to care for children in their own homes. Child protection services help those children who are abused or neglected or at risk of abuse by their parents and who need special in-home services or out of home placements to assure their safety. Strengthening families, and where appropriate, preventing removal of children from their homes also are, key goals of child protection services. There are problems in a number of areas.

Denial of Benefits to Children on AFDC

The legislative proposals that would reform cash assistance have a number of provisions that would put vulnerable children at greater risk.

- o As noted above, the legislation would deny cash assistance to children of unmarried minor mothers for their entire childhood, to children born while the parent was on welfare, and to children whose parent had received welfare for more than five years, whether or not a job was available or the parent was unable to work. The funding caps could have the effect of denying cash assistance to children when states used up their allocated funds, for whatever reasons. Children in low income working families, who may be forced onto cash assistance in times of economic downturn, could be most affected.

Child Protection Services

Some of these children could well come into a system of child protection services that is already seriously overburdened and that is failing to provide the most essential services. Reported child maltreatment and out-of-home placements have both been increasing sharply. Many state systems are in such distress that they have been placed under judicial oversight. The proposed legislation responds to these increasingly serious problems by consolidating existing programs that protect children into a block grant with nominal federal oversight. The Administration has serious concerns about this approach.

- o The proposed legislation caps spending for child protection programs at a level considerably lower than baseline projections. This could lead to uninvestigated maltreatment reports, and to children being left in unsafe homes with minimal services. It could also seriously hamper states' efforts to improve their child abuse prevention and child protection systems.
- o The proposed legislation eliminates the adoption assistance programs, and leaves it up to states whether they will significantly sustain the subsidies that enable many special needs children to find permanent homes, and whether they will honor commitments to those adoptive families that now receive subsidies.
- o The proposed legislation virtually eliminates federal monitoring and accountability mechanisms. It makes it impossible for the federal government to ensure the protection of children.
- o The proposed legislation is silent on the formula for allocating funds to the states. Because of serious imbalances among the states in spending on child protection, it is hard to imagine a formula that would not disadvantage either states that have been heavy spenders, or states that are only beginning to improve their systems.

Substantial improvements need to be made in the child protection system and in the federal role in overseeing that system. The Administration supports a careful and thoughtful review of the programs before actions are taken that might seriously harm millions of vulnerable children.

Denial of Benefits to Disabled Children on SSI

The Administration is deeply troubled by the changes proposed in the program designed to help disabled children--SSI.

- o The proposed legislation essentially eliminates SSI benefits for children, with the exception of a small group of children currently receiving benefits. Within 6 months, over one hundred thousand disabled children would lose eligibility for SSI benefits--some would lose medical protection as well. And in the future, no child, no matter how disabled, will be eligible for any cash benefits for SSI, except if cash benefits prevent them from having to be institutionalized. These proposals appear to penalize parents who are determined to care for their child no matter what the economic consequences for the family. SSI recipients are among the neediest and most vulnerable children, in the poorest families.
- o Some of the money saved is put into a new block grant for services to disabled children, which would require the creation of a new state bureaucracy to decide on appropriate services. This idea is untested, and no one knows what impact it will have on the most vulnerable of children and the parents who care for them. The 5-year cut off in AFDC for all persons along with the elimination of SSI cash for disabled children may leave these children extremely vulnerable.

The Administration sees the need for careful reform in this area, with its potential for serious harm to extremely vulnerable children. Last year the Congress established a Commission on Childhood Disability to look into these issues in consultation with experts from the National Academy of Sciences. The Commission will provide its report to the Congress later this year. The Administration believes prudence dictates waiting for this short time until this bipartisan commission, following a thorough review of all aspects of this important program, has an opportunity to make recommendations.

Benefits to Legal Immigrants

The Administration strongly believes that illegal aliens should not be eligible for government welfare support. But the blanket prohibition of all benefits to legal immigrants who are not yet citizens is too broad, and would shift substantial burdens to state and local taxpayers. These legal immigrants are required to pay taxes. Many serve in the armed forces, and contribute to their communities. The Administration strongly favors a more focused approach of holding sponsors accountable for those they bring into this country and making the sponsors' commitment of support a legally binding contract.

In summary, the Chairman's mark espouses goals for the reform of welfare--work, parental responsibility, prevention of teen pregnancy and state flexibility--that the Administration and the American people share. But the translation of general goals into specific legislation misses the mark in fundamental ways. The proposed legislation does not represent serious work-based reform. It does nothing to move people from welfare to work, and it does not require everyone who can work go to work. It neither holds state bureaucracies accountable nor cushions state taxpayers against recession. It puts millions of children at risk of serious harm. There are alternative approaches to reform that achieve our mutual goals in far more constructive and accountable ways.

The Administration reiterates its commitment to real welfare reform and its desire to work cooperatively with Congress to achieve it.

The Office of Management and Budget advises that there is no objection to the transmittal of this report to Congress.

A similar letter was sent to Representative Harold E. Ford.

Sincerely,

A handwritten signature in black ink, appearing to read "D. E. Shalala", with a large, sweeping flourish at the end.

Donna E. Shalala

cc: Members of the Subcommittee on Human Resources

Crow

THE WHITE HOUSE
WASHINGTON

February 16, 1995

Paul Root
1075 Phelps Circle
Arkadelphia, Arkansas 71923

Dear Paul:

I am so sorry to learn of your sister's death and about Ronnie's illness and want you to know I'm thinking of you. You will be in my thoughts and prayers in the days to come.

Thanks for the tape. It was thoughtful of you to send it and I hope to listen to it soon.

I hope to have a chance to see you while you're in Washington.

Please give my best to Mary.

Sincerely,

Bin

*cc: Kelly
Crawford*

MEMORANDUM

TO: Nancy Hernreich
FROM: Lynda Dixon
SUBJECT: Letters from the President
DATE: February 10, 1995

cc: Anne Herron

1. ENCOURAGEMENT: Marlin Jackson
2 Crown Point
Conway, AR 72032
Phone 501/329-5997

Recent surgery - stomach staple repair - not bouncing back

2. SYMPATHY: Paul and Mary Root
1075 Phelps Circle
Arkadelphia, AR 71923
Phone 501/246-5137

Paul's sister, Jean Adams, died yesterday. He also just learned that his brother, Rennie Root, has multiple myeloma.

Paul will be in DC next week. He may call you.

3. GET WELL and ENCOURAGEMENT: Bill Pate
Room 3717
St. Vincent's Hospital
#2 St. Vincent Circle
Little Rock, AR 72205

(my brother-in-law)

Wife: Huelane

Stroke on left side - still can't talk but is aware of everything.

FOTUS
SAY
BILL
PATE
LETTER
MISSING

Anne
Just York

Mr. President,

This is a tape of a song written about you and sung by Dr. Robert Turner of Pine Bluff. Dr. Turner is director of Adult Education in the Pine Bluff area. He is continuing a program that I know means a great deal to you.

This is a pretty good country song that might be useful among country music fans. Turner wants to help you. He also wants to make some money.

Hope you like the song. I will be in Washington for the AACTE meeting the 2nd week of February. I will try to get in for your radio broadcast on the 17th.

Your State of the Union address was possibly the best you, or anyone else, have spoken. Hope to see you soon.

Paul Root

I have spoken to at least 100 christian leaders who want to help. They are concerned that you know you have the support of many christians.

cc
Kelly

Sister
died
long
sings



Jefferson County

Adult Education Center

Jefferson, Dallas, and Cleveland Counties

414 Walnut Street, Pine Bluff, Arkansas 71601

(501)534-0749 1-800-737-0749 FAX (501)534-1637

Dr. Robert E. Turner
Director

Randall S. Granderson
Student Services Director

January 25, 1995

The Honorable Bill Clinton
President of the United States
The White House
Washington, D.C. USA

Dear Mr. President:

It was my pleasure to meet you when you visited our Adult Education Center during your campaign for the Presidency. I was impressed with you as our Governor and I continue to be impressed with your performance as our President.

I appreciate the honor you have brought the state of Arkansas and the manner in which you are handling the most difficult job on earth. I wanted to thank you by writing this song. I hope it will please you and we can utilize it to send a message in a medium that all Americans relate to. I have asked my good friend, Dr. Paul Root to deliver it to you. I will be honored if it pleases you and if it calls further attention to the great American you are. I have three children and I love them as I know you love your daughter. I know you work hard everyday to make our nation the best it can be for them.

Keep up the good work and please let me know if I can be of service to you and our Country in any way.

Respectfully,



Robert Turner

RET:sb

Encl: Lyrics and Audio Tape

THE MAN FROM HOPE

By Dr. Robert E. Turner

I know a man from Hope, he loves this country, too
Sure he's made a few mistakes, he's just a man like me and you
Like Elvis, he loved his mama, he loves his family and his home
If you made no mistakes when you were young, then go ahead and
cast your stones

Chorus:

He likes Big Macs and the Razorbacks, and jogs at the break of day
So back off Rush, take it easy Newt, be careful what you say,
You know he's not the enemy, he just don't see it all your way
But never doubt the love this man from Hope has for the USA

He knows what it's like to lose some and what it's like to win
Remember it's where we're going that counts, it's not just where
we've been
He didn't go to Vietnam like a lot of young folks did
But he would gladly give his life today, for Chelsea and our kids

Repeat Chorus

There's been a few who have sold their soul to tear this man
apart
He may dance to a different drummer some, but I know what's in
his heart
Look around and count your blessings, forget the dirt that's in the
news
More jobs than before, we're not at war, give the man from Hope
his dues

Repeat Chorus

I know you've heard lots of stories about Jennifer and Paula, too
And a lot of other folks he thought were friends, you've seen
them in the news
I've talked with him, I've seen his eyes, sometimes he stands alone
He can hit a ball a country mile and plays a mighty mean
saxophone

Repeat Chorus

This man from Hope, U.S.A.

Chris

UVA
cc: Mr. Jim
on: Kevin or Kevin
He. Supp. in

THE WHITE HOUSE
WASHINGTON

February 16, 1995

Sally Becherer
328 North Logan
Lincoln, Illinois 62656

Dear Sally:

Thanks for your thoughtful letter. I'm glad to know I had a positive impact on your life. It means a lot to me.

I hope that 1995 will bring you the happiness and joy you so greatly deserve.

Sincerely,

Bill Clinton

Your letter was wonderful
Keep your chin up and stay with
us

04 February 95

Dear President Clinton,

My name is Sally Becherer and I have been a great admirer of yours since 1978 when I worked on your first campaign for Governor of Arkansas. I have met you on several occasions in the past, but I doubt that you remember me. More recently you were photographed with my brother who showed you a photograph of you with him, that had been taken some years earlier. He works for Bill Perry at the Department of Defense.

I am writing because this is the only way that I know how to thank you for the impact that you have had on my life. The first time I met you I was with Vigi Moers doing campaign work. I was also very young. I am now a bit older and I have moved away from Hope, Arkansas. Hope is still home to me and I remain in contact with many people that are still living there. Elaine Johnson and I speak frequently and she has encouraged me to write this letter because she knows how important it is to me. She also has assured me that even as busy as you are, letters are important to you as well.

In 1989 I went to work for the Arkansas Highway Police. I had written to you that year and had asked for your help in seeking a position as a patrol officer with the AHP. Judy, from your office, phoned me to tell me to sit tight and that I would be hearing from the AHP. Soon thereafter, I did. I spent five years working for John Bailey, and that experience was the best thing that ever happened to me.

During that period of time I learned to value my own self worth. I also began to realize that I needed to complete my education. Having a brother in Washington D.C. and seeing a world of opportunities open up to him, only intensified my desire to return to school. My parents had moved away from Hope to Illinois, yet they encouraged me to follow my instincts in letters and during our phone conversations.

In January of 1993 I was very fortunate to be able to attend your Presidential Inaugural. During the weeks activities an acquaintance of mine, Michelle Fritz, invited me to join her and the Hubbell children on an F.O.B. bus that took us out to Landover, Maryland to the American Gala Rehearsal. The entire week was one great event after another and I will never forget any of it.

* In July of last year I left the Little Rock area where I had been stationed with the AHP for two and a half years. Leaving job security was not an easy decision, but I am sure it was the correct decision for me. I now live in Lincoln, Illinois. I am thirty three years old, living at home with my parents, working part time while also attending Sangamon

State University in Springfield. I have made many sacrifices, but the opportunities have made it all worth while.

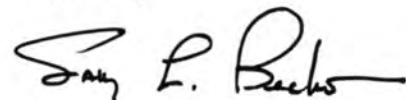
I am a second semester junior majoring in Political Science. When I first arrived in Illinois I dove into state politics with enthusiasm and never looked back. I first volunteered for the "Netsch & Severns for Illinois", campaign. I have met Senator Severns and I have a lot of respect for her. I am also now doing an internship at the state capitol through SSU. I am interning with Representative Judy Erwin who is from the 11th District/ Lincoln Park area of Chicago. She is great and I am gaining first hand knowledge on many issues that are so important to all of us in this country today.

In December of 1993 I met and spent time with United States Attorney General Janet Reno in her office at the Justice Department. This meeting, along with having met you and through watching you over the years, all have played major rolls in where I am today. My own personal belief in myself and the direction that I feel my life is headed today, all stems back to when my letter reached your hands while you were the Governor of Arkansas. If I had not gone to work for the AHP, I am not sure where I would be now.

I believe that you do want what is best for the people of this country. I know that your job is in no way an easy job to perform. You are hit from directions that you didn't even know existed. But there are still many of us that continue to look to you for your leadership. I know that there is no way to please everyone all of the time or even just a few, part of the time, but stay with it and never give up.

My life and my brothers life are both much richer because of you. Although I do not know you on a personal level, I feel like you are a friend. I hope that you will respond to this letter with a short reply. I am grateful to have met you and to have been involved in a small but important part of your life. Thank you for all your good deeds and for recognizing the potential of young people in this great country.

Sincere Regards,



SAMY BECKERER
328 NORTH LOGAN
LINCOLN, IL 62656

Chiron

Cc. H. C. C. C.
Summit
B.

THE WHITE HOUSE
WASHINGTON

February 17, 1995

Joseph T. Dawson
214 Park Tower
710 Buffalo Street
Corpus Christi, Texas 78401

Dear Joe:

Thanks for your letter. Your kind words of encouragement mean a lot to me, as does your support.

I look forward to seeing you when you're in Washington. Please call Nancy Hernreich in my office at 202/456-6610, to arrange a time for us to get together.

Sincerely,

Bill Clinton

I really want to
see you when you're
here!

cc: NANCY
HERNREICH

JOSEPH T. DAWSON
OIL OPERATOR
214 PARK TOWER
710 BUFFALO STREET
CORPUS CHRISTI, TEXAS 78401
(512) 882-7521

January 29, 1995

Dear President Clinton:

Malba and I deeply appreciated your lovely Christmas card which we will always treasure and then Paul Meyer sent me the picture of a most meaningful event in my life, namely pointing out the breakthrough at Omaha Beach on D Day 1944. of course the honor and unforgettable moments shared with "General Shale" and you at the D Day ceremony will ever be one of the most honored experiences of my life. Thank you for the autographed photo which we will treasure along with the other expressions of friendship you have displayed.

Allow me the opportunity for a few more personal remarks.

The past few months have seen dramatic political changes that even now are continuing to unfold. In the light of an almost daily letter or comment we receive concerning D Day I am convinced the people of America care deeply for President Clinton! The belt way and the media continue their assault but your constant holding the high road will eventually level the playing field. Except for one thing and that is the absolute requirement that the Democratic Party restructure itself as a unit and start immediately to focus on reunification as a collective force

JOSEPH T. DAWSON
OIL OPERATOR
214 PARK TOWER
710 BUFFALO STREET
CORPUS CHRISTI, TEXAS 78401
(512) 882-7521

it will be impossible to win in 1996 without a
supportive Democratic Party! They lost the November
election rather than the Republican Party winning it!

The sober truth of the political future is
that Bill Clinton has emerged with the mantle
of leadership unmatched by any candidates
that may try for the Presidency in 1996. And
I sincerely feel that if the Democratic Party
will unite behind their president that our
nation will weather the Republicans and all
other opponents. The payers and the airwarres have
been surfeited with the new congressional leadership
and I predict that ere long the shallowness and
littleness of those in power will become apparent
to all our people.

Mr. President, I want you to know that it is my
firm belief that you possess the talent, the acumen
and the resolve to guide this nation in the years
that lead us into a new Century. Simply put I
urge you to devote your energies toward cementing
your primary objective of commanding the confidence
and respect of our Armed Forces. They are America!
They also yearn for leadership and reassurance that
our President and the country stands with them.
All other elements fade in importance to this one
cause. I pray you will succeed and I believe with all

JOSEPH T. DAWSON
OIL OPERATOR
214 PARK TOWER
710 BUFFALO STREET
CORPUS CHRISTI, TEXAS 78401
(512) 882-7521

my heart that it will still the prattlings of
those who are committed to destroying you.
"If you strike a king you must kill him"! It is
obviously their persona and I don't like it.

Political antagonism is one thing—personal hatred
is another. Somehow many have a false
perception of you even though the record of
your leadership has been incredibly successful.
The attention factor of the average is so short
that instant news bafogs the record with distortion
of what is important and what is unimportant.

No one expects a leader to be a god but
as one who has lived over 80 years I am convinced
the thinking citizen subordinates the pratfalls to
the substantive actions of a leader. I know I do!

May you know that I shall always feel a
respect and deep appreciation for you and Mrs
Clinton. Her expressions of friendship displayed at
Omaha Beach as well as your graciousness will
always be a reminder of how much you mean to
me and my family.

I shall be in Washington April 25-30th and
hope I can say thanks in person—

Sincerely

Joe Dawson

STATE OF THE UNION

ADDRESS TO THE 104th CONGRESS · FIRST SESSION



To Joe Dawson,

*With respect
and thanks*

Bill Clinton

President William J. Clinton

January 24, 1995

Washington, D.C.

Chen

CC → ~~Baran~~
for min: 100
B

THE WHITE HOUSE
WASHINGTON

February 13, 1995

Arnold P. Lutzker
Fish and Richardson P.C.
601 Thirteenth Street, Northwest
Washington, DC 20005

Dear Arnold:

Thanks for your letter of January 30 and for following up on our conversation at Sidwell.

I appreciate your suggestion about helping to develop a talk show. I've shared your letter with Mark Gearan, my Director of Communications, to let him know of your ideas.

Thanks, too, for the photographs and for the judge's ruling. The pictures were great!

Sincerely,

Bill Clinton

FISH & RICHARDSON P.C.

FISH RICHARDSON & NEAVE
BOSTON
(1916-1999)

FREDERICK P. FISH
(1855-1930)

W.K. RICHARDSON
(1859-1951)

601 THIRTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

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MENLO PARK, CALIFORNIA 94025
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120 SOUTH SIXTH STREET, SUITE 2500
MINNEAPOLIS, MINNESOTA 55402
612/335-5070

January 30, 1995

President and Mrs. Bill Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Should I mention?

Dear President and Mrs. Clinton:

Needless to say, it was a real pleasure for Susan and me to share dinner with you and our friends at the Sidwell Islamic-Spanish celebration. Knowing how important it is for us to take part in our childrens' school life and how we sometimes have to juggle our schedules, we can only begin to imagine the complexity of your participating in tenth grade activities. Nonetheless, it is very satisfying as parents and well worth the effort.

We also wanted to enclose two things we mentioned at dinner - a few of our pictures from Fez and Morocco, and the judge's ruling on my RAZORBACK trademark case for the University of Arkansas. We hope you enjoy these. Morocco is physically exotic and culturally diverse. Well worth a visit! As to the trademark ruling, it gives the University a strong affirmation of its well-designed trademark program, which Sheila and I helped organize with the University Counsel's office.

Finally, I followed up on our conversation about a new talk show. As I mentioned, I have taken to heart your frustration with the media and if there is a way to bring some balance, I would like to help. (Despite my Washington base, I have an entertainment practice that includes clients like Multimedia Entertainment, which produces DONAHUE and SALLY JESSE RAPHAEL, Gannett Co., Video News International and the Directors Guild of America.)

Multimedia is mulling over the idea for a show with Ann Richards, although they think she may skew too old. (My personal view is that she would attract younger viewers.) I also mentioned the names Molly Ivins and Mario Cuomo. Would it be possible for me to check with someone, perhaps at DNC or in your

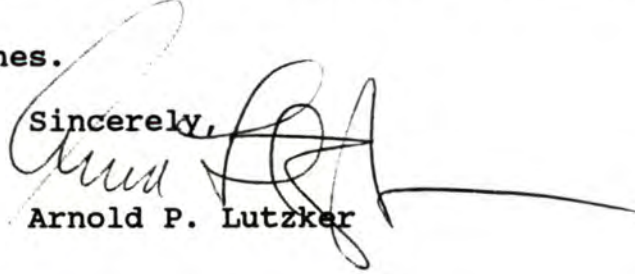
FISH & RICHARDSON P.C.

President and Mrs. Bill Clinton
January 30, 1995
Page 2

communications office, who might have access to video clips which would show how these three (or other prospects) performed in a talk setting?

With best wishes.

Sincerely,


Arnold P. Lutzker

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

THE BOARD OF TRUSTEES
of THE UNIVERSITY OF ARKANSAS,

U. S. DISTRICT COURT
WESTERN DIST. ARKANSAS
FILED PLAINTIFF

v.

Civil No. 94-5100

JAN 11 1995

PROFESSIONAL THERAPY SERVICES, INC.
d/b/a RAZORBACK SPORTS AND
PHYSICAL THERAPY CLINIC

CHRIS R. JOHNSON, Clerk
By *Mike Mont*
Deputy Clerk DEFENDANT

MEMORANDUM OPINION

This is a case in which the Board of Trustees of the University of Arkansas ("the University") has sued the Razorback Sports and Physical Therapy Clinic ("the Clinic") for unauthorized use of the RAZORBACK name and design logo.

The complaint alleges causes of action for (1) trademark infringement under Section 32 of the Lanham Act, 15 U.S.C.A. § 1114(1)(a) (West 1963 and Supp. 1994); (2) false designation of origin under Section 43(a) of the Lanham Act, *Id.* § 1125(a); (3) unfair competition under the common law of Arkansas; (4) trademark infringement under the common law of Arkansas; and (5) dilution of mark under Ark. Code Ann. § 4-71-113 (Michie 1991). No jury trial was requested, and the case was originally scheduled for a bench trial.

The parties have now filed cross-motions for summary judgment. The University seeks a partial summary judgment on its federal trademark infringement claim under Section 32 of the Lanham Act, 15 U.S.C.A. § 1114(1)(a) (1963 and West Supp. 1994).

For its part, the Clinic seeks summary judgment dismissal of all the University's claims.

After full consideration of the cross-motions, plaintiff's motion will be granted, and defendant's motion will be denied.

I. SUMMARY JUDGMENT STANDARD

Summary judgment is not to be granted unless the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there exists no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. *Harrison Western Corp. v. Gulf Oil Co.*, 662 F.2d 690, 692 (10th Cir. 1981); Fed. R. Civ. P. 56(c).

It is settled doctrine that the fact that both parties have moved for summary judgment does not permit the entry of summary judgment if disputes remain as to material facts. *Buell Cabinet Co. v. Sudduth*, 608 F.2d 431 (10th Cir. 1979). However, cross-motions for summary judgment do permit a court to assume that no evidence other than the pleadings and supporting documents offered by the litigants need be considered in order to determine whether a genuine issue of material fact exists in the dispute. *Harrison Western Corp. v. Gulf Oil Co.*, 662 F.2d 690, 692 (10th Cir. 1981); *W.A. Taylor & Co. v. Griswold & Bateman Warehouse Co.*, 754 F.Supp. 1260, 1264 (N.D. Ill. 1990); *Laborers Int'l Union v. HSA Contractors, Inc.*, 728 F. Supp. 519, 522 (E.D. Wis. 1989); *Williams v. Frank*, 702 F. Supp. 14, 16 (D. Mass 1988); *United Nuclear Corp. v. Cannon*, 553 F. Supp. 1220, 1226 (D.R.I. 1982).

II. BACKGROUND

The court will provide a brief summary of the many undisputed facts presented by the parties. Additional facts will be discussed in later portions of the opinion as they become relevant to the court's analysis.

a. The University's RAZORBACK Marks

The University of Arkansas was founded in 1871. Former Arkansas football coach Hugo Bezdeck is credited with naming the University of Arkansas football team in 1909 when he referred to his players as "a wild band of Razorback hogs." Since then, for most of the 20th Century, the University has identified itself with the "Razorback(s)" mark and a design logo that features a red, running hog. (These marks will be referred to collectively as RAZORBACK marks.)

Prior to the mid-1970's, unauthorized use of collegiate trademarks in the United States was principally by local merchants who used the marks as an indication of support. Increased television coverage of college athletics led to an enormous boom in the production and sale of goods bearing collegiate marks. By the early and mid-1980's, many colleges and universities began licensing programs to insure control over goods and services bearing collegiate marks. See *University of Pittsburgh v. Champion Prod. Inc.*, 686 F.2d 1040, 1045 (3rd Cir.), cert. denied, 459 U.S. 1087 (1982).

The University joined this trend in 1988 when it retained Collegiate Licensing Company (CLC) to oversee licensing of the

RAZORBACK marks and to monitor and halt unauthorized uses. (CLC represents over 110 colleges and universities). Also in 1988, the University began the process of obtaining federal registration for its marks, and it obtained its first registration in 1989. Since then it has obtained approximately twenty-five registrations for the RAZORBACK marks. Some of these pertain to the marketing of traditional services provided by the University, such as providing college courses and promoting sporting events and musical performances. Most of the registrations pertain to making RAZORBACK souvenir goods such as those typically found in a college bookstore. Others are for a University credit card, advertising directory and yearbook.

To date, the University and CLC have licensed the RAZORBACK marks to about 720 third party users, mainly for manufacture, sale and distribution of Razorback souvenir goods. During the first fiscal quarter of 1994-95, the period immediately following the basketball team's winning the NCAA Division I Championship, the University received over \$405,000 in royalties from licensees.

b. The Clinic

Since its incorporation in 1971, the Clinic has served the Northwest Arkansas region by providing physical therapy services, which are defined under Arkansas law as:

the treatment of a human being by the use of exercise, massage, heat or cold, air, light, water, electricity, or sound for the purpose of correcting or alleviating any physical or mental condition. . . , or the performance of tests of neuromuscular function as an aid to the diagnosis or treatment of any human condition. . .

Ark. Code Ann. § 17-92-102(1) (Michie 1987). Under Arkansas law, physical therapists must be licensed by the Arkansas State Board of Physical Therapy. *Id.* §§ 17-92-301,-303,-304. Furthermore, under Arkansas law, physical therapy services cannot be provided independent of a referral by a licensed physician. *Id.* § 17-92-308(a)(8).

The Clinic now has two locations--one in Rogers and one in Fayetteville. The Fayetteville location is at 2855 Joyce Street, and it is notably located within 100 meters of a nearby University of Arkansas Medical Science Building.

When originally incorporated in 1971, the Clinic was known as the Physical Therapy Clinic. However, in 1989, the Clinic changed its name to the Razorback Sports and Physical Therapy Clinic, when Dean Weber and Dave England became Clinic consultants and limited partners. (Dean Weber is a former Director of Sports Medicine at the University and also an athletic trainer. Dave England is also an athletic trainer at the University.)

The purpose of starting this new venture with University personnel was to start a sports medicine clinic specializing in the treatment of athletic injuries by physical therapy. This venture was prompted by a number of calls that Weber and England had received from high school coaches and recreational athletes concerning treatment of athletic injuries.

When Weber and England joined the Clinic, it issued a press release stating that the "Razorback Sports and Physical Therapy,

(formerly Physical Therapy Clinic) . . . has recently changed its name to accommodate its affiliation with [its] limited partners."

On August 27, 1991, the Clinic obtained a fictitious name registration with the State of Arkansas as the "Razorback Sports and Physical Therapy Clinic." For a design logo, the Clinic used a red, running Razorback hog.¹

Since the name change, the Clinic has used promotional materials to emphasize its relationship with the University. For instance, the Clinic sent out letters to doctors and coaches from September 1989 through at least February 1990, stating that

- * "Dean Weber, ATC, Director of Sports Medicine at the University of Arkansas, and David England, ATC, head Trainer for the Arkansas Razorbacks" were now the Clinic's "new limited partners" and "professional consultants."
- * Todd Bowden, who "served as a student trainer and graduate assistant trainer at the University of Arkansas," had joined the staff.
- * high school athletes deserve the same quality care received by the "Arkansas Razorbacks or Dallas Cowboys."
- * the Clinic would be holding "Saturday Morning Sports Medicine" clinics for coaches, parents and students at which time one of the "Razorback Team Physicians" would be available to speak with them.

(Pl.'s Opp. Def.'s Mot. Summ. J., Exs. 53,58)

¹ In response to this litigation, it has since changed its logo to simply a red Razorback hog head. It has also added a disclaimer to its stationary.

III. THE LANHAM ACT

In order for the University to establish that the Clinic has infringed on its trademarks, it must prove (a) that the mark at issue is valid; and (b) that defendant's use of the mark is likely to cause confusion. 15 U.S.C.A. § 1114(1)(a).²

To determine whether a likelihood of confusion exists, the finder of fact must consider all relevant factors, including those mentioned in *SquirtCo v. Seven-Up Co.*, 628 F.2d 1086, 1091 (8th Cir. 1980): (1) the strength of the owner's mark; (2) the similarity between the owner's mark and the alleged infringer's mark; (3) the degree to which the products are in competition with one another (which is often referred to as the "competitive proximity" of the products); (4) the alleged infringer's intent, or lack thereof, to pass off the trademark owner as the source of the goods, or as a sponsor of the goods; (5) incidents of actual confusion; and (6) the degree of care likely to be exercised by potential customers. Each factor must be considered to the extent it is relevant, and no one factor should be given excessive weight at the expense of some other factor. *Calvin Klein Cosmetics Corp. v. Lenox Lab. Inc.*, 815 F.2d 500, 504 (8th Cir. 1987). Each factor will now be considered in turn.

² There is no dispute that the marks are valid, although there is a dispute as to the strength of these marks, which will be discussed later.

a. Strength of the RAZORBACK Marks

The court first considers the strength of the mark. "A strong and distinctive trademark is entitled to greater protection than a weak or commonplace one." *SquirtCo*, 628 F.2d at 1091.

A mark is considered to be a strong one when it effectively identifies the mark owner in the public mind. To determine a mark's strength, the court may consider a number of factors: the inherent distinctiveness of the mark, the existence of federal registrations, the long-term use of the mark by the owner, the extent of public exposure for the mark through advertising, promotion and unsolicited publicity, and the owner's actions to protect its marks through the successful use of cease and desist letters and litigation. See *Gaston's White River Resort v. Rush*, 701 F. Supp. 1431, 8 U.S.P.Q.2d (BNA) 1209, 1213 (W.D. Ark. 1988) (Waters, C.J.).

After consideration of each and every factor listed above, the court concludes as a matter of law that the RAZORBACK marks are strong ones, highly deserving of protection.

i. Arbitrary Marks

The first factor to be considered in evaluating the strength of the RAZORBACK marks is their level of inherent distinctiveness. A general rule is that arbitrary marks are inherently distinctive and strong, while descriptive marks are not due any protection at all, unless the mark owner can prove that the mark has acquired secondary meaning.

The parties expend a great deal of ink on the question of whether the RAZORBACK marks should be classified as "arbitrary" or "descriptive." The court agrees that the use of RAZORBACK marks, in connection with physical therapy or medical services, as well as almost any other good or service one can imagine, is arbitrary. This is true with most collegiate marks. The historical origin of collegiate mascots is usually the subject of much myth and lore, see e.g. G. Schultz, The Bucky Badger Story (1981). In determining why one mascot was chosen over another, "a page of history is worth a volume of logic". *New York Trust v. Eisner*, 256 U.S. 345, 349 (1921) (Holmes, J.).³

At least one court has reached a similar conclusion in similar circumstances. In *University of Ga. Athl. Ass'n v. Laite*, 756 F.2d 1535, 1541 (11th Cir. 1985), the infringer sought to manufacture a product called "Battlin' Bulldog Beer." Each can of beer featured the logo of a Georgia Bulldog holding a football in one hand and a beer in the other. The Eleventh Circuit held that,

we are convinced beyond a shadow of a doubt that the "University of Georgia Bulldog" is not a descriptive

³ Apparently, many writers feel that this quote from Justice Holmes describes something very basic about the human condition. At least they quote it enough. A LEXIS search revealed that the quote or some allusion to it has occurred in some 68 law review articles and some 78 federal court opinions. In a recent Supreme Court dissent, Justice Scalia opined that "Justice Holmes' aphorism that 'a page of history is worth a volume of logic,' . . . applies with particular force to our Establishment Clause jurisprudence." *Lee v. Weisman*, 112 S. Ct. 2649, 2679 (1992) (Scalia, J., concurring). To this we would add, "Ditto with college mascots!" One wonders how many other arenas of human endeavor this aphorism can be said to apply to with "particular force."

mark. In our view, the portrayal of an English bulldog chosen by the university as a symbol for its athletic teams is, at best, "suggestive," if not downright "arbitrary"

Id. at 1541.

Although the court has already decided that the RAZORBACK marks are arbitrary, it is necessary to address the Clinic's spirited argument that the University's marks are not arbitrary, but rather geographically descriptive. If the Clinic is correct that the RAZORBACK marks are geographically descriptive, then the marks are unprotected unless they have acquired secondary meaning.

ii. Geographical Marks

The Clinic vigorously argues that the RAZORBACK marks are no longer arbitrary. Rather, the Clinic contends that the marks now describe the geographic region where the University is located.

A geographical (or geographically descriptive) term is generally understood as one which refers to, or describes, the place of origin of a product or the situs of a business or other kind of organization.

3 Rudolph Callman, *The Law of Unfair Competition, Trademarks and Monopolies*, § 18.15 at 175 (L. Altman ed., 4th ed. 1993) (footnote omitted).

Usually, a geographic mark is the proper name for a geographic entity, such as a nation, state, county, city, municipality, river, lake or the like. For instance, the following are geographic marks: Bank of Texas, Crystal Cave, Falls Motel, Mammoth Cave, San Jose Window Guard, Thruway Motel, etc. However, a few cases do hold that well-known synonyms for geographic places can also be geographic marks.

Thus, "Quaker City" is clearly a reference to Philadelphia, and "Quaker State" designates Pennsylvania. The word "Keystone," although ordinarily not understood as geographical term, also refers to Pennsylvania. "Old Dominion" is synonymous with Virginia. "Lone Star" symbolizes Texas.

Callman, supra, § 18.18 at 190 (footnotes omitted).

According to the Clinic, the term "Razorback" is a geographic term that refers to Arkansas in the way that the term LONE STAR refers to Texas and QUAKER STATE refers to Pennsylvania. See *Quaker State Oil Ref. Co. v. Steinberg*, 325 Pa. 273, 189 A. 473 (1937); *Texas Farm Prod. v. Lone Star Producing*, 144 U.S.P.Q. (BNA) 312 (E.D. Tex. 1964).

To support its assertion that the term "Razorback" is a synonym for Arkansas, the Clinic argues that the term "Razorback" is supposedly used to refer to Arkansas as "The Razorback State." The World Almanac of the U.S.A. (Allen Carpenter and Carl Provose, eds. 1993). It also performed a NEXIS search of publications that supposedly revealed that the term "Razorback" has been used in at least 69 publications widely available in the United States to identify persons from Arkansas and to refer to the State of Arkansas. Finally, it notes that there are over one hundred and fifty Arkansas businesses with the word "Razorback" in their trade names.

The evidence submitted by the Clinic is highly dubious and successfully demolished by the University. As the University notes, Arkansas is actually known as the "Land of Opportunity" or the "Natural State" and individuals from Arkansas are called

"Arkansans," not "Razorbacks," at least according to the Arkansas Department of Parks and Tourism of the Fayetteville Chamber of Commerce. (Arkansans who attended universities other than the University of Arkansas would certainly be surprised to discover that they are Razorbacks.)

The University also points to an interesting case entitled *In re New Archery Products Corp.*, 218 U.S.P.Q. (BNA) 670 (T.T.A.B. 1983), where the Trademark Trial and Appeal Board specifically investigated the meaning of the term "Razorback" and noted that the term has a number of meanings, "including the famous Razorback hog indigenous to the southwestern United States." Further, the T.T.A.B. found that the "term has a number of derivative meanings, including most importantly, the nickname of the highly successful athletic teams of the University of Arkansas ("the Arkansas Razorbacks")." *Id.* at 671 (emphasis supplied). Notably, the board did not mention any geographical use of the term.

The University also successfully debunks the Clinic's NEXIS search that supposedly reveals sixty-nine (69) articles that refer to Arkansans as "Razorbacks" and Arkansas as "the Razorback State."⁴ The vast majority of the articles, about 80%, refer or relate to the athletic teams of the University of Arkansas. Approximately fourteen of the articles make non-athletic references, but these are from out-of-state newspapers or news services. However, even these articles do not prove the Clinic's

⁴ The court also ran the NEXIS search to verify the following conclusions.

point. The fourteen non-athletic articles include references to "Razorback" hogs or pigs; "Arkansas, home of the Razorbacks" (which could mean either the athletic teams or the animals); "Razorback Drive"; "Razorback stew"; "Razorback Roast"; "Razorback Retailers"; "Razorback Acquisition Corp"; and "Razorback EZ B1." One article in The Washington Post does refer to "residents and college alumni from the Razorback State." And one article from The St. Louis Post-Dispatch, refers to persons from Arkansas as "Razorbacks" and in a second article, the author uses the term "Razorback buddies" to refer to the author's friends from Arkansas.⁵

From the materials before the court, it is beyond a doubt that the RAZORBACK marks are arbitrary. The court admits the fact that geographic regions often become strongly identified with the universities located there, and local businesses do frequently name themselves using the university marks. This is a natural result of the goodwill that local businesses and communities justifiably feel toward their institutions of higher learning, or more often, "their" athletic teams sponsored by the institution. However, the resultant identification of a geographic region with a collegiate mark never becomes so strong that it negates the

⁵ The University also describes a number of its own, less strategically-limited NEXIS searches for the term "razorback," including one for articles published over a sixty day period from September 19, 1994 to November 17, 1994, inclusive. The search yielded 438 references. Three hundred and ninety seven (397), or 90.6%, referred or related to the athletic teams of the University. (Pl.'s Opp. Def.'s Mot. Summ. J., Ex. 61)

primary identification of the mark with the University, at least not here in Arkansas.

At least one agency has reached a similar conclusion in similar circumstances. In *University Book Store v. Bd of Regents of the Univ. of Wisc. Sys.*, 1994 TTAB LEXIS 8 at 73 (T.T.A.B. July 19, 1994), the T.T.A.B. expressly held that a collegiate mark, the WISCONSIN BADGER, is not a geographic term, even though it is the state animal, is frequently used in the trade names of local businesses and is sometimes used to refer to people from the state.

[w]hile suggestive of the State of Wisconsin, . . . we agree with [the University] that, based upon the undisputed material facts, the mark "WISCONSIN BADGERS" is not primarily geographically descriptive of applicant's goods and services as a matter of law.

Id. The board further held that even if a collegiate mark had become geographically descriptive, it still possessed secondary meaning sufficient to warrant protection under the trademark laws.

Id. at 66.

iii. Other Indicia of Strength

Now that the court has established as a matter of law that the RAZORBACK marks are arbitrary, distinctive and likely to be strong, the court will consider other indicia of strength, such as plaintiff's presumptively valid federal registrations, long-term use of the marks, extensive public exposure through advertising, promotion and unsolicited publicity, and the owner's actions to protect its marks through the use of cease and desist letters and litigation. See *Gaston's*, 8 U.S.P.Q.2d at 1213.

The University of Arkansas owns twenty-five federal registrations for the RAZORBACK marks. It has used the marks for over 80 years. In the last five years alone, it has expended more than \$1 million in promoting the marks, and its licensing program earned over \$405,000 in the first quarter of fiscal year 1994-95. The University has earned a national and international reputation through its competition in intercollegiate sports, and these activities have resulted in substantial unsolicited publicity in local, regional, and national media, such as television, radio and print media. For example, it is estimated that 50 million people, including the President of the United States, watched a single game where the Razorbacks won the 1994 basketball championship. The RAZORBACK marks were, of course, in widespread use throughout that competition. Moreover, since the late 1980's, the University has resorted to frequent use of cease and desist letters and opposition and cancellation proceedings before the United States Patent and Trademark Office. The court concludes that the RAZORBACK marks are strong, widely-recognized marks, highly-identifiable to the University.

Before leaving the first *Squirtco* factor concerning the strength of the mark, the court will address one final argument by the Clinic that the RAZORBACK marks are weak marks and do not deserve a great degree of judicial protection.

iv. Third Party Use of Marks

The Clinic contends that the RAZORBACK marks are weak marks in the context of this case, because local and state businesses

extensively use the RAZORBACK marks in their trade names. The basic idea is that no one thinks the University is the source of a business' goods or services simply because RAZORBACK marks appear in the trade name. *General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622, 626-27 (8th Cir. 1987) ("evidence of third party usage of similar marks on similar goods is admissible and relevant to show that the mark is relatively weak and entitled to a narrower scope of protection").

The court agrees that extensive third party use of the term "Razorback" and its pictorial equivalent in local business trade names is beyond reasonable controversy. There are over one hundred and forty separate Arkansas telephone listings in which the term "Razorback" has been incorporated in the business or trade name, such as Razorback Lighting, Razorback Marble Mfg. Co., Razorback Cleaning Services, Razorback Fireworks, Razorback Park & Golf Course, Razorback Security, A-1 Razorback Moving, Razorback Short Stop, Razorback Roller Rink. The Secretary of State has even more listings.

As the court noted earlier in this opinion, the use of collegiate marks by local businesses as part of their trade names is an old and venerable tradition, which has been noted in at least two cases. See *Temple Univ. v. Tsokas*, 1989 U.S. Dist. LEXIS 10682 at 13 (E.D. Pa. September 8, 1989); *Wisconsin*, 1994 TTAB LEXIS 8 at 41. Still, in at least two categories of cases, collegiate marks are due trademark protection.

First, there are those cases where the collegiate mark is the actual product being sold. *Georgia*, 756 F.2d 1535 (Georgia Bulldog logo on beer cans); *Wisconsin*, 1994 TTAB LEXIS 8 (Bucky Badger logo on apparel); *Board of Gov. of the Univ. of N.C. v. Helpingstine*, 714 F. Supp. 167 (M.D.N.C. 1989) (North Carolina Tar Heel on apparel).

Second, there are those cases where a local business uses a collegiate mark and it: (a) offers goods or services that directly compete with goods and service offered by the University, or (b) offers goods or services that are so related to goods and services offered by the University that the use of collegiate marks implies a common source. *Temple*, 1989 U.S. Dist. LEXIS 10682 at 13 (dental clinic and real estate development corporation that used the name Temple); *Cornell Univ. v. Messing Bakeries, Inc.*, 135 N.Y.S.2d 101 (Sup. Ct. 1954), *mod. on other grounds*, 138 N.Y.S.2d 280 (N.Y. App. Div. 1955), *aff'd*, 128 N.E.2d 421 (N.Y. 1955) (bakery goods that used name Cornell); *but cf. Yale Univ. v. Benneson*, 159 A.2d 169 (Conn. 1960) (the mark Yale Motor Inn did not suggest a connection with the University).

In listing these two categories of cases where a collegiate mark is due trademark protection, the court is not holding that there may not be other categories of cases. It may be that the University has absolute control over the use of its marks in the trade names of local and state businesses. On the other hand, the extensive tradition of non-competing businesses using collegiate marks may be so ingrained as to be beyond the regulation of the

trademark laws. This court need not consider this difficult question, because the court finds it to be undisputed as a matter of law that the Clinic (a) offers services that directly compete with those offered by the University, or (b) offers services that are so related to those offered by the University as to imply a common source. This conclusion will be explained in the next section of the opinion.

Finally, the Clinic argues that, even if it does offer services that compete with the University, at least some of the other businesses that use RAZORBACK marks in their trade names are competitive with the University. Due to this alleged third party use, the Clinic argues that the RAZORBACK marks are weak even when competitive goods and services are being offered, because use of the RAZORBACK marks does not identify the University in the public mind no matter what.

Unfortunately for the Clinic, there is no evidence that other RAZORBACK businesses compete with the University on a widespread basis. Nor is there evidence that such competition is commonly tolerated by the University.⁶ Also there is no evidence that such overlap occurs in the medical field, or any other field that has such a strong concern for public reputation. Further, there

⁶ The Clinic specifically refers to "Razorback Health and Fitness" as an example of a third party use more closely related to the University's services than the Clinic's. However, Razorback Health and Fitness has changed its name to "TNT Fitness" in response to the University's objection to use of the RAZORBACK mark. (Pl.'s Mot. Summ. J., Ex. A, Aff. of M. Skoch). The University also claims that it does not tolerate competing uses as a matter of policy.

is no evidence that such overlap occurs with other RAZORBACK businesses where University employees work for that business and advertise their connection with the University. Finally, there is no evidence that such overlap occurs where the infringing trade name and mark was selected to emphasize a connection with the University, as was done in this case.

As a matter of law, this court holds that the RAZORBACK marks are strong and deserving of protection given the undisputed facts of this case.

b. Competitive Proximity of the Goods

The next factor to be considered, and the most crucial one given the facts of this case, is the competitive proximity of the services offered by the Clinic and the University.

The Clinic primarily offers such services as physical therapy, athletic training, occupational therapy, fitness, work injury prevention and treatment and work hardening services.

The University clearly offers such services through its extensive athletic program to its student athletes. Also, the University offers physical therapy to the public on an in-patient and out-patient basis through its Medical Sciences campus, receiving referrals from throughout the State. (Pl.'s Opp. Def.'s Mot. Summ. J., Ex. F, Aff. of Gayla A. Hearn, Director of the Physical Therapy Department of the University of Arkansas for Medical Sciences). The University also provides physical therapy to high school athletes in conjunction with physicians from the Arkansas Children's Hospital and the University. *Id.*

In addition to physical therapy, the University offers athletic training services, as does the Clinic. In fact, the outpatient component of the University's Area Health Education Center-Northwest (AHEC-NW) offers school and sports physical examination in a building located less than 100 meters from the Clinic. (Pl.'s Opp. Def.'s Mot. Summ. J., Ex. G, Aff. of Dr. Lee B. Parker, Director of the AHEC-NW). The AHEC-NW is a division of the University's Medical Sciences campus.

Even if the University and the Clinic do not compete, there is no doubt that they offer related services. Universities are known for the training of doctors, nurses and medical staff. In the public mind, and in fact, universities are on the cutting edge of medical technology and procedure, especially in the area of sports medicine, and especially at a university with a sports program as successful as Arkansas. This observation is borne out by the fact that Dean Weber and Dave England say they received numerous phone calls in their capacity as University trainers from high school coaches and recreational athletes concerning the treatment of athletic injuries. In fact, these calls were the reason that Weber and England contacted the Clinic to discuss the prospect of starting a for profit sports medicine clinic in the first place.

Although it is undisputed as a matter of law that the University and the Clinic offer competitive services, the actual extent of competition for the same customers is not critical to the outcome of this case. If the University and the Clinic do

actually compete, then the University deserves protection under trademark law so that it does not lose confused customers to the Clinic. However, preventing the loss of customers is not the only purpose of trademark law. Trademark law also exists to provide protection to a trademark owner's reputation so that people do not think they are receiving goods and services from the owner, when they are in fact receiving them from the infringer. See *Callman*, at §§ 20.02 through 20.04. Thus, the fact that the type of services provided by the Clinic are closely related to those provided by the University is a factor strongly weighing in the University's favor.

c. Similarity of the Marks

The next factor to be considered is the degree of similarity between the University's marks and the Clinic's. In determining whether two marks are so similar that they could be confused for one another, the court must examine the marks as a whole, although one feature of the mark may be recognized as more significant in creating a commercial impression. *Gaston's*, 8 U.S.P.Q.2d at 1214.

Defendant's mark is the "Razorback Sports & Physical Therapy Clinic." The word "Razorback" is clearly the dominant element of the mark, because the words "Sports and Physical Therapy Clinic" describe the type of business and the services offered. This element is identical to the University's mark. The dominance of this element is further underscored by the fact that the word "Razorback" in the defendant's trade name is set apart by coloring it red, the University's school color. The connection to the

University is then made even stronger by use of a red, running Razorback hog logo next to a medical caduceus. The running hog logo has recently been changed to a Razorback hog's head, and that weakens the similarity of the two marks to some extent, but there is no doubt that, as a matter of law, the overall impression of the mark is substantially similar to that created by the RAZORBACK marks.

d. Intent to Confuse

The next factor to be considered is whether the Clinic intended to confuse the public as to its affiliation with the University. Intent on the part of the alleged infringer to pass off its goods as the product of another raises an inference of likelihood of confusion. *Squirtco*, 628 F.2d at 1091. However, the presence or absence of an intent to confuse is not critical to finding a likelihood of confusion, and it is certainly not critical to the court's analysis in this case. Since the issue of intent is not determinative, the court will simply state that this issue cannot be resolved on summary judgment.

It may be that the Clinic intended to trade on the name and goodwill of the University. In fact, the circumstances and actions outlined above strongly indicate that such was the case. However, it may be that the Clinic just wanted to brag about its quality staff. Additionally, the questions of intent and bad faith are nearly impossible to deal with on summary judgment in any case, and this case is no exception.

e. Actual Confusion

Actual confusion is strong evidence of a likelihood of confusion. *Mutual of Omaha Ins. Co. v. Novak*, 836 F.2d 397, 400 (8th Cir. 1987), *cert. denied*, 488 U.S. 933 (1988). But plaintiff is not required to produce such evidence to prevail. *Maas & Waldstein Co. v. Am. Paint Corp.*, 288 F.2d 306, 307 (8th Cir. 1981). However, if no one appears to have been actually deceived, that fact is probative of the defense that there is no likelihood of deception. *Callman* at § 20.06. The court does not consider there to be any particularly probative evidence of actual confusion offered by either party. The Clinic provided evidence that the Fayetteville medical community is not confused; and the University provided evidence that its marketing department and licensees were confused. Neither party presents any evidence as to actual confusion by the consumers of the Clinic's services or the public at large.

f. Degree of Care

Assuming that a likelihood of confusion exists, the Clinic can still argue that purchasers of the Clinic's services exercise such a high degree of care in selecting the Clinic's services that "the degree of care exercised by the purchaser can eliminate the likelihood of confusion which would otherwise exist." *SquirtCo*, 628 F.2d at 1091. To determine whether consumers exercise a high degree of care in purchasing a good or service, the courts should look to the kind of product, its cost, and its conditions of purchase. *SquirtCo*, 628 F.2d at 1091.

The court notes that the use of a high degree of care by product purchasers is not a very strong defense when the other factors lean strongly toward trademark infringement. See *Grotrian, Helfferich, Schulz v. Steinway & Sons*, 523 F.2d 1331, 1341 (2d Cir. 1971) (despite the high price of pianos and the sophistication of purchasers, the likelihood of confusion resulting from other factors could not be eliminated by the degree of care taken in selection).

The University has attempted to prove that the Clinic's patients exercise such a low degree of care that the risk of confusion is quite high. The University argues that the Clinic's services are prescribed by physicians, and members of the general public who use the Clinic's services will simply follow the advice of their doctor. The primary doctor will probably be chosen with a fair degree of care, but his prescriptions will be followed will be reviewed with a much lesser degree of care. Also, advertisements for Clinic services in the Yellow Pages and other materials reach the public at large. Thus, it is quite possible that a person would decide to utilize the Clinic's services, because it is believed that it is part of or connected to the "Razorback Sports" facilities as the name and logo indicate, and then simply go to a doctor to get the prescription.

The Clinic responds that there are no competing services offered by the University, and even if there were such services, the doctors would not be confused as to any affiliation between the Clinic and the University. These arguments are simply

irrelevant. Even if there is no direct competition between the Clinic and the University, the University's loss of control over its reputation would be at risk so long as people who receive or hear about the Clinic's services are confused about the source.

However, the Clinic does make a relevant argument that Clinic patients are unlikely to casually undergo costly, medically-significant physical therapy, and are thus likely to exercise a high degree of care as to the source of the services. This degree of care would still not eliminate any likelihood of confusion that might exist, however, because people who only hear about the Clinic's services will exercise absolutely no degree of care in forming their opinions as to the source of the services. Even as to Clinic patients, it is obvious to the court that patients will rely on their doctors to direct them to clinics, and their primary concern will not be whether that clinic is affiliated with the University. It is not to be expected that any further evidence or psychological studies on this point will change the court's mind.

g. Other Factors

The likelihood of confusion is increased by the close physical proximity between the Clinic and the office of the University medical clinic. It is also increased by the presence of University employees at the Clinic, as well as the Clinic's use of promotional materials to emphasize its relationship with the University.

The Clinic argues that a factor against the likelihood of confusion is the fact that Clinic materials now have a disclaimer

of any connection with the University. However, this recently adopted disclaimer will not have a strong impact on the court's analysis in this case.

[M]any courts have held that a disclaimer does not serve to cure an otherwise clear case of likelihood of confusion. Consumer studies indicate that disclaimers are ineffective in curing the customer confusion over similar marks. In fact, in some instances, the use of a disclaimer can serve to aggravate, not alleviate, confusion over brands.

2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, § 23.15[9] at 23-105 (3d ed. 1993) (footnotes omitted).

IV. CONCLUSION

The following factual and legal conclusions are undisputed. First, the visual impression created by the dominant elements of the RAZORBACK marks and the Clinic's marks is highly similar. Second, the RAZORBACK marks are strong ones that distinctively identify the University in the public mind. Third, the Clinic's services and the University's are competitive or so closely related as to suggest a common source. And no degree of care on the part of the Clinic customers can remedy any likelihood of confusion that may exist.

These undisputed conclusions demonstrate a likelihood of confusion and a serious risk to the University that it will lose control over its public image as a provider of medical services, if the Clinic continues to use its marks. Also, there is no reasonable expectation that further evidence presented by the Clinic will change the court's mind in respect to the undisputed

facts discussed above and the legal results that flow from them, especially since this case is before the court on cross-motions for summary judgment. Summary judgment is therefore granted for the University on the Lanham Act cause of action.⁷

Dated: January 10, 1995

H. Franklin Water
United States District Judge

HFW:pl

⁷ Before closing, for purposes of appeal, the court will make brief mention over two issues extensively argued by the parties that simply do not matter to the court's resolution of the cross-motions.

The Razorback Clinic argues that the University did not catch it in the act of infringement fast enough and then failed to sue it fast enough, and that the University is therefore estopped from pursuing this action. This argument is summarily rejected.

The Razorback Clinic ALSO argues that the University gave permission to Weber and England to work at the Razorback Clinic and therefore acquiesced in the name change. This argument is also summarily rejected.

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

RECEIVED

JAN 18 1995

THE BOARD OF TRUSTEES
of THE UNIVERSITY OF ARKANSAS,

FISH and RICHARDSON
WASHINGTON, D.C.
PLAINTIFF

v. Civil No. 94-5100

PROFESSIONAL THERAPY SERVICES, INC.
d/b/a RAZORBACK SPORTS AND
PHYSICAL THERAPY CLINIC

DEFENDANT

ORDER

On this 10th day of January 1995, upon consideration of plaintiff's motion for partial summary judgment, the court finds for the reasons set forth in a memorandum opinion of even date, that said motion should be and hereby is granted.

Upon consideration of defendant's motion for summary judgment, the court finds that said motion should be and hereby is denied in its entirety, because there are genuine issues of material fact in relation to all of plaintiff's claims.

The parties are now required to brief the issue of what relief is due plaintiff and specifically whether a bench trial will be necessary to determine the remedial issue. The following briefing schedule shall be followed:

- (a) Plaintiff's brief shall be filed by the close of business on January 23, 1995.
- (b) Defendant's brief shall be due by the close of business on February 6, 1995.

IT IS SO ORDERED.

U. S. DISTRICT COURT
WESTERN DIST. ARKANSAS
FILED

JAN 11 1995

CHRIS R. JOHNSON, Clerk
By mik mat
Deputy Clerk

He Franklin Waters
United States District Judge

This document entered on docket in
compliance with Rule 58 and 79 (a).
FRCP.

on 1-11-95 by mik mat

THE WHITE HOUSE
WASHINGTON

DATE: 2/18/95

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FROM: JOHN D. PODESTA
Assistant to the President and
Staff Secretary

FYI

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Arrest links police major gambling

SCHMITT
EN KLAUSNITZER

Police major once re- for cracking down on was arrested and sterday with helping a tend run numbers and out of an East Nash-

ice Maj. Danny M. 17-year veteran, folled raid at Parker's Drive- where he also placed f, federal authorities indictment upseald

so assured superiors there were no illegal ing place at the mar- Dickerson Road, pro- To.

Revenue Service ed Pursley around 1

p.m. yesterday along with Purs- ley's friend and market owner Tommy Parker and Parker's twin sons, William B. and John T.

It was the second arrest of a po- lice officer in Operation Gamelock, a two-year Metro, state and federal probe that targets Nashville's gambling kingpins and their ties to police, politicians, judges and each other.

Pursley's lawyer said the major will plead innocent to the charges. "We expect he will be exonerated," attorney Aaron Wyckoff said.

But, Wyckoff said, Pursley "deeply regrets these charges have been brought against him" and said the policeman apologized to his family, his colleagues and the public.

The charges that Pursley took

Turn to PAGE 2A, Column 1



Maj. Danny M. Pursley, a former police vice commander, is brought into the Federal Building to face gambling charges.

Robert Johnson © Staff

Family key to violence, drug fight

Health secretary backs hospital-merger plan

By ANNE FAINE

Staff Writer

The family must be strengthened as part of the fight against drugs and violence, U.S. Health and Human Services Secretary Louis W. Sullivan said here yesterday.

Sullivan, here to address the PRIDE World-Drug Conference, expressed qualified support later in the day for the stalled merger of Meharry-Hubbard Hospital and General Hospital.

"It would help to address the question of excess capacity" in terms of hospital beds, Sullivan told an Associated Press reporter.

Explaining that he did not know a lot of detail about the situation, Sullivan said the merger would bolster Meharry's medical program by giving the school more patients at Hubbard. In 1989, Sullivan told reporters the merger made sense but should be a local decision.

The proposed merger is stalled after the Metro Board of Hospitals voted not to approve it, but Mayor Bill Boner has said he will have the matter studied by a special mayoral task force.

The secretary stopped by Meharry Medical College on a special mission to present President Bush's 40th "Daily Point of Light" award to the Meharry-based "I have a Future" program.

The special program, aimed at children and youth in two public housing developments, is designed to reduce teen-age pregnancy, delinquency, unemployment and improve the school dropout problem.

"Your generosity and willingness

Turn to PAGE 2A, Column 1

return deep inside Iraq cautionary, general says

RIS

audi Arabia — troops, including 1st Airborne Division, to positions out of a U.S. military sterday the move resume Saddam

n. Richard Neal military had ck to their most s in the Eu- only to be sure ne area pending agreement. rt today said the



U.S. military has warned Baghdad it may shoot down Iraqi warplanes being repositioned. President Bush this week also warned Iraq against using helicopters against rebel forces battling Saddam's troops.

Also yesterday, 499 Iraqi prisoners of war were driven in buses into their homeland from an isolated Saudi border crossing. A lone soldier changed his mind at the last

ON 5A

Secretary of State James Baker, at Moscow arms talks, warns Saddam against military activity.

minute and refused to go home. And, in other developments related to the Gulf War:

Three U.S. soldiers were awarded the Silver Star for bravery in a ceremony in Kuwait City. They are the first Americans to be so honored in the Gulf War.

A helicopter crash in the Mid-

Turn to PAGE 2A, Column 4

Hefner selected TSU president

James Hefner, president of Jackson State University, was named yesterday to head Tennessee State University. Hefner was the expected appointee after the other top candidate, Bowie State University President James Lyons, dropped out of the race.

In announcing the appointment, the Tennessee Board of Regents' search committee chairman said Hefner's background was thoroughly investigated. His candidacy had been questioned because of a continuing controversy at Jackson State. But Mississippi's higher education leaders all gave him high marks. Story on 1B.



HEFNER

Summer Lights ticket to triple

By RICHARD SCHWEID

Staff Writer

Summer Lights ticket prices for the Summer Lights Festival will triple at the gate this year — up from \$2 to \$6, festival organizers announced yesterday.

Advance single-day tickets to the four-day celebration of Nashville's art and music, May 30-June 2, will be offered exclusively through Ticketmaster. They will cost \$4, plus a \$1 service charge at an outlet, or \$1.50 if ordered by telephone.

A four-day Patron Passport ticket also will be offered and will cost \$12 in advance from Ticketmaster, plus a \$1.25 service charge at outlets or \$1.50 if ordered by phone. The Patron's Passport will cost \$15 at the gate.

"I don't believe we'll be pricing anybody out," said Anne Brown, executive director of the Metro Arts Commission. "People spend this kind of money on movies without thinking twice, and what we're offering here is the best Nashville has to offer the world."

"We're trying to make sure the event can support itself and the arts year-round."

The ticket prices are still considerably lower than those for similar festivals in other parts of the country, Brown said.

Also available in advance and on the day of the festival will be Fun Books, containing tickets for food and beverages. These also will be offered through Ticketmaster, in books of \$5, \$10 and \$20.

1 sentence in clerk slaying

guilty thday

IES

Bigbee, already serving a life prison term on another first-degree murder conviction, was found guilty of first-degree murder yesterday in the Dec. 28, 1988, shooting death of Hendersonville convenience store clerk Monty Climer.

about how I feel," he said when asked about his reaction to the death sentence arrived at by the jury of eight men and four women. "I've been through a five-day trial. I'm disappointed, but it's not

Correction

The Tennessean incorrectly published yesterday

in three different decades. His response to the winner's circle: "I think it's really going to be satisfying to walk around the streets of Fairbanks or wherever and not have people living me about how you let those women beat you again."

BUTCHER



THAT'S THE SPOT! — Jean, a 19-year-old, 5,300-pound African elephant, nuzzles a stage at Audubon Zoo in New Orleans while handler Eiler McGuinn scratches her back. Jean was taking time out before a publicity stunt in which she helped crush a stack of aluminum cans to promote recycling.

900 PHONE PROTECTION — Rep. Bart Gordon says proposed FCC rules are only a preliminary step in protecting callers who dial 900 numbers. He says congressional action could prevent the 900 industry from tying up the rules in court. Among the proposals: Regular telephone service could not be disconnected for non-payment of 900-number charges. On 6A.

...because a racist is affiliated with it." So says one of the 100 black high school students visiting Vandy this weekend. Recruiters expect about half of them to enroll for the good-education in spite of the controversy over Thompson, a college trustee and founder of all-white Shoals Creek Country Club in Birmingham. On 5B.

Business

Economy up and down

Good news and bad news from the economy. Wholesale prices continue falling, but so does industrial production.

Wholesale prices drop 0.6% in February, the third consecutive decline. Especially helpful: Biggest drop in energy costs in 1 1/2 years. Industrial output declines for the fifth straight month, worse in eight years. On 4E.

RADIO ANIMATION NEXT? — Businessman Victor Rumore is buying radio station WGFY-FM, "The Fox," for \$3.5 million. Rumore is best known as president of Cascom International, a graphic animation firm. He says the classic rock radio station dovetails perfectly with Cascom, which has a worldwide distribution network. On 1E.

OFFICE TOWER ON HOLD — Two big leases fall through and a third teeters, leaving Tony Giarratana's 555 Church Street office tower in limbo for now. Construction of the 17-story office building was to have started this spring. Giarratana and partners look for restructured finances so they can hold the property until bricks blossom. On 4E.

...says one dreamer: "The only real problem would be penetration, because in a weightless condition, a body in motion tends to remain in motion." On 1D.

RAMBO RETURNS — Sylvester Stallone's macho warrior is back on the horizon, this time in the Amazon as Rambo saves the rain forest. The movie company that struck the Rambo motherlode with three previous episodes is prepping the fourth. On 8D.

REBA & OSCAR — Reba McEntire on the same playbill with Madonna and Harry Connick Jr.? Anything's possible in Tinseltown, and all three are scheduled to perform at the March 25 Academy Awards show. It'll be country music's finest Oscar hour since Willie and Dolly were nominated for awards in 1980. On 2D.

Sports

Lady Vols open tournament play in Knoxville tonight

Lady Vols play Southwest Missouri State in Knoxville in second-round game of the NCAA women's Midwest regional. Also, Western Kentucky hosts Florida State. In the other half of the Midwest bracket tomorrow, Vanderbilt is at Purdue and Holy Cross is at Auburn. All four winners gather in Knoxville next week. On 2C.

SPRING FEVER — Vandy begins its SEC baseball campaign with a doubleheader today and a single game tomorrow at UT, where the Vols are undefeated thus far. On 8C.

...to jump start the ragged Soviet economy. Baker's trip to Moscow also could highlight differences over what to do about civil war in defeated Iraq. U.S. Iraq war if Saddam's military continues rebels, while Soviets want everyone deal with Iraqis. On 5A.



SOLIDARITY — Muscovites but to give food, not buy it. They're the striking Soviet miners. Muscovites given thousands of cans of fish, corn and sugar, plus cigarettes, for the

HONECKER GONE FOR GOOD — Honecker is in the Soviet Union for to stand trial in Germany. German capes letting the former Communist deny, but admit they knew Honecker and did nothing to stop him. Beside of both countries will huff and the situation for a while but won't interfere with diplomacy as usual. On

Family seen as key in battling violence

FROM PAGE 1A

to serve others merits the highest praise," said Sullivan, reading a letter from Bush to the program's volunteers and supporters.

"The true measure of any individual is found in the way he or she treats others."

Bush recognizes a "Daily Point of Light" six days a week. They go to people who address pressing social problems through community service.

Sullivan urged the participating teenagers gathered yesterday at the program's Preston Taylor Homes office to "continue your development."

The teens, who included Frances Gooch, 15, Tonya Rutledge, 13, Chris Johnson, 14, Charles Simpson, 15, and Jarvis Lewis, 15, take part in an entrepreneurial program. They produce and sell products, such as T-shirts, and receive about \$20 pay a month. Ten percent of it must be put into savings.

"I Have a Future" also includes tutoring, social skills classes and health screening. Volunteers from local community colleges and Meharry furnish the services.

Sullivan noted that in the fight against drugs, the Bush administration is requesting \$11.7 billion in appropriations from Congress this year, an 11% increase.

"One in five deaths of teens and young people in 1985 was gun-related," Sullivan said. He said his figures were from a Centers for Disease Control report.

Black male teens have 11 times the chance of their white counterparts of being killed, Sullivan added.

"We must transform a culture of violence into a culture of character," Sullivan said.

Much of the disease and disability from which people suffer is from "unwise behavior" and lifestyles which can be changed.

The family is the key to promoting good health, morality, spiritual



"We must transform a culture of violence into a culture of character."

DR. LOUIS SULLIVAN
Secretary of health, human services

development and the desire to achieve, Sullivan said.

Some U.S. soldiers deep inside

Americans will 'maintain a presence' until cease-fire is agreed

FROM PAGE 1A

U.S. soldiers, the Army said yesterday, classifying the fatal plunge as a "non-hostile" incident.

The Army did not elaborate on the March 12 crash of the UH-60 Blackhawk helicopter used in medical evacuations, declining to disclose its mission or where the crash happened. The four victims were members of the 38th Medical Detachment, based at Fort Polk, Louisiana.

The Kuwaiti government temporarily stopped issuing entry visas to journalists, saying there were too many in the emirate for its meager resources to handle.

In Tehran, Iran, a senior Islamic cleric accused the United States of trying to install a pro-Western government in Iraq and warned against any outside interference there.

In Washington, Gen. Colin Powell, the chairman of the Joint Chiefs of Staff, said the military would study the future of the combat reserves after failing to get some National Guard units battle-ready in time for the Gulf War.

The report about troop movements in Iraq came first in yesterday's editions of the *Los Angeles Times*, which quoted Neal as saying: "The purpose is to maintain a presence until the cease-fire is agreed to."

The Times said the troops — elements of the 101st Airborne and the 1st Cavalry Army divisions — were

intended to send a signal to Saddam to accept a permanent cease-fire agreement.

But in an interview with the Associated Press, he insisted that was not the case. "There are no signals," he said.

He said the Army divisions had received orders by the time the war ended to maintain troops on the ground to cover the area by helicopter rescue.

Officers had initially thought they could be in northern area well enough by helicopter. But when Gen. H. Norman Schwarzkopf of U.S. forces in the war, learned what (U.S.)

He said, "No, I want you on the ground covering it by flying over it periodically. He said Schwarzkopf wanted them at it that they were at prior to the cessation of hostilities."

President Bush has said U.S.-led allied control 20% of Iraq's territory following a "cease-fire," a formalized cease-fire.

The Red Cross handed over the 499 Iraqi officials after a four-day delay. The source attributed to chaos in Iraq, although said its army needed the time to clear the road.

A South POW refused repatriation at the "Some people, for personal reasons, don't want to go back," said Pascal Daudin, a spokesman.

Four arrested on gambling charges

FROM PAGE 1A

part in the gambling operation by protecting it is unfounded, said Cecil Branstetter, Tommy Parker's lawyer.

"Of course not. They've been lifelong friends and they grew up next to each other," he said.

Pursley has told superiors he once worked for Parker when Pursley was a teen-ager. A copy of Pursley's original application to the department, filed in 1964, lists Tommy Parker as a reference.

Pursley, 48, and the Parkers were charged with operating an illegal gambling business, conspiring to operate an illegal gambling business and obstructing the enforcement of the state's gambling laws.

The twins, accused of being the ringleaders of the operation, were also charged with nine counts each of money laundering.

All were released on a \$25,000 appearance bond, money that does not have to be paid unless they do not show up for court dates.

The indictment charges that the Parkers leased the Dickerson Road market from their father for the purpose of operating a sports

betting business there.

Tommy Parker's lawyer, Branstetter, said his client would plead innocent. "You never plead guilty unless you're guilty," he said.

Branstetter said the allegation against Tommy Parker "is basically a lot of gobbledygook."

The Police Department suspended Pursley with pay.

Police reaction was mixed, but one detective said "anyone who says he was surprised is giving a lot of lip service."

Metro Police Chief Bob Kirchner — who started internal probes of police ties to gamblers last year — said, "I was disappointed we had a member of the department whose behavior has been identified as being associated with any criminal activity."

"On the other hand, it sends a pretty clear message that the things we've been saying about cleaning up the department is more than pure rhetoric."

"I hope people understand this is not a one-shot investigation but an ongoing investigation to guarantee the integrity of the Police Department."

When asked if Pursley was guilty, the chief said, "That's for the jury

to decide. There's obviously probable cause to believe he is."

According to the indictment, the gambling operations at the market "consisted primarily of receiving and making sports bets or wagers, gambling by means of illegal video poker machines and, for a period of time, harboring an illegal numbers operation."

Pursley knew of the operation; the indictment says, but told other police officers that no illegal gambling was occurring at the market for the purpose of "allowing the gambling operation to continue to flourish by insuring that no investigation into such operation would be conducted."

Tommy Parker's lawyer said his client does not operate Parker's Drive-In Market, though he owns it. "He is leasing it to his sons. He's not part of the operation at all," Branstetter said.

Parker's sons had a long-term lease on the market and were paying \$300 a month for it, according to a written statement by U.S. Attorney Jan Boesing, the prosecutor in the Pursley-Parkers case. She declined further comment.

Branstetter said Tommy Parker occasionally went to the market, but

but knew of no illegal activity there.

Parker's Drive-In Market was raided last June and temporarily shut down last year after a Metro police raid revealed evidence of gambling.

The IRS seized Tommy's Wine and Liquor Store, 3006 Dickerson Road, Murphree's Market, formerly Parker's Drive-In Market, and the Ringside Pub, 2900 Hillhurst Drive, this year.

The following day, the homes of the Parker twins were seized.

Pursley has had an outstanding police career, Kirchner said. Superiors rated him outstanding on annual reports throughout the 1980s, personnel records show.

He was promoted to major and put in charge of vice and intelligence on Oct. 1, 1989, but the two were separated in May 1990 and Pursley lost control of vice.

That move had nothing to do with any suspicions about possible ties to gamblers, Kirchner said yesterday.

Pursley's lawyer said Pursley's wife, Linda, was unfairly fired from her job at the federally funded Regional Crime Information Center because of one of the major's indictments.

Man guilty of murdering clerk, gets death penalty

FROM PAGE 1A

1991. That date is certain to be postponed by automatic appeals.

A single gasp was heard from the section of the courtroom where Cymmer's family was seated when the penalty was announced. Family members of the victim said they were relieved that the justice system did not fail them.

"Well, I'm really glad about the guilty verdict. People have doubts about the justice system — we certainly did — but justice is served," said Tudi Cymmer, the victim's sister-in-law.

Bigbee was one of three men charged with Cymmer's slaying. Joe T. Baker pleaded guilty to murder last December in return for a sentence of life imprisonment. Baker testified during the trial. Assistant District Attorney (that he and Bigbee, his brother-in-law, shot at Cymmer during a robbery attempt at the Delta Express Market in Hendersonville.

Prosecutors had sought the death penalty for Baker in exchange for money at the trials of Bigbee and the third suspect, Chris, whose murder trial is scheduled for next month.

"I feel great," District Attorney General Ray Whitley said after the proceedings. "Justice has been carried out. I hope that people are fed."

violence has just been a public is tired of convicts who rob stores (and) kill clerks getting killed by someone needs money."

Joel Hoosier, Chris Hoosier's brother, was also present. Cymmer was killed, he testified as scheduled during the trial. Assistant District Attorney (that he and Bigbee, his brother-in-law, shot at Cymmer during a robbery attempt at the Delta Express Market in Hendersonville.

Louisiana — roughly three-fourths of the total — could have been split among himself, David Duke and a Republican candidate. Most of the black vote likely would go to former Democratic Gov. Edwin Edwards.

Under the Louisiana system, all candidates of both parties run in an Oct. 19 primary and, if no one gets a majority, the two leading candidates face each other in a runoff Nov. 16. By most reckonings, Roemer would have been considered likely to get into that runoff against either Edwards or Duke and favored to defeat either.

But Duke, the former Ku Klux Klan leader who now styles himself a Republican, already has demonstrated that the race factor is touchy enough to give him an imposing base in the Louisiana electorate. In the Senate campaign last fall, he polled 44% against the incumbent Democrat, J. Bennett Johnston. Thus, there was at least the possibility that Roemer might not have made the runoff. If there were a respectable Republican in the field, the problem could have been simply not enough conservative white votes to go around.

Duke is a markedly disruptive figure in Louisiana politics. Although he does not rely totally on race-linked issues, his ability to play on resentment of affirmative action creates an instant constituency that is large

culations. Indeed, the volatility of the "reverse discrimination" issue has been demonstrated repeatedly in recent years, most obviously in Sen. Jesse Helms' campaign against a black Democrat, Harvey Gantt, in North Carolina last fall.

Now, however, Roemer can look ahead to the possibility he will not have another prominent Republican diluting his base. And, if that is the case, he will be favored to make the runoff and defeat either Duke or Edwards, whom he defeated in a primary four years ago. Although the flamboyant Edwards has a hard core of devoted partisans, he also carries heavy negatives.

The national Republican leadership has an obvious stake in Roemer's campaign, a stake reflected in the White House role in encouraging him to switch parties and in President Bush's quick statement of welcome. If he loses after switching, other potential Democratic defectors elsewhere may be discouraged. More to the point, he gives the Republicans a candidate who can run ahead of Duke, whom the national and state party have both disowned despite his self-identification as a Republican.

Some national Republican leaders have nightmares about the possibility that Duke might win the governorship then run against President Bush in some of the Southern presidential primaries next spring. Although no one believes Duke

would be a serious threat to Bush, he would focus more attention on race questions than the President or his advisers might like to see.

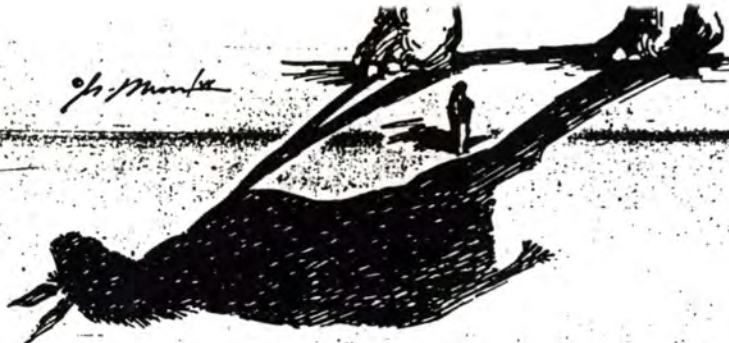
Roemer still may face some turns in the road. His relatively liberal positions on some social issues and his veto last year of an extremist anti-abortion bill may encourage an opponent from the far right. And politicians who change parties sometimes are vulnerable to charges of political opportunism, although it may be difficult for either Edwards or Duke to make such a case against Roemer.

The history of party switchers is mixed. Sen. Phil Gramm of Texas has become a leading national Republican less than a decade after changing from Democrat to

Republican as a member of the House. But former Rep. Tommy Robinson of Arkansas changed last year to run for governor and was beaten in a Republican primary. And former Rep. Kent Hance, a member of the conservative Democratic "boll weevil" bloc in the House, has lost two statewide primaries in Texas since he became a Republican.

But the Roemer case is clearly quite different because of the race element. If there were no David Duke, the Republicans wouldn't need Buddy Roemer — and Buddy Roemer wouldn't need the Republican Party. ■

(Jack Germond and Jules Witcover are syndicated columnists.)



Lyon Mayor Michel Noir to carry the right's banner.)

Yes, Topic A at the Euro-Union Mon-Def-Sum will be trouble in the Balkans. The blank Czechs will have split into the Bohemian and Slovak republics, squabbling with the handful of states that used to be Yugoslavia, while overlapping Romanians and Hungarians will be exhorted to cut out the border clashes annoying Western Ukraine.

And what to do about the former Soviet republics, with their newly productive market systems? From Yeltsin in Russia to Shevardnadze in Georgia, a curtain of grain will fall from the separated parts of the old Kremlin empire. Although capitalist Poland is reviving nicely, fresh competition from the former Soviet republics is now causing Central European unemployment.

The French blame the insular Germans for letting that happen; both France and Germany blame Britain for letting Japan produce automobiles in the U.K. that out-sell Mercedes and Peugeot on the Continent.

At this point, the assembled world press will declare the Euro-Union "Def-Mon-Sum" to be in disarray. Patten of Britain will delightedly concur, but Presidents Ruhe and Fabius will plead with the American observer at the '96 summit to say something to reunify Europe.

U.S. Vice President Quayle, sent by retiring President Bush to assume a statesmanlike role rather than take on Republican Elder Statesman Jack Kemp in the '96 California primary, will finesse the Democratic candidates Norm Schwarzkopf and Al Gore by calling for burden-sharing in Gulf-style war on global warming.

My pile of chips is on the table. I could lose all: If disparate nationalities amalgamate into Europeans, with a common currency and no farm subsidies and with a projectable defense; and if this united Europe persuades America to keep over 100,000 troops in NATO — then Fate's croupier will rake in my whole bundle.

If not, I break the bank. ■

(William Safire is a columnist for the New York Times.)

Nashville Eye

Giving them a future

This program offers youths an alternative to dead ends — in their neighborhoods

By ANGELA J. LESLIE

PROGRAMS continually are being developed to address current social issues. From one community to another, the problems differ, according to groups' perspectives.



So, how do you develop a program to address these issues? You ask the community itself.

In 1986, Meharry Medical College asked several high-risk communities why teen-age pregnancy rates were high. Meharry also wanted to know specifically what these communities wanted done to alleviate the problem.

Randomly surveyed were 497 families with children, between the ages of 10 and 17, in four communities. From these surveys, a program was born. It was christened the I Have a Future Adolescent Pregnancy Prevention Program, with "prevention" being the key word.

or John Henry Hale homes any Monday through Thursday afternoon, and you may be surprised at what you find...

Youths may be hard at work on their homework with volunteer tutors from neighboring universities. Perhaps other youths are mastering a dance routine or perfecting a karate exercise. Go upstairs, and you may find Meharry obstetrics/gynecology residents staffing a free, comprehensive health clinic.

Down the hall, a group may be discussing positive ways to solve problems and make decisions about substance abuse. Take some time and watch youths play out potentially violent confrontations, working out positive solutions.

Older youths could be attending a pre-employment program, reviewing skills

needed to obtain and retain a job. Entrepreneur Program youths gathered in the kitchen are discussing a small business venture in which they are interested. Counselors will help them determine the skills they will need to tackle the project.

All these efforts may seem unrelated to teen pregnancy until you understand that I Have a Future's goals and objectives are to offer youths from economically disadvantaged neighborhoods access to alternative life options and lifestyles.

Youths come to realize that if pregnancy is delayed until they are older, financially self-supporting and more responsible, they have a much better chance of achieving their long-range career and life choices.

These programs and classes were instituted from information gathered in the in-

terviews of the 497 families. Researchers found that community members who were asked for their input were willing to open up and share their views. Program designers paid special attention to the days of the week and the exact times parents wanted the program to operate.

Parents, apartment managers, the Metro Development and Housing Agency, area churches, and civic and community leaders have offered input and ongoing support. By keeping the community involved, program administrators were able to avoid resentment from the community, such as other programs have suffered. The community feels a sense of ownership in the I Have a Future program.

I Have a Future is funded with grants from the Carnegie Corp. of New York; Bill and Camille Cosby, William T. Grant Foundation, and the William and Flora Hewlett Foundation. ■

(Leslie is administrative assistant to the I Have a Future program, to be visited today by Dr. Louis Sullivan, U.S. secretary of Health and Human Services, who will present an award from President Bush.)

1991

Sumner, Th.

WHITE HOUSE
WASHINGTON

CC: VIKI
BADD

February 16, 1995

The Honorable Robert H. Alsdorf
952 12th Avenue East
Seattle, Washington 98102-4516

Dear Bob:

Thanks for your letter expressing your interest in serving on the Ninth Circuit Court of Appeals. I want you to know I carefully read your letter and I appreciate your willingness to serve. I've shared your letter with Abner Mikva, my counsel, and asked him to give it careful consideration.

Sincerely,

Bill

Thaule

952 12th Avenue East
Seattle, Wa. 98102-4516
February 9, 1995

President William J. Clinton
The White House
Washington, D.C. 20500-2000

Re: Opening on the Ninth Circuit

Dear Mr. President,

I have learned that a position will become open on the Ninth Circuit Court of Appeals when the Hon. Jerome Farris takes senior status. A number of local judges and attorneys have urged me to seek appointment to this position. I know that Justice Robert Utter of the Washington State Supreme Court has already written to you in my support.

I have delayed submitting my resume because I wanted neither to pressure Judge Farris to take senior status, nor to permit even an appearance that I was seeking to take early advantage of our past association. I am, nonetheless, truly interested in being considered for this Ninth Circuit opening, and am now formally submitting my resume.

As you know, I had an extensive federal and state litigation practice for seventeen years before going on the bench. I enjoyed that practice, which included more than a decade of running my own law firm. However, now that I have been a judge for nearly five years, I realize that different skills are involved, and litigation has taken on a very different perspective.

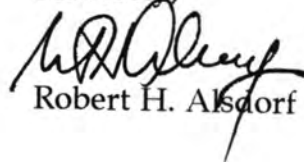
In the past decade, many federal judicial appointments have been made of highly respected and well-qualified practicing attorneys and academicians. I am sure you have on hand a number of such candidates for this Ninth Circuit position, and I do not mean to denigrate any of them. Nonetheless, I would urge you to consider seriously the need to have experienced trial judges on the appellate bench. The trial attorney's ability to prevail in the courtroom's verbal combat, and the academician's ability to pen a nice phrase, do not necessarily transform a person into a skilled judge, let alone one who must work with the significant egos and working styles that are present on any bench. Despite the fact that I have slightly less than five years as a trial judge, I believe my record shows that my judicial peers have already accorded me significant responsibility. I believe also that I have a demonstrated ability to work with judges of all temperaments, an attribute that is critical for an appellate bench where rulings must be jointly addressed.

When you and I discussed judging in November, 1993, I know I raised with you the weight of human problems a judge must deal with even on "routine" probation revocation hearings. While I cannot say that such work is fun, I do find it deeply satisfying to grapple with issues that are so important to society and to the affected individuals. Moreover, I am exhilarated by the opportunities to engage well-prepared civil attorneys in the intellectual give-and-take of complex civil litigation. Judicial work is and has been immensely rewarding to me personally and intellectually, as well as providing a meaningful way to be of public service.

I understand from Ms. Radd's office that you do not wish to be inundated with letters of support for any individual candidate for this Ninth Circuit position. As a judge, I cannot be aware of the identities of the attorneys who write on my behalf, beyond the small group of attorneys I have agreed to allow to help with my candidacy, and who therefore will not be able to appear in front of me again. However, I will do my best to have them limit the numbers of letters. I will of course gladly submit further references or supporting materials at any time that you or your staff request. I would suggest in addition that you or your staff confer with United States Attorney Kate Pflaumer about my candidacy, as well as with all present federal judges in the Seattle area. Judges Coughenour, Dwyer, McGovern and Rothstein are particularly aware of, and can speak to, my reputation and abilities.

I look forward to providing you and your staff with any further information that you wish.

Sincerely,



Robert H. Als Dorf

Encl:

cc: Ms. Victoria L. Radd (w/encl.)

JUDGE ROBERT H. ALSDORF
Superior Court for the State of Washington
King County Courthouse
Seattle, Washington 98104
(206) 296-9203

Judicial Experience (1990-):

- Trial Judge, Superior Court: First appointed by Governor Booth Gardner July, 1990; elected September, 1990; re-elected September, 1992; the Superior Court is the state trial court of general civil and criminal jurisdiction.
- Judicial Responsibilities and Leadership Positions:
 - Washington State Liaison Judge to the National Center for State Courts, Williamsburg, Virginia; appointed by Chief Justice Anderson of the Supreme Court of Washington to assist state judges across the State of Washington in the management of silicone gel implant litigation, to work with national coordination efforts of both federal and state courts, and to be Washington's member on the Silicone Gel Breast Implant Subcommittee of the national Conference of Chief Justices (1993-);
 - Member, Mass Tort Litigation Committee: this national 20-judge committee works with the National Center for State Courts to improve handling of all types of mass tort litigation (1993-);
 - Chair, King County Mass Tort /Toxic Tort Panel: chief judge of 10-judge panel which has principal responsibility for complex civil litigation, including product liability claims, hazardous waste and environmental clean-up and insurance coverage disputes, and other multiple-plaintiff actions (1993-);
 - Chair, King County Asbestos Panel: this 4-judge panel coordinated settlement efforts for groups of 100 or more asbestos trials at a time, and conducted trials of those that did not settle; heard all pretrial motions, and issued comprehensive style orders for all pending actions; Asbestos Panel was merged into newly formed Mass Tort /Toxic Tort Panel in 1993 (Chair of Asbestos Panel, 1993; Asbestos Motions Judge, 1991-95);
 - Chair, Individual Calendaring Program: chaired 12-judge panel which managed all types of civil cases through trial, and worked on methods to increase judicial efficiency (Chair, 1992; Member, 1990-92);
 - First Pro Tem Judge on Appellate Court: Appointed by Presiding Judge of King County to inaugurate an exchange program with Division I of the Washington State Court of Appeals, by sitting as a pro tem judge on that court for a one-month period (March, 1995).

- Administrative Responsibilities and Other Leadership Positions:
 - Superior Court Judges' Association Committees:
 - Arbitration & Settlement (County, Member 1990-)
 - Budget (County, Member 1992-4)
 - Civil Law & Rules (State, Member 1990- ; Chair 1993-)
 - Civil Rules (County, Member 1990-93)
 - Construction & Facilities (County, Chair 1990-)
 - Jury & A.D.R. (County, Member 1992-)
 - Local Rules (County, Member & Chair 1995-)
 - Long Range Planning (County, Member 1994-)
 - various ad hoc committees
 - Trustee, King County Law Library Board: one of two judicial trustees on the 4-member board; responsible for budgeting and planning of library acquisitions, technology, development, and staffing (1994-);
 - Judicial member of the Executive Committee, Washington State Bar Association Consumer Protection, Antitrust & Unfair Business Practices Committee, elected by the Executive Committee (1990-);
 - Member, WSBA Ad Hoc Committee to review state civil discovery rules in light of proposed federal rules changes (1994-);
 - Member, ABA Judicial Administration Division, Committee on Modernizing Trial Techniques & Procedures (1991-);
 - Member, Northwest Legal Outreach Panel: a volunteer group of present and former judges and lawyers, organized to assist with efforts to establish new legal systems in the former Soviet Union, by hosting judicial delegations and commenting on draft constitutions and statutes in cooperation with the ABA Central and East European Law Initiative (1992-).

Prior Legal Experience (1970-1990):

- Armstrong, Alsdorf, Bradbury & Maier, P.C., Seattle, Washington: federal and state litigation practice with substantial emphasis on antitrust and unfair business practices, franchises, securities, municipal law, contract disputes and real estate (co-founder and partner, 1979-84; President, 1984-90);
- Culp, Dwyer, Guterson & Grader, Seattle, Washington: litigation practice with substantial emphasis on antitrust and unfair business practices (associate, 1975-79);
- Civil Rights Division, United States Department of Justice, Washington, D.C.: civil rights litigation in various states, with emphasis on housing law (honors law graduate program, 1973-75);
- Davies, Biggs, Strayer, Stoel & Boley, Portland, Oregon: general commercial practice, with emphasis on real estate (summer clerk, 1972);

- Public Defender, New Haven, Connecticut: criminal defense work (summer clerk, 1971);
- Office of the Mayor of New York, New York City: miscellaneous governmental affairs tasks, with an emphasis on urban mass transportation (summer clerk, 1970).

Professional Memberships:

Member of the Bars of:

- United States Supreme Court (1984-)
- Eastern District of Washington (1981-)
- Western District of Washington (1975-)
- Washington State (1975-)
- Washington, D.C. (1974-)

Bar Association Activities:

• King County Bar Association: Judicial Elections Guidelines Committee (member, 1995-); Judiciary & The Courts Committee (member, 1989-90); Continuing Legal Education Committee (member, 1984-87); KCMAR Arbitration Panel (arbitrator, 1981-90); YLS/Consumer Protection Committee (member, 1979-81; chair, 1979-80); YLS/Housing Committee (member, 1977-79; chair, 1977-79);

• Washington State Bar Association: Consumer Protection, Antitrust & Unfair Business Practices Section (member, 1975-1990; Secretary-Treasurer, 1987-88; Executive Committee, 1990; Judicial member, 1990-); Corporate, Business & Banking Section, Franchise Law Revision Committee (member, 1985-90);

• Federal Bar Association: Rule 39.1 Committee (member, 1987-90); Rule 39.1 Mediator (1983-90);

• American Bar Association: Member (1975-); Antitrust Section (member, 1975-90); Section of General Practice, Committee on Consumer Law (vice-chairman, 1980-81);

• American Arbitration Association: Arbitrator (1988-90);

• Supreme Court Historical Society: Member (1986-);

• Ninth Circuit Historical Society: Member (1987-).

Publications and Continuing Legal Education Panels:

- Analysis of the Draft Charter of the City of Moscow for the Russian Federation, ABA Central and East European Law Initiative (CEELI), co-author (November, 1994);
- Group Discussion Leader, National Mass Tort Conference, sponsored by the Mass Tort Litigation Committee of the Conference of Chief Justices, Cincinnati, Ohio (November, 1994);
- Analysis of the Criminal Procedure Code of the Republic of Kazakhstan, ABA Central and East European Law Initiative (CEELI), co-author (January, 1994);
- "View From The Bench" in WSBA Seminar on Discovery Planning and Strategies: Implementing Your Discovery Plan (January, 1994);
- "Local and National Trends in Judicial Management of Complex and Toxic Tort Actions" in Washington Defense Trial Lawyers Sixth Annual Insurance Law Seminar (November, 1993);
- Analysis of Two Draft Laws Seeking to Define the Legal Status of the Gagauz Republic of Moldova, ABA Central and East European Law Initiative (August, 1993);
- "How to Use the Individual Calendar to Your Benefit" in SKCBA Seminar on Preparations in the Last 120 Days Before Trial (January, 1992);
- "The Judicial Perspective", at WSBA Seminar, Oral Advocacy for the Experienced Trial Lawyer (October, 1990);
- Moderator, Juvenile Law Conference, Final Session (conducted as part of the activities accompanying the Goodwill Games; session involved American and Soviet participants) (July, 1990);
- Demonstration of Counseling Session and Trial, WSBA Seminar, Selected Antitrust and Trade Practices Issues, 1988 WSBA Convention (September, 1988);
- "Liabilities and Remedies: the Franchisee's Perspective" in WSBA Franchising Seminar, given by the Corporate, Business and Banking Section's Franchise Law Revision Subcommittee (October, 1987);
- "Considerations in Filing a RICO Act Case" in SKCBA Seminar on RICO Act and Common Law Fraud, for which I also acted as co-chair (February, 1987);

- "Standing and Damages" in WSBA Seminar, Annual Antitrust Law Section Update (December, 1986);
- Organized and chaired SKCBA Seminar, Business Fraud and Misrepresentation (May, 1985);
- "Expansions and Contractions in the Doctrine of Standing" in Federal Bar Association Seminar, New Law for the Federal Court Practitioner (November, 1982);
- Co-author, with William L. Dwyer, Esq., of "Discovery in Complex Litigation" in Washington State Trial Lawyers' Association Seminar, Discovery (February, 1978);
- Other: Member, WSBA Special Commission to Study and Report on the Antitrust Laws (a/k/a Washington Antitrust Law Revision Commission Task Force on RCW 19.86.020) (1982); Research and drafting of portions of Washington Antitrust Law Developments handbook, published by WSBA Antitrust Law Section (1982 - 84); numerous mock trial sessions and moot court arguments with various university and continuing education groups.

Community Activities & Other Work Experience:

- Diversity Committee, The Lakeside School, Seattle, Washington: continuing work with parents, teachers and administration to ensure that the school attracts and retains students of all backgrounds (member, 1992- ; co-chair, 1994-);
- Seattle - Tashkent Sister City Committee, and Ploughshares (a group of returned Peace Corps Volunteers): did preliminary visits to set up exchanges of American and Soviet students; was co-leader of an exchange between American and Soviet lawyers and judges, traveling to Leningrad, Moscow and Tashkent, and hosting the return visit to Seattle; helped to organize volunteers and deliver construction materials for erection of a sister city park in Tashkent by Seattle citizens (1985-92);
- Stevens Neighborhood Housing Improvement Program: this program distributed federal and state funds for the repair and maintenance of homes by lower income home-owners (elected by the neighborhood as a board member, 1979-82; elected by the board as President, 1980-82);
- Soccer Referee and Swim Team Stroke & Turn Judge, for local leagues (1987-89);
- Carleton College Alumni Club, Seattle, Washington (President, 1986-89);

- Other: High School G.E.D. Teacher, Adult Program (evenings), in New Haven, Conn. (1970-72); Secondary School Teacher in African & World History, and English, in Kambia, Sierra Leone, West Africa, as Peace Corps Volunteer (1967-69); Summer Intern in Office of Secretary of State Dean Rusk, United States Department of State, Washington, D.C., where my work was centered on arms control and disarmament, and African affairs (summer, 1966); Camp Counselor & Swimming Instructor for youth from Harlem, at Camp Sharparoon, Dover Plains, New York (summer, 1965).

Education:

- Yale Law School, New Haven, Conn., J.D. (1973)
- Yale University Graduate School, New Haven, Conn., M.A. (American History) (1973)
- Carleton College, Northfield, Minn., B.A. (Phi Beta Kappa, Magna Cum Laude, Distinction in History) (1967)
- Other Specialized Training: Harvard Law School Program of Instruction for Lawyers, Negotiation Workshop (Summer, 1986); National Judicial College, Course on General Jurisdiction (April, 1991).

Family:

- Wife, Sarah S. Alsdorf, Teacher in the Accelerated Progress Program (APP), Grade 3, Madrona School, Seattle Public Schools;
- Son, Matthew, Junior in college;
- Son, Paul, Senior in high school.

THE WHITE HOUSE
WASHINGTON

February 16, 1995

Dr. Clare O'Callaghan
42 Old Quarry Drive
Weymouth, Massachusetts 02188

Dear Clare:

Thanks for your note. I'm sorry we missed each other in Boston.

Your kind words about my State of the Union address are greatly appreciated.

As always, I'm grateful for your support.

Sincerely,

Bill

Clare O'Callaghan
Sent 2000 Code
Sul Son

Dear Bill,

I'm sorry I didn't get to say 'hello' on Tues. nt! I tried to swim across the room just as you were leaving but the "American tide" was going one way and I was going the other (something like the Nov. elections?). I thought you did a wonderful job "Clarifying" the State of the nation" (as you also did the previous week). Chris Dodd was also very powerful & dynamic. (His brother, Tom, was my

History Prof. at Georgetown.^{2.})

I ~~was~~ down at G'town last weekend for a Board meeting. I was thinking about giving you a call, but I know how incredibly busy you are. I don't know how you do it. I hope you find some time to get some rest

Thank for all your hard work and thank for being a Pres. who cares about people, even the little people

Sincerely,
Clare

P.S. Thank you for the "Thank You" note

DR CLARE O'CALLAGHAN
42 OLD QUARRY DR.
WEYMOUTH, MA 02188

00:11



REC'D #8 WGME DC 200



Pres. Wm. J. Clinton
The White House
1600 Pennsylvania Ave.
Washington, D.C. 20500

THE WHITE HOUSE
WASHINGTON

videotape w/
Staff Secy's
Office

~~being~~
to review

Sent to
Residence
2/17/95
S.

February 13, 1995

Gerald Rafshoon
Suite 301
1755 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Dear Jerry:

Thanks for your note and for the videotape on
"JACOB". It was thoughtful of you to send it.
I hope to have the chance to watch it soon.

Sincerely,

Bill Clinton

Travis

THE WHITE HOUSE

WASHINGTON

February 17, 1995

OK per T.O.D.

to Release

2/17/95

Seungne

MEMORANDUM FOR MIKE MCCURRY

THRU: JOHN PODESTA

FROM: JIM DORSKIND *JMD*

SUBJECT: PRESIDENTS' DAY

Attached are copies of the President's message for PRESIDENTS' DAY, February 20, 1995, which you may want to release to the media.

Thank you.

THE WHITE HOUSE

WASHINGTON

February 16, 1995

Greetings to Americans across the country celebrating Presidents' Day, 1995. As citizens gather to reflect upon our nation's rich history, I am proud to salute our former Presidents for the legacy of leadership they have built in this nation.

From the bold example of George Washington to the timeless courage of Abraham Lincoln -- the Presidents whose birthdays we commemorate today -- each President, in his own way, has sought to use the power of the American government to make our country better, stronger, and truer to the ideals of its charter. Fueled by the mission of our nation's citizens, Presidents of each generation have aspired to serve the common good, recognizing that whether we Americans choose to rise or fall, move forward or backward, we will all do so together. On this special occasion, and in honor of that great tradition, I ask each of you to join in rededicating yourselves to maintaining the freedoms we hold most dear, for ourselves and for the generations to come.

Best wishes for a wonderful holiday celebration.

Bill Clinton



2/15

from OVA1

to

Doriskind
for response
a George
KATIE
Sally KATZel



CITIZENS FOR SENSIBLE SAFEGUARDS

February 15, 1995

The Honorable Bill Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

95 FEB 15 P7:02

Dear Mr. President:

On behalf of the more than 200 organizations in the Citizens for Sensible Safeguards (CSS) coalition (see enclosed Statement of Principles and signers), we want to thank you for taking a strong stand in opposing the anti-regulatory proposals contained in the Contract With America. While CSS believes the regulatory process can be improved, we are very concerned that the Republican proposals simply go too far and would seriously undermine vitally important federal safeguards for all Americans.

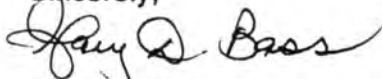
In our view, the worst parts of the "anti-regulatory agenda" being promoted as part of the Contract with America are the regulatory moratorium (The Regulatory Transition Act of 1995, H.R. 450/S. 219) and the risk assessment proposals (Job Creation and Wage Enhancement Act, H.R. 9, and the Comprehensive Reform Act, S. 343). While proponents of these so-called "reform" bills claim the legislation would reduce government red tape and would make U.S. industry more competitive, we share your sense of alarm that the Republican "reform" effort would radically rollback government safeguards and cripple the government's ability to safeguard its citizens.

That is why a diverse, nonpartisan coalition of national and grassroots organizations has joined to form Citizens for Sensible Safeguards. Our members represent working men and women, environmental, civil rights, civil liberties, education, disabilities, children, health, religious, social welfare and other public interest issues.

We are linked by our belief that the federal government has a vital role to play in protecting the health and safety of all Americans. We are concerned that the current debate on the Republican regulatory agenda would lead to dismantling of laws and safeguards that citizens have struggled long and hard to champion. Even vital legislation that you signed into law like the Family and Medical Leave Act would be undermined.

We strongly urge you to announce your intention to veto these two extreme proposals because they are radical and will undermine the government's ability to protect public health, safety, and the environment, and to enforce citizen safeguards.

Sincerely,



Gary D. Bass
Chair

CITIZENS FOR SENSIBLE SAFEGUARDS

Statement of Principles

Public protections, such as those dealing with food safety, safe drinking water, worker health and safety, equal educational opportunity, civil rights, motor vehicle safety, toxic pollution, the well-being of children, and health care, are under attack through Congressional initiatives to reduce or eliminate federal laws and regulations. The following organizations believe the federal government has an important role in protecting the public interest and in improving quality of life. We believe that undermining federal safeguards will cause serious harm to citizens. These Congressional initiatives also jeopardize services provided by public charities and religious and governmental entities valued by our society.

Buried in the *Contract with America's* rhetoric about shrinking government and rolling back red tape is a plan to undo laws and safeguards that citizens have struggled long and hard to champion. We strongly support improving laws and safeguards that protect citizens while recognizing the need to reduce unnecessary red tape. The zeal to minimize regulatory burdens, however, must be balanced with the need to ensure protections for all Americans. Accordingly, we oppose actions taken by Congress to undermine sensible safeguards.

We urge President Clinton and Congress not to let the popular cry of cutting red tape -- something we all believe in -- become a guise for dismantling federal safeguards that should be preserved.

Coalition Structure

Citizens for Sensible Safeguards has three standing committees: National Strategy Committee, chaired by American Federation of State, County, and Municipal Employees, National Education Association, and OMB Watch; Grassroots Strategy Committee, chaired by OMB Watch, Sierra Club Legal Defense Fund, and United Cerebral Palsy Associations; and Media/Message Committee, chaired by American Oceans Campaign and Service Employees International Union.

A Steering Committee oversees coalition activities. The Steering Committee is currently comprised of AFL-CIO, American Civil Liberties Union, American Federation of State, County, and Municipal Employees, American Oceans Campaign, The Arc, Families USA, Leadership Conference on Civil Rights, National Education Association, Natural Resources Defense Council, OMB Watch, Public Citizen, Service Employees International Union, Sierra Club Legal Defense Fund, United Auto Workers, United Cerebral Palsy Associations, United Methodist Church, and US PIRG. OMB Watch chairs the coalition.

Signers (as of 2/15/95)

20/20 Vision
Action on Smoking and Health
Advocates for Youth
AFL-CIO

AIDS Action Council
Alabama Conservancy
Alliance for Justice
Alliance to End Childhood Lead Poisoning
Alice Hamilton Occupational Health Center
Amalgamated Clothing and Textile Workers Union
Amalgamated Transit Union
American Academy of Child and Adolescent Psychiatry
American Arts Alliance
American-Arab Anti-Discrimination Committee
American Association of Children's Residential Centers
American Association of Classified School Employees
American Association of People with AIDS
American Association of University Affiliated Programs for Persons with
Developmental Disabilities
American Association of University Professors
American Association of University Women
American Association on Mental Retardation
American Civil Liberties Union
American Council for the Blind
American Federation of State, County, and Municipal Employees
American Foundation for AIDS Research
American Heart Association
American Lung Association
American Network of Community Options and Resources
American Nurses Association
American Oceans Campaign
American Occupation Therapy Association
American Planning Association
American Postal Workers Union
American Psychological Association
American Public Health Association
American Speech-Language-Hearing Association
Americans for Democratic Action, Inc.
Association of Farmworker Opportunity Programs
Association of Flight Attendants, AFL-CIO
Association of Maternal and Child Health Programs
Atlantic States Legal Foundation
Bazelon Center for Mental Health Law
Center for Advancement of Public Policy
Center for Community Change
Center for the Development of International Law
Center for Marine Conservation
Center for Media Education
Center for Science in the Public Interest
Center for Women Policy Studies
Center on Disability and Health
Children's Defense Fund
Child Welfare League of America
Church Center for Sustainable Community
Citizen Action
Citizen Alert
Citizens for Public Action on Blood Pressure and Cholesterol, Inc.
Clean Water Action

Clearinghouse on Environmental Advocacy and Research
Coalition for New Priorities
Coalition on Human Needs
Coast Alliance
Colorado Rivers Alliance
Communications Workers of America
Community Nutrition Institute
Community Women's Education Project
Consumer Federation of America
Cornucopia Network of New Jersey
Council for Exceptional Children
Defenders of the Wildlife
Disability Rights Education and Defense Fund
Earth Island Institute
Earth Island Journal
Ecology Task Force
Environmental Action Foundation
Environmental Defense Fund
Environmental Research Foundation
Environmental Working Group
Epilepsy Foundation of America
Families USA
Family Service America
Food and Allied Service Trades Department, AFL-CIO
Food Research and Action Center
Friends Committee on National Legislation
Friends of the Earth
Frontlash
Hamlet Response Coalition
Harmarville Rehabilitation Center
Health and Development Policy Project
Helen Keller National Center
Humane Society of the United States
Interfaith Impact
Inter/National Association of Business, Industry and Rehabilitation
International Association of Fire Fighters
International Brotherhood of Teamsters
International Chemical Worker's Union
International Federation of Professional and Technical Engineers
International Ladies' Garment Workers' Union
International Longshoreman's and Warehouseman's Union
International Union of Electronic, Electrical, Salaried, Machine, and Furniture Workers
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Justice for All
Kentucky Waterways Alliance
Leadership Conference on Civil Rights
League of Women Voters of the U.S.
Learning Disabilities Association
Legal Action Center
Martin Luther King Jr. DC Support Group
Massachusetts Coalition for Occupational Safety and Health
Mexican-American Legal Defense and Educational Fund
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National Association for the Advancement of Colored People

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National Recreation and Park Association
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National Therapeutic Recreation Society
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National Women's Law Center
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Neighbor to Neighbor
NETWORK: A National Catholic Social Justice Lobby
Network for Environmental and Economic Responsibility/United Church of Christ
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New York Committee for Occupational Safety and Health
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Oil, Chemical & Atomic Workers International Union
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Public Citizen
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Public Employees for Environmental Responsibility
Public Voice for Food and Health Policy
Rhode Island Committee on Occupational Safety and Health
River Network
Rivers Council of Washington
Safefood Coalition

Scenic America
Service Employee's International Union
Sierra Club
Sierra Club Legal Defense Fund
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United Food and Commercial Workers International Union
United Methodist Board of Church and Society
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US PIRG
Vocational Evaluation and Work Adjustment Association
Western Massachusetts Coalition for Occupational Safety & Health
Western New York Council on Occupational Safety and Health
Wider Opportunities for Women
Women Employed
Women of Reform Judaism, The Federation of Temple Sisterhoods
Women's International League for Peace and Freedom
Women's Legal Defense Fund
Women's National Democratic Club
Women Strike for Peace
Women Work! The National Network for Women's Employment
World Institute on Disability

CITIZENS FOR SENSIBLE SAFEGUARDS

Statement of Principles

Public protections, such as those dealing with food safety, safe drinking water, worker health and safety, equal educational opportunity, civil rights, motor vehicle safety, toxic pollution, the well-being of children, and health care, are under attack through Congressional initiatives to reduce or eliminate federal laws and regulations. The following organizations believe the federal government has an important role in protecting the public interest and in improving quality of life. We believe that undermining federal safeguards will cause serious harm to citizens. These Congressional initiatives also jeopardize services provided by public charities and religious and governmental entities valued by our society.

Buried in the *Contract with America's* rhetoric about shrinking government and rolling back red tape is a plan to undo laws and safeguards that citizens have struggled long and hard to champion. We strongly support improving laws and safeguards that protect citizens while recognizing the need to reduce unnecessary red tape. The zeal to minimize regulatory burdens, however, must be balanced with the need to ensure protections for all Americans. Accordingly, we oppose actions taken by Congress to undermine sensible safeguards.

We urge President Clinton and Congress not to let the popular cry of cutting red tape -- something we all believe in -- become a guise for dismantling federal safeguards that should be preserved.

Coalition Structure

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Frontlash
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Humane Society of the United States
Interfaith Impact
Inter/National Association of Business, Industry and Rehabilitation
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Women Strike for Peace
Women Work! The National Network for Women's Employment
World Institute on Disability

SPECIAL SCHEDULING REQUESTS
HONORARY CHAIR, HONORARY PATRON, HONORARY MEMBERSHIP

Today's Date: February 16, 1995

95 FEB 17 A10:41

Date of Request: 1/27/1995

Request for: POTUS/FLOTUS

Type of Request: Honorary Chairs

Requestor Name: Father Frank Moan, S.J.

Title: Director

Organization: Refugee Voices
3041 Fourth Street, N.E.
Washington, D.C. 20017-1102

Contact Tel. #: 202/832-0020

Event Date: 4/26/1995

Event Description: Sixth Annual Mickey Leland Award Dinner

Notes: Refugee Voices tries to educate the public about the status of refugees around the world. The dinner will honor Ms. Virginia Hamilton, Associate Director of the U.S. Committee for Refugees. Father Leo O'Donovan, President of Georgetown University, will host the event and also will be listed as an honorary chair. Father Moan seeks a response by February 22, 1995.

Recommendations:

MW _____

JP _____

EB _____

Fran - please
return this to
Dan b/c I won't
be in Fri. or Tues.
Thanks.

Jessica



2/6/95

THE WHITE HOUSE
WASHINGTON

Dan -

The enclosed was hand
delivered by Melanne, as you
can see in the letter. I
have kept the original for
Nagge's response.

Nagge



REFUGEE VOICES
A MINISTRY WITH UPROOTED PEOPLES
3041 FOURTH STREET, NE
WASHINGTON, D.C. 20017-1102
202 832 0020
FAX 202 832 5616
800 688 REFUGEE

January 27, 1995

President and Mrs. William Clinton
The White House
Washington, D. C. 20500

Dear President and Mrs. Clinton,

I have the pleasure of inviting you to be Honorary Chairs of the Sixth Annual Mickey Leland Award Dinner to be held at 7:30 P. M. on Wednesday, April 26, 1995, at the Leavey Center of Georgetown University.

Each year Refugee Voices holds this fund-raising dinner at which it gives an award in honor of the late Congressman Mickey Leland from Houston, Texas. The Congressman had and still has a well-deserved reputation for his commitment to the hungry, the poor, and the displaced. He was killed in an accident while flying to visit a refugee camp in Ethiopia.

At this dinner Refugee Voices honors one American whose life has been enriched by service to refugees. This year the winner is Ms Virginia (Ginny) Hamilton, Associate Director of the U. S. Committee for Refugees. Ginny is an unsung hero of the refugee-assisting community. She is responsible for what most of us know about the plight of refugees. She is truly a "voice" for refugees. Our honoring her will be increased if your names appear on the invitation and program.

I hope you will agree to serve as Honorary Chairs of this, our sixth annual dinner. I also extend an invitation to you to attend the dinner. Right now there are 23 million counted refugees; the number of displaced within their own countries is estimated to be twice that number. Refugees are, therefore, a major issue in today's international community. Your presence will highlight the importance the U. S. attaches to finding solutions to the refugee and displaced persons crisis. Please come.

I am asking Mrs. Melanne Verveer, a personal friend, and a member of Mrs. Clinton's staff, to convey this letter to you. She has known of Refugee Voices since its inception. In fact, her husband, Phil, has been on the Board of Directors since I founded the organization seven and a half years ago.

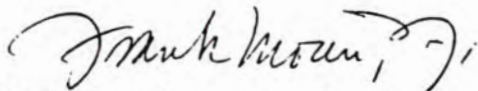
Father Leo O'Donovan, S. J., President of Georgetown University, has been a gracious host to our dinner in the past and will be so again this year. If you accept to be Honorary Chairs, he also will be listed as an Honorary Chair but no one else will.

I enclose a copy of last year's invitation. You will see that we have had a distinguished group of Honorary Committee members and patrons. Mickey Leland's mother and widow have long been associated with our dinner. One year his mother came and spoke at the dinner.

I hope I may have a response by February 22 as we are committed to submitting the invitation to the printer at that time.

Thank you for your consideration. God bless and protect you both as well as Chelsea.

Sincerely,

A handwritten signature in cursive script, reading "Frank Moan, S. J.", with a flourish at the end.

Father Frank Moan, S. J.
Director

enclosure

Under the Honorary Patronage of

His Excellency, The Ambassador of France and Mrs. Andreani
The Honorable Elizabeth H. Dole
The Reverend Leo J. O'Donovan, S. J.
Mr. Martin Sheen

Honorary Committee

Representative Gary L. Ackerman, New York
Mrs. Lee Anzler
Mr. David Beckmann, Director, Bread for the World
Representative Doug Bereuter, Nebraska
Representative Howard Berman, California
Representative Rick Boucher, Virginia
Senator John Breaux, Louisiana
The Reverend Walter J. Burghardt, S. J.
Representative and Mrs. John Bryant, Texas
The Reverend William J. Byrne, S. J.
Representative Bob Carr, Michigan
Representative Jim Chapman, Texas
Mr. Marian Connor, President, American Tort Reform
Representative John Corners, Jr., Michigan
Senator Alfonse M. D'Amato, New York
Senator Dennis DeConcini, Arizona
Senator Byron L. Dorgan, North Dakota
The Reverend Robert Drinan, S. J.
Representative Bill Emerson, Missouri
Mr. David M. Evans, Senior Advisor, The U.S. Commission on
Security and Cooperation in Europe
Representative Floyd Flake, New York
Ambassador and Mrs. Dermot Gallagher of Ireland
Ms. Claire Geier, Executive Vice President,
Earle Palmer Brown
Representative Richard A. Gephardt, Missouri
Ambassador Hagoa (Chetrel) of Liberia
Representative Paul E. Gillmor, Ohio
Representative Ben Gilman, New York
Mrs. Burton C. Gray
Thomas J. Gumbleton, Auxiliary Bishop,
Archdiocese of Detroit
Representative Tony P. Hall, Ohio
Representative Dan Latham, California
Senator Thomas Harkin, Iowa
Senator Mark O. Hatfield, Oregon
Mr. George G. Herick
Representative David Hobson, Ohio
Representative Martin Hoke, Ohio
Senator Daniel K. Inouye, Hawaii
The Reverend Jesse Jackson
Representative John R. Kasich, Ohio
Representative Joseph P. Kennedy II, Massachusetts
Ms. Susan King
Representative Blanche Lambert, Arizona
Representative John Lewis, Georgia
Representative Edward J. Markey, Massachusetts
Mr. and Mrs. William McClure
The Honorable Gail McDonald

Representative Mike McNulty, New York
Representative Ewold Milame, Maryland
Senator Barbara A. Mikulski, Maryland
Mr. Gerald D. Mullo, Baltimore Office Director,
Save the Children Foundation
Representative Cristiane A. Morella, Maryland
Representative Michael G. Orsley, Ohio
Mr. Bruce Owen, Greenroads Incorporated
Representative Ed Pastor, Arizona
Senator and Mrs. Claiborne Pell, Rhode Island
Representative Nancy Pelosi, California
Representative Timothy J. Penney, Minnesota
Ambassador Ogilvie Fisher of Bulgaria
Representative Earl Pomeroy, At-Large, North Dakota
Mr. Peter S. Prichard, Editor, USA Today
Mr. J. Eugene Quinn, U.S. Department of Commerce
Mr. Paul S. Quinn, Esquire
Mr. Thomas H. Quinn
Representative Mel Reynolds, Illinois
Representative Bill Richardson, New Mexico
Representative Marge Roudeanu, New Jersey
Mr. Carl T. Rowan
Representative Bobby Rush, Illinois
The Reverend Richard Rysavage, S. J., Director,
Migration & Refugee Services, U. S. C. C.
Mr. Nicholas B. Scheetz
Representative Patricia Schroeder, Colorado
Representative Philip Sharp, Indiana
Senator Paul Simon, Illinois
Mrs. Eileen G. Stocum, Republican National Commissioner,
Rhode Island
The Honorable Ray Smith
Representative Charles W. Staben, Texas
Mr. Terence P. Stewart, Stewart & Stewart
Most Reverend Walter F. Sullivan, Bishop of Richmond
Mrs. Germaine Swanson
Representative Dick Swen, New Hampshire
Representative Mike Synar, Oklahoma
Ambassador and Mrs. Daniel J. Terra, Terra Museum, Chicago,
American Museum, France
Representative Robert G. Torricelli, New Jersey
Representative Edolphus Towns, New York
Representative Walter Tucker, California
Mr. Rene Van Broeck, Washington Office Representative, United
Nations High Commission for Refugees
Mrs. Malcolm Wallip
Representative Melvin Watt, North Carolina
Representative Alan W. West, Missouri

With special appreciation to
Mrs. Alena Breau and Mrs. Alice Rains

The Board of Directors
and the Staff of Refugee Voices
request the pleasure of your company
at the fifth annual
Mickey Leland Award Ceremony
and Dinner

Thursday, February 10, 1994

Award Recipient

Dr. Judy Mayotte
Chair, Women's Commission for Refugee Women and Children
Board Member, Refugees International and
International Rescue Committee
Author, "Disposable People? The Plight of Refugees"

Literary

Five Forty-Five

Welcome to La Maison Française
Embassy of France
4101 Reservoir Road, N.W.
Washington, D.C. 20007
Show invitation for admission
and free parking at the
Embassy of France.

Six O'Clock

Film: "From Hollywood to Hanoi"

Seven Fifteen

Presentation of the Award and Reception

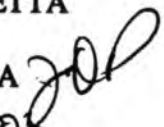
Eight Fifteen

Departure to Dinners

THE WHITE HOUSE
WASHINGTON

February 17, 1995

MEMORANDUM FOR LEON PANETTA

FROM: JOHN PODESTA 
TODD STERN 
SUBJECT: Peacekeeping Report -- Unauthorized Clearance

As Todd mentioned in a prior note to you, NSC -- with no authorization from the President or from us -- prevailed on the Office of Administration to have the President's signature (which they generated off a computer disk) put at the bottom of the introductory message to a glossy booklet on Peacekeeping entitled "A Time for Peace". (The specific NSC office that did this was apparently Global Issues and Multilateral Affairs, headed by Dick Clarke.) NSC prepared this glossy booklet to accompany the Administration's official, annual report to the Congress on peacekeeping. The official report was styled as Volume II to the "Time for Peace" package.

NSC also distributed copies of the glossy booklet on the Hill, before it was ever cleared.

This was obviously a significant breach of protocol -- no office outside of our own is authorized to have the President's signature put on a document. This breach was particularly disturbing here because there is a real substantive question, which State and NSC had apparently discussed, as to whether the President should be out front on the peacekeeping fight, rather than letting the Secretary of State carry the ball. And there is a further question as to whether spending money on a glossy booklet like this is a wise move in the current political climate. **We are not arguing that having him out front is the wrong judgment or that printing this booklet was a mistake, but we are suggesting -- emphatically -- that it was wrong for NSC to decide these matters preemptively, with no input from you or other key White House staff or clearance by the President.** It appears that NSC had not even secured State's concurrence on sending up the glossy book.

As far as OA is concerned, we have talked to them to make sure that they never use a presidential signature without authorization from our office.

cc: Tony Lake
Sandy Berger
Dick Clarke

SPECIAL SCHEDULING REQUESTS
HONORARY CHAIR, HONORARY PATRON, HONORARY MEMBERSHIP

Today's Date: February 9, 1995

Date of Request: 1/24/1995

Request for: POTUS

Type of Request: Honorary Chairman

Requestor Name: Ms. Betty Herron

Title: Executive Director

Organization: National Family Partnership of Arkansas
2020 West Third
Suite 1C
Little Rock, Arkansas 72205

Contact Tel. #: 501/375-1338

Event Date: 3/11/1995

Event Description: 1995 National Red Ribbon Celebration

Notes: The red ribbon symbolizes dedication to a drug-free America. POTUS and FLOTUS were Honorary Co-Chairs in '93; POTUS was Honorary Chair in '94.

Recommendations:

JP



EB

Pam/John

2020 West Third, Suite 1C
Little Rock, Arkansas 72205
Tel 501 375-1338 Fax 501 376-3747

January 24, 1995



President Bill Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500-2000

Dear President Clinton:

As a member of the board of Directors of the National Family Partnership, I am, once again, requesting that you serve as the Honorary Chairman of the 1995 National Red Ribbon Celebration. This will be the eighth year that Americans will be asked to demonstrate their commitment and dedication to a drug free America, by wearing a red ribbon.

The 1995 National Red Ribbon Celebration "look" will be unveiled at the National Family Partnership meeting in St. Louis on March 11, 1995. I would like to announce your acceptance as Honorary Chairman at that time. Unlike last year, when your letter appeared in the National Red Ribbon brochure, we will now provide copies of your letter accepting the chairmanship suitable for framing to all our state and local partners across this nation.

Over the past seven years, millions of Americans have responded to the message of the Red Ribbon Celebration. It has served as a catalyst to involve people in addressing local problems with local solutions. The red ribbon is used as a symbol of hope that through all our efforts, we will see a brighter future for all the young people in America.

I look forward to hearing from your staff as soon as possible. I can be reached at my Little Rock office, (501) 375-1338. Thank you for supporting our efforts last year and I hope that you will agree to serve as Honorary Chairman in 1995.

Sincerely,

Betty Herron
Executive Director

Board of Directors

Cherry Duckett
President

Rev. Charles Murry
Vice President

Janet Udouj, M.D.
Secretary

Mike Wilson
Treasurer

Arvil Burks, Ph.D.
Stephen Curry
Steve Darnell
Ferris Garrison
Blanche Haynie
Diana Hueter
Evelyn Miller
Don Parish
Bob Satkowski
Laah Tucker
Judge Gazzola Vaccaro
Charles Vann
Gene Wilhoit

Staff

Mrs. Betty Tucker
Honorary Chairman

Frank Broyles
Russ Harrington
Steve Holcomb
Judge Marion Humphrey
Senator Jim Keet
Rep. Blanche Lambert
Betty Lile
Clarice Miller
Don Munro
Dee Ann Newell
Rev. Bill Robinson

SPECIAL SCHEDULING REQUESTS
HONORARY CHAIR, HONORARY PATRON, HONORARY MEMBERSHIP

Today's Date: February 16, 1995

Date of Request: 1/12/1995

Request for: POTUS

Type of Request: Honorary Chairman

Requestor Name: Mr. Nathanael Pollard, Jr.

Title: President

Organization: Bowie State University
Henry Administration Building
Bowie, Maryland 20715-9465

Contact Tel. #: 301/464-6500

Event Date: 4/28/1995

Event Description: Dedication ceremony of the Bowie State University Institute for International Studies, Research and Training

Notes: Ten countries will be honored at the ceremony. Mr. Pollard expects members of the Maryland Congressional Delegation and the Congressional Black Caucus to attend. Scheduling has declined the university's request that the President serve as keynote speaker and attend a fundraiser.

Recommendations:

JP

EB



BOWIE STATE UNIVERSITY

Henry Administration Building
Bowie, Maryland 20715-9465
(301) 464-6500 - Office
(301) 464-7814 - Fax

Office of the President

January 12, 1995

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President,

It is with a great deal of pleasure that I am writing to invite you to serve as the Honorary Chairman of and Keynote Speaker for the dedication ceremony of the Bowie State University Institute for International Studies, Research and Training. As you may know, Bowie State is a historically black university located in the Washington metropolitan area. It is one of the oldest historically black universities in the country.

Over the past ten years, BSU has been increasingly involved in a range of programs and outreach projects involving students and peoples from around the world. Until now, those international activities have been fragmented. To consolidate these programs, and to better serve the students from the 57 countries attending classes at BSU, we are now establishing an international institute. As the attached backgrounder suggests, the Institute will clearly focus faculty training and development programs in global issues, coordinate overseas student exchange and internship programs, and house business and related interdisciplinary programs with an international perspective.

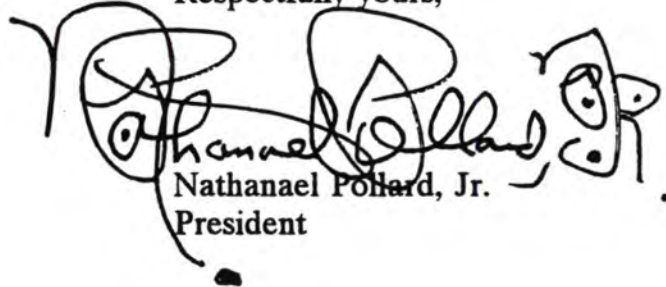
To launch this new initiative, BSU is dedicating a park on the University grounds honoring its international students and their countries. On April 28, 1995, ten countries will be honored at a dedication ceremony. During the ceremony, the flag of each of the ten participating countries will be raised by its respective ambassador and student representative. We expect nearly 500 attendees, including members of the Maryland Congressional Delegation and the Congressional Black Caucus, and many of Maryland's business and industry leaders.

Knowing your interest in promoting international understanding, especially among ethnic minorities on today's campuses, it would be an honor if you would address us on this most unique and important occasion. We anticipate that the ceremony will begin at 11:00 a.m. and last one hour, followed by a small reception.

We also cordially invite you to be our special guest at the black-tie fundraising dinner in Washington that same evening. Funds raised will benefit the establishment of the Institute.

Your participation in this initiative will reinforce your commitment to developing leaders for an international future, and send a strong signal of support for the expanding role of the nation's historically black institutions. I would welcome the opportunity to discuss these invitations with one of your assistants.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Nathanael Pollard, Jr.", with a large, stylized initial "N" and "P".

Nathanael Pollard, Jr.
President

Enclosure

SPECIAL SCHEDULING REQUESTS
HONORARY CHAIR, HONORARY PATRON, HONORARY MEMBERSHIP

Today's Date: February 16, 1995

Date of Request: 1/29/1995

Request for: POTUS

Type of Request: Honorary Chairperson

Requestor Name: Mr. William McGee

Title: Event Chairperson

Organization: Washington Hose Co. 3
200th Anniversary Committee
Front & Warren Streets
Hudson, New York 12534

Contact Tel. #: 518/822-0744

Event Date: 8/18/1995

Event Description: New York State Volunteer Firefighters'
Country Music Festival

Notes: The group is a volunteer fire company and is trying to raise money for a celebration of its 200th anniversary in 2002. The group also plans to ask Governor Pataki to serve as an honorary co-chair.

Recommendations:

JP

EB

Schedule

**
** 1802 WASHINGTON HOSE CO. 3 **
** 200 TH ANNIVERSARY COMMITTEE **
** FRONT & WARREN STS. 2002 **
** HUDSON, NEW YORK 12534 **

COMMITTEE:

CO- CHAIRPERSONS

WILLIAM MCGEE
TINA HOTALING

PRESIDENT

JACK GRAZIANO

COMMITTEE
MEMBERS

DAVID MURRAY
GARY MILLER
ERNIE WRIGHT
AL PORRECA
SHERWOOD CADE
MAGGIE BURCH
PAT TOMPKINS
JOHN THOMPSON
JOE MARTIN
PAT GRAZIANO
MARY BARRINGER
ANN WOLFERSTIEG
EVA FOUNTAIN
H. FOSTER -
HETTISHIEMER
HOWARD MURRAY
MARILYN MCGEE
JOHN CORDATO
JOHN SCALERA
RED HOFFMAN

January 29, 1995

President William Clinton
White House
1600 Pennsylvania Ave.
Washington D.C.

Dear President Clinton;

We know the possibility of this letter passing over your desk is remote to say the least, but in any event we as a group are very secure in the fact that we are sincere in our writing to you and of our offer, we hope you can take this offer with sincerity and seriously take our offer to heart and find it in any way something you can put into your schedule or at least allow your name to be a part of.

We are a volunteer fire company in a small city made up of six companies. if you could imagine what a service of this type is worth to a small, over taxed and understaffed city. We all serve with the upmost professionalism of any paid fireman, but with an undetermined amount of pride and dignity only equaled by other volunteers in our situation. We will be soon celebrating our 200th anniversary in seven years, and although it is seven years away we needed to start raising funds for this undertaking.

With all of that in mind, and with much thought we all decided to do more than raise funds, we worked very hard and thought finally lets do something for all the volunteers in the northeast. Something that could bring a lot of volunteers together to enjoy something in common.

200 YEARS OF SERVICE & DEDICATION TO THE CITY OF HUDSON !

" EDGE TO EDGE PRIDE OUR GLORY AND OUR FUTURE ! "

(page two)

What we came up with is simply called the New York State Volunteer Firefighters' (1st Annual) Country Music Festival. If you were to travel the circles of volunteer fire fighters you would hear nothing but country music on their radios, and in their homes. We plan a great show for these people and hope to take this on for years to come, not only as a fund raiser, but for the good of the volunteer whom give of themselves and their families and deserve a medium of fair entertainment which they can identify with and feel comfortable with.

We feel that such an event needs recognition from our Commander and Chief, and at this time we would like to offer to President Clinton to be our Honorary Chairperson and would like to offer him our special guest status as Honorary Chairman of this event to introduce to the crowd of volunteers our top act this year Jerry Reed and the Bandits.

Even if you could not make the trip, we would be honored to have you allow us to name you as Honorary Chairperson for this event and allow you to name a person in your place to introduce to the crowd the main act. We feel that not only the president, but his family would enjoy such a great time. A tentative listing of what will be on schedule the Weekend of August 18 - 20, 1995.

Please if you will understand all the work and pride all volunteers all over AMERICA do and to obtain an objection with success is such a large undertaking, we feel with your backing and understanding we can continue to be a success.

We will in turn understanding that you of course are of different political parties try to set that aside and allow us to ask the same of Governor George Pataki and to name both of you as Honorary Chairs, of course "your name first". We understand that may be asking a lot, however we do not wish to make a political statement with this affair, but to show that two such high ranking government officials really care about the people of which they would serve. We do as Americans in our oaths, and we serve the oaths with the great dignity and honor as both a governor and President would and this would show to be truth in such a union of the basic idea of supporting the good of such volunteers.

We hope to hear from you soon, and with much sincerity we would need a answer as soon as possible. The contact person on this matter will be William McGee event chairperson at the address listed above and the phone number to be (518) 822-0744.

Gratefully yours;

William McGee

SPECIAL SCHEDULING REQUESTS
HONORARY CHAIR, HONORARY PATRON, HONORARY MEMBERSHIP

Today's Date: February 9, 1995

Date of Request: 1/26/1995

Request for: POTUS

Type of Request: Honorary Chair

Requestor Name: Mr. John W. Sewell

Title: President

Organization: Overseas Development Council
1875 Connecticut Avenue, N.W.
Washington, D.C. 20009

Contact Tel. #: 202/234-8701

Event Date: 5/17/1995

Event Description: 25th Anniversary Dinner

Notes: The group will honor James Grant, Father Theodore Hesburgh, Robert McNamara, and David Rockefeller. "Individuals recently or currently affiliated with ODC and its work include Katharine Graham, Peter Jennings, Vernon Jordan, and Anthony Lake."

Recommendations:

JP

EB

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January 26, 1995

The Honorable William J. Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

I am writing to invite you to join us as the Overseas Development Council honors four outstanding Americans and the contributions they have made to the field of international development: James Grant, Father Theodore Hesburgh, Robert McNamara, and David Rockefeller. Each of these men is well known for his individual achievements and all four were instrumental in founding the ODC.

On Wednesday, May 17, at the ANA Hotel in Washington, D.C., the ODC will host its 25th Anniversary Dinner and honor these four men. To ensure that this occasion is a fitting tribute to such distinguished individuals, we hope that you will agree to serve as Honorary Chair for the Anniversary Dinner. Though we understand that you may not be able to confirm your attendance at this point, we would like to confirm as soon as possible your role as Honorary Chair because we would like to include your name in printed materials such as the dinner invitation and program.

In order to honor these four men in the most significant way possible, we also ask you to consider hosting a White House reception for them along with a few of the special friends of the organization they helped to create on the evening of May 17 prior to the dinner. Should this be an evening when you are not in Washington, perhaps you might appoint an appropriate representative to act as host in your absence.

In the quarter century since 75 distinguished leaders from the fields of business, philanthropy, religion, and public service joined forces to launch ODC, the organization has evolved into the preeminent U.S. policy institute on the economic, political, and social development challenges facing Africa, Asia, and Latin America. Individuals recently or currently affiliated with ODC and its work include Katharine Graham, Peter Jennings, Vernon Jordan, and Anthony Lake.

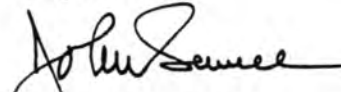
This high visibility event will also serve to raise awareness of the significant development progress made in the past quarter century and the contribution of the international community in this effort. The United States can be proud of its role in supporting the efforts of Africans, Asians, and Latin Americans to improve their lives.

OVERSEAS
DEVELOPMENT
COUNCIL
1875
CONNECTICUT
AVENUE, NW
WASHINGTON, DC
20009
TELEPHONE
(202) 234-8701
FACSIMILE
(202) 745-0067

The Honorable William J. Clinton
January 26, 1995
Page Two

These four men have made great strides in improving the lives of men, women, and children around the world. I hope that you will agree that their service deserves to be saluted by their country at the highest possible level, and that your schedule will permit you to join us in paying tribute to them.

Respectfully,

A handwritten signature in black ink, appearing to read "John W. Sewell". The signature is fluid and cursive, with a large initial "J" and "S".

John W. Sewell
President

cc: The Honorable Anthony Lake
Assistant to the President for National Security Affairs