

Duty
to today
gift



THE PRESIDENT HAS SEEN
8-28-98

8-28-98

ON BEHALF OF Phil -
of the 89th Air to Burkhardt for
reply
A HAPPY BIRTHDAY
VACATION.

to Eugenie for
reply
—yes
—no

Dana

Chron

Duty
to Bday
gift



THE PRESIDENT HAS SEEN

8-28-98

19 Aug

ON BEHALF OF THE MEN AND WOMEN
OF THE 89th Airlift Wing, WE WISH YOU
A HAPPY BIRTHDAY! ENJOY YOUR
VACATION. V/R

Art & Chris
Lichte

Do TJ
for WHCA
Resolution

THE PRESIDENT - 44 (73)

8-28-98



18 Aug 58

Dear Mr. President,

On behalf of the
men and women of the WHCA,
have a Happy Birthday.

V/R
John Simmons



FEDERAL RETIREMENT THRIFT INVESTMENT BOARD
1250 H Street, NW Washington, DC 20005

August 14, 1998

The Honorable William J. Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

By Hand

Dear Mr. President:

In my capacity as Chairman of the Federal Retirement Thrift Investment Board, I would like to bring to your notice a practice of the Office of Personnel Management (OPM) that has a significant adverse impact on personnel management by executive branch agencies, and therefore one that merits your attention.

As the enclosed correspondence between the Board and OPM demonstrates, OPM has narrowly interpreted Federal civil service law so as to emasculate the procedure for reconsideration of important decisions of the Merit System Protection Board (MSPB) adverse to the Government as employer (which only OPM may seek).

The matter arises because the MSPB has adopted a practice of deciding cases adversely to the Government without publishing a reasoned opinion on the merits of the Government's legal arguments, a practice which OPM seems to deplore, but which it professes powerlessness to remedy or influence.

OPM, however, regulation (copies of such decision reason, OPM has in the statute of Appeals for the Federal Circuit is appealable. This closures, OPM new sions, even though tain no reasoning that extent, OPM the Federal Government employer.

I believe that the hasty implementation of the foregoing kinds of cases; any other behavior would be a serious disservice to Federal agencies. I further believe that, given the attitude evinced by OPM in the enclosed correspondence towards its responsibility, only White House attention to OPM's practice will rectify it.

statute and MSPB for reconsideration some inexplicable contained in either the MSPB's decisionable to the Court -22" is that the decisions not to be discussed in the enclosed such decisionant issues, decided in error. To be as advocate for the taxpayer) as em-

*Take out of System --
to Dan B for reply
Coord with Counsel
+ Cal Atkins
JML*



FEDERAL RETIREMENT THRIFT INVESTMENT BOARD
1250 H Street, NW Washington, DC 20005

August 14, 1998

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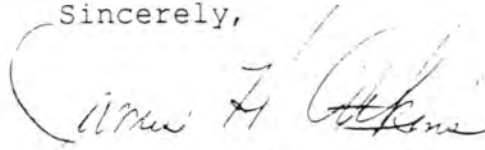
The matter arises because the MSPB has adopted a practice of deciding cases adversely to the Government without publishing a reasoned opinion on the merits of the Government's legal arguments, a practice which OPM seems to deplore, but which it professes powerlessness to remedy or influence.

OPM, however, is plainly authorized by statute and MSPB regulation (copies enclosed) to file a petition for reconsideration of such decisions with the MSPB. Yet, for some inexplicable reason, OPM has imposed a criterion thereon not contained in either the statute or the regulation, to wit, that the MSPB's decision (before any reconsideration) must be appealable to the Court of Appeals for the Federal Circuit. The "Catch-22" is that the Federal Circuit has held these summary MSPB decisions not to be appealable. This means that, as in the case discussed in the enclosures, OPM never petitions the MSPB to reconsider such decisions, even though they concededly raise important issues, contain no reasoning, and have apparently been decided in error. To that extent, OPM has abandoned its statutory role as advocate for the Federal Government (and, therefore, for the taxpayer) as employer.

I believe that OPM's orientation should be toward conscientious implementation of the MSPB reconsideration procedure in the foregoing kinds of cases; any other behavior would be a serious disservice to Federal agencies. I further believe that, given the attitude evinced by OPM in the enclosed correspondence towards its responsibility, only White House attention to OPM's practice will rectify it.

To that end, Roger Mehle, the Thrift Investment Board's Executive Director, and I would be pleased to meet with an appropriate member of your staff to help give this matter remedial attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "James H. Atkins".

James H. Atkins
Chairman

Enclosures

cc: The Honorable Bruce R. Lindsey

Merit Systems Protection Board

5 C.F.R. § 1201.120

days of the date of service of the request. If the appellant files a motion to dismiss beyond the time limit, the Board will dismiss the motion as untimely unless the appellant shows that it is based on information not readily available before the close of the time limit.

(b) *After a final decision is issued.* If the appellant is not the prevailing party in the final Board order, and if the appellant believes that the agency has not provided full interim relief, the appellant may file an enforcement petition with the regional office under § 1201.182. The appellant must file this petition within 20 days of learning of the agency's failure to provide full interim relief. If the appellant prevails in the final Board order, then any interim relief enforcement motion filed will be treated as a motion for enforcement of the final decision. Petitions under this subsection will be processed under § 1201.183.

[59 FR 30864, June 16, 1994]

§ 1201.117 Procedures for review or reopening.

(a) In any case that is reopened or reviewed, the Board may:

- (1) Issue a single decision that denies or grants a petition for review, reopens the appeal, and decides the case;
- (2) Hear oral arguments;
- (3) Require that briefs be filed;
- (4) Remand the appeal so that the judge may take further testimony or evidence or make further findings or conclusions; or
- (5) Take any other action necessary for final disposition of the case.

(b) The Board may affirm, reverse, modify, or vacate the decision of the judge, in whole or in part. Where appropriate, the Board will issue a final decision and order a date for compliance with that decision.

[54 FR 53504, Dec. 29, 1989. Redesignated at 59 FR 30864, June 16, 1994]

§ 1201.118 Board reopening of case and reconsideration of initial decision.

The Board may reopen an appeal and reconsider a decision of a judge on its

own motion at any time, regardless of any other provisions of this part.

[54 FR 53504, Dec. 29, 1989. Redesignated at 59 FR 30864, June 16, 1994]

§ 1201.119 OPM petition for reconsideration.

(a) *Criteria.* Under 5 U.S.C. 7703(d), the Director of the Office of Personnel Management may file a petition for reconsideration of a Board final order if he or she determines:

- (1) That the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management, and
- (2) That the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive.

(b) *Time limit.* The Director must file the petition for reconsideration within 35 days after the date of service of the Board's final order.

(c) *Briefs.* After the petition is filed, the Board will make the official record relating to the petition for reconsideration available to the Director for review. The Director's brief in support of the petition for reconsideration must be filed within 20 days after the Board makes the record available for review. Any party's opposition to the petition for reconsideration must be filed within 25 days from the date of service of the Director's brief.

(d) *Stays.* If the Director of OPM files a petition for reconsideration, he or she also may ask the Board to stay its final order. An application for a stay, with a supporting memorandum, must be filed at the same time as the petition for reconsideration.

[54 FR 53504, Dec. 29, 1989. Redesignated at 59 FR 30864, June 16, 1994]

§ 1201.120 Judicial review.

Any employee or applicant for employment who is adversely affected by a final order or decision of the Board under the provisions of 5 U.S.C. 7703 may obtain judicial review in the United States Court of Appeals for the Federal Circuit. As § 1201.175 of this part provides, an appropriate United States district court has jurisdiction over a request for judicial review of

employee's handicap discrimination defense was not supportable because he had been removed after enrolling in a voluntary rehabilitation program, coerced employee into entering into settlement agreement; assertions as to administrative judge's statements were not made in affidavit or sworn statement and were unsupported by any submission from employee's representative or agency, admin-

istrative judge's statements on handicap defense were within his authority, employee was responsible for any error on part of his chosen representative, and nothing in employee's assertions established that he did not freely enter into agreement at that time. *Betterly v. Department of Veterans Affairs*, M.S.P.B. 1991, 47 M.S.P.R. 63.

§ 7703. Judicial review of decisions of the Merit Systems Protection Board

(a)(1) Any employee or applicant for employment adversely affected or aggrieved by a final order or decision of the Merit Systems Protection Board may obtain judicial review of the order or decision.

(2) The Board shall be named respondent in any proceeding brought pursuant to this subsection, unless the employee or applicant for employment seeks review of a final order or decision on the merits on the underlying personnel action or on a request for attorney fees, in which case the agency responsible for taking the personnel action shall be the respondent.

(b)(1) Except as provided in paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 30 days after the date the petitioner received notice of the final order or decision of the Board.

(2) Cases of discrimination subject to the provisions of section 7702 of this title shall be filed under section 717(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16(c)), section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)), and section 16(b) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 216(b)), as applicable. Notwithstanding any other provision of law, any such case filed under any such section must be filed within 30 days after the date the individual filing the case received notice of the judicially reviewable action under such section 7702.

(c) In any case filed in the United States Court of Appeals for the Federal Circuit, the court shall review the record and hold unlawful and set aside any agency action, findings, or conclusions found to be—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(2) obtained without procedures required by law, rule, or regulation having been followed; or

(3) unsupported by substantial evidence;

except that in the case of discrimination brought under any section referred to in subsection (b)(2) of this section, the employee or applicant shall have the right to have the facts subject to trial de novo by the reviewing court.

(d) The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

(Added Pub.L. 95-454, Title II, § 205, Oct. 13, 1978, 92 Stat. 1143, and amended Pub.L. 97-164, Title I, § 144, Apr. 2, 1982, 96 Stat. 45; Pub.L. 101-12, § 10, Apr. 10, 1989, 103 Stat. 35.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1978 Acts. Senate Report No. 95-969 and House Conference Report No. 95-1717, see 1978 U.S. Code Cong. and Adm. News, p. 2723.

1982 Acts. Senate Report No. 97-275, see 1982 U.S. Code Cong. and Adm. News, p. 11.

1989 Acts. Statement by President, see 1989 U.S. Code Cong. and Adm. News, p. 11.

References in Text

The civil service law, referred to in subsec. (d), is set out in this title. See, particularly, section 3301 et seq. of this title.

Amendments

1989 Amendments. Subsec. (a)(2). Pub.L. 101-12 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The Board shall be the named respondent in any proceeding brought pursuant to this subsection, unless the

employee or applicant for employment seeks review of a final order or decision issued by the Board under section 7701. In review of a final order or decision issued under section 7701, the agency responsible for taking the action appealed to the Board shall be the named respondent."

1982 Amendments. Subsec. (b)(1). Pub.L. 97-164, § 144(1), substituted "United States Court of Appeals for the Federal Circuit" for "Court of Claims or a United States court of appeals as provided in chapters 91 and 158, respectively, of title 28".

Subsec. (c). Pub.L. 97-164, § 144(2), substituted "Court of Appeals for the Federal Circuit" for "Court of Claims or a United States court of appeals".

Subsec. (d). Pub.L. 97-164, § 144(3), substituted "United States Court of Appeals for the Federal Circuit" for "United States Court of Appeals for the District of Columbia".



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

OFFICE OF THE DIRECTOR

JUN 3 1998

The Honorable Roger W. Mehle
Executive Director
Federal Retirement Thrift Investment Board
1250 H Street, NW
Washington, D.C. 20005

Dear Mr. Mehle:

This is in response to your letter dated May 11, 1998, requesting that the Office of Personnel Management (OPM) file a petition for reconsideration and request for a stay of the Merit Systems Protection Board's (MSPB) April 30, 1998 Order in Buckler v. ERTIB, Docket No. DC-0351-94-0776-A-1. As you point out, the MSPB denied your agency's cross-petition for review of the addendum initial decision in this case without any reasoned analysis of the agency's legal arguments because it concluded that the agency's cross-petition did not meet the MSPB's criteria for review.

We have determined that this case does not meet the statutory standard in 5 U.S.C. § 7703(d) for seeking reconsideration and then judicial review of a final decision of the MSPB. We agree that the case raises important issues that warranted a reasoned opinion on the merits from the MSPB. Unfortunately, however, the MSPB's practice of issuing non-precedential decisions that are insulated from OPM-initiated judicial review has been upheld by the United States Court of Appeals for the Federal Circuit, the court that reviews MSPB decisions. Homer v. Burns, 783 F.2d 196, 200 (Fed. Cir. 1986). Based upon that precedent, OPM is unable to exercise its statutory authority to seek reconsideration and judicial review of the MSPB's non-precedential Order in this case.

Nonetheless, we thank you for bringing this matter to our attention. We also appreciate the thoughtful analysis provided in your letter and in the petition for reconsideration that your agency recently filed with MSPB. Should you or your legal staff wish to discuss this further, please contact my General Counsel, Lorraine Lewis. She may be reached at 606-1700.

Sincerely,

Janice R. Lachance
Director



FEDERAL RETIREMENT THRIFT INVESTMENT BOARD
1250 H Street, NW Washington, DC 20005

June 4, 1998

The Honorable Janice R. Lachance
Director
Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

By telecopy and mail

Dear Ms. Lachance:

Today I received your letter addressing the Federal Retirement Thrift Investment Board's request of May 11 asking the Office of Personnel Management to file a petition for reconsideration with the Merit Systems Protection Board in the matter of Buckler v. FRTIB, Docket No. DC-0351-94-0776-A-1.

Your letter agrees with me that "the case raises important issues that warranted a reasoned opinion on the merits from the MSPB". There was none. OPM is in a position to ask the MSPB for exactly that, however, by a petition for reconsideration, which was the point of my May 11 letter. The availability of appeal to the Federal Circuit under Horner v. Burns is not at issue at this time, and, in any event, would doubtless depend on what the MSPB does in response to OPM's petition.

At the very least, an MSPB practice that amounts to dereliction of duty should be the occasion for OPM's address through the petition, since agencies, under the current statutory scheme, cannot speak for themselves. At best, the MSPB will in fact review the administrative judge's contradictory decision on the merits and reverse it. The practice, however, of an exclusive decision maker's effectively "punting" its responsibilities -- which, from your letter, I believe you deplore -- will only continue unless a stand against it is taken by OPM. A petition for review in this important case presents that opportunity.

There remains only today for OPM to file a petition by the deadline. Since no brief is required with the filing, it is a simple matter to fulfill the requirement, but your attorneys must act promptly. (They were apparently unable to have your response to me prepared until yesterday, which in itself is quite disturbing; I have in fact still not received the hard copy. I asked the Board's General Counsel to inquire about it this morning, and he procured it by telecopy for me.)

The Board hopes for OPM's favorable action on this important matter this afternoon.

Sincerely,

Roger W. Mehle
Executive Director



United States
**Office of
Personnel Management**

Office of the General Counsel
Washington, D.C. 20415-0001

In Reply Refer To:

Your Reference:

JUN 4 1998

The Honorable Roger W. Mehle
Executive Director
Federal Retirement Thrift Investment Board
1250 H Street, NW
Washington, D.C. 20005

Dear Mr. Mehle:

The Director has referred to me for response your letter of June 4, 1998, renewing your request that the Office of Personnel Management (OPM) file a petition for reconsideration with the Merit Systems Protection Board (MSPB) in Buckler v. FRTIB, Docket No. DC-0351-94-0776-A-1.

Your letter suggests that OPM should use its limited statutory authority to become involved in this case because MSPB has engaged in a dereliction of its duty by not issuing an opinion on the merits of your agency's petition for review. You state that the Board's deplorable practice will continue unless OPM takes a stand. Finally you suggest that Horner v. Burns is not at issue at the time that OPM decides whether to seek reconsideration.

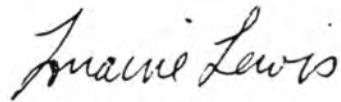
Unfortunately, Horner v. Burns is at the heart of this matter. The court squarely decided that the MSPB's treatment of unreviewed initial decisions of administrative judges is based upon sound policy considerations and is a reasonable and appropriate practice for the board to utilize in handling its heavy volume of cases. The court noted that the Board operates under a system of discretionary appellate review by which it reviews only the relatively small percentage of initial decisions that it deems to present important issues or other sound reasons for it to review the decision.

OPM is authorized by statute to seek judicial review only of decisions that will have a "substantial impact" on civil service law. It is not authorized to seek correction of every error that administrative judges of the Board have committed. In accordance with Horner, a non-precedential decision does not have the requisite statutory substantial impact and, therefore, it would be inappropriate for

OPM to seek judicial review of a decision. *Id.* Reconsideration is but a necessary preliminary step to seeking judicial review. It has no other purpose.

In Horner, OPM did take a strong stand on the issue that you now present to us. Unfortunately, we did not prevail, but it was not for want of trying. Although we understand your consternation about the outcome of Buckler and the manner in which MSPB arrived at its decision, the statutory scheme under which we operate as interpreted by the Federal Circuit precludes us from becoming involved in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine Lewis".

Lorraine Lewis
General Counsel



FEDERAL RETIREMENT THRIFT INVESTMENT BOARD
1250 H Street, NW Washington, DC 20005

June 8, 1998

The Honorable Janice R. Lachance
Director
Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415-0001

Re: Michael Buckler v. FRTIB, Docket No. DC-0351-94-0776-A-1

Dear Ms. Lachance:

I have received the enclosed letter dated June 4, 1998, from Lorraine Lewis, General Counsel of the Office of Personnel Management, which offers a further explanation of OPM's decision of June 3, 1998, not to file a petition for reconsideration of the Merit Systems Protection Board's decision in the above-captioned case. The matter is now moot since the filing deadline passed on June 4. Because the Board's experience with OPM has been decidedly unsatisfactory in this effort, however, I am going to recapitulate it for you. As you will read, I am suggesting reform of both the substance and the procedure of OPM's role in the petition for reconsideration process.

On April 30, 1998, the MSPB, after eight months of pendency and without any analysis or discussion, affirmed the award of attorney's fees in the amount of over \$70,000 to a (now former) employee of the Board. This award was made despite the fact that the employee's absurd claims of whistleblowing and discrimination, for prosecution of which this fee was almost entirely propped up, were squarely rejected by the MSPB administrative judge and by the MSPB itself. In light of the rule that an employee must have been the "prevailing party" to receive a fee award, 5 C.F.R. § 1201.202(a), the MSPB's decision was unfathomable.

Accordingly, on May 11, I wrote to you to ask that OPM file a petition for reconsideration of the decision with the MSPB, as contemplated by 5 U.S.C. § 7703(d) and 5 C.F.R. § 1201.119, the only avenue available to the Board for a correction or elaboration of the decision. The Board received no communication whatsoever from OPM in response to my first request, nor to my May 21 follow-up letter to you, until finally I asked the Board's General Counsel to call OPM to learn the status of the request on June 4, the last date by which OPM could act. Only then, when the matter was almost moot, did we procure a telecopy of a letter from you dated June 3 giving OPM's view. This is by no means what I expected would be the timeliness and manner of handling the Board's request, regardless of the response.

As to the substance of your June 3 letter and that of Ms. Lewis of June 4, it appears from them that OPM has conditioned its willingness to petition the MSPB for reconsideration of an adverse decision -- regardless of its importance and impact on employing agencies -- with the appealability of that decision, as it stands, to the Federal Circuit.

This position is said to be dictated by Horner v. Burns, 783 F.2d 196, 200 (Fed. Cir. 1986), application of which apparently produces the following scenario: (1) the MSPB issues an important and apparently erroneous decision adverse to the Government as employer, but one devoid of any merits discussion or analysis; (2) OPM files a petition for reconsideration, pointing out necessary error in reaching the result; (3) the MSPB reaffirms the decision, again without discussion; (4) nevertheless, OPM ostensibly may not appeal the case to the Federal Circuit because, on account of its very truncation, the Federal Circuit deems it "non-precedential".

Thus for the last twelve years, OPM has, as a matter of policy, forgone filing any petition for reconsideration in a summarily decided case, despite its importance, because MSPB might simply reaffirm without discussing the merits of the case, rather than clarifying, modifying, or reversing its decision.

Ms. Lewis makes that starkly clear in her statements that "[r]econsideration is but a necessary preliminary step to seeking judicial review. It has no other purpose." These statements are wrong-minded and insupportable. Requests for reconsideration are intended to give the enlightened decision maker an opportunity to correct errors, and are in widespread use throughout Federal agencies, see, e.g., 4 C.F.R. § 21.14 (GAO; request shall specify any errors of law made or information not previously considered); 7 C.F.R. § 11.11 (Agriculture; request shall explain in detail any material error of fact or how the determination is contrary to statute or regulation); 10 C.F.R. § 2.771 (NRC; petition shall state specifically the respects in which the decision is claimed to be erroneous); 14 CFR § 11.55 (FAA; petition must allege that the decision is based on a necessary legal conclusion that is without governing precedent or is a departure from or contrary to law, rules, or precedent); 5 U.S.C. § 535(c) (emphasis added) (all agencies; "When a determination is made . . . that the work of an employee is not of an acceptable level of competence, the employee is entitled to . . . an opportunity for reconsideration of the determination within his agency under uniform procedures prescribed by the Office of Personnel Management. . . . If the reconsideration . . . results in a reversal of the earlier determination, the new determination supersedes the earlier determination").

The notion that no modification of a decision can be expected from the MSPB absent further appealability exhibits an

alarmingly cynical and illogical view. It suggests that OPM can never persuade the MSPB that it has committed error, and therefore that the statutory reconsideration procedure is a sham.

In fact, OPM has no idea what the MSPB will do in response to a petition for reconsideration. Indeed, with the proper advocacy, the MSPB may realize that it has committed error, or, in any event, be made to understand that OPM believes that it is damaging the sound administration of the Executive Branch by the practice of issuing unarticulated decisions on important personnel issues. As your June 3 letter made clear, "[OPM] agree[s] that the case raises important issues that warranted a reasoned opinion on the merits from the MSPB." In any event, a policy of filing petitions for reconsideration in important cases with obfuscated summary decisions that elicit more of the same would permit OPM to create a record establishing that the MSPB is operating irresponsibly. OPM should then pursue a statutory remedy for this behavior; that very act would quickly cause the MSPB to revise any such desultory practices.

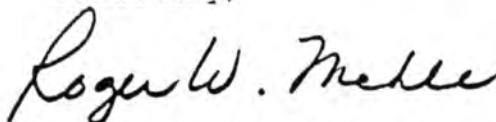
I have been an attorney for more than twenty years, with an active judicial and administrative litigation practice before I became the Board's Executive Director. From my experience, a petition or request for reconsideration, when contemplated in administrative or civil procedure, is not to be regarded simply as a check-off on the way to appeal; it should be a conscientious effort to persuade a conscientious decision maker to readdress an important issue. Thus, rather than refusing to assist agencies because the MSPB might persist in uncommunicative error in an individual case, regardless of its importance, I would expect OPM to be inviting agencies to bring to its attention elliptical MSPB decisions which are wrongly decided, so that OPM -- alone in a position to do so -- can, by the force of its position, either urge the MSPB to a higher standard through the only procedural avenue available, or seek a legislative remedy for a frankly broken aspect of the personnel administration system.

In recent testimony before the Senate Subcommittee on International Security, Proliferation and Federal Services that Ms. Lewis cited to us, she supported legislation to eliminate the Federal Circuit's authority to decline to hear an OPM petition for review, despite OPM's determination that the contested decision would have a substantial impact upon the Government. She apparently sees no irony in the fact that, rather than vigorously pursuing available procedure before the MSPB in this concededly important case, OPM has chosen to tie its own hands and, thus, those of the Board, assuring the establishment of a costly "non-precedential" precedent. This premature foreclosure of process is as intolerable to agencies as the Federal Circuit's practice is to OPM.

I therefore urge you to reconsider OPM's ill-advised twelve-year-old policy of filing a petition for reconsideration with the MSPB only when judicial appeal of the decision -- if unchanged upon reconsideration -- would be available. OPM's filing of a petition for reconsideration in any apparently wrongly decided case that raises an important issue, as does Buckler, will bring the issue forcefully to the attention of the MSPB, and give the MSPB the opportunity to review and correct its analysis, whether or not its subsequent decision can be further appealed. Employing agencies deserve prompt and aggressive legal assistance and advocacy from OPM in personnel matters, which the present policy does not provide.

I have asked the Board's General Counsel to furnish a copy of this letter to the appropriate legal representative of selected Executive Branch agencies.

Sincerely,

A handwritten signature in cursive script, reading "Roger W. Mehle".

Roger W. Mehle
Executive Director

Enclosure

cc: The Honorable Ben L. Erdreich
Chairman, Merit Systems Protection Board



United States
**Office of
Personnel Management**

Office of the General Counsel
Washington, D.C. 20415-0001

In Reply Refer To:

Your Reference:

JUL 21 1998

The Honorable Roger W. Mehle
Executive Director
Federal Retirement Thrift Investment Board
1250 H Street, N.W.
Washington, D.C. 20005

Dear Mr. Mehle:

The Director has referred to me for response your June 8, 1998 letter concerning Buckler v. FRTIB, MSPB Docket No. DC-0351-94-0776-A-1, expressing your strong disagreement with OPM's interpretation of 5 U.S.C. §7703(d) and asking the Director to reconsider this interpretation.

OPM's has interpreted this provision of law consistently since the issuance of Horner v. Burns, and it is my considered view and that of the Director that this interpretation is correct. Although we respect your right to differ and we appreciate the frank and direct expression of your views, it is OPM's interpretation that governs in this matter.

Sincerely,

A handwritten signature in cursive script, reading "Lorraine Lewis", is positioned above the typed name.

Lorraine Lewis
General Counsel

THE WHITE HOUSE
WASHINGTON

August 25, 1998

THE PRESIDENT HAS SEEN
8-28-98

MEMORANDUM FOR THE PRESIDENT

FROM: Charles F.C. Ruff
Robert N. Weiner

RE: Census Decision

The 1998 CJS Appropriations Bill, while appropriating funds for the Census Bureau to prepare to use statistical sampling in the 2000 Census, provided for lawsuits to challenge the use of sampling before the Census is completed. The statute also funded, on a parallel track, preparations for a Census without sampling.

Two lawsuits were brought under this statute, one before a three-judge District Court in the District of Columbia and the other in the Eastern District of Virginia. The decision yesterday was in the D.C. case, which was brought by the Speaker on behalf of the House of Representatives. The Minority leader and other House Democrats, as well as the Legislature of California and the City of Los Angeles, among others, intervened on our side. The D.C. Court, in an opinion by Judge Lamberth, with Judges Ginsburg and Urbina concurring, held that the use of sampling violates the Census Act. The Court did not reach the argument that sampling is unconstitutional.

The Court spent most of its 71 page opinion addressing whether it had jurisdiction to hear the case. In order to have standing to sue, the House of Representatives had to demonstrate that it had suffered some concrete injury. The Court held that the House would suffer such injury if it received Census information that did not comply with the statute or Constitution, even if the figures were the same as those derived by supposedly valid methods. The Court also held that the House had a cognizable interest in the lawful composition of future Congresses. With regard to whether the matter was ripe for adjudication, because the injury inheres in the use of improper procedures for the Census, whether or not it affects apportionment, and because the Commerce Department had stated its intent to use sampling.

On the merits, the Court held, in contrast to four prior decisions of other courts, that the Census Act barred the use of sampling techniques for determining apportionment. The Court based its decision on Section 195 of the Census Act, which states:

Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary

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shall, if he considers it feasible, authorize the use of the statistical method known as "sampling" in carrying out the provisions of this title.

The Justice Department argued that this provision meant that the Secretary had to use sampling for purposes other than apportionment, but had discretion whether to use it for apportionment. The Court rejected this argument because before 1976, Section 195 was essentially the same, except that it provided that the Secretary "may" use sampling for purposes other than apportionment, rather than requiring him to do so. In essence, the Court read the pre-1976 law as a flat prohibition on using sampling for apportionment, and found nothing in the legislative history to suggest that the change from "may" to "shall" was intended to lift that bar.

The primary obstacle to the Court's reading of the statute was Section 141(a), also amended in 1976. It stated:

The Secretary shall, in the year 1980 and every 10 years thereafter, take a decennial census of population . . . in such form and content as he may determine, including the use of sampling procedures and special surveys. (Emphasis added).

The Court, conceding that Section 141(a) "standing alone appears to permit statistical sampling in congressional apportionment," disregarded it because Section 195 was ostensibly more specific.

Having decided the statutory question, the Court found it unnecessary to reach the constitutional issue. It therefore granted summary judgment to the House and entered a permanent injunction preventing the Census Bureau from using any form of statistical sampling to determine the population for purposes of apportionment. We do not read this injunction as preventing us from continuing preparations to use sampling pending Supreme Court review.

The statute provides for an expedited appeal directly to the Supreme Court. The Solicitor General has now authorized such an appeal.

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THE WHITE HOUSE
WASHINGTON

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August 22, 1998

THE PRESIDENT HAS SEEN

8-28-98

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

SUBJECT: DPC Weekly Report

1. Health -- Patients' Bill of Rights: You are tentatively scheduled to devote next week's radio address to patients' rights. You will call on Senator Lott to bring up patients' bill of rights legislation for a vote as soon as the Senate returns from recess. (Just prior to the radio address, we will release your response to Senator Lott's recent letter on patients' rights legislation, in which you will call attention to the shortcomings of the Republican proposal, but continue to urge bipartisan cooperation.) You also will continue your effort to protect patients rights through executive action, by announcing the release of a new Department of Labor regulation that will require all self-insured health plans -- which cover a total of 50 million Americans -- to have a strong internal appeals process for enrollees. We expect both employer and consumer advocates to support this regulation.

2. Crime -- COPS/School Safety Event: We have prepared a crime event for you to do in Boston in case you want to take a short break from your vacation. At the event, you would announce: (1) the release of an Early Warning Guide for youth violence, which you asked the Departments of Justice and Education to prepare after the Springfield, OR school shooting; (2) \$30 million for states to fund college scholarships for aspiring law enforcement officers through the Police Corps; and (3) roughly \$80 million for more than 1,000 communities to hire and retain police officers. Education and Justice will send out over 200,000 copies of the Early Warning Guide to schools, and will post the full text on their websites. The guide provides teachers and principals with information on how to identify and respond to early warning signs of youth violence; it also provides a crisis response checklist in the event that violence does occur. The event program probably would include Mayor Menino (who could announce new, positive crime statistics) and Police Commissioner Evans. The program also could include a recent Police Corps graduate who became involved with the Corps because of his brother's gang-related death, and a citizen (yet to be identified) who could discuss the importance of communities and schools working with law enforcement.

3. Drugs -- Household Survey: HHS and ONDCP release on Friday the 1997 National Household Survey on Drug Abuse. The survey shows the following:

Overall Drug Use Flat -- The total number of Americans who are current drug users (or who used illicit drugs during the past 30 days) did not change significantly between

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

August 21, 1998

THE PRESIDENT HAS SEEN

8-28-98

MEMORANDUM FOR THE PRESIDENT

FROM: NEAL LANE *Neal Lane*
CC: ERSKINE BOWLES
SUBJECT: OSTP WEEKLY REPORT

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Lane
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Future of Smallpox Stocks Under Study

OK
USA Today reported on August 20 that two prominent U.S. scientists have called on the World Health Organization (WHO) to ask nations to destroy all stocks of smallpox virus immediately. WHO declared smallpox globally eradicated in 1980, and the only declared remaining stocks are located in one Russian lab and one U.S. lab. Based primarily on public health considerations, the U.S. supported a 1996 WHO consensus decision that these stocks should be destroyed in 1999 pending a final decision to be made earlier that year. However, changing perceptions of the bioterrorist threat and new views of possible scientific benefits of retaining smallpox stocks have prompted a USG interagency examination of whether to reaffirm the 1996 decision for destruction. On August 14, the interagency group gave a go-ahead for the National Academy of Sciences' Institute of Medicine to study the scientific pros and cons of destruction vs. retention, and for the USG to conduct a broader internal review. OSTP will work with NSC on this interagency review.

Scientists Clone the Last Member of the Enderby Island Cattle Herd

✓
Scientists in New Zealand announced the birth of a cow, "Elsie," cloned from the last survivor of an endangered species. The researchers have not yet published in a peer-reviewed scientific journal, but claim to have had Elsie's origins confirmed by an independent laboratory. We do not know yet whether this development signals improved efficiency in cloning methodology, which would be the only implication of this news for the possibility of human cloning. Semen preserved from bulls of this species provides promise for future reproduction.

November Meteor Storm Poses Only a Small Risk to Satellites

✓
During a 12-hour period on November 17, 1998, the Earth will pass through the dust trail left by the comet Tempel-Tuttle. When these high-velocity dust particles -- moving at 72 kilometers per second -- enter the Earth's atmosphere, they will produce thousands of "shooting stars" in the night sky, with the most impressive display likely to be visible over the Western Pacific and Asia. Despite the spectacular visual effect, the meteors pose no risk to Earth and only small risk to satellites. NASA and DOD are considering potential risk mitigation measures, e.g., NASA

8/24/98



Rahm/COS/SShu

Ernie Green wants me
to speak at
Metropolitan AUE at
big anniversary meeting
end of Oct → prob. good
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to him or number

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THE PRESIDENT HAS SEEN

8-24-98

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August 24, 1998

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MEMORANDUM FOR THE PRESIDENT

FROM: ERSKINE BOWLES

SUBJECT: ISSUES UPDATE

This memo provides updates on some of the issues White House offices are tracking.

Handwritten: Hurri. 8/20

Census Ruling: A three judge District Court in D.C., in an opinion by Judge Lamberth with Judges Ginsburg and Urbina concurring, has held that using modern scientific methods of statistical sampling to ensure a more accurate census violates the Census Act. The Court did not decide the constitutionality of sampling. We believe this decision is incorrect. We are consulting with the Department of Justice regarding an appeal to the Supreme Court.

CABINET AFFAIRS REPORT

- **Hurricane Bonnie Update:** Hurricane Bonnie, a weak Category Three storm with sustained winds of 115 mph and higher gusts, is currently about 175 northeast of San Salvador Island in the Bahamas and continues to drift to the northwest slowly. Although no hurricane watches or warnings are posted for U.S. territory, some be issued for parts of the southeastern coast later today.

Bonnie is expected to move slowly to the northwest and the National Hurricane Center official forecast indicates landfall just south of Cape Hatteras, NC in the early morning of Thursday, August 27. Tropical storm force winds may begin to reach coastal North and South Carolina the morning of August 26.

Federal operations include the 24-hour activation of the Emergency Support Team (EST) and the Regional Operations Center. The U.S. DOT, USACE, American Red Cross, GSA, Public Health Service, Department of Defense and other agencies are participating in EST preparations at this time. All agencies in the response community are being advised of Bonnie's development. FEMA/State liaisons will arrive in North and South Carolina today to coordinate preparations and response activities.

8-28-98

✓ **USIA Update:** USIA continues public diplomacy activities in support of the strikes on Afghanistan and Sudan. In addition to fully staffing the VOA Newsroom over the weekend to receive reports from correspondents in Nairobi, Islamabad, Martha's Vineyard, and the Pentagon, USIA's Washington File produced special files Saturday and Sunday in five languages, including Russian and Arabic. A special web page has also been created in five languages to broadcast information to the widest possible international audience. It includes documents in Arabic, Russian, Spanish and French. Hits to the site have increased significantly.

OPL REPORT

✓ Rev. Campbell and a group of national religious supporters are working on a pastoral letter of support for you and plan to release it close to your religious breakfast on September 11.

NSC REPORT

Please see attached report from Sandy Berger.

Good
try to get as much
balance as possible

THE WHITE HOUSE
WASHINGTONTHE PRESIDENT HAS SEEN
8-28-98

August 25, 1998

MEMORANDUM FOR THE PRESIDENT OF THE UNITED STATES

FROM: ELLEN LOVELL, SANJAY GUPTA

SUBJECT: PROPOSAL FOR WHITE HOUSE MILLENNIUM EVENING
JAZZ: AN EXPRESSION OF DEMOCRACYcopied
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The Office of the First Lady has approved the following proposal for a Millennium Evening on September 18, 1998. The theme is *Jazz: an expression of democracy*. We have recommended an Evening that would begin at 7:30 pm in the East Room. The lecture-demonstration and discussion would last 90 minutes and will be followed by a jazz performance. The Millennium Evening will conclude with a reception in the State Dining Room. The on stage participants are the the First Lady and the President, the speaker(s) and Ellen Lovell. We recommend that Wynton Marsalis and Marian McPartland be our speakers and demonstrators, possibly calling on other musicians to demonstrate key points from the floor. The 200 East Room guests will include jazz performers, educators, academics, and enthusiasts.

The evening will be down linked to approximately 200 satellite sites around the country and will be cybercast on the Internet around the world. The cybercast will allow for interaction from our on-line participants via e-mail questions to our speaker(s). These questions will be displayed on 70 inch monitors in the East Room. The monitors will also be used to show clips throughout the event.

7:30 pm The President, First Lady, and Speaker(s) are introduced
7:35 pm The First Lady makes brief remarks
7:40 pm The Speaker(s) present lecture (30 minutes)
8:10 pm Discussion begins.

- Remarks and questions from our East Room and Cyberworld guests.
- Demonstration of jazz techniques and pieces

8:55 pm The President makes closing remarks
9:00 pm Jazz improvisation by speaker(s) and invited guests
9:30 pm Guest are invited to the State Dining Room for a reception

Ellen McCulloch-Lovell will be moderating the event.

JAZZ: AN EXPRESSION OF DEMOCRACY - THE WHITE HOUSE MILLENNIUM COUNCIL

THE WHITE HOUSE

WASHINGTON

The Millennium Council has previously presented three Millennium Evenings. The first Millennium Evening at the White House was held February 11, 1998 and featured historian Bernard Bailyn of Harvard University. He spoke on the topic, "The Living Past -- Commitments for the Future." The second Millennium Evening was held on March 6, 1998 featuring Professor Stephen Hawking of Cambridge University, England. He spoke on, "Imagination and Change: Science in the Next Millennium." The most recent Millennium Evening was held April 22, 1998 and was a "Celebration of American Creativity through Poetry" featuring Poets Laureate Robert Pinsky, Robert Haas and Rita Dove. We propose "Jazz: an expression of democracy" for the fourth Millennium Evening on September 18, 1998 featuring Wynton Marsalis and Marian McPartland.

As America represents collections of cultures from all over the world, jazz music stands at the convergence of many cultural rivers. Jazz combines traditional European instruments such as piano and horns with the syncopated rhythms of Africa. African American artists such as Louis Armstrong and Jelly Roll Morton crafted this juxtaposition into a distinctive American art form near the end of the 19th century. Jazz is an indigenous American art form. It is America's classical music. It has been declared a national treasure by an Act of Congress (H.CON.RES 57.IH).

Jazz music has been unanimously embraced by whites, blacks and many ethnic cultures around the world. Jazz has been the music of liberation. As it was banned during the Nazi period in Germany, resistance communities listened hungrily to a weekly jazz program on Voice of America. The program's host, Willis Conover, became the most recognized voice in Europe and jazz became the music of democracy around the world.

In America, jazz music has represented the exquisite irony of race. The greatest practitioners of one of America's greatest art forms are, too often, on the fringes of American society. Jazz has provided a medium for African Americans to negotiate the shoals and reefs of the American promise. Within the art form, they are not marginalized but are at the center of American life.

Jazz is about the soul of America and the result of a spirit that is free. Unlike Bach, Beethoven and the European masters, jazz relies on the genius of improvisation. Musicians are not bound to a score, but rely on teamwork, give and take, and constant reassessments and improvements. Pieces change and grow with the players, and a constant infusion of new sounds and rhythm leads to a distinctive and dynamic music.

Jazz music is an American metaphor. Like our democracy, it allows individual expression within an agreed upon form. In jazz, the single voices combine and recombine to make a unified whole. In the same way that a young country found its way, inventing itself as a democracy, jazz evolves by bridging, breaking and reconstructing itself as a living piece of art.

JAZZ: AN EXPRESSION OF DEMOCRACY - THE WHITE HOUSE MILLENNIUM COUNCIL

THE WHITE HOUSE
WASHINGTON

JAZZ: AN EXPRESSION OF DEMOCRACY

FORMAT

Guests are seated.

Six member rhythm band is seated (see next page)

Evening starts with originating sounds of Jazz.

Sounds might include

Cotton Pecos Caller
Call and Response - Church
Lining Track or Field Holler
Blues

Transition.

Demonstrate through musical mimics with horns how these
originating sounds are woven into the sound of today's
Jazz.

Add more and more instruments in improvisation style.

Stop.

Six member ensemble plays "Ruffles and Flourishes"
and the introduction of the President, First Lady, and distinguished
speakers.

Suggest Wynton Marsalis and Marian McPartland
Alternate David Baker
(Possibility of three speakers)

JAZZ: AN EXPRESSION OF DEMOCRACY - WHITE HOUSE MILLENNIUM COUNCIL

THE WHITE HOUSE

WASHINGTON

Six person rhythm and horns section on stage to help with demonstrations
(Marsalis as our speaker -- will arrange an ensemble)

Piano	Suggest	Harry Connick Jr. (may be included as cameo speaker) Tom Flanagan
	Alt.	Barry Harris Roland Hanab Eric Reed
Bass	Suggest	Christian McBride
	Alt.	Ron Carter
Drums	Suggest	Lewis Nash
	Alt.	Heron Liley Grady Tate Roy Haner
Trumpet	Suggest	Wynton Marsalis (may be included as speaker) Clark Terry (may be included as cameo speaker)
Saxophone	Suggest	Sweets Edison
Trombone	Suggest	Al Gray
	Alt.	Buddy Tate
Vocalist	Suggest	Dee Dee Bridgewater

JAZZ: AN EXPRESSION OF DEMOCRACY - WHITE HOUSE MILLENNIUM COUNCIL

**THE WHITE HOUSE
WASHINGTON**

First Lady
Introductory and welcome.
Speaks about why Jazz is being presented in the White House
Introduces Speakers

Segment 1 (Jazz as an American Metaphor)**Wynton Marsalis/Marian McPartland****Speak** about Jazz as an American Metaphor

AUDIO. Concurrent demonstration of single voices combining to form a unified whole.

VIDEO. Video of diverse groups of people enjoying music around the world.

Segment 2 (New Orleans - Dixieland) late 19th Century**Ellis Marsalis /Wynton Marsalis***Alt. Alan Josand - Michael White - Nicholas Payton***History** and anecdotes about Dixieland

AUDIO. Concurrent demonstration of style

VIDEO. Masters -- Louis Armstrong - King Oliver - Jelly Roll
(May use actual audio/video of Louis Armstrong playing a piece)

At this time, stream (live video-audio) from New Orleans.
May take question or actually have instruments being played at a Jazz Club in New Orleans. Streams are also possible to Kansas City, New York, Los Angeles.

JAZZ: AN EXPRESSION OF DEMOCRACY - WHITE HOUSE MILLENNIUM COUNCIL

THE WHITE HOUSE
WASHINGTON

Segment 3 (Kansas City - Big Band)

Al Grey / Billy Taylor

Alt. *Buddy Tate - Sweets Edison*

History and Anecdotes about Big Band

AUDIO. Concurrent demonstration of style

VIDEO. Masters -- Count Basic

Possible stream to Kansas City

Segment 4 (New York - Be Bop and post Be-Bop)

Max Roach

Alt. *Jackie McClean - Sonny Rollins*

History and Anecdotes about Be Bop

AUDIO. Concurrent demonstration of style

VIDEO. Masters-Dizzy Gillespie/Charlie Parker/Thelonious Monk

Segment 5 (California - Cool/Contemporary)

David Sanborn/ Grover Washington

Alt. *Pat Metheny - Lenny Niehauf- Grover Washington*

History and Anecdotes

AUDIO. Concurrent demonstration of style

VIDEO. Masters Miles Davis/John Coltrane/David Brubeck
Streaming and clips of Jazz influence on Pop Culture

JAZZ: AN EXPRESSION OF DEMOCRACY - WHITE HOUSE MILLENNIUM COUNCIL

THE WHITE HOUSE

WASHINGTON

Segment 6 (Latinization)**Tito Fuente***Alt. Danilo Perez - Gonzalo Rubalcaba*

History and Anecdotes

AUDIO, CONCURRENT demonstration of style

VIDEO.

*Segments 7 may be woven into the evening by all the speakers. Race, in particular, may emerge thematically in all the other segments.***Segment 7 (Race and Gender Barriers)****Betty Carter/David Baker***Alt. Marian McPartland - Wynton Marsalis*

History and Anecdote

Segment 8 (Worldwide Influence and Force of Democracy)
Dan Morganstern or President Vaclav Havel

Dan Morganstern is a Jazz musician (German) influenced greatly by Willis Conover (VOA) during WW11. May include a Cold War musician, possibly Czech, on subversive force of music in totalitarian societies.

History and Anecdotes

JAZZ: AN EXPRESSION OF DEMOCRACY - WHITE HOUSE MILLENNIUM COUNCIL

THE WHITE HOUSE
WASHINGTON

(may invite President Havel to make closing remarks)

Segment 9 (New Masters for the New Millennium Jam)

Established masters welcome new stars. These stars are in the East Room and satellite and will jam trans-nationally after the lecture and before the reception

Internet Questions and East Room Questions.

Questions will be taken throughout the event and will scripted to fit the particular segment

Downlink Sites

In addition to the several hundred sites from around the country -- we may have produced segments at up to four of the sites that are historically significant (New Orleans, Kansas City, New York and Los Angeles). These sites would have live audio-video feeds so that questions may be asked and that concurrent performances may take place.

JAZZ: AN EXPRESSION OF DEMOCRACY - WHITE HOUSE MILLENNIUM COUNCIL

THE WHITE HOUSE
WASHINGTON

PERFORMER	STATUS
Wynton Marsalis <i>Trumpet - Director for Jazz at Lincoln Center</i>	CONFIRMED/ HELD
Marian McPartland <i>Piano - National Public Radio segment</i>	CONFIRMED/ HELD
Ellis Marsalis <i>Piano - Educator (father of Wynton)</i>	CONFIRMED/ HELD
Nicholas Payton <i>Trumpet - widely recognized young star</i>	CONFIRMED/ HELD
Billy Taylor <i>Piano - CBS Sunday morning Kennedy Center</i>	CONFIRMED/ HELD
Max Roach <i>Drummer - widely known</i>	CONFIRMED/ HELD
David Sanborn <i>Saxophone - creator and leader contemporary Jazz</i>	CONFIRMED/ HELD
David Baker <i>Trombone - Smithsonian Jazz Director</i>	CONFIRMED/ HELD
Al Grey <i>Trombone - played with Sinatra - widely known</i>	CONFIRMED/ HELD
Betty Carter <i>Vocallst - leading classic jazz vocalist</i>	REQUESTED
Tito Puente <i>Percussion - founded latinization of jazz</i>	REQUESTED

THE PRESIDENT HAS SEEN
8-28-98

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it's just longer. Unwrap the thing in one big crash and stick it in your mouth.

Flash cameras probably do not need to be discussed. According to the house managers I spoke to, offenders in this department are usually "foreign visitors." At the Met, what happens to such visitors is that an usher materializes at their side and confiscates the camera, which is returned—minus the film and plus a talking-to—at the intermission. You don't want this to happen to you.

But let's not be too hard on the enthusiasts: the clap-happy, the camera-bearing. It's true they don't care about us, but at least they care about the show. I like them better than the beeper-wearers, who don't seem to know they're at a show. And somehow I feel that the electronic group figures heavily in another sad new trend, indifference to curtain calls. How strange this must seem to the dancers: They are applauded at all the wrong times and then, when the right time comes, when they have finished their work and want to be thanked—indeed, when they are bowing as if they were being thanked—all they see is thousands of backs going up the aisle in search of taxicabs. I don't think these hurried spectators mean to be rude. Again, they're just fast-tracking. In, out. Ballet ends, "Letterman" starts.

But they should stay and clap. Not only do some of the dancers deserve applause, but the spectators owe themselves something that they can get only from the curtain call. Ballet-watching is an act of imagination, and to have that act undone—to have the darkness and music turn back into your life, your purse, your spouse—is in some measure a violent experience, like going from sleep to waking. Curtain calls, with their beautiful, old-world rituals, their bowing and hand-kissing, ease the transition. But above all, they mark the transition, tell us that something special happened to us, different from what happens at work. To get that into our heads is crucial. If we did get it into our heads, I think most of the noise problems in the theater would solve themselves.

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By DAVID P. HAMILTON

It's getting hard to remember when Japan Inc. looked like a world-beater. But it was only a decade ago that Japan's companies were driving their U.S. competitors out of industry after industry while its stock and real-estate prices soared to stratospheric levels, spawning a cottage industry of "revisionist" analysts who argued that Japan had developed a superior form of capitalism.

In one of the great ironies of the 20th century, Japan's moment of triumph may well have turned out to be little more than a symptom of much deeper economic troubles. As Richard Katz writes in "Japan: The System That Soured" (M.E. Sharpe, 480 pages, \$68.95), the euphoria of the 1980s masked the fact that the economic model that did so much to create Japan's postwar miracle was in truth already dragging the economy down.

This isn't a point that sits well with the remaining high priests of revisionism, who insist that Japan is biding its time until it can stun the world with its comeback. Yet to those wondering if Japan's funk will pull down the rest of the global economy,



Bookshelf

"Japan: The System That Soured"
By Richard Katz

the questions of what made it fall apart so suddenly, whether its problems could have been avoided and what it will take to fix it are pressing indeed.

Mr. Katz, a senior editor at the Oriental Economist Report newsletter, isn't the first author to take a crack at what went wrong with the Japanese miracle. But his book does a careful job of linking Japan's stunning postwar rise to its later stagnation, pinpointing the moment at which its economic model started to sour and explaining how those changes produced what he calls Japan's "deformed dual economy"—one consisting of both hyper-competitive exporters like Toyota and Sony and backward sectors like agriculture and basic materials.

Immediately following World War II, Japan's mandarins set out to promote growth industries by encouraging savings, directing the banking sector's lending to favored industries, limiting imports and tightly restricting both foreign exchange and direct foreign investment. Initially, the strategy worked brilliantly. Investment boomed in industries from steel to shipbuilding, fueling a virtuous cycle of rising wages and more investment that lifted many of Japan's best companies into international competitiveness. As a result, Japan was able to quadruple living standards in less than two decades.

By 1973, however, Japan—like most industrialized countries at about the same point in their development—started to face

diminishing returns on additional investment. (Consider the difference between building a second factory, which doubles output, and an 11th factory, which only boosts output by 10%.) Had it followed the path of other developing nations, Japan's investment spending would have slowed, consumers would have started saving less and spending more, and the nation would have opened more to trade.

Instead, shaken by a succession of oil and currency shocks in the 1970s, Japan's bureaucrats shifted gears from promotion of growth industries to protection of existing industries, and moved to shelter inefficient producers with cartels and similar arrangements. In this they were aided by Japan's political machine, which aimed to redistribute wealth via public works, creating in the process the nation's corrupt "construction-industrial complex."

The result, however, was to saddle Japan with overly low consumer spending, overly high savings and investment, meager imports and inflated domestic prices, problems that persist. Protectionism helped spawn the dual economy's second tier of inefficient producers, while continued high savings and investment led to a second problem that Mr. Katz calls "economic anorexia"—Japan's inability to consume everything that it produces.

Together, the dual economy and anorexia work to stifle Japan's long-term growth, Mr. Katz argues. Low productivity among industries that are sheltered from international competition, for instance, limits the economy's potential. Meanwhile, Japan must run either trade surpluses or budget deficits to prevent its excessive savings from choking off growth. But both options have already been done to death: The deficit has recently risen to nearly 6% of gross domestic product, while Japan's trade surplus would have to more than triple to spur the necessary growth.

While Japan has acted as if it can simply muddle through its current difficulties, Mr. Katz predicts that the nation's intractable problems will eventually force wholesale reform, although he suggests that such changes may take more like 20 years than five. At a minimum, he says, Japan needs a truly competitive political system, a modern financial system that allocates capital to its most efficient uses, competitive industries free of collusion, and a much greater openness to trade and foreign investment—a tall order in the best of circumstances.

For Japan's sake, let's hope that Mr. Katz's optimism is warranted. As developmental economist Yasusuke Murakami once noted: "If Japan fails to end industrial policy, its postwar developmentalism may be judged a failure." With big budget deficits, declining asset values and bad debt eroding much of the wealth that Japan has accumulated over the past 50 years, the answer to Mr. Murakami's observation may soon be put to the test.

Mr. Hamilton covers the Japanese economy for *The Wall Street Journal* in Tokyo.

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Nick looking good with Kerion R
What Went Wrong

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sation, and no wonder a third of America's
children and half its adults are now classi-
fied as overweight, if not actually obese.

And the remedy? Congress has passed the Transportation Equity Act, which provides plenty of money for pedestrian-friendly measures such as wider sidewalks, better road-crossings and "traffic-calming" road humps. The STPP suggests that each state should match the percentage of safety money spent on pedestrians to the pedestrian share of traffic deaths. As Mr Kienitz argues, "Where walking is safe and convenient, more people walk... We need to stop building communities that treat walkers like the enemy." Quite so, but while petrol costs a mere dollar a gallon, will anyone listen—or will the fat just drive to the gym?

an honest passion for one issue, and his idea seems not unreasonable. And yet he admits that, although he has twice tried to collect the 72,000 signatures needed to get his idea before the voters, he has never even reached the half-way mark. He also tells you something else of interest. While collecting names for his own petition, he is doing the same for three more; and he is being paid to do so, at 50 cents a signature.

Democracy goes bing

One of his paymasters is Bill Sizemore, a strapping giant with an unkempt fringe who is Oregon's top petitioner by far. Since 1994, Mr Sizemore has got seven measures before the voters, and had five passed. One blocked the expansion of Portland's commuter railway; another forced cuts in public employees' compensation; the most famous required a deep reduction in property taxes, making the state throw out its budget and rewrite it from scratch. Referendums have made Mr Sizemore, by most reckonings, more powerful even than Oregon's governor, though he has accepted, as a sideline, the Republican nomination in this year's gubernatorial election.

Mr Sizemore presents himself as a citizen-politician. "The things we do are for everyday working people. The big corporations oppose everything we do," he says. The legislature "is controlled by special-interest groups and lobbyists, corporations and unions. The only way to pass laws that represent ordinary people is through the initiative process." Lobbies detest Mr Sizemore so much that they have threatened him ("I'm going to gut-shoot you," one menacing caller said). And yet, if you spend a day with Mr Sizemore, it is hard to see him as just another guy in the street.

Unlike Mr Schaumleffle, Mr Sizemore does not stand outside supermarkets with petitions. He has this organised by Saul Klein, a young entrepreneur in loose jeans and a windbreaker, who has rented a couple of rooms in downtown Portland and written "Klein Campaigns" on a scrap of

American democracy

How far can you trust the people?

PORTLAND AND SALEM

After Switzerland, the United States now uses direct democracy more than any other country in the world. As they gear up for November's congressional poll, Americans know that the struggle for elective office is only one part of their country's politics. In the first of three articles about other strands to American democracy, we look at referendums in Oregon

IT IS evening on the edge of Portland. The rain has stopped; the air is fresh; commuters roar down highways to homes in the surrounding greenery, stopping down slip roads to shop for groceries on their way. If you stand in one of these shopping enclaves, watching the cars grunt to a halt in the vast parking lot, you can drink your fill of suburban American stereotypes: the fit and the fat, the polished loafers and the canvas trainers, the clean-shaven and the unkempt. And because this is Oregon, which has put more issues than any other state to the test of a referendum, you can stand outside a supermarket and wrestle with a question at the heart of the politics of the future America.

That question is whether direct democracy is good or not. At the turn of the century, Oregon and several other western states adopted the ballot initiative: any citizen may draft a petition, and if this attracts a set number of signatures it is put before the voters in a referendum. The device has since spread across the country: some 250 referendums are held over the course of each two-year election cycle. The idea is to shift power away from professional politicians, who may be corrupted by lobbies or blinded by elitism, to ordinary citizens.

Just by the supermarket entrance, Kevin Schaumleffle is collecting signatures for a petition. He stands in jeans and a sports sweater behind an ironing board with a handwritten sign stuck to it: "Kids need parents, not visitors," it declares. As the commuters walk by, he asks politely for their signatures. Most ignore him; some do



not even deign to look at him; but a few stop by, ask what he is petitioning for, and sign his form.

Mr Schaumleffle's petition would require judges to give most divorcing parents joint custody of the children. Nine years ago, Mr Schaumleffle's wife took away his children; and after stealing them back on two occasions, one time driving them way south into Mexico, he found that the law generally catches up with you, leads the kids away and locks you in jail. And so now Mr Schaumleffle has given up breaking the law, and is trying instead to get it changed.

At first he tried lobbying the state legislature down in Salem, Oregon's state capital. He works odd hours, as a military reservist and a hypnotist, so he could make time to walk the corridors and advance his argument. But, even though he is a tough man, a judo expert, a man who has no difficulty making a member of a theatre audience believe she is Madonna, Mr Schaumleffle found he lacked the polish or the money to make legislators hear him. So he abandoned lobbying, and turned instead to the device created for ordinary citizens like himself.

Indeed, Mr Schaumleffle seems the archetype for whom this process was created. He has no connections or money; but he has



All the way, they say

paper on the door. There is nothing in the office except a few tables and one gleaming computer, where the spreadsheets on signature harvesting are kept. Mr Klein sits at the keyboard, signs cheques for petitioners who drift in with clutches of signatures, and says, "Petitioning is like, bing! It's cool."

Sometimes it can bing especially nicely. Once, when Mr Klein was out collecting signatures in Seattle, a man went on the rampage with a samurai sword, and a crowd formed to watch him. People, unusually in America, were standing around idly: Mr Klein collected \$100 worth of signatures in a cool half-hour. But even without the help of psychos, a signature-gatherer can make a steady income. As the petitioning season in one state winds down, a new one starts up elsewhere; an army of migrant harvesters boards jalopies and heads out on the highways, to make democracy work.

Mr Sizemore, for his part, goes about in a hulking four-wheel drive. He has assembled some rich backers. Suitably financed, he sits in the back of his vehicle while an assistant does the driving, making calls on

his cell phone. He stops to make a speech at a chamber of commerce, then attends a gathering of cowboy-booted sheriffs who are thinking of endorsing his run for the governorship, and finally swings by the state legislature in Salem. There he walks up to the capitol, whose walls are inscribed with a passage that might ordinarily read as an apt welcome to a tribune of direct democracy: "A free state is formed and maintained by the voluntary union of the whole people," it intones. But on this occasion these words sound a bit ironic.

For Mr Sizemore has come to the capitol not to proclaim the views of the people to a legislature corrupted by lobbyists. He has come to meet a lobbyist, and to accept a cheque. Without money, and without the ability to retain Mr Klein's services, Mr Sizemore's petitions would get nowhere.

Over the past decade or so in Oregon, almost every initiative that passed the 72,000 mark has done so with signatures collected in this way. It is not possible for one signature-collector to leap the hurdle, even if friends help him. In bigger states

like California, where ten times as many names must be collected, the hurdle is still higher. Of course, whether the solicited passer-by gives or refuses his signature—and whether voters later on say yes or no to the proposal on the referendum—is the free choice of ordinary people. That is what warms the heart of direct democrats. Yet the paid-for organising of signature-collection does leave an odd taste in the mouth.

Referendums can be worth having. They often force issues that politicians would rather duck: petitions in California have compelled debate about affirmative action and bilingual education, and Oregon's fondness for initiatives has made it the first state to grapple with the issue of doctor-assisted suicide. Oregon's governor, John Kitzhaber, dislikes referendums intensely—"very frustrating", he calls them; "you get a lot of wacko things on the ballot"—but this could be a sign that the referendum process is doing its job.

And yet there remain clear problems. Although they sometimes galvanise government, petitions can also choke it. Some of Oregon's petitions are poorly drafted: their meaning is ambiguous, or they conflict destructively with other laws, or they are unconstitutional. Of the eight ballot measures passed by Oregon's voters in 1994, three have since been struck down, in whole or in part, by the courts; others have had their ambiguities unpicked by administrative agencies. Either way, this is ironic. A device created to enhance the power of the people ends up enhancing the power of judges and bureaucrats, at the expense of the people's elected representatives.

Moreover, it can hugely mess up budgets. Mr Sizemore's anti-property-tax measure, for example, deprived local governments of \$320m a year, a bit over a tenth of total revenues. Another measure, imposing minimum mandatory sentences, made the state embark on a \$461m programme of prison building, plus \$100m a year or so in operating costs. As a result of such measures, Oregon has cut its police force even as its population has expanded; it has cut spending on higher education more deeply than any other state apart from Vermont.

That would be fine if the voters had made these choices deliberately. But, asked to vote yes or no on proposals that by themselves seem attractive—fewer criminals on the street, lower taxes—people may say yes without considering the knock-on effects. For all their failings, professional politicians do not look at issues in isolation: they have to decide about many questions, and weigh trade-offs. That may not make them popular, but it is part of governing. Perhaps, as ordinary people grow more practised in the craft of direct democracy, they may learn these politicians' skills; after all, the Swiss seem to manage it perfectly well.

Got to draw the line somewhere

OPELOUSAS, LOUISIANA

A COMBINATION of summer heat and teenage boredom causes trouble anywhere. In Opelousas this summer it has brought an almost certainly doomed attempt by the law to define where the lower part of male attire should begin and end.

The baggy-pants look is said to have been created in New York, by inner-city boys mimicking the beltless men in prison. Opelousas, population 20,000, is no New York, but its young people have embraced the fashion with enough gusto to have their elders calling on the authorities for help. Respectable people in Opelousas, on the fringe of Cajun country, said there ought to be a law against loose pants worn so low they leave a boy's underwear in view. So the police are giving out tickets for indecent exposure: penalty, up to six months in jail.

Young men and small boys roam the streets in shorts a size too large, exposing as much as half of their underpants. One ten-year-old unzips his fly as soon as he leaves his mother's sight. The only good thing about it, say policemen, is the tactical advantage it gives them: young suspects find it hard to run away when their trousers are falling down. Something had to be done. The chief of police, Larry Caillier, decided to act, with one proviso. He will give tickets only to boys whose private parts are on public display.

Most adults in Opelousas thought



this was great, though one great-grandmother said the police should also stop boys from wearing braids in their hair. The young, on the other hand, say they want fashion freedom. If they don't fight back, the rules will get even tighter, says Anthony Sonnier, 26, his jeans resting precariously at mid-hip: go on this way, and suits and ties will be mandatory.

Not everyone thinks that would be bad. The local high-school principal, Raymond Cassimere, says that in an age of liberation somebody has to set standards. He does his part, sending boys home from school if they don't wear belts in their belt-loops. So far, he adds, girls have not required the same sort of discipline. "They tend to wear their clothes a little bit... well, firm." Which poses another problem altogether.

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN
8-28-98

August 21, 1998

MEMORANDUM FOR THE PRESIDENT AND THE VICE PRESIDENT

FROM: MINYON MOORE

SUBJECT: OFFICE OF PUBLIC LIAISON WEEKLY REPORT (August 17-August 21)

ACTIONS SUPPORTING PRESIDENTIAL INITIATIVES

- President's Initiative on Race: OPL met internally with the PIR to discuss the corporate community's participation in the initiative and efforts to encourage majority-minority partnerships. OPL plans to work closely with the PIR as we develop the Fall business outreach strategy.

Copied
Soshik
Moore
COS

CONSTITUENT OUTREACH AND OTHER ISSUES

- Reactions to Monday's Statement: OPL placed outreach calls to key supporters, Members of Congress, clergy, business leaders, and community-based organizations to gauge reaction to your statement. The reactions remain generally positive, and your support among key supporters is very strong. The majority of respondents indicated they would like to bring closure to this matter and urge the White House to move quickly to refocus attention on issues important to the American people, particularly the budget and education. They recommend that the White House engage groups in early September to send the message that you are committed to continuing your duties as President and to completing the work of the American people.

AFRICAN AMERICAN OUTREACH

- Kenyan/Tanzanian Bombing Victims Funeral: Ben Johnson represented you and the Administration at the funeral of Arlene Kirk, one of the victims of the Embassy bombing in Nairobi. The Kirk family was pleased with the high level of White House representation at the funeral. The local and state media in South Bend, Indiana, highlighted the Kirk funeral, giving favorable coverage to the Administration's role in reaching out to the victims' family members.
- Swearing-In Ceremony for George Haley: OPL, Presidential Personnel, the Vice President's office, and Howard University met with George Haley this week to finalize ceremonial plans and invitations for his swearing-in ceremony as Ambassador of the

See memo re: this

→ & follow up R. Walker

R. Brown

Stu Gorman

Enter the Garcias' Own Party

LOS ANGELES

California's Republicans woo the state's multiplying Latinos

IN HIS eight years as governor of California, Pete Wilson has done the near-impossible. He has succeeded in uniting most of the state's very varied Latinos behind a single cause. The trouble is that the cause is hatred of Mr Wilson's party, the Republicans. In 1984 Ronald Reagan won 47% of the Latino vote in California. By the time Bob Dole ran for the presidency in 1996, the Grand Old Party's share had collapsed to somewhere between 6% and 18%, depending on which poll you believe.

This is a looming disaster for Republicans. By the turn of the century, Latinos will be the biggest single group in California, with 40% of the population compared with the Anglos' 39%. By 2020 they could be an absolute majority. Latinos are beginning to take a bigger part in the political process. Political Data Inc, a pollster, has found that newly naturalised Latinos turned out for the 1996 presidential election in greater numbers than the rest of the population. Driving through East Los Angeles, a Latino stronghold, you can see gigantic wall paintings bearing the slogan, "We are not a minority." Unless the GOP wins over this emerging majority, it is sunk.

It will not be easy. Most Latinos feel passionately that Mr Wilson has insulted them, out of opportunism or straight ethnic animosity. He has made no attempt to distinguish between legal and illegal immigrants. He has portrayed immigrants who had come to California to make a better life for themselves as little more than welfare scroungers. And he helps zealots who feel that Latino immigration spells economic and cultural disaster.

Yet, despite Mr Wilson's legacy, the Republican cause is not entirely lost. Richard Riordan, a Republican who has carefully dissociated himself from Mr Wilson's immigrant-bashing, increased his vote from 43% of Latinos when he first ran for mayor of Los Angeles in 1993 to 60% when he ran again in 1997. Now the Republicans have to do in the rest of the state what they have done in its most Latino city.

Mike Madrid, the state party's political director, argues that winning back his fellow Latinos is the Republicans' "number one priority". They are producing campaign literature in Spanish as well as English. They have taken out advertisements on Spanish-language television. They are holding a series of rallies in heavily Latino areas of the state.

Mr Madrid thinks that, for all their difficulties, the Republicans have culture and economics on their side, and one day this could produce a sea-change in Latinos' voting habits as revolutionary as the one which turned the Republicans into the ruling party in the South in 1994. Latinos are natural supporters of his party's "family values" agenda, a support that is grounded in Roman Catholicism but is being rein-

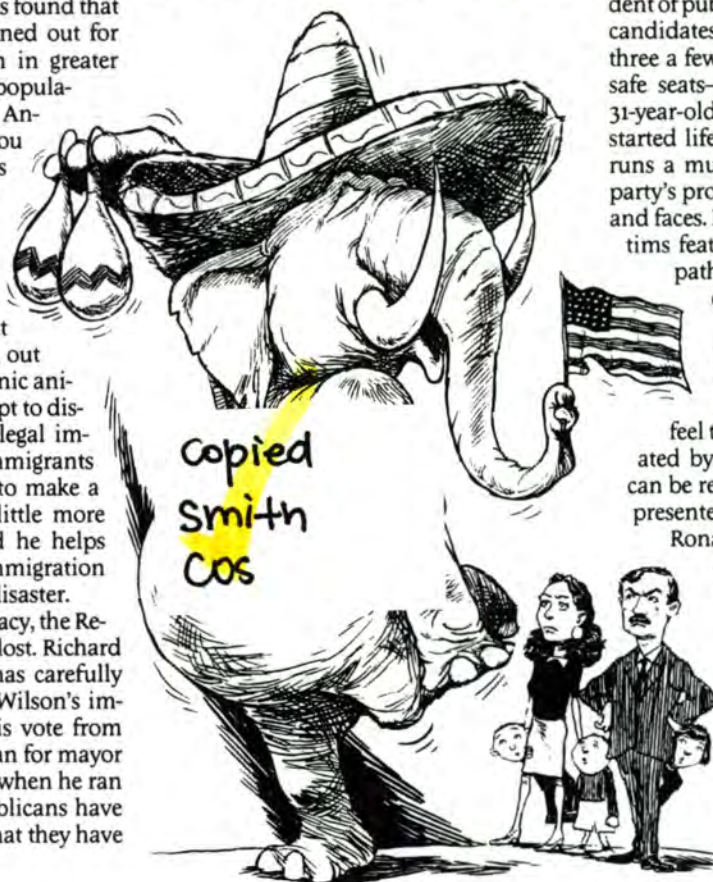
forced by the Pentecostalism now sweeping through immigrant communities. They are worried about the Democrats' line on abortion; they also frequently find themselves at odds with the homosexual-rights lobby that forms such a powerful part of the Democratic Party in both LA and San Francisco.

Latinos are also more economically conservative than many Democrats—and become more so the longer they stay in the United States. Gregory Rodriguez, of Pepperdine University, has found that by 1990 more than half the households of American-born Latinos and about a third of those of foreign-born Latinos were middle-class, in the sense that they owned their own homes. The Latinos' way to a better life is to set up small businesses and buy their own houses (often by pooling the resources of their extended families) rather than relying on the public sector. About a third of Latinos now live in suburbs. The commonest surname of new home-buyers in Los Angeles County is Garcia.

So the Republicans are determined to "put a Latino face" on their party. They have two Latinos running for state-wide office: Ruben Barrales for state controller, and Gloria Matta Tuchman for superintendent of public instruction. They also have 11 candidates for the state legislature, up from three a few years ago. Four are running in safe seats—notably Abel Maldonado, the 31-year-old mayor of Santa Maria, who started life working in the fields but now runs a multi-million-dollar business. The party's propaganda is full of Latino names and faces. Latino policemen and crime victims feature on its television slots. Sympathisers bombard newspapers with opinion columns.

Yet the Republicans are also putting huge store on two Anglos. One is Dan Lungren, their candidate for governor. They feel that, since the Latinos were alienated by one powerful individual, they can be re-won by another. Mr Lungren is presented as the natural successor to Ronald Reagan, with Mr Wilson downgraded to a temporary aberration. Mr Lungren's Reagan-like rhetoric about Latinos having their "foot on the gas pedal of the booming Californian economy" is thought to play well with a group that is both younger (average age 26) and more optimistic than Californians in general.

The other Anglo is George Bush, governor of Texas,



who might well be the Republican candidate for the presidency in 2000. Mr Bush, unlike Mr Lungren, is a fluent Spanish-speaker. With an approval-rating of more than 60% among Latinos in Texas, he should do well among those in California. His ex-president father founded the Republican National Hispanic Assembly in 1974. His brother Jeb has a Mexican wife and "little brown" children, in the former president's somewhat unfortunate phrase.

The Republicans carefully tailor their message to different sections of the Latino population. They find that social conservatism plays best with the most recent immigrants. The 30,000 Latinos naturalised every month in the state are likely to come across Republican literature portraying the Democrats as the party of abortion rights and "alternative lifestyles". For longer-established Latinos they stress economic themes. Republican workers, having searched through the deeds of all new home-owners for Latino names, go and call on them. In general, home-owners are about three times likelier to vote Republican than house-renters.

Already there are signs that the Democrats cannot take the Latinos for granted. Some 40% of the state's Latinos defied their leaders to vote for scrapping bilingual education, a sign that they are not willing to vote purely on ethnic lines. Mr Madrid reports that the Republicans are beginning to see a rush of applications from ambitious Latinos who realise that the other side of the aisle is already full.

This is good news for more than the GOP. It does not help Latinos if the Democrats can take their votes for granted, as they do black votes. And California will be a better place if its politics is no longer polarised between aggressively multicultural Democrats and lily-white Republicans.

President and press

Hold your breath

WASHINGTON, DC

THE traffic in and out of the federal courthouse was light in the week before Bill Clinton gives his grand-jury testimony, but the Monica Industrial Complex had no trouble chugging along with a momentum of its own. While the president prepared for his videotape day in court, spin doctors, former prosecutors and law professors took to reading tea leaves about what Mr Clinton may say when he is questioned on August 17th. The time and energy the media have devoted to analysing the Monica Lewinsky scandal are unparalleled since the time another resident of Brentwood, California, O.J. Simpson, stood trial for double murder in 1995. The smirkier sort of



See what you mean

people have even begun calling Mr Clinton the "O.J. president".

The two episodes do indeed have some similarities. First, the prosecutors. Although the White House likens Kenneth Starr to Torquemada, in some ways he bears a greater similarity to Marcia Clark, the plodding prosecutor in the Simpson case. Like Mrs Clark, Mr Starr has been criticised for the length and cost of his investigation. Mr Simpson's lawyers got their client off the hook by drawing attention to Mrs Clark's often inept techniques; now the White House has sought to deflect criticism of the president by branding the independent counsel a clumsy right-wing zealot.

Then there is the DNA evidence, a central feature of both cases. Mrs Clark had a bloody glove and a mountain of genetic evidence that she said linked O.J. Simpson to the crime. Mr Starr has a stained dress and a fervent hope that what is on the dress will make his case for presidential perjury.

Above all, the glow in the eyes of the media visible during the Simpson trial has been re-ignited by the White House crisis. In the 1990s, says the aptly named Suzanne Garment in her book "Scandal", "our system is now able, perhaps for the first time, to produce scandals at will, in steady and unending supply." This is good news for CNN and the other 24-hour news networks whose ratings soar at scandal time. Obscure legal figures have achieved overnight fame, and journalists such as Geraldo Rivera, once the king of afternoon "trash TV", have a new legitimacy as purveyors of scandal wisdom on cable television.

Mr Clinton is accused of nothing like double murder. Yet, to weary sceptics in baking-summer Washington, the mood of

excited scandal seems to blur the dividing line. Gruesome crimes and tawdry sex acts, they complain, are all fodder for the national soap opera. When even these become mundane, the public will doubtless clamour for new excitement; and the media will duly look for the next thriller.

Pedestrians at risk

Watch your step!

WASHINGTON, DC

MOST Americans now count walking, like hang-gliding and boxing, as a dangerous activity? Are the streets of Florida's Orlando and its metropolitan region really three times more risky for the humble pedestrian than the potholed roads of Washington, DC? Apparently so, according to the imaginative number-crunching of a report from the Surface Transportation Policy Project, a Washington-based lobby. The STPP's executive director, Roy Kienitz, sternly declares that Americans below the age of 19 face a greater chance of death from walking than from any headline-grabbing combination of E.coli outbreaks, accidental shootings and car airbags.

True enough. In 1996 some 837 young pedestrians were killed by cars; in contrast, only 23 children were killed by airbags. Nor is the danger confined to children. In 1996 more than 4,300 adult pedestrians were killed, and pedestrian deaths regularly account for around 12% of all traffic-related deaths and serious injuries.

So are the wide streets of Phoenix safer than chaotic New York? Not at all. By taking serious or fatal pedestrian accidents per 100,000 people, and adjusting this to the percentage of the population who walk to work, Mr Kienitz's researchers have devised a "pedestrian danger index": Phoenix gets a dodgy 63, whereas the New York area gets a more comforting 28. At the top, with 95, is

The ten worst

Child pedestrian casualties* per year per 100,000 children, 1992-96



*Death and serious injury
Source: Surface Transportation Policy Project

THE NEW TERRORISM

8-28-98

Coming soon to a city near you

copied
COS
Emanuel

The bombings of American embassies in Kenya and Tanzania may look like an all-too-conventional form of attack. But they may well form part of a new, even more frightening type of terrorism

A CLOUD of anthrax germs, designed to inflict a horrible death within five days on anyone who breathes it, is unleashed in the main shopping mall of a small American town. At first, the 500 or so victims think they have mild influenza, which recedes after a day or two; only when their symptoms return, and their lungs start filling with fluid, does anyone realise that a terrorist attack has occurred. For every actual sufferer, at least ten panic-stricken people—many with acute but purely psychosomatic pain—besiege local hospitals, demanding treatment; medical services quickly run out of drugs, and the police are overwhelmed by angry mobs.

That was one of the scenarios discussed last month at a high-powered brain-storming session near Washington, DC, attended by ten of the country's leading germ-warfare experts, as well as doctors and law-enforcement officers. The experts had been asked to describe the sort of biological terror which stood a reasonable chance of being attempted in America within the next few years; and the hypothesis they came up with was by no means the worst that could be imagined.

They assumed, for example, that the perpetrators would be some small, isolated group, without access to technical help from foreign governments; and they also guessed that the germ involved would not be of the contagious variety—capable of causing an epidemic—which was developed in Soviet laboratories during the 1980s. But even in a situation well short of Armageddon, the meeting concluded, the federal authorities might be unable to cope. Apart from the immediate human tragedy, such an attack would have dire long-term effects on America's political and social fabric—by eroding people's trust in the competence of their government. Indeed, that could well be the attackers' intention, whether they come from the Middle East or America's Middle West.

Such gloomy speculation in the conference rooms of Washington might seem a world away from the real bloodshed wit-

nessed in two African cities last week. In technical terms, the bombs in Kenya and Tanzania were of the old-fashioned variety; they involved big quantities of high explosive, rather than a few drops of some lethal potion from a test tube. Africa, with its ramshackle policing and infrastructure, may be one of the few places on earth where it is very easy for terrorists to cross borders without fear of electronic screening, and then hump explosives around a city centre.

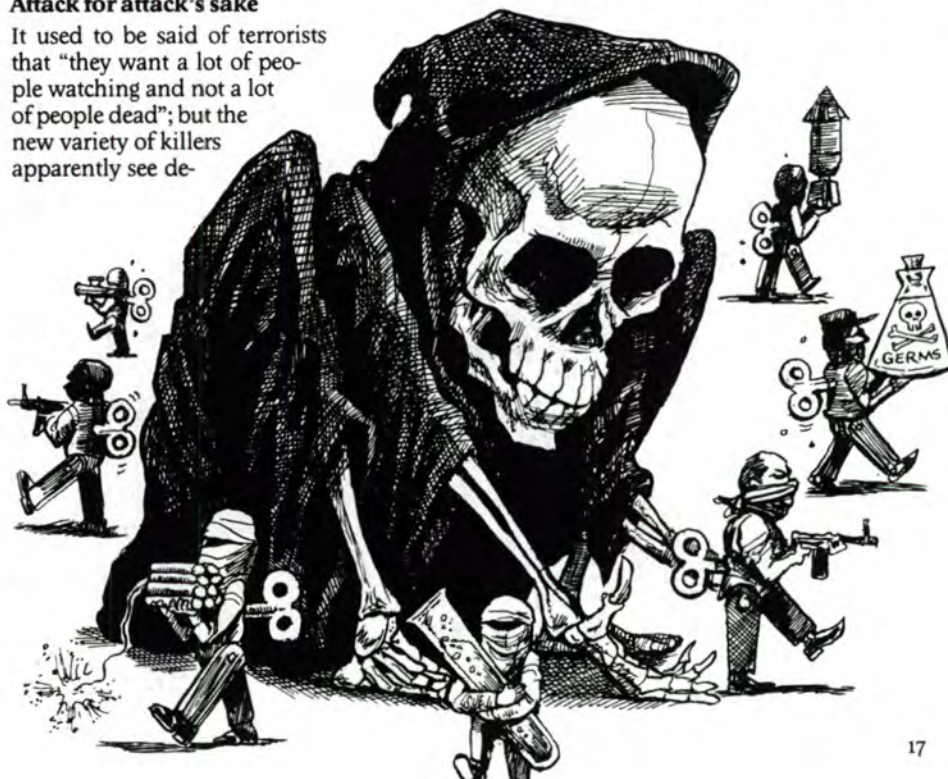
But for security experts, both the African carnage and the biological or poison-gas attacks which are now feared in the American heartland are examples of the same phenomenon: a "new terrorism" which will prove more deadly—and probably more elusive—than the hijackings and gelignite blasts of previous decades. In its latest mutation, politically motivated violence is vague about its long-term aims but utterly ruthless in its short-term intentions.

Attack for attack's sake

It used to be said of terrorists that "they want a lot of people watching and not a lot of people dead"; but the new variety of killers apparently see de-

struction as an end in itself. Where old terrorism sought to change the world—however misguided—the new sort is often practised by those who believe the world is beyond redemption. According to Bruce Hoffman, an American specialist on political violence, the hallmarks of the new terror include "amorphous religious and millenarian aims" and "vehemently anti-government forms of populism, reflecting far-fetched conspiracy notions."

Already, there has been one instance of new terrorists using weapons of mass destruction—the generic term for biological, chemical and nuclear arms. That was in March 1995, when members of the Aum Shinrikyo (Supreme Truth) sect—preaching a bizarre distortion of Hindu, Buddhist and Judaeo-Christian beliefs—unleashed a nerve gas called sarin in the Tokyo subway, killing 12 people and injuring several thousand. The attack was botched, and intended to inflict far greater casualties. Police later found enough sarin in the sect's possession to kill millions of people. There was no reason to make light of Aum's founder, a half-blind herbalist and mystic called Shoko Asahara, when he pledged to "eradicate major cities" by using the substance. With assets of up to a billion dollars, the sect had shopped in Russia's chaotic arms bazaar. Its purchases included a helicopter equipped to spray deadly chemicals, and training from special forces in the assembly and use of rifles and rocket-launch-



THE NEW TERRORISM

ers. The movement's ideology has elements in common with the ultra-rightist militias of the United States: fear of world conspiracies of Jews, freemasons and financiers, and a fascination with Hitler. It was banned only in December 1995, and is believed to be reconstituting itself.

Mr Hoffman, who helps run a terrorism research centre at the University of St Andrews in Scotland, has argued that ultra-rightist militias in America, millenarian sects in Japan and Islamic fundamentalists in the Middle East are all representatives of the same trend: towards a sort of insatiable fanaticism which has no agenda other than destruction and revenge.

Old terrorism generally had a specific manifesto: the overthrow of a colonial power, or the capitalist system, and it was keen to draw attention to those aims in lengthy communiqués. It was carried out by well-organised clandestine networks and often sponsored by radical governments who hardly bothered to hide the fact that they viewed guerrilla violence as a sort of foreign policy by other means. While the old terrorists were not shy about planting bombs or diverting aircraft, their desire for political legitimacy set some limit to their brutality: killing too many innocent people could put their natural supporters off.

In this sense, the Red Brigades, the intellectual revolutionaries who turned the 1970s, for Italy, into a "decade of lead" were of the old school; so was the Palestine Liberation Organisation, in its militant heyday, along with the African National Congress and the Irish Republican Army. A couple of dozen of the governments that now hold respected places at the United Nations came to power as a result of "old terrorist" campaigns.

New terrorism, by contrast, has no explicit agenda, and its perpetrators have no realistic programme for taking power themselves. It is often just a cacophonous cry of protest against the West in general, and American government in particular—fuelled by impotent rage over the Great Sa-

tan's cultural and geopolitical supremacy. Its perpetrators may be religious fanatics, or simply diehard opponents of the federal government—who might come from inside, as well as outside, American territory. They see no reason to show restraint; they are simply intent on inflicting the maximum amount of pain on the enemy.

By this definition, both the bombing of New York's World Trade Centre in 1993 (by Middle Easterners) and the Oklahoma City bombing in 1995 (by American ultra-rightists) were products of the same, nihilist brand of fanaticism. If the new terrorists of the Islamic world have any links with governments, they are shadowy ones—possibly restricted to certain rogue elements in the sponsor state. After all, an important source of official succour disappeared with the collapse of the Soviet empire—for most international revolutionaries could be sure of a warm welcome in Moscow, East Berlin or Sofia. But the end of communism also made it easier to start terrorist movements without government help, as a significant part of the Warsaw Pact's arsenal—tonnes of Semtex, the Czech-made explosive, and tens of thousands of Kalashnikovs—found their way on to the international black market. The American government still identifies seven states as sponsors of terrorism—but it acknowledges that several of them, including Cuba and North Korea, have become less active of late.

So far Aum—whose weird beliefs, huge wealth and murky Russian connections are almost a paperback-writer's caricature—provides the only example of weapons of mass destruction being used by a subversive group. Japan, which has local police forces rather than a real national one and is hesitant, for historical reasons, about interfering with religious groups, may be the

only industrial democracy where a sect like Aum Shinrikyo could have gathered so much destructive power. But every western government is worried about the natural affinity between non-conventional weapons and non-conventional terrorists. Sooner or later, they fear, devout believers in mass destruction will acquire the means to bring it about.

As the recent brain-storming session indicated, it is biological terror—more than the chemical or nuclear sort—that keeps

American security chiefs awake at night. Both chemical weapons—in other words, man-made poisons—and biological ones are relatively easy for anyone with a science degree to produce. But killing large numbers of people with chemical weapons would require a big stockpile of deadly substances—which would be difficult to accumulate without attracting suspicion. With germ warfare, tiny quantities could be enough to inflict tens of thousands of casualties.

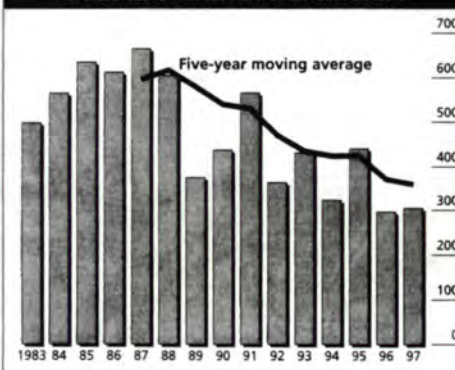
The other difference is that there is no mistaking a chemical attack when it happens, because its victims die almost instantly. But biological attacks may not take effect for several days—making it much harder to mount an emergency response and cope with the mass hysteria among those who fear contamination.

Nuclear-armed subversives are perhaps the worst nightmare of all; but at least for now, it is considered very unlikely that terrorists could acquire the necessary quantities of plutonium or highly-enriched uranium to assemble a nuclear bomb. Unlikely, but perhaps not impossible. Alexander Lebed, Russia's former national security chief, prompted shudders in many defence ministries—and loud public denials in Washington and Moscow—when he said last year that up to 100 mini-nuclear weapons or "suitcase bombs", designed for use for Soviet special forces, had gone missing.



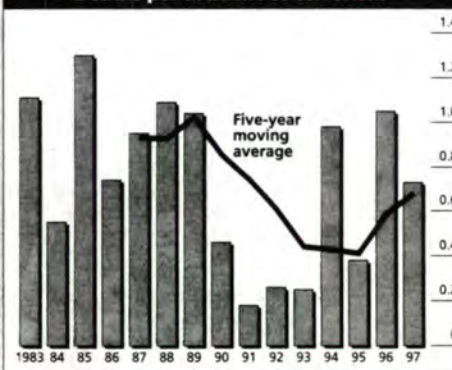
Still dangerous

Incidents of international terrorism



Source: US Department of State

Deaths per incident of terrorism



The favourite target

Versions of the old sort of terror—car-bombs, massacres, kidnappings—have been used by and against almost every side in the world's lengthening list of civil and ethnic wars, from the north Caucasus to Sri Lanka. But the new terror is a weapon used by the powerless and desperate against the all-powerful—so its main target is likely to be the United States. Granted, the distinction is not a precise one. The old terror that has been practised

on a horrifying scale in Algeria's interne-cine war may yet spill over into Europe's cities, in the form of indiscriminate, "new terrorist" operations. There was real fear of terrorist attacks on a huge scale during the World Cup—prompting police in five European countries to make a co-ordinated raid on Islamist groups. But the biggest magnet for new terrorists will always be the American heartland, whose prosperity, self-confidence and openness are a continual challenge to the frustrated and fanatical.

In fact, the threat by new brands of nihilism, at home and abroad, may well be remembered by future historians as one of the main themes of Bill Clinton's presidency. A few weeks after he took office in 1993, the country was shaken by the worst act of foreign-inspired terrorism on American soil. This was the bomb underneath New York's World Trade Centre, which claimed six lives—but was intended, according to investigators, to make one tower collapse on to another and kill up to 250,000. During its remaining two years, the Clinton administration has pledged to devote much more attention to the threat of terrorists acquiring non-conventional devices: nuclear, chemical or biological weapons, ballistic missiles or—perhaps most plausibly—the ability to cause chaos through cyber-warfare.

Bracketing cyber-attacks with nuclear bombs and mass poisoning is an unfamiliar idea for most people. But all these threats reflect the search by America's adversaries for an Achilles' heel—a way to strike at the vulnerable points of a country whose preponderance in almost every kind of weapon is too great to be worth challenging. Just like germ-warfare attacks, computer viruses could challenge the ability of America's government and economy to keep functioning.

Last May, President Clinton appointed a little-known but very senior adviser, Richard Clarke, to oversee the administration's efforts to counter all these non-conventional challenges. His main job is to co-ordinate the 40 government agencies—ranging from the Pentagon to the Centers for Disease Control—which have some responsibility for pre-empting and countering terrorism and its effects. By 2000, he is supposed to develop a plan that protects the computer networks running America's banking, telecommunications and utility systems. He is also trying to gear up the country's highly decentralised public health system—designed to cope with food-poisoning outbreaks in a single city or state—to prepare for disaster on a much bigger scale. But preparing America for attacks on the homeland raises awkward legal and constitutional questions. The deployment of regular soldiers for domestic operations is virtually forbidden by law.

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The Pentagon has considered appointing a commander-in-chief with responsibility for the American homeland; but the idea has been dropped because of political sensitivities.

On a visit to Annapolis naval academy in May, Mr Clinton gave his most explicit warning yet that a new type of foe was on the march. "Rather than invading our beaches or launching bombers, these adversaries may attempt cyber-attacks against our critical military systems and our economic base... or they may deploy compact and relatively cheap weapons of mass destruction." Tactfully, he went on to assure the seamen that whatever happened, ships and submarines would always be needed. But the awkward fact remains that if the administration is right in identifying non-conventional warfare as the fastest-growing threat, a great deal of the Pentagon's vast arsenal of tanks and aircraft starts to look irrelevant.

Conventional weapons may be useful to inflict punishment on the states which sponsor violence, whenever they are clearly identified. But future terrorist attacks are likely to have godfathers in several countries, not necessarily acting for their host governments. The African bombings, for example, immediately prompted suspicion that Osama bin Laden, a wealthy Saudi Islamist operating from Afghanistan, might be responsible; but there is no government which can be held accountable for his activities.

The Federal Bureau of Investigation, whose annual budget has risen by half to \$3 billion over the past five years, will probably be the biggest bureaucratic winner from the administration's renewed emphasis on terrorism. Its director, Louis Freeh, has successfully withstood the strains in his relationship with President Clinton, and the severe criticism of the FBI's forensic work which followed the Oklahoma City bombing. The administration's total spending on countering terrorism, spread across

many agencies, has risen from \$5 billion to \$7 billion over the past three years—hardly a challenge to the \$260-billion defence budget. But Richard Haass of the Brookings Institution believes that a huge shift of emphasis in American security may only be starting now. "There will be more and more resources thrown at the American homeland," he believes.

Except in the very short term, there are unlikely to be any political prizes from this process. A decade ago, Ronald Reagan reaped huge rewards by turning the battle against terrorism—especially state-sponsored terrorism in the Middle East—into a national crusade. But this time round, America's rulers will be less concerned about opportunity than danger—the catastrophe that will ensue if luck and mistakes by the adversary (which avoided the worst at the World Trade Centre) run out.

Another worry is the effect on western societies of fighting terrorists who are ruthless enough to use weapons of mass destruction. Governments engaged in the fight against conventional insurgencies are almost invariably tempted to mimic the methods of their opponents. In the words of Martin van Creveld, an Israeli expert on the future of war: "When you fight terrorism, you become a terrorist." In the past few weeks, two senior officials in Spain's former Socialist government have been jailed for their involvement in a "dirty war" against Basque separatists which led to 28 extra-judicial killings. In South Africa, a former law-and-order minister, Adrian Vlok, has described how the white government bombed church buildings, trade union offices and cinemas.

If these are the methods used by authorities fighting opponents armed with limpet mines and assault rifles, how ruthless would a democratic government have to become if it faced an adversary that could poison a football stadium or unleash a miniature nuclear bomb?



Bruised, battered and broke

*Guus - Good price
More on DPJ proposals than
I have seen - Bz*

TOKYO

Japan's political paralysis has caused yet another wild week in the financial markets. More such weeks lie ahead

A FORTNIGHT ago, Japan's new prime minister was a source of hope: perhaps, after years of economic mismanagement, the government of Keizo Obuchi would come to grips with the problems that are destabilising economies around the globe. But those hopes have already been dashed. This week, the growing conviction that Mr Obuchi's government may not last all that long sent tremors through stockmarkets and foreign-exchange markets everywhere.

The volatility may be worldwide, but its trigger lies in Japan. On August 11th the Economic Planning Agency belatedly acknowledged that the economy is in a serious condition; after months of describing the economy as "stagnant", its latest report to the cabinet used the unaccustomed phrase "prolonged slump". On this new indication of weakness, the battered yen hit an eight-year low of ¥147.64 to the American dollar. A weak Japan and a weaker yen are the worst possible news for the depressed economies of South-East Asia. The biggest worry is that China will devalue its currency, the yuan, setting off another round of devaluations across the region. China's government insists that it will hold the yuan steady. But in black-market trad-

ing in Shanghai last week, it fell to 9.2 to the dollar, nearly 11% below its official exchange rate of 8.3.

An end to Japan's debilitating banking crisis is the essential first step in restoring a semblance of stability. Almost no progress has been made on that front. Last week, the Democratic Party of Japan (DPJ), by far the largest opposition block in the Diet (parliament), served notice that it will not accept the government's plan for a "bridge bank" to deal with failed financial institutions. Kansei Nakano, one of DPJ's top financial experts, dismissed the government's proposals as a "childish trick". His colleague, Shoji Motooka, savaged the new finance minister, Kiichi Miyazawa, calling him "a class-A war criminal" for having allowed the economy to overheat while serving as finance minister in 1986-88 and then failing to do anything about the consequences while he was prime minister during 1991-93. Mr Miyazawa apologised profusely and promised to try harder this time.

The fear of political paralysis has spooked the markets. Without quick passage of the government's six financial reform bills, Japan's economic woes can only get worse. But since the ruling Liberal Democratic Party (LDP) lost its dominance of the

upper house of the Diet in an electoral disaster on July 12th, such passage requires opposition approval. With that in doubt, the Nikkei stock index tumbled every working day from Mr Obuchi's arrival until August 13th. Optimists see his government lasting until October. Pessimists think it could survive into the new year.

The DPJ is likely to do its best to block Mr Obuchi's initiatives and force a lower-house election. All the polls show that it would win a landslide victory if a general election were held today. Naoto Kan, the party's popular leader, would like nothing more than to see the jittery financial markets lay waste to Mr Obuchi's ambitions. He could then delay the bridge-bank legislation until a thoroughly beaten and demoralised cabinet collapsed.

As an old hand at Diet affairs, the 78-year-old Mr Miyazawa knows that it is time to compromise. But Mr Kan, along with the leaders of other opposition parties, has stubbornly refused to engage in backroom discussions with the government on financial reforms. If it cannot topple the government, the opposition at least wants to get full credit for solving the country's bad-debt problem—by forcing the government to climb down and accept its own proposals in the glare of the television lights.

On the merits, the DPJ is right: there is no question that its bridge-bank scheme is better than the government's. Mr Miyazawa's carefully devised "total plan" is meant to keep Japan's 19 big banks from outright collapse. Instead, failed institutions would be merged into others, in much the same way as the beleaguered Long-Term Credit Bank is being taken over by Sumitomo Trust. Public funds would then be injected into the merged entity so the bad debts could be written off. To make all that possible, the LDP's bridge-bank proposals were deliberately left vague. That way, officials would have room for fudges.

Friends in need

This is where the opposition has taken its stand. The DPJ insists that any failed institution which gets a government rescue must sell its shares to the government for ¥1 apiece. The object is to prevent the LDP from shielding its friends from pain by allowing a failed bank's investors to keep their shares. That is what happened two years ago when the government used public funds to liquidate the failed *jusen* mortgage companies. The DPJ would also reduce the bridge bank's proposed five-year life to three years, to prevent further shenanigans.

But the real sticking point is likely to lie

Sandy - What about this?

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PERSPECTIVE ON DEFENSE

Everyone's Wrong
About 'Star Wars'

To build or not to build? It's easier to criticize than to come up with answers. But some steps need to be taken.

By MICHAEL O'HANLON

In a report that will prove inconvenient for opponents of national missile defense, an independent panel has concluded that a country like Iran, Iraq or North Korea might be able to develop a long-range ballistic missile capability fairly quickly and clandestinely. The report criticizes the Clinton administration and the CIA for taking the position that we would have 15 years' notice of any such development before it posed a direct threat to American territory.

The panel was led by former Defense Secretary Donald Rumsfeld, a Republican. But it was not dominated by hard-liners or by defense industry tycoons looking for an excuse to build a multibillion-dollar military boondoggle. Among its members were Barry Blechman, a former arms control official in the Carter administration and prominent defense reformer, as well as Richard Garwin, one of the country's top experts on military technology and a chief critic of the Reagan administration's "Star Wars" program.

The panel's arguments were sound and convincing. For example, its report pointed out that the CIA was wrong to assume a potential adversary would undertake the same type of extensive and easily detectable missile testing program that we commonly do. Our test programs have been designed to assure that any missile would be reliable and highly accurate before being deployed. A rogue state seeking to threaten a major U.S. metropolitan area would not have the same requirements. As a result, we could be surprised.

In fact, we were just surprised—by Iran's testing on July 22 of a medium-range missile that could reach Israel. Last year, the CIA considered Iran years away from having such a capability. The CIA revised its estimate earlier this year—but hardly in enough time to build a defense against the missile. Fortunately, this one cannot reach U.S. shores. But the next one could.

The Rumsfeld report should cause arms control advocates to rethink their positions. Since the days of the U.S.-Soviet nuclear competition, many have believed that missile defenses are destabilizing. Their logic was compelling during the Cold War. At that time, wide-scale deployment of rudimentary missile defenses would have done more to provoke even greater buildups of offensive forces than to provide real security. As a result, the Anti-Ballistic Missile Treaty was signed in 1972, helping make possible the SALT and START treaties to reduce strategic nuclear arms. But times have changed.

Missile defense opponents, most of them Democrats, are also wrong to make a big deal of the missile defense price tag. Sure, it would be expensive. But even if a small defense cost \$50 billion to build over a five-year period, it would constitute only 4% of the defense budget during that

time. We spend three to five times as much preparing to help defend South Korea against the atrophying North Korean military; surely it is acceptable to spend a much more modest sum countering a direct (if still hypothetical) threat to the United States, even if we need to tap into some of the growing federal surplus to do so.

However, many Republicans on Capitol Hill who would like to use this report to criticize the president and justify a rapid missile defense deployment are wrong, too. My Brookings colleague Stephen Schwartz described their position as a "field of dreams" attitude—if we build it, it will work. Unfortunately, hitting a missile with a missile is extraordinarily difficult. Anyone who doubts this fact need only note that the system now under development, designed to destroy shorter-range missiles that are much slower and thus easier to destroy than the intercontinental variety, has failed five tests in a row. Another independent commission warned earlier this year that, in our haste to develop missile defense technologies, we should avoid a "rush to failure." Money and rhetoric cannot produce a solution to the missile defense problem anymore than they can guarantee a cure for AIDS or cancer.

So everyone's wrong. Where does this leave us? Unfortunately, that is the harder question. Step No. 1, however, is recognizing just that—we have no easy answers.

Second, we should be willing to deploy a small nationwide defense when it becomes feasible. We should do so even if it requires amendment or abrogation of the 1972 ABM treaty and even if doing so causes some tension in relations with Russia.

And third, we should take other steps to make sure that Russia's counterreactions to any missile deployment do not worsen our security in other ways. That means taking our nuclear weapons off hair-trigger alert so that Russia will be more willing to do so as well.

Perhaps most of all, it means precluding any consideration of NATO membership for the Baltic states in the near term. A strategically paranoid Russia will not be willing to take its own missiles off alert, implement the START II treaty, continue cooperative work to make nuclear materials in Russia secure or otherwise improve nuclear safety. It would be foolish to let our solution to one problem make an even more serious one worse.

Michael O'Hanlon is a fellow at the Brookings Institution.

Russian love in a cold climate

MOSCOW

One piece of good news from Russia is that charities are flourishing. Is there the germ of civic society in the making?

FEW places need the milk of human kindness more than crisis-ridden (see page 60) Russia—and few countries have been less hospitable to altruism. Although it preached humanity and comradeship, in practice communism encouraged Russians to be beastly to all but their own friends and families. And even then, the poverty-stricken daily grind and the intrusiveness of the state—its bullies and sneaks—often made harshness and deceit a way of life within the home too.

All the more reason, therefore, to welcome the growing weight of independent do-gooders. Not only do they help cripples, orphans, drug addicts, army conscripts and other pitiable groups in Russia. More widely, they stand for such rare, important ideas as common human values, a civilised concord between the state and society, and capitalism with a conscience.

Starting virtually from scratch ten years ago, there are now more than 60,000 independent charities in Russia. They are becoming more competent, better organised, and thus more influential—especially in dealing with local governments. “They manage not only to survive in this awful economic situation but they’re also getting stronger and stronger,” says Elena Topleva, director of the Social Information Network, a news agency for voluntary outfits.

They expand in a moral vacuum. Communist ideas about social welfare were primitive: a mix of window-dressing and punitive deterrence. This has left a dreadful legacy of hostility and ignorance towards the worse-off. The idea, for example, that parents of handicapped children might want to cherish them at home rather than dump them in an institution remains unfamiliar—despite charities’ efforts.

The most promising sign is that cash-strapped local governments are beginning to realise that contracting out social ser-

vices to charities may mean better, cheaper and more popular provision. More than a dozen cities and local governments have made “social contracts” laws to let charities bid against state organs, for example, in providing care for addicts; a similar law is winding its way through the federal legislature. “Regional governments want to get rid of their problems,” says Oleg Zykov, who runs NAN, one of Russia’s biggest char-



ities for addicts and their families.

There is still a huge way to go. Russians are suspicious of organised do-gooding, thanks to the legacy of fake charities from the Soviet era, when voluntary work meant occasionally being told to give up Saturdays to tidy the streets and when contributions for causes such as British miners and American farmers—“we were told they were starving,” remembers one charity worker—were deducted compulsorily from payrolls. Not that post-communist charities are spotless. Too many are dodgy. Some, such as some army veterans’ groups and sports clubs, have been covers for criminal gangs. Other state-backed bodies have

been crony-ridden and ineffective—except as ways to evade taxes and customs duties on imports such as alcohol.

This makes it difficult for charities to get money and time from the public. Many do not even try. Most are run, heroically, by the passionately committed, usually with a direct connection to the cause—for example, the mother of a maimed conscript or of a handicapped child. Part-time volunteers, who in the West are often middle-class people who want to help out in their spare time and are often the mainstay of charities, are all but unknown in Russia. So are individual donations, which are rarely sought or made. This is partly the fault of a primitive banking system: there are no cheques, few credit cards, and paying by bank-transfer means an hour or so in a smelly queue.

Charitable giving by businesses is growing—although, unlike in the West, it tends to be anonymous, impulsive generosity rather than part of a sustained effort to polish a corporate image. This is due less to inherent modesty than to an understandable desire by entrepreneurs to avoid drawing the attention of the taxman or his even more grasping cousin the gangster.

But Russia’s charities are rapidly becoming more solidly run. Groups like the Charities Aid Foundation, sponsored partly by the British government, teach fund-raising and “social marketing” (meaning public relations). Mrs Topleva estimates that there are around 40 full-time centres in Russia where charity workers are now being trained.

The first big question for Russian charities is whether they can turn from being small impressive organisations into big impressive ones—something which requires

administrative skills that are exceptionally scarce in Russia. The second is whether corrupt vested interests in the state system will let them flourish. Bureaucrats who have grown fat on maladministering the current arrangements will not take kindly to outsiders who try to replace them. Most foreign charities in Russia have already found this to their cost. Campaigning charities dealing with sensitive issues, such as human rights and environmental damage, are also likely to fall foul of officialdom as they become more effective.

And for all the growth at grass-roots, Russia’s federal government remains on the whole disdainful. The larger charities

risk being hassled by the tax police. And a fresh tax code about to come into force looks set to make things worse: one new rule, for instance, could make a soup kitchen liable for VAT on the imputed value of the food it dishes out.

Still, with government across the board often venal and invariably incompetent, the growth of philanthropy among ordinary citizens may inject a vital new ingredient of humanity into the new Russia. And that would be progress indeed.

Germany's past Still with us

BONN

Leading figures in the two main parties are not entirely at one over the awkward business of Germany's history



WITH so much else on the agenda for next month's German election, a scrap over a Berlin memorial may seem a bit irrelevant. Note, all the same, the growing fuss over plans for a huge structure in the city centre to commemorate the murdered Jews of Europe. Germans, it seems, are still at odds, more than 50 years after Hitler and on the eve of the government's move from Bonn to Berlin, over how to cope with the Nazi legacy.

Wrangling over the memorial is far from new. One way or another it has been going on ever since a group of writers, historians and other worthies came up with the scheme a decade ago and won the backing of, among others, the chancellor,

Helmut Kohl. But the debate has recently erupted with new intensity thanks to Michael Naumann, who would be "Mr Culture" in a government led by Gerhard Schröder, the Social Democratic challenger for Mr Kohl's job.

Never one to mince words, Mr Naumann, a 56-year-old publisher, snaps that the scheme for a gigantic "central Holocaust memorial" reminds him of the approach of Hitler's architect Albert Speer. Germans, he reckons, will better comprehend Nazi crimes by visiting the sites of former concentration camps, not by dutifully laying wreaths at an "alibi" monument.

More or less in the same breath, though, Mr Naumann urges the rebuilding of the Berlin Stadtschloss, a huge palace long the residence of Prussia's rulers and blown up

by the communists in 1950. He firmly denies wanting back the autocratic spirit of the old days a lot, but argues that the palace would fit in better with the other historic buildings on or near Unter den Linden avenue.

Mr Naumann has plenty of allies. Even many Germans who back a Holocaust memorial in principle question the form it is most likely to take—a labyrinth of some 2,500 concrete pillars spreading across a plot of 20,000 square metres between the Brandenburg Gate and the (unmarked) site of Hitler's bunker. Would it really encourage contemplation and remorse? How could it be protected against vandals? This (American) design is not the only option, but it now heads a short list and is the one most favoured by Mr Kohl—who wants a decision before the election, fearing that otherwise the whole scheme will founder.

He may well be right. The battle cuts across party lines: the governing mayor of Berlin, Eberhard Diepgen, for example, is no fan of the memorial, although he is a Christian Democrat like Mr Kohl. But Mr Schröder has made clear that he shares Mr Naumann's doubts. Might it not be best to drop the idea if there is so little consensus?

That would be embarrassing, at the least. As it is, not all reunited Germany's neighbours are happy about the government's shift next year from cosy little Bonn to the capital of Hitler's Reich. And right or wrong, many people credit the post-war Schröder generation with a less vivid sense

A French debate about death

PARIS

A FRESH debate on euthanasia has bubbled up in France since, a fortnight ago, a nurse in a hospital in the town of Mantes-la-Jolie near Paris was put on trial for helping patients to die. By increasing the doses of morphine given as a painkiller, Christine Malèvre, 28, had—her lawyer admitted—helped end the suffering of as many as 30 patients, all of whom were dying anyway. Sometimes the patient had asked for such help, sometimes the plea came from the family, and sometimes the nurse—stricken by the sight of seemingly needless suffering—had herself taken the initiative.

Miss Malèvre, who attempted suicide herself after her "mercy-killings" were detected, is now free after a spell in a psychiatric hospital. Even groups opposed to euthanasia, such as the main doctors' council, have said they were sorry that she felt unable to turn to anyone in the medical profession for support or advice. Miss Malèvre has had a generally sympathetic hearing across the country. The affair,

most French people seem to think, has exposed a moral and legal gap in the system.

French law, as almost everywhere else in the rich world, does not allow for euthanasia. In practice, however, people brought to book for helping others to commit suicide have been given suspended sentences and have invariably been treated leniently. Henri Caillavet, a leftist former senator who presides over an "association for the right to die with dignity", says this smacks of hypocrisy.

He would rather enshrine procedures in law for registering and carrying out the wishes of those near the end of their life who wish to bring that end earlier. By requiring witnesses and independent medical opinions, as in the Netherlands and Switzerland, those lonely pioneers of euthanasia, rules should be laid out so that a person who wants to die should not have to rely on the clandestine and illegal help—and the conscience—of a doctor or nurse acting alone.

Mr Caillavet first put such a law to the



Senate in 1978. Now the cause has been taken up in the National Assembly by Roger-Gérard Schwarzenberg, a Radical Socialist. Broadly speaking, the left is beginning to sound more sympathetic. The Church and the right are not. The health secretary, Bernard Kouchner, cautiously advises against "hasty moral judgment". And the chief banner-carriers of left and right, Lionel Jospin, the prime minister, and Jacques Chirac, the president, have stayed suitably mum.

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A heated controversy

Whatever the future effects of carbon-dioxide emissions on the climate, an argument rages over how much the globe has warmed in past decades

PEOPLE such as the bosses of oil and coal firms like to dismiss fears of global warming as just so much nonsense. In recent years, these types have made great play of data from satellites which show that, rather than warming, the world is in fact cooling slightly. By contrast, the result that environmentalists recite most fondly is that measurements taken at the earth's surface show that temperatures have risen by 0.3-0.6°C since the late-19th century—a big rise compared with previous long-run changes in the climate.

But even researchers, many of whom are worried about climate change even if they disagree about how to react to it, have been confused by the satellite data, and in particular by satellite measurements of the temperature of the lower troposphere. The troposphere is the part of the atmosphere that starts at the earth's surface and ends some 10-15 kilometres (6-10 miles) above it. Climatologists had long assumed that the rest of the troposphere's temperatures followed pretty much the same pattern as those at the surface. Yet between 1979 (the date at which the satellite data begin) and last year, the bottom few kilometres of the troposphere do indeed appear to have cooled by a fraction of a degree.

Now, the debate has taken several new twists. In an article in this week's *Nature*,

Frank Wentz and Matthias Schabel, two physicists at Remote Sensing Systems, a research firm based in California, argue that the satellite data contain an error—and that once the error is corrected, the troposphere turns out to be getting hotter. Yet John Christy, of the University of Alabama in Huntsville, who is one of the researchers responsible for calculating the satellite figures, vigorously defends his data against attack.

Dr Christy has also just released the most recent satellite figures. To add to the confusion, these show that the period from February to July this year was the hottest six months in 20 years. Environmental groups such as Friends of the Earth seized upon these results, calling for "crisis action" on climate change. Al Gore, America's vice-president, also joined in, arguing that "you don't have to be a scientist to know it's been dangerously hot this summer." Yet Dr Christy is a scientist, and he argues that the recent burst of heat is not an indication of global warming. Instead, he says, it is due to El Niño, the exceptionally warm Pacific current which has been disrupting the world's weather.

Normally the details of such a statistical dispute would best be confined to academic journals. But they are crucially important to the future of both the \$1-trillion-a-year fossil-fuel industry and, possibly, to

the world's climate. They also illustrate how complexity and uncertainty bedevil the study of climate change.

Satellite-based temperature measurements are derived from instruments called microwave sounding units (MSUs). These gauge the microwave radiation given out by oxygen molecules in the atmosphere, from which the air's temperature can be calculated. But the MSUs pick up radiation from a range of altitudes, not just from the lower troposphere, so the way they are used to isolate the temperature of that part of the atmosphere is necessarily complex.

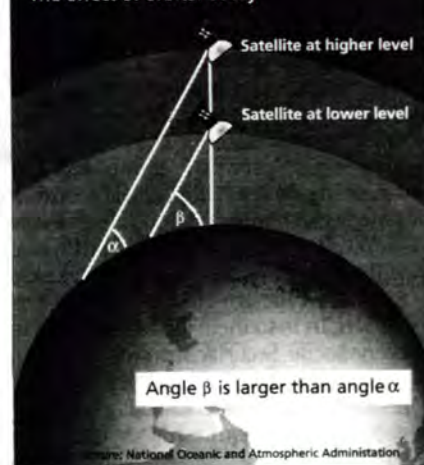
Change and decay

To make the measurement, an MSU is first pointed straight downwards, and then at an angle to the vertical (see diagram). When it is directed away from the vertical, it becomes more sensitive to microwaves from higher altitudes. This is because radiation from lower altitudes has had to travel further to reach it. In simplified terms, the researchers subtract readings taken off-the-vertical from readings taken on-the-vertical. What remains is an estimate of radiation from the lower troposphere.

Over time, however, satellites gradually lose altitude because of the drag exerted on them by the atmosphere (a phenomenon known as orbital decay). The flaw in the data that the authors of the *Nature* article have pinpointed depends on this decay. As a satellite falls, the angle of the MSU to the earth's surface changes (see diagram again). This alters the calculation needed to derive the lower-troposphere temperature. Mr Wentz and Dr Schabel found that this had not been properly accounted for in the original satellite results. Once it has, they ar-

Points of view

The effect of orbital decay



Source: National Oceanic and Atmospheric Administration

Robots in the cockpit

ON AUGUST 16th, weather permitting, three aeroplanes will take off from St John's in Newfoundland and head east. Not, on the face of it, press-stopping news. But if the aircraft in question, known as Trumper, Piper and Laima, make it to Benbecula in the Outer Hebrides, as their owners hope, they will be the first pilotless planes to have crossed the Atlantic Ocean and landed safely.

The robot aircraft, known as aerosondes, are the brainchildren of an engineer called Tad McGeer and are being developed in a collaboration between the Insitu Group, a firm based in White Salmon, Washington State, and the Australian Bureau of Meteorology. They are intended to help fill the large gaps in meteorological knowledge that exist over the world's oceans, and which blight the work of weathermen.

At present, though satellites can provide a broad-brush picture of what is going on, collecting detailed information

about the atmosphere above the sea is hard. One way to do it would be to use weather balloons. However, balloons are at the mercy of the weather they are intended to monitor: they can travel only with the wind, rather than where meteorologists would like them to go. A power-



ed aircraft, on the other hand, can go almost anywhere. And, while an aerosonde is a lot more expensive than a balloon (\$25,000 compared with \$200), it is less costly than a piloted plane, and poses no risk to human life. In addition, unlike a balloon, it is recoverable and re-useable.

Besides their meteorological equipment, the aerosondes (which weigh a mere 13.2kg or 29lb, and have a wingspan of 3 metres, or 10 feet) carry a navigation system that uses the global-positioning satellite network to tell them where they are, and a computer fitted with a flight plan to tell them where they want to be and how, given the local wind, to get there. Future missions will also carry a link to the Iridium satellite-telephone network (which should begin operating in a few months' time) to allow mission-controllers to alter the flight path at will.

If all goes well, the 3,200km (2,000 mile) journey from Canada to Scotland will take about 24 hours. It may not be as daring as Alcock and Brown's epic voyage in 1919. But in its own way, it will be worthy of some headlines.

gue, the temperature trend between 1979 and 1995 shows a warming of 0.07°C per decade (previously it showed a cooling of 0.05°C per decade).

Dr Christy admits that orbital decay has an important effect on the data. But he says that, since February, he has been taking account of it. With that correction incorporated, the trend between 1979 and 1997 (a slightly longer run than that studied by Mr Wentz and Dr Schabel) shows a smaller rate of cooling, but a cooling nonetheless, of 0.01°C per decade.

Why do Dr Christy's figures still conflict with those in the *Nature* paper? The answer seems to be that the satellite data corrected by Mr Wentz and Dr Schabel already contained an unintended element of correction for orbital decay. To ensure accuracy, Dr Christy and his colleagues have been checking the measurements of one satellite against another, and altering the data accordingly before publication. Some sources of potential error have been known for a long time (for example, because of slight changes in their orbits, satellites do not always take temperature measurements at precisely the same time of day). But calibrating one satellite against another allows all sort of errors to be compensated for, whether they are known or not.

The controversy is unlikely to end there. The sums required to correct the lower-troposphere temperatures are so byzantine that more holes may yet be found. Mr Wentz and Dr Schabel say they are waiting for Dr Christy's new figures to be independently reviewed for publication.

Dr Christy's argument that the surge in temperatures so far this year is due to El Niño may prove less controversial. The suddenness of the rise fits better with that explanation than with long-run global warming (though some researchers argue that Niños themselves are getting worse because of global warming). Heat from the ocean takes time to transfer into the atmosphere, which explains why temperatures are still so high even as the latest Niño has been fading. A previous Niño in 1982-83 had less of a heating effect, but that was in part because a volcano called El Chichon erupted at around the same time. Volcanoes spew out huge quantities of dust, which cools the earth by shielding it from the sun's rays.

For argument's sake, assume that—give or take a Niño—the temperature of the lower troposphere is indeed cooling, or at least not warming. Does this cast doubt on the data which show warming at the earth's surface? Certainly these data are imperfect. Unlike satellites, which are able to record temperatures across the globe, measurements taken at the surface are unevenly distributed. Over the past century, more have been taken in the northern hemisphere than in the southern, and, for obvious reasons, there have been relatively few measurements at sea (though that may soon change, see box).

Temperature trends on land need to be corrected for the effect of urbanisation—as cities spread outwards they warm surrounding areas, giving the false impression of natural warming. Another difficulty lies

in comparing records from different sorts of instruments. Until the 1940s, for example, ships typically measured the sea's temperature by dunking a thermometer into a bucket of sea water. These days many thermometers are fixed to buoys.

Climatologists across the world have been working hard to estimate and account for all these potential errors. While some argue that the magnitude of the estimated warming may be wrong, few think there has been no warming at all. A more plausible explanation for the discrepancy between a cooling lower troposphere and a warming surface is incomplete knowledge. Through some as yet unexplained physical process, the surface and the rest of the troposphere may be less closely coupled than scientists now assume.

Even if the puzzle about past temperatures is solved, the debate about global warming will be far from over. Researchers are still struggling to disentangle the effects of man-made emissions of carbon dioxide from the natural variability of the climate. They also argue about the effect of changes in the sunspot cycle on temperatures. And they understand little about the role played by the oceans in regulating the climate, nor about the influence of clouds. (Depending in part on their altitude, clouds could either dampen down or accelerate the pace of global warming.) Nevertheless, when it last issued a report in 1995, the United Nations Intergovernmental Panel on Climate Change—the main authority on the subject—concluded that “the balance of evidence suggests that there is a discernible

human influence on the climate."

Before they can make much progress in confirming that suggestion, climatologists need a stream of reliable data on worldwide temperature trends, both at the surface and in the atmosphere. Global warming may turn out to be such a catastrophe that it is worth spending a lot to reduce the use of fossil fuels—or perhaps it will not. But at the very least it seems sensible to invest in better thermometers.

Information technology

Management in cyberspace

VIRTUAL reality is often used to mimic hazardous environments—the cockpits of combat aircraft, burning oil rigs, the treasure-strewn caves of irritable dragons and so on. Until now, though, it has rarely been deployed to simulate that most hazardous environment of all—the office. But if Sandra Testani of the Franklin Institute in Philadelphia has her way, it will soon be possible to hone the black arts of office politics and corporate survival on a computer before you employ them against your colleagues in the real world. Or, from the boss's point of view, you will be able to practise your skills at "co-operating" in virtual "team-building" exercises.

Dr Testani's virtual world is called CIMBLE. The acronym stands for CADETT (which in turn stands for Consortium for Advanced Education and Training Technologies) Interactive Multi-user Business Learning Environment. The idea behind CIMBLE is to let people who are unable or unwilling to meet face to face practise collaborating with each other over a computer network.

To do this, CIMBLE's software creates a virtual world for up to six participants. Each acts via an electronic representative known as an avatar. A participant sees the world (including the other players' avatars, which appear on screen as cartoon-like images of men and women) from his own avatar's point of view. Any other characters that the avatars might interact with are played by a moderator, who also acts as Big Brother, overseeing and monitoring the activities of the group and steering things in a suitable direction.

The CIMBLE software allows the avatars to walk around and manipulate objects in the virtual world (opening doors, for example) at the click of a mouse. It also lets the avatars (and hence the participants) talk to one another. Most conversations are assumed to be in the open, and can be heard by everybody. But true office Machiavellis will be pleased to learn that private chats

Potato-heads

"MEAT and potatoes" is often used to describe the routine and ordinary. But not in Britain, not anymore. In the wake of the BSE crisis, beef has become a highly charged issue. And now the humble spud is causing controversy. On August 10th, Arpad Pusztai, a scientist at the Rowett Institute (a nutrition-research centre in Aberdeen) announced that feeding genetically modified potatoes to rats dampened the activity of their lymphocytes—important components of their immune systems.

The genetic modification of crops (splicing genes from other organisms into their chromosomes to prolong shelf-life, for example, or to help them ward off insect pests) is a controversial issue. There have been fears that genes transferred between species once might be able to make the leap again, perhaps resulting in superweeds or indestructible bacteria. Predictably, Britain's popular press ran wild, writing articles under such sober headlines as "Frankenstein foods... We're all just guinea pigs", and further inflaming public fears about the safety of such crops for both consumers and the environment.

Critics of genetically modified organisms were equally quick to seize on the findings as ammunition in their fight to have such crops banned. Fortunately, both press and critics were wrong. But so, surprisingly, was Dr Pusztai.

The original story, which trailed an interview with Dr Pusztai on a "World in Action" television programme, claimed

that the transplanted gene in question was for a protein called concavalin A (Con A). This protein (a member of a group called the lectins, that is being tested for insecticidal properties) was already known to be bad for the immune system, so its effect on the rats would hardly have been a surprise to anyone with a knowledge of the field.

No one was suggesting that food containing Con A would ever be fed to people, nor that the experiment could demonstrate that all genetic engineering was dangerous. At that stage Dr Pusztai's research simply looked like a proof of principle—checking that the techniques for transplanting and testing lectin genes worked, prior to exploring other, less harmful lectins as built-in insecticides for crops.

On August 12th, however, it emerged that Dr Pusztai had been talking through his hat. The experiments had been done (under his supervision, but by another researcher who was out of the country at the time of the television programme) on a different lectin, known as GNA. Moreover, the data from these experiments had not been fully analysed, and so they could not have yielded the results Dr

Pusztai claimed, even if he had merely got the name of the lectin wrong.

The press release that announced this also said that Dr Pusztai had been suspended from responsibility for the studies and "will now retire from the Institute". Perhaps he is truly the first human victim of a genetically modified crop.



are also possible, since the software can work out who is within earshot of whom, and will transmit sound only to those who should be able to hear it.

So far, Dr Testani and her colleagues have devised two exercises in their new electronic world. One simply brings the participants together around a virtual conference table and lets them chew over an agenda provided by the moderator. The second, however, is more sophisticated. The participants are deemed to be working for a civil-engineering firm, and are sent off to the proposed site of a new bridge to settle a dispute with local residents and officials. After a long car ride and a night in a hotel (all depicted in loving detail by CIMBLE's software), they meet the irate locals and try to mollify them. A successful outcome, al-

lowing the bridge to go ahead, is greeted by an on-screen display of virtual fireworks.

At the moment, CIMBLE is being evaluated using the institute's high-speed (100 megabytes a second) local-area network. If it passes muster there, the next stage will be to modify it for use on the public Internet (which works at between a tenth and a hundredth of that speed), so that participants will be able to take part wherever they are.

This will require more programming, using "compression" software to minimise the amount of data needed to build and modify the virtual world in each user's computer. All that will then be needed to make the virtual office indistinguishable from a real one are virtual daggers to allow the avatars to stab one another in the back.

THE PRESIDENT HAS SEEN

8-28-98

THE WHITE HOUSE

WASHINGTON

99 AUG 26 4:41

August 26, 1998

MEMORANDUM TO THE PRESIDENT

FROM: STEPHANIE STREETT *SS*
CHIP PAYSON *CP*

SUBJECT: Appointment with Ian McWilliams

It has been two and a half weeks since you received your last haircut. Since you will be traveling to Russia and Ireland from Monday, August 31 until late Saturday, September 5, we would like to schedule a haircut appointment for you with Ian on the evening of Sunday, August 30, 1998. Please note: Ian McWilliams will be leaving town on Saturday, September 5 and will not be returning until Monday, September 14, 1998.

Is a Sunday evening appointment all right with you?

*Copied
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THE WHITE HOUSE
WASHINGTON

Date

8/28

To:

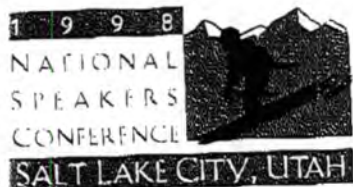
Bone Lindsey
Micki Planna

From:

The Staff Secretary

FYI

Paul Caplan



AUGUST 16-30, 1998

President

Hon. Melvin R. Brown

Speaker of the House

Utah

Vice President

Hon. James E. "Pete" Laney

Speaker of the House

Texas

Immediate Past President

Hon. Tim Ford

Speaker of the House

Mississippi

State Legislative Leaders

Foundation

16 Bayberry Square

Centerville, MA 02632

Phone (508) 771-3821

Fax (508) 778-2553

e-mail SLLEFnsd@aol.com

National Speakers Conference

Little America Hotel and Tower
Salt Lake City, Utah
Tel: 801-363-6781
Fax: 801-596-5911

FACSIMILE TRANSMITTAL SHEET

TO:

**PRESIDENT CLINTON
C/O Phil Caplan**

FROM:

**National Speakers
Conference**

COMPANY:

The White House

DATE:

August 29, 1998

FAX NUMBER:

202-456-2215

TOTAL NO. OF PAGES INCLUDING COVER:

4

PHONE NUMBER:

202-456-1414

RE:

Attached Resolution

NOTES/ COMMENTS:

Please Deliver Immediately



AUGUST 20-30, 1998

President

Hon. Melvin R. Brown

Speaker of the House

Utah

Vice President

Hon. James E. "Pete" Larney

Speaker of the House

Texas

Immediate Past President

Hon. Tim Ford

Speaker of the House

Mississippi

RESOLUTION

Whereas Northwest Airlines and its pilots are in a 30-day "cooling off" period under the guidelines of the Railway Labor Act; and

Whereas if Northwest and the Air Line Pilots Association do not reach a contract agreement by August 29, a strike will occur and Northwest will stop flying; and

Whereas our states are linked to each other, to the rest of the country, and to the world through air transportation; and

Whereas a strike will cause a serious disruption of the country's air transportation system and will have a severe impact on our states' economies; and

Whereas, on the first day of a Northwest pilots strike, 67,000 Northwest passengers will be stranded; and

Whereas millions of dollars will be lost in a strike's first few days alone, with the long-term impact possibly being devastating; and

Whereas we hope that Northwest and its pilots' union can come to a negotiated settlement before the "cooling off" period expires,

Therefore be it resolved by the National Speakers Conference, meeting in Salt Lake City, Utah, this the 28th day of August, 1998, that:

We respectfully urge President William Jefferson Clinton to use the powers granted his office under federal law to continue the collective bargaining process in the event a contract agreement is not reached and a pilots' strike is called.

Be it further resolved that this resolution be communicated to the President immediately upon its adoption, to the parties involved in these negotiations, and to the national and local media.

The following members of the National Speakers Conference being present at this meeting:

State Legislative Leaders

Foundation

16 Bayberry Square

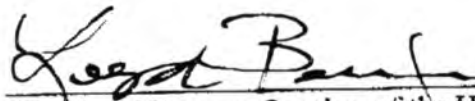
Centerville, MA 02632

Phone (508) 771-3821

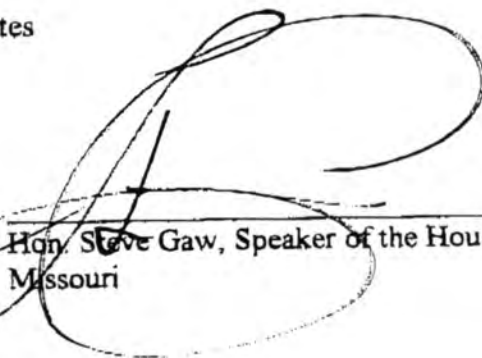
Fax (508) 778-2553

e-mail SLLFnscc@aol.com

Page Two:
Resolution to the President of the United States



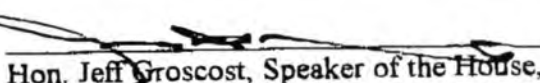
Hon. Loyd Benson, Speaker of the House,
Oklahoma



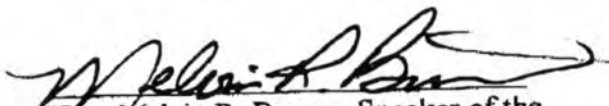
Hon. Steve Gaw, Speaker of the House,
Missouri



Hon. Chuck Berry, Speaker of the House,
Colorado



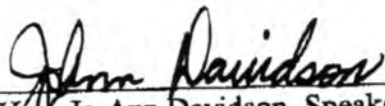
Hon. Jeff Groscost, Speaker of the House,
Arizona



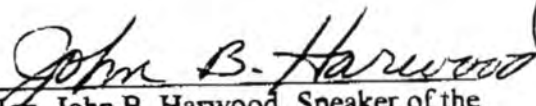
Hon. Melvin R. Brown, Speaker of the
House, Utah



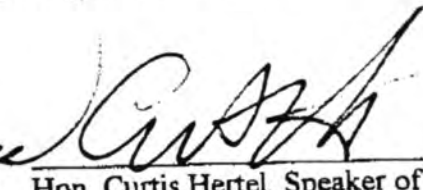
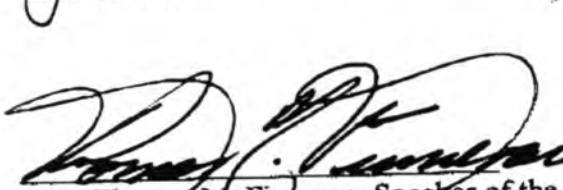
Hon. Rexford A. Hagg, Speaker of the
House, South Dakota



Hon. Jo Ann Davidson, Speaker of the
House, Ohio

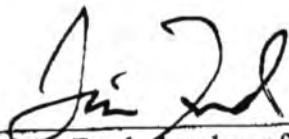


Hon. John B. Harwood, Speaker of the
House, Rhode Island

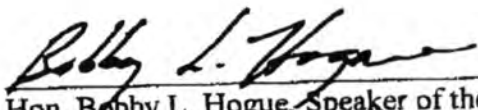


Hon. Thomas M. Finneran, Speaker of the
House, Massachusetts

Hon. Curtis Hertel, Speaker of the House,
Michigan,



Hon. Tim Ford, Speaker of the House,
Mississippi



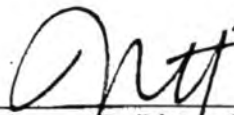
Hon. Bobby L. Hogue, Speaker of the
House, Arkansas

Page Three:

Resolution to the President of the United States



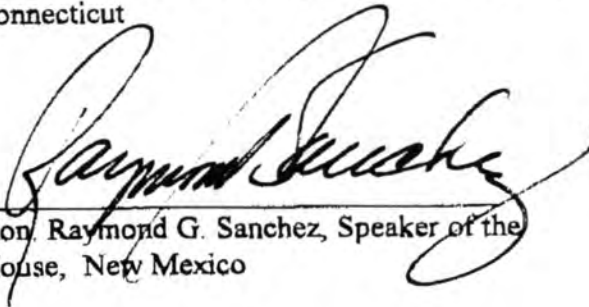
Hon. James E. "Pete" Laney, Speaker of
the House, Texas



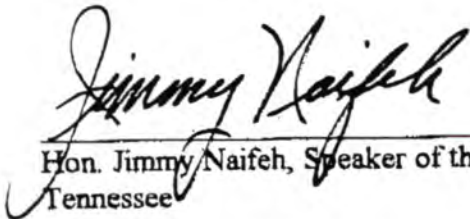
Hon. Thomas D. Ritter, Speaker of the House,
Connecticut



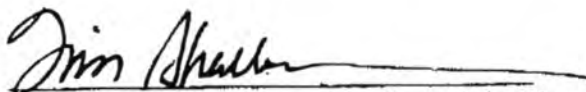
Hon. Thomas B. Murphy, Speaker of the
House, Georgia



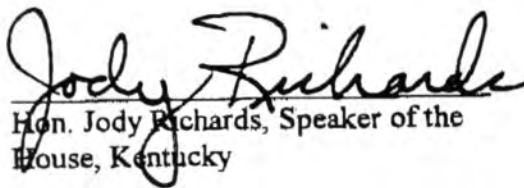
Hon. Raymond G. Sanchez, Speaker of the
House, New Mexico



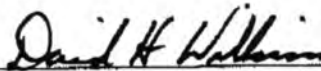
Hon. Jimmy Naifeh, Speaker of the House,
Tennessee



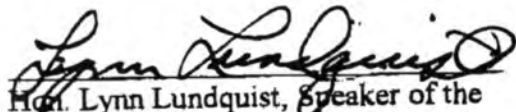
Hon. Tim Shallenburger, Speaker of the House,
Kansas



Hon. Jody Richards, Speaker of the
House, Kentucky



Hon. David H. Wilkins, Speaker of the House,
South Carolina



Hon. Lynn Lundquist, Speaker of the
House, Oregon