

SENATOR BOB DOLE  
REMARKS PREPARED FOR DELIVERY  
NEW HAMPSHIRE GOP CONVENTION  
SEPTEMBER 25, 1994

The first thing I want to do this morning is to thank New Hampshire for sending two outstanding Senators to Washington, D.C.

No one has done a better job of fighting the Clinton effort to gut our national defense than Bob Smith. He's tough. He's no nonsense. And he gets things done. And a lot of people are talking about another race here in New Hampshire in 1996--but the most important priority in 1996 is re-electing Bob Smith.

And Judd Gregg is one of the unsung heroes of the health care debate. Republican Senators were all assigned to teams having to do with various issues of the debate. We had a bureaucracy team. We had a mandate team. And we had many others. And these teams were tasked with making the Republican case, and responding to Democrat arguments. Judd was the coordinator of all the teams, and during the days we debated the Mitchell bills, he was never far from the Senate floor. And he did an outstanding job.

As a I meet with candidates in Washington and travel across the country campaigning, I see a lot of survey and poll numbers. Now, I've been a little bit skeptical about surveys ever since my pollster whistled "Hail to the Chief" to me here in New Hampshire...but when you survey after survey after survey saying the same thing, you begin to believe.

And the surveys I've seen in the past few weeks, in ever section of the country, are all bringing good news to Republicans. Republican candidates are not only ahead in the races where we should be ahead; but we're also ahead in races which we thought would be very close, and we're even ahead or close in races that we had all been written off.

And as I look at the surveys, one number comes to my mind. The number 47. A gain of 40 seats in the House, and a gain of 7 seats in the Senate, will give Republicans control of the Congress for the first time in 40 years. And when Charlie Bass is elected in New Hampshire, that number will be 46. And when Olympia Snowe wins that Senate race in Maine, that number will be 45.

There's a lot of reasons why the numbers are going our way. And one reason can be seen in the fact that, according to one recent survey, 70% of Americans believe America is moving in the wrong direction.

And no doubt about it, under the Clinton administration, America is moving in the wrong direction in just about every area you can name.

Taxes? President Clinton's direction is one that involved the biggest tax increase in American history.

Government? Despite the talk of reinventing government, President Clinton is moving in the direction of unrelenting government. More bureaucrats. More mandates. More regulation. More control for those who work in Washington, D.C., and less control for those who live and work in New Hampshire.

Health care? You know the direction the President was recommending. A direction where the best health care system in the world would be torn apart and turned over to the federal government.

By the way, like all Senators, I received thousands and thousands of letters on health care. But the best one I saw was one from Judd Gregg passed on to me. It was so good, I read it to the Senate during my opening statement of the health care debate.

It was from Dr. John Schermerhorn, a doctor here in New Hampshire. And he detailed how his son almost drowned, and might not have made it without the outstanding medical care he received--medical care he might not have received under the Clinton bill.

And Dr. Schermerhorn concluded his letter by writing,

"The choice comes down to a simple question: If you were in my place, would you want the freedom to determine your child's care and outcome, or would you rather be forced to accept whatever the government will give you..."

Quality. Choice. Freedom. Americans correctly concluded that all three of those hallmarks of our health care system would be lost if the President's plan was adopted.

Crime is another area where President Clinton and the Democrat congress moved in the wrong direction. Their plan was to throw billions and billions of dollars at social programs, and to strip the bill of many of its toughest provisions.

And can anyone here look at the foreign policy of the Clinton administration and say we're headed in the right direction?

To paraphrase Forrest Gump, the "Clinton health care plan is like a box of chocolates--you never know what you're going to get next."

One day, those in charge in Haiti are bloodthirsty, murdering, tyrants. The next day, they're just honest public servants who care about their country.

One day, we talk tough on Bosnia. The next day we sit idly by as the slaughter continues.

One day, our mission in Somalia is preventing starvation. The next day it's nation building, and American soldiers are being shot.

One day, President Clinton is in charge of our foreign policy, the next day it's Boutros Boutros Ghali, and the next day, it's Jimmy Carter.

So, yes, Republicans are being helped by the Clinton Administration. We're being helped because 7 out of 10 Americans believe the President is moving America in the wrong direction. And they're right.

And there are some who have suggested that all Republicans need to do in the next 44 days is nothing. Do nothing. Sit still, and let President Clinton send voters our way.

I disagree. I think Republicans have to do more. It's not good enough just to say President Clinton and the Democrats are taking us in the wrong direction. We also have to lay out what the right direction is, and how Republicans will get us there.

And that's just what the Senate Republicans did last week. We had a little meeting outside the Capitol of Republican senators seeking re-election, and our candidates in open seats and in Democrat seats.

And we made a little compact with the American people. We said if you give us seven more Republicans in the Senate, here are seven things we pledge to make our top priorities. And we listed those seven initiatives:

- \*A balanced budget amendment

- \*Doubling the income tax exemption for children, thereby putting more money in the pockets of America's families.

- \*Repealing the Clinton tax increase on Social Security benefits.

\*Health care reform that fixes what needs to be fixed, while maintaining the quality and choice that are the hallmarks of our system.

\*True anti-crime legislation that is based on prisons and punishment, rather than the pork barrel.

\*We'll reform welfare so that it's based on work, more individual responsibility, and less federal spending.

\*And we'll stop the gutting of our national defense.

Those are just seven ideas which we work for, and which will put America on the right track. And I can think of some more, like a line item veto, and like a reduction in the capital gains tax rate.

So that's the compact that we've made with the American people. And I know that Newt Gingrich, Charlie Bass, and Bill Zeliff will be making their own compact this coming week.

Which reminds me that another idea worth putting on top of our agenda is something like Bill Zeliff's A to Z spending reduction plan. And I would love to see Bill Zeliff leading the fight for that plan as a member of the majority party in the House.

Let me tell you another reason why Republicans can't just sit on the sidelines. Why we have to get out and let Americans know what we'd do if we had a majority in Congress.

And that's the fact that many Americans don't know that Congress is controlled by the Democrats. In fact, a recent survey asked Americans to name the party in control of Congress. And only 60% said the Democrats. 40% said the Republicans, or said they didn't know.

Now, I know 100% of this audience knows the Democrats are in control....so there are an awful lot of your friends and neighbors who are confused...and who need to know that the Democrats have controlled the House for the last 40 years, and the Senate for 34 of the last 40 years.

And the message I'll be taking from end of the country to the other over the next 44 days, is that the best way to get America to change direction, is to change the party that controls Congress.

Let me end this afternoon by giving you a little "insider's briefing" about the gains we hope to make in the Senate.

I have three put three Republican gains in the bank. Olympia Snowe in Maine. John Kyl in Arizona. And Mike DeWine in Ohio.

After that, we are looking to Virginia, where the first survey after Doug Wilder dropped out put Ollie North in the lead. And then there's California where our candidate has come from nowhere to neck and neck. And there's Massachusetts, where Mitt Romney is giving Ted Kennedy the race of his career. And there's two races in Tennessee. Jim Sasser, one of the most liberal Democrats in the Senate, is so scared, he's running ads that make you think he votes just like Jesse Helms. And there's Pennsylvania, where Democrat Harris Wofford is trying to make voters forget he was the strongest supporter of the Clinton health plan. And there's Michigan where Spence Abraham is moving ahead of a very liberal Democrat Congressman.

We're also optimistic about our chances in Governor's races...There's no doubt that Steve Merrill has done an outstanding job, and more than deserves a second term...And we're also looking at gains in New York, Florida, Pennsylvania, and maybe even Texas and Georgia. In fact, after November, there is a chance that 11 of our 12 largest states will have Republican Governors.

Thank you for all you are doing for Republicans here in New Hampshire. And thank you for all you will do in the next 44 days. Working together, we can change directions, and put America back on track.



**REPUBLICAN  
STATE  
PARTY  
PLATFORM**

**1★9★9★4**





## **PREAMBLE**

We, the Republican Party, meeting in Convention in Manchester, on Sunday, the twenty-fifth day of September, 1994, do hereby adopt the following statements of principles and beliefs to represent our Party for the next biennium in the State of New Hampshire.

*We believe:*

- ★ New Hampshire government exists for the benefit, protection and security of its free and independent citizens, their families and communities.
- ★ New Hampshire's government, political parties and elected officials must above all else respect each citizen's, each family's and each community's freedom and independence.
- ★ This respect will guide the state both in acting to protect these fundamental elements of New Hampshire society and to refrain from actions which unnecessarily limit or interfere with our freedom and independence.

We believe our people should come before the government and before politics. Our party's foremost desire is to reflect the will of the people.

The strength of the Republican Party is its historic ability to establish and uphold principles of limited government and human dignity which are shared by persons of many diverse opinions, interests, and backgrounds. Republicans are united by a basic philosophy of respect for the dignity, individual liberties, and responsibilities of each member of society and of



confidence in the strength of our families, churches and communities.

This Platform seeks to record our common principles and beliefs and to apply them to our aspirations and visions for the future of New Hampshire.

## **JOBS AND THE ECONOMY**

A strong New Hampshire economy will underwrite all our other efforts to benefit and protect our citizens. It secures the livelihoods of our families and generates the revenue needed to help those with limited ability to help themselves. We remain committed to making New Hampshire the best place in the nation to live, to visit and to do business, from small business to traditional manufacturing, to the latest emerging technology. Our state's leading role in the economic recovery of New England and top rating as the best place to live will not make us complacent; we will reinforce our success.

Our approach to economic development focuses on creating a supportive business climate and increasing tourism. Our goal is the creation of jobs, expanding markets both at home and abroad, and the development of productive employment with safety, rewards, and dignity for all workers, including our youth. We support equal pay for equal work. We will continue our emphasis on educating and training our work force, and graduating students in state-of-the-art technology and school-to-work programs to keep them one of the finest work forces in the nation.



## **TAXES AND SPENDING**

During the recent economic recession, it was the Republican Party that refused to abandon its principles that taxes will not stimulate economic growth but rather, suppress it. Our Party rejected higher taxes and more government spending; and, instead, lowered taxes, attracted business development and helped expand the economy. We believe controlling spending and not raising taxes are the best ways to protect the economic well-being of New Hampshire residents.

We continue to support local, state and federal efforts to ensure stable employment at the Portsmouth Naval Shipyard.

We reaffirm our traditional strong opposition to any broad-based sales, income or statewide property tax. Such new taxes would damage our economy. We must maintain a tax system that is consistent with our commitment to making New Hampshire a desirable place for people to live, work, raise their families, and locate their businesses.

## **THE FAMILY**

A society is only as strong as its members. It is in families that we develop morality, integrity, responsibility, and concern for others. It is there we learn to love our country and have faith in God. We place our highest priority on promoting and protecting the traditional family as the most important facet of human development. We will only support legislation to





strengthen family life. We continue to endorse the rights of all children to a healthy and normal family environment.

We recognize the need to protect the rights of children, both born and unborn, and to protect their rights as individuals against injustice.

We realize the family's most important function is to raise the next generation of Americans. We also recognize that the demands on families are greater than ever and in order to maintain a solid family structure we encourage child care programs which meet the needs of both parents and children. We also support both pre-natal and post-natal care.

We remain committed to the financial security, physical well-being, and quality of life of our older citizens. Their wisdom and experience are precious resources and we must continue to recognize their special needs by providing opportunities for personalized home health care and less expensive alternatives to hospital stays.

## **CRIME**

We continue to support increased efforts to enforce penalties against those who commit crimes of violence. We also support the efforts of our law enforcement agencies to reduce the terror on our highways from drunken drivers. We support the Governor and Republican Legislators' strong leadership roles in making our state as free as possible from substance abuse and commit ourselves to attack this complicated problem in a comprehensive program of law enforcement, education, prevention, rehabilitation, and treatment.



## **EDUCATION**

The education of our citizens is our hope and our future. We recognize parents as the first teachers. We believe that local control and parental involvement create the strongest, best-managed school systems. We are convinced that spending per student is not an accurate measure of school quality. We credit our students, parents and teachers for New Hampshire students being rated at the top of the nation in performance. We are also proud of our post-secondary vocational-technical education and rehabilitation training programs, as well as our University system with its national reputation.

A strong education encourages good citizenship, higher self-esteem and informed participation in public affairs. We encourage programs which provide choice in education to allow children to receive the best education available.

We recognize the false hope and empty promise which broad-based taxes hold out to hard-pressed families as a way of providing educational resources at little cost. Our goal should not be to hide the cost of education, but to meet it as efficiently as possible. Citizens who control their own education budgets have the strongest incentives to spend the money wisely. We know that adding money and power to the state will not save money or protect the power of our communities. We do not believe one community should be pitted against the next in an effort to raise money from one locality to support another.

We are committed to the improvement of education so



that our students will be able to compete in a complex and changing world.

## **ENVIRONMENT**

It is vital that our society commit itself to the preservation of our natural resources. Vigorous protection of our environment is crucial if we are to maintain our special quality of life. We realize that our state parks, lands, lakes and waterways are valuable and significant assets which require diligent statewide protection. In addition, we recognize the need to deal effectively with the issues posed by waste disposal. We support the continued efforts of our Republican leadership to encourage recycling, and develop solutions to the technical and financial problems that confront us in this area. We are stewards of the environment, not only for this generation but also for future generations.

We applaud and encourage continued efforts to protect, develop and market New Hampshire agricultural products. We further encourage good forestry practices for the full utilization of this natural resource. Both are resources vital to the preservation of jobs in New Hampshire.

## **GOVERNMENT**

Government does not have to be large and pervasive to be creative and successful. We believe that all government should be both open and in touch with its citizens without interfering in their personal, daily lives.



New Hampshire is proud to be the birthplace of the Republican Party, which was established at a meeting convened by Amos Tuck in Exeter on October 12, 1853. We reaffirm our first-in-the-nation presidential primary as the best test of whether someone should serve in the highest office of the land.

We reaffirm that New Hampshire is a sovereign state in a nation of states and oppose centralization of power. We support our Republican Congressional Delegation in its efforts to stop Washington from mandating unfunded federal programs on our state and local governments. We would hold the federal government to the same standard against unfunded mandates as we do our state government under the New Hampshire Constitution. To further curb the growth of government in Washington, we support term limits for members of Congress.

We continue to support the rights of all citizens to own firearms without government interference.

We are and have been historically the party of leadership and ideas in New Hampshire. We have been a majority in our citizen legislature for over a century. New Hampshire's unique quality of life has been nurtured by careful stewardship and the hard work of generations of visionary Republicans.



**Chairman:**

Betty Tamposi, *Nashua*

**Co-Chairman:**

Wayne MacDonald, *Londonderry*  
Sherry Young, *Concord*

Charlie Arlinghaus, *Canterbury*

Barbara Clinton, *Rye*

Don Cloutier, *Laconia*

Jim Courtovich, *Concord*

Charles Douglas, *Concord*

Ed Dupont, *Rochester*

Steve Duprey, *Concord*

Steve Edwards, *Andover*

Ruth Griffin, *Portsmouth*

Georgi Hippauf, *Nashua*

Tom Jenkins, *Nashua*

Joel Maiola, *Bow*

Brian McCabe, *Loudon*

Signe McQuaid, *Manchester*

Gerri Porter, *Amherst*

Barbara Russell, *Dover*

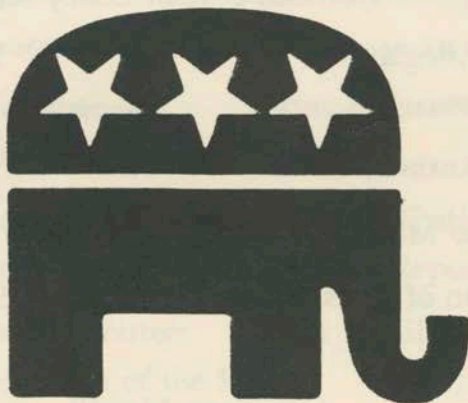
Mike Speltze, *Londonderry*

Lee Anne Steiner, *Manchester*

Don Walker, *Barnstead*

1994

★New Hampshire Republican★  
★State Convention★



Sunday, September 25, 1994

Amoskeag Pavilion

200 Bedford Street

Manchester, NH

★★★

The New Hampshire Republican  
State Convention

**Program**

Call to Order: Stephen Duprey  
*Chairman, NH Republican State Committee*

Invocation: Robert Scott  
*Chairman, Sullivan County Republican Committee*

Pledge of Allegiance: Kevin Chalbeck  
*Norris Cotton Award Recipient*

National Anthem: Amy MacNeil

Welcome to Manchester: Mayor Raymond Wieczorek

Introduction of Guests: Stephen Duprey

Governor Merrill  
Senator Smith  
Senator Gregg  
Congressman Zelifff  
Candidate Bass  
Executive Council Candidates  
State Senate Candidates  
State Representative Candidates  
Candidates for County Offices

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Keynote Address: Senator Robert Dole  
*Minority Leader, U.S. Senate*

Remarks:

Senator Smith  
Senator Gregg  
Congressman Zelifff  
Candidate Bass  
Governor Merrill

Committee Reports: Introduced by Georgi Hippauf  
*Assistant Chairman, NH Republican State Committee*

Rules Committee: Thomas Burack, *Chairman*

- Adoption of the Rules

Organization Committee: Hon. Ruth Griffin, *Chairman*

- Adoption of the Committee Report

Credentials Committee: Karen Rouillard, *Chairman*

- Adoption of the Report

Platform Committee: Betty Tamposi, *Chairman*  
Wayne MacDonald and  
Sherry Young, *Co-Chairmen*

- Adoption of the Committee Report

Other Business

Benediction: Steve Root  
*Chairman, NH Young Republicans*

Adjourn

★★★



Convention Organization

Chairman:	Stephen Duprey
Assistant Chairman:	Georgi Hippauf
Secretary:	Gerrie Porter
Sergeant at Arms:	Claffe Mayo
Parliamentarian:	Thomas Burack
Arrangement:	Charlie Arlinghaus Lee Anne Steiner Jeff Lucy Carrie Kuss Darrell Halen Tim Rodenberger Young Republicans of NH
Credentials:	Karen Rouillard
Organization:	Hon. Ruth Griffin
Rules:	Thomas Burack
Platform and Resolutions:	Betty Tamposi <i>Chairman</i> Wayne MacDonald <i>Co-Chairman</i> Sherry Young <i>Co-Chairman</i>
Music:	Music Maximus Neil Flewelling
Sound:	Malloy Sound



1:02 pm- ATTEND/SPEAK New Hampshire Republican State Convention

2:30 pm

Location Amoskeag Pavillion  
Attendance: 400  
Event runs: 1:00 - 4:00 pm  
Press: Open  
Facility: Stage, podium and mic, headtable on stage  
Headtable: Senator Dole  
Governor Merrill  
Senator Smith  
Senator Gregg  
Congressman Zeliff  
Charlie Bass  
Georgie Hippauf, Assist. Party Chairman  
Carol Holden, Pres. of National Federation of  
Republican Women  
Format: 1:30 pm Steve Duprey, State Party Chairman,  
introduces Senator Dole  
1:35 pm Senator Dole gives remarks  
Contact: LeAnn Steiner  
603/225 -9341

*Non  
Bilum  
Candice  
Steve*

TO: Senator Dole  
FR: Kerry  
  
RE: Aspen Briefing Book

The following information is contained in the Briefing Book:

1. **CONFERENCE BACKGROUND:** Schedule, list of participants, background on MR. Forstmann.
2. **ECONOMY:** Memo from David Taylor on Clintonomics and Republican economic principles.
3. **FEDERAL RESERVE:** Memo from David Taylor containing latest information and talking points on interest rates.
4. **FOREIGN POLICY:** Background from Randy on Haiti, North Korea, Russia, and other general foreign policy issues.
5. **GATT:** Talking points from Rolf.
6. **GRIDLOCK:** Your New York Times op/ed on bi-partisanship
6. **HEALTH CARE:** July polling numbers from Teeter relating to health care; September health care polling numbers from Fabrizio/McLaughlin; Memo from Haley Barbour; copy of your floor statement on anniversary of Clinton speech; Copy of Congressman Dingell's letter to President Clinton
7. **JOHN KERRY:** Background information on Senator Kerry
8. **NEW HAMPSHIRE SPEECH:** Copy of speech prepared for New Hampshire GOP; contains some good political rhetoric. (The New Hampshire speech contains material on the recent Wirthlin "right track/wrong direction poll." I noticed reading the McLaughlin transcript that McLaughlin said the figure was 80% saying America is on the wrong track. That is incorrect. The actual results were 20% saying America is heading in the right direction, and, as stated in your New Hampshire speech, 70% saying America headed in the wrong direction, and 10% no answer or no opinion.
9. **POLLS:** Information from recent Times Mirror poll on new political landscape.
10. **SEVEN MORE IN '94:** Background from this weeks NRSC event.
11. **SUPERFUND:** Memo from Barbara on future of Superfund
12. **TELECOMMUNICATIONS:** Memo from David Wilson with latest information on telecommunications.



Letter is mentioned  
in Remarks

Dr. John Schermehorn  
North Hampton, New Hampshire

UNITED STATES SENATE  
WASHINGTON, D. C. 20510

July 22, 1994

JUDD GREGG  
NEW HAMPSHIRE

Handwritten initials or mark, possibly "JG" or "JG/16".

The Honorable Robert Dole  
United States Senate  
Washington, D.C. 20510

Dear Bob:

Enclosed is a handwritten note from a gentlemen in New Hampshire whose son nearly drowned and who, as a result, has some very strong opinions on the Clinton health care proposal.

He asked that I personally convey this to you, and I would appreciate it if someone on your staff could draft a response which could be personalized by yourself.

Handwritten initials "JG".

Sincerely,

Handwritten signature of Judd Gregg.  
Judd Gregg

Enclosure

Dear Senator,

I am a husband and father of four children and also happen to be a physician. My priorities in life are in that order. Recently, my ten year-old son (our "baby") was a victim of a near drowning. Thanks to the intervention of people at the scene, he survived the initial incident and was transported to a nearby hospital where he received superb care and treatment, was stabilized, and then sent to The Children's Hospital in Boston - about an hour away from where we were in New Hampshire.

With God's help and the outstanding care and treatment that he received in the Intensive Care Unit at Children's, my son is awake, alert and sitting up in his room - surviving with virtually all his physical and mental faculties intact. We were truly blessed and are forever thankful to God and all those He guided in my son's care.

After the initial crisis had passed, I sat in quiet reflection of the entire episode, and it dawned on me with chilling clarity that, had the Clinton Health Plan been in effect, the outcome could have been drastically different.

In the scheme of things that are proposed,

we would not have been able to send our son to Boston, but would have been relegated to some other hospital, if any. The penalty for "going against the plan" would be a ten thousand dollar fine and possible jail sentence. How utterly ludicrous and insane that is. Yet it is there in black and white!

It is obvious to me that this plan could only be devised by a lawyer and others who haven't a clue as to what health care in this country is all about.

I owe my son's life to free choice of where he was to get his care, for Hillary Clinton to make the statement that "we can do it better", concerning government run health care as she did publicly on television, clearly shows that she has absolutely no comprehension of the subject of which she speaks.

It is important to note that, as I write this, I am imbued with feelings of gratitude, relief and thankfulness because of my son's recovery. I have no feelings of rancor - just fear that events could have been taken out of my control and put into the hands of some unseen, uncaring, bean counting bureaucrat who's only concern is compliance to a government policy that only leads to mundane mediocrity.

One only has to look at the present Medicare system to see what the future has in store. The myriad of inane federal mandates has risen the average administrative costs in a hospital from 6% to 25%. At present 30% of my practice is Medicare and my average rate of return is 20 cents on the dollar. If this kind of federal control became "universal", I could make a better living as a plumber, carpenter or a government employee. The impact on hospitals, and healthcare providers would be absolutely devastating.

It is also important to point out, as a healthcare provider myself with thirty years experience in various capacities, that my son's care would have been no different had he been uninsured or on Medicaid. In the field of healthcare, with very few exceptions, the fact that they are insured or not makes absolutely no difference whatsoever. Whatever needs to be done is done wherever and whenever necessary. That is the true essence of healthcare in this country as we know it today, and that is the element that is in greatest jeopardy with the Clinton plan.


Keep these thoughts in mind when thinking about or discussing the healthcare issue. The choice comes down to a simple question: If you were in my place, would you

want the freedom to determine your child's care and outcome, or would you rather be forced to accept whatever the government will give you or risk being treated as a criminal for wanting the best possible chance for his or her survival. That is the true "crisis" in healthcare today. All the other problems seem trivial in comparison and those have workable solutions.

God smiled on us and we are truly thankful. Will "Big Brother" allow Him to smile on you? I will ponder that each and every time I look at my son's beautiful, wonderful, living, breathing and smiling face.

I remain,

John J. Schermerhorn, M.D.

 John J. Schermerhorn, M.D.

129 Atlantic Ave

North Hampton, N.H. 03862

Schedule

**SATURDAY, SEPTEMBER 24, 1994**

**Page 7**

12:50 pm DEPART Forum for Fundraising Luncheon for Bruce Benson

Driver: Sean Murphy  
Drive time: 15 minutes  
Location: Home of John and Carolyn Saeman  
576 S. Elizabeth Street  
Polo Club Place

1:05 pm ARRIVE Home of John and Carolyn Benson  
303/871-9084

1:05 pm- ATTEND/SPEAK Fundraising Luncheon for Bruce Benson

1:55 pm Attendance: 75 @ \$250 per person  
Event runs: 1:00 - 2:00 pm  
Press: Closed  
Facility: Outside on patio, tables of 10  
Format: 1:10 pm John Saeman introduces Bruce Benson  
1:15 pm Bruce Benson introduces Senator Dole  
1:20 pm Senator Dole gives remarks  
Contact: Ann Benson  
Stacey Oswalt  
1-800-223-6766

1:55 pm DEPART Luncheon for Stapleton Airport

Driver: Sean Murphy  
Drive time: 15 minutes

2:10 pm ARRIVE airport and proceed to departing aircraft

FBO: AMR Combs  
303/790-2575

2:15 pm DEPART Denver, CO for Milwaukee, WI

FBO: Signature  
Aircraft: Gulfstream 3 (American Financial)  
Tail number: 232 HC  
Flight time: 2 hours  
Pilots: Pat Maginnis  
Ray Smith  
Seats: 12  
Meal: Snack  
Manifest: Senator Dole  
Mike Glassner

**SATURDAY, SEPTEMBER 24, 1994**

**Page 8**

5:15 pm ARRIVE Milwaukee, WI

FBO: Signature  
414/747-5100

5:20 pm- Press Avail with Governor Thompson and Robert Welch, US Senate candidate

5:40 pm Location: Signature  
Format: State GOP Chairman, David Opitz, introduces  
Governor Thompson  
Governor Thompson gives remarks  
David Opitz introduces Robert Welch  
Robert Welch gives remarks  
David Opitz introduces Senator Dole  
Senator Dole gives remarks

5:40 pm DEPART airport for Fundraising Reception for Wisconsin State GOP

Driver: Dave Opitz, State GOP Chairman  
Drive time: 20 minutes  
Location: University Club  
North Library  
924 E. Wells

6:00 pm- ATTEND/SPEAK Fundraising Roundtable Discussion for Wisconsin State

6:45 pm GOP

414/271-2222

Location: North Library  
Attendance: 40 @ \$1,000 per person  
Event runs: 6:00 - 7:00 pm  
Press: Closed  
Facility: Hollow square seating  
Format: State GOP Finance Chairman, Rick Graber, gives  
welcome  
David Opitz gives remarks  
Senator Dole gives remarks  
Contact: Scott Matter  
312/281-1688  
312/281-1883 fax

6:45 pm DEPART Reception for airport

Driver: Dave Opitz  
Drive time: 20 minutes

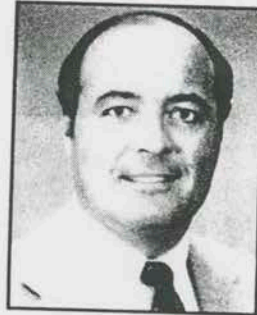
7:05 pm ARRIVE airport and proceed to departing aircraft



Bios

## **WISCONSIN**

### **David Opitz Chairman**



#### **Present**

Chairman, Republican Party of Wisconsin, elected -  
January 10, 1991  
Member, State of Wisconsin Development Finance Board

#### **Previous**

Member, Wisconsin State Elections Board  
Governor's Committee on Long Term Care of Solid and  
Hazardous Waste Landfills  
Volunteer, Wisconsin Foundation of Independent Colleges  
Wisconsin Republican Party Second Vice Chairman, 1989 -  
1991  
Ozaukee County Membership Chairman, 1986 - 1988  
State Senate, 1979 - 1984  
State Assembly, 1973 - 1979

#### **RNC Activity**

Member, Committee on Call, Republican National Convention,  
1992

#### **Personal**

Spouse: Nancy  
Children: Two  
Education: B.S., Carroll College

5132 Country Club Beach Road  
Port Washington, WI 53074

(608) 257-4765 (GOP)  
(608) 257-4141 (GOP-fax)  
(414) 285-3898 (h)

## **WISCONSIN**

### **Michael W. Grebe National Committeeman**



#### **Present**

National Committeeman, Wisconsin, elected - August 22, 1984  
Member, Board of Regents, University of Wisconsin, 1991 -  
Partner, Foley and Lardner

#### **Previous**

U.S. Army, 1962 - 1967  
National Steering Committee, Reagan for President, 1980  
State Campaign Chairman, Kasten for Senate, 1980, 1986  
State Co-Chairman, Reagan - Bush, 1984  
U.S. Military Academy Board of Visitors, 1985 - 1991  
Chairman, U.S. Military Academy Board of Visitors, 1990 - 1991

#### **RNC Activity**

Delegate, Republican National Convention, 1984, 1988, 1992  
Member, RNC Rules Committee, 1989 -  
Chairman, RNC Rules Committee, 1989 - 1992  
Member, Council of Legal Advisors, RNC

#### **Personal**

Spouse: Peggy  
Children: Two  
Education: B.S., U.S. Military Academy,  
J.D., University of Michigan

Foley and Lardner  
777 East Wisconsin Avenue  
Suite 3800  
Milwaukee, WI 53202-5367

*(cont.)*

## **WISCONSIN**

**Mary Buestrin**  
**National Committeewoman**



### **Present**

National Committeewoman, Wisconsin, elected -  
August 18, 1992  
Member, Finance Committee, Republican Party of Wisconsin  
Executive Committee, Republican Party of Ozaukee County,  
1962 -  
Wisconsin Federation of Republican Women, 1970 -  
First Ladies Club of Wisconsin  
Ozaukee Unit of Republican Women  
Executive Director, Coalition for Wisconsin, 1989 -  
Vice President, Park Ward Associates, 1978 -

### **Previous**

Steering Committee, Reagan - Bush Campaign, 1980, 1984  
Chairman, Member, National Advisory Council on Continuing  
Education, 1982 - 1987  
Wisconsin Women for Bush- Quayle, 1988  
Wisconsin Groups Chairman, Jack Kemp for President, 1987 -  
1988  
President, Wisconsin Federation of Republican Women  
Board Member, National Federation of Republican Women,  
1985 - 1989  
County Events Coordinator, Thompson for Wisconsin, 1990

### **RNC Activity**

Delegate, Republican National Convention, 1984, 1988  
Member, Platform Committee, Republican National Convention,  
1984

*(cont.)*

Press W I

Wisconsin Press Availability with Governor Thompson and Robert Welch

Saturday, September 24, 1994  
5:20 p.m. to 5:40 p.m. CST Milwaukee, WI

PURPOSE:

To attend press availability with Governor Thompson and state Representative Robert Welch, the Republican candidate for U.S. Senate.

Representative Welch will meet Herb Kohl Saturday evening in Madison in the first of two scheduled debates for the U.S. Senate candidates.

The Welch campaign has invited a group of supporters to the airport press conference, which they are billing as a debate send-off by Governor Thompson and Senator Dole.

BACKGROUND:

Governor Thompson has a significant lead in the polls and has been able to spend a significant amount of his time campaigning for other Wisconsin Republicans.

Each of Wisconsin's congressmen is running for reelection in 1994. Republicans believe they have an opportunity to capture the first district seat held by Democrat Peter Barca. Mark Neumann is running against Barca in a rematch of the 1991 special election for the seat which was held by Lee Aspin.

Republicans control the state senate in Wisconsin by just one vote and are three votes short of controlling the house.

THE WELCH CAMPAIGN:

Bob Welch received 47% of the vote in a four person primary. Among the leaders of the Welch campaign during the primary were Committeeman Mike Grebe and Committeewoman Mary Buestrin. Nearly every member of the state assembly and state senate also endorsed Welch during the primary.

Welch also received strong organizational and financial support from the National Rifle Association and Right to Life organizations.

During the primary, Welch pledged to resign from the Senate before voting for a tax increase. Welch's campaign has worked hard to tie Kohl as closely as possible to President Clinton.

Bob and his wife, Jeanne, reside in Redgranite, a small agricultural town just west of Oshkosh. A small business owner (land surveyor), Welch was elected to the state legislature in 1984.

# WISCONSIN

**Status of Incumbent:** Gov. Thompson (R) Eligible to seek reelection.

**Primary Election:** Sept. 13

REPUBLICANS

Tommy G. Thompson, Incumbent

DEMOCRATS

Chuck Chvala, State Senator

## Update

Governor Tommy Thompson officially announced his intention to seek reelection on May 31. He has led the state to new heights in his two terms. Since coming to office, Governor Thompson has overseen the creation of 382,000 jobs. April was the seventy-fifth consecutive month that Wisconsin's unemployment was below the national average. Wisconsin companies sold a record \$7.7 billion in exports in 1993, up 11% from record year 1992. He has succeeded in reducing the welfare caseload 20%.

Governor Thompson has only one opponent since Assembly Speaker Walter Kunicki decided not to challenge for the Democratic nomination. Analysts believe that a primary battle would have helped the Democrats. Now, the only candidate is state Senator Charles Chvala from the City of Madison. Chvala is expected to be heavily financed by unions, especially the Wisconsin Education Association Council. WEAC last year helped finance the successful Democratic campaign for the race for State Superintendent of Schools.

Another major goal Governor Thompson wants to tackle is the removal of \$1 billion per year in public school costs from the property tax. "As long as I am governor, property tax relief will mean controlling spending, not increasing tax rates somewhere else," Governor Thompson vowed in his reelection announcement. By contrast, his opponent Chvala called for an increase in the income tax "another percent or two" to pay for the property tax relief plan which has already passed the Legislature.

### 1992 Presidential Vote

Clinton (D)	1,041,066 (41%)
Bush (R)	930,855 (37%)
Perot (I)	544,479 (22%)
Total	2,516,400

**1990 Gubernatorial General Election Results**

Tommy G. Thompson (R)	802,321 (58%)
Thomas Loftus (D)	546,280 (42%)
Total	1,348,601

**NO POLLING INFORMATION**



F. R. W I G O P

6:00 pm- ATTEND/SPEAK Fundraising Rountable Discussion for Wisconsin State  
6:45 pm GOP 414/271-2222

Location: North Library  
Attendance: 40 @ \$1,000 per person  
Event runs: 6:00 - 7:00 pm  
Press: Closed  
Facility: Hollow square seating  
Format: State GOP Finance Chairman, Rick Graber, gives  
welcome  
David Opitz gives remarks  
Senator Dole gives remarks  
Contact: Scott Matter  
312/281-1688  
312/281-1883 fax

**Wisconsin State Republican Party Fundraiser**

Saturday, September 24, 1994  
6:00 p.m. to 6:45 p.m. CST Milwaukee, WI

PURPOSE:

To assist state GOP with fundraising for state legislative candidates. Approximately 35 Wisconsin business leaders, state legislators, and party activists will be in attendance.

BACKGROUND:

Capturing control of both chambers of the legislature is a top priority of Governor Thompson. Currently, Republicans control the state senate by just one vote and are just three votes shy of the majority in the House.

The state party is expecting to raise over \$40,000 at the event. The money will be used to pay for advertising and GOTV activities for targeted senate and house races.

Party activists in attendance at the event will include State GOP Chairman David Opitz, National Committeeman Mike Grebe, and National Committeewoman Mary Buestrin. Also in attendance will be Republican Assembly leader Dave Prosser and State Senator Margaret Farrow. The remaining attendees are top CEO's and business leaders from the Milwaukee area.

FORMAT:

All attendees will be given the opportunity to have their photo taken with Senator Dole and Chairman Opitz at the beginning of the fundraiser. Following the photo-op, Chairman Opitz will begin the event by welcoming you and the other elected officials and party leaders. You will then have the opportunity to offer brief remarks. A question and answer session will follow.

KEY ATTENDEES:

- \* Chairman David Opitz
- \* National Committeeman Mike Grebe
- \* National Committeewoman Mary Buestrin
- \* Representative Dave Prosser
- \* Senator Margaret Farrow
- \* Carl Wamsler, CEO of Everbrite Inc.
- \* Roger & Ann Martin, Owner of Pope Scientific
- \* Bob Doucette, CEO, Milwaukee Insurance
- \* Ross Dean, Owner, Fibcon Inc.
- \* Jim Derse, Owner, Derse Advertising

- \* Mary Finnigan, Retired
- \* Henry Uihlein, U-line Corporation
- \* Polly Uihlein, U-line Corporation
- \* Philip Uihlein, U-line Corporation
- \* Mr. and Mrs. James Weichmann, Milwaukee stockbroker

DOLE BRIEFING PARTICIPANTS

- DUANE BLUEMKE President, U.S. Counseling Services
- JIM DERSE Derse Outdoor Advertising
- ROSS DEAN Owner, Fibcon Inc.
- BOB DOUCETTE CEO, Milwaukee Insurance
- SENATOR MARGARET FARROW
- MARY FINNIGAN Retired - major donor
- Mike Grebe
- ROBERT HOFFER Retired
- DAVID & CYNTHIA KAHLER Architect
- BRIAN MARDAK
- ROGER & ANN MARTIN Owner, Pope Scientific
- JOAN PENNAU Homemaker, husband physician
- REPRESENTATIVE DAVE PROSSER
- HENRY UHLEIN U-line Corporation
- POLLY UHLEIN ↓
- PHILIP UHLEIN/LYNN KEWLEY
- CARL WAMSER - CEO, Everbrite Inc.
- JEFF WARSHAUER
- JAMES WEICHMANN/MRS. WEICHMAN Stock broker

Misc

## MEMORANDUM

September 21, 1994

To: Senator Dole

From: Bill Thorne

Re: Wisconsin Summary Information

### PRIMARY (SEPTEMBER 13)

Wisconsin Primary Results:	Republicans		Democrat	
	Welch	47%	Kohl	100%
	Gunderson	22		
	Zeuske	17		
	Fitzpatrick	13		

### POLLING INFORMATION

Political Media Research (9/4-6/94)

**BALLOT**

Welch 26%

Kohl 66

Market Shares (8/27-9/1/94)

**BALLOT**

Welch 21%

Kohl 62

### FINANCIAL INFORMATION

Candidate	Raised 8/24	Spent 8/24	PAC \$	3rd Quarter	COH 8/24	Debt
Welch	\$447,451	\$415,740	\$34,068	\$72,085	\$31,609	\$0
Kohl	\$3,580,262	\$3,644,650	\$0	\$640,277	\$17,221	\$0

HOTLINE 9/14/94

\*9 WISCONSIN: WELCH FACES UPHILL FIGHT AGAINST KOHL

SENATE: State Rep. Bob Welch (R) defeated businessman Matt Gunderson (R), Treas. Cathy Zeuske (R) and atty Tom Fitzpatrick (R). Sen. Herb Kohl (D) was unopposed. Results with 99% reporting (AP, 9/14):

GOP PRIMARY		
Welch	154,323	47%
Gunderson	73,832	23
Zeuske	55,241	17
Fitzp'ck	43,517	13

ANALYSIS: Welch won a "surprisingly easy" victory, telling supporters that WI voters are "fed up" with "business as usual." Welch: "We've taken an issue-based campaign to the voters of Wisconsin. We can beat Herb Kohl in the fall because we have the right message. Let there be no doubt. Herb Kohl is a Bill Clinton Democrat." The size of Welch's win "was a surprise in a race that virtually everyone who had commented on it said was close." Welch dir. John Hiller said the "key" to the win was a "massive grass-root organization in all parts of the state" (MILWAUKEE SENTINEL, 9/14).

HOUSE:

WI 03: Rep. Steve Gunderson (R) defeated ret. educator Donald Brill (R). Dems nominated state Rep. Harvey Stower over ex-state Sen. Peter Bear, Western WI Tech. College Pres. Lee Rasch and '88 candidate Karl Krueger. Results with 100% reporting (AP, 9/14):

DEM PRIMARY			GOP PRIMARY		
Stower	6,847	35%	Gunderson	21,407	63%
Bear	6,651	35	Brill	12,371	37
Rasch	4,249	22			
Krueger	1,875	10			

WI 08: Rep. Toby Roth (R) was renominated over DePere Mayor Nancy Nusbaum (R), and will face state Rep. Stan Gruszynski (D) in the general election. Results with 99% reporting (AP, 9/14):

GOP PRIMARY		
Roth	48,550	68%
Nusbaum	23,004	32



HOTLINE 9/1/94

\*12 WISCONSIN: GOPER, WINGING BUSH, CALLS TAX HIKE "INEVITABLE"  
MILWAUKEE JOURNAL's Gilbert reports state Rep. Bob Welch (R)  
"has made an 'ironclad' no-new-taxes pledge," going as far as to  
submit "a pre-signed resignation letter to be used in case he  
ever votes for any kind of tax increase, ever." But in ads that  
began airing 8/29, businessman Matt Gunderson (R) is taking a  
different approach: "In an unconventional gambit for any  
candidate, much less a Republican in a party primary, Gunderson  
uses his first set of television ads to tell voters that some tax  
increases are probably inevitable." The ad shows Gunderson  
speaking next to an Abraham Lincoln cutout. Gunderson: "I don't  
want to raise taxes. But let's get real. A no-new tax pledge  
might be good politics. But it's bad policy and more important,  
not realistic. I know it's not as dramatic as asking people to  
read my lips. But at least it's honest. Right, Abe?" Another  
9/13 primary opponent, atty Tom Fitzpatrick (R), called the Welch  
pledge "foolish." Treas. Cate Zeuske claimed she would "never  
vote to raise 'general taxes.'" Zeuske: "It's unfortunate Bob  
doesn't feel he can run on his record, that he needs a gimmick to  
prop up his campaign" (8/28).

GUNDERSON POLL: An internal poll for the Gunderson campaign  
by Luntz Research surveyed 400 likely GOP voters; margin of error  
+/-4.9%. Results: Gunderson 14%, Fitzpatrick 12%, Welch 9% and  
Zeuske 7%, with 56% undecided (Gunderson release, 8/31).

September 22, 1994

**WISCONSIN--CRIME**

1. Crime has become a hot issue because of the recent kidnapping and murder of 12-year old Cora Jones, who was abducted while riding her bicycle. No one has been arrested, although police have posted a \$200,000 reward for any information that would lead to the apprehension of the killer. A Milwaukee police officer was also recently murdered, which has generated a considerable amount of press attention.

See attached statement on Megan Kanka.

2. Wisconsin does not have a death penalty. Earlier this year, the Wisconsin State Senate defeated a measure that would have made capital punishment available in Wisconsin. However, the recent murders of Cora Jones and the Milwaukee police officer have re-energized the death-penalty debate. For example, the Speaker of the Wisconsin Assembly, a Democrat, has come out in favor of capital punishment.

3. The crime bill establishes an enforceable federal death penalty for nearly 60 separate offenses. All of the offenses involve murder. For example, the crime bill establishes the death penalty for those 1) who murder a federal law enforcement officer, and 2) who murder a State or local official assisting Federal law enforcement officers or State correctional officers.

4. The Wisconsin branch of the NRA is circulating a letter to its membership urging support for Bob Welch and criticizing Senator Kohl for his support of the crime bill.

**SENATOR BOB DOLE**  
**MEGAN KANKA**  
**AUGUST 11, 1994**

MR. PRESIDENT, LAST WEEK, AMERICA WAS SHOCKED BY THE BRUTAL MURDER OF 7 YEAR-OLD MEGAN KANKA, WHO WAS RAPED AND STRANGLER TO DEATH NEAR HER HOME IN HAMILTON TOWNSHIP, NEW JERSEY. THE POLICE HAVE ARRESTED A TWICE-CONVICTED SEX OFFENDER, A NEIGHBOR OF THE KANKA FAMILY, WHO HAD SERVED JUST 6 YEARS OF A 10-YEAR SENTENCE.

UNFORTUNATELY, THE KANKA FAMILY AND THE RESIDENTS OF HAMILTON TOWNSHIP HAD NO IDEA THAT THE BEAST WHO COMMITTED THIS HORRENDOUS CRIME WAS OUT LOOSE IN THEIR COMMUNITY. IF THEY HAD KNOWN ABOUT THE CRIMINAL HISTORY OF MEGAN'S KILLER, THERE'S A GOOD CHANCE THAT MEGAN WOULD STILL HAVE A CHILDHOOD...AND A FUTURE.

THE AMENDMENT I AM OFFERING TODAY TARGETS THAT SMALL GROUP OF PREDATORS WHO TERRORIZE OUR PLAYGROUNDS AND PARKS, SEEKING TO HARM THE MOST VULNERABLE IN OUR SOCIETY. EVEN AFTER A SEXUAL PREDATOR HAS BEEN APPREHENDED, CONVICTED, SENTENCED, AND INCARCERATED, THERE'S NO GUARANTEE THAT HE WILL NOT STRIKE AGAIN ONCE HE HAS BEEN RELEASED ONTO OUR STREETS.

THE AMENDMENT IS VIRTUALLY IDENTICAL TO A BILL INTRODUCED LAST WEEK BY SENATOR SLADE GORTON AND REPRESENTATIVES DICK ZIMMER AND JENNIFER DUNN. REPRESENTATIVE ZIMMER, IN PARTICULAR, HAS BEEN EXTREMELY HELPFUL TO ME IN EXPLAINING HIS PROPOSAL AND SHARING HIS INSIGHTS ON HOW BEST TO TARGET THESE VICIOUS CRIMINALS AND TO KEEP LOCAL COMMUNITIES INFORMED OF THEIR WHEREABOUTS.

IN A NUTSHELL, THE AMENDMENT DIRECTS THE ATTORNEY GENERAL TO ESTABLISH GUIDELINES FOR STATE PROGRAMS REQUIRING A "SEXUALLY VIOLENT PREDATOR" TO REGISTER A CURRENT ADDRESS WITH THE APPROPRIATE STATE LAW ENFORCEMENT AGENCY. ANY STATE THAT FAILS TO ESTABLISH A REGISTRATION PROGRAM WITHIN THREE YEARS COULD SUFFER A 10% REDUCTION IN FEDERAL LAW ENFORCEMENT FUNDING. ANY FUNDS THAT ARE RELEASED IN THIS WAY ARE THEN RE-ALLOCATED TO THOSE STATES THAT DO HAVE REGISTRATION PROGRAMS.

REGISTRATION WITH THE STATE LAW ENFORCEMENT AGENCY MUST OCCUR AT THE TIME THE CONVICTED SEX OFFENDER IS RELEASED FROM PRISON, PLACED ON PAROLE, OR PLACED ON SUPERVISED RELEASE. THE STATE AGENCY MUST THEN TRANSMIT THIS INFORMATION TO THE FBI AND TO THE LOCAL POLICE DEPARTMENT FOR THE COMMUNITY IN WHICH THE SEX OFFENDER RESIDES.

THE AMENDMENT ALSO REQUIRES THE "SEXUALLY VIOLENT PREDATOR" TO VERIFY HIS RESIDENCE WITH THE STATE AGENCY ON A QUARTERLY BASIS. THIS SHOULD HELP ENSURE THAT LOCAL LAW ENFORCEMENT OFFICIALS ARE KEPT UP-TO-DATE ON THE WHEREABOUTS OF THOSE SEX OFFENDERS WHO ARE SUBJECT TO THE REGISTRATION PROGRAM.

IN ADDITION, THE AMENDMENT CONTAINS A "COMMUNITY NOTIFICATION" PROVISION. THIS PROVISION REQUIRES STATE LAW ENFORCEMENT AGENCIES TO RELEASE ANY INFORMATION THAT IS NECESSARY TO PROTECT THE PUBLIC FROM A SEXUALLY-VIOLENT PREDATOR.

I KNOW THAT SOME OF MY COLLEAGUES VIEW THIS PUBLIC NOTIFICATION REQUIREMENT AS A VIOLATION OF THE CRIMINAL'S PRIVACY RIGHTS. OTHERS HAVE DESCRIBED IT AS A MODERN-DAY "SCARLET LETTER." BUT I HAPPEN TO AGREE WITH ONE OF THE KANKA FAMILY'S NEIGHBORS, WHO RECENTLY EXPLAINED TO THE NEW YORK TIMES: "AN INNOCENT CHILD'S RIGHTS OUTWEIGH A CRIMINAL'S RIGHTS. POSTING WARNINGS IS A WAY TO EXTEND CONTROL BEYOND THE LIMITS OF THE SENTENCE." THE BOTTOM LINE IS THAT COMMUNITIES LIKE HAMILTON TOWNSHIP, NEW JERSEY, HAVE A RIGHT TO PROTECT THEMSELVES. IF SOMEONE IS SO CONCERNED ABOUT BEING BRANDED A "SEXUALLY-VIOLENT PREDATOR," HE SHOULDN'T COMMIT THE CRIME IN THE FIRST PLACE.

FINALLY, MR. PRESIDENT, I WANT TO THANK SENATOR GORTON AND REPRESENTATIVE ZIMMER FOR THEIR EFFORTS ON BEHALF OF THIS AMENDMENT. THIS AMENDMENT IS REALLY THEIR IDEA, AND THEY DESERVE THE CREDIT FOR BRINGING THIS IMPORTANT ISSUE TO THE NATION'S ATTENTION.

###

**Bob Dole**

U. S. SENATOR FOR KANSAS

SENATE REPUBLICAN LEADER



NEWS  
FROM:

FOR IMMEDIATE RELEASE  
Tuesday, September 13, 1994

Contact: Clarkson Hine  
(202) 224-5358

## REPUBLICAN CRIME BILL

DOLE INTRODUCES "CRIME CONTROL IMPROVEMENT ACT":  
EFFORT TO STRIP PORK, BEEF UP PENALTIES IN JUST-SIGNED BILL

Instead of signing the so-called crime bill, President Clinton should have used today's White House ceremony to send the bill back to Congress marked with four simple letters: V.E.T.O. Veto.

The President should have told Congress to cut out the billions and billions of dollars in wasteful social spending, toughen up the penalties, and send him a new-and-improved crime bill that matches his own tough-on-crime rhetoric.

### Republican Tough-On-Crime Measures

And that's exactly what Senate Republicans tried to do last month, when we were ready to offer a series of ten amendments...all designed to improve the crime bill by stripping out the pork and toughening up the weakest parts of the watered-down conference report.

Republicans tried to save the taxpayers nearly \$5 billion by cutting such phony "crime-fighting" measures as the Local Partnership Act, the Model Intensive Grants Program, the National Community Economic Partnership...even something called the "Ounce of Prevention" Program, which in reality is not an ounce, but a multi-million dollar ton of pure, unadulterated pork-barrel spending.

Republicans sought to establish mandatory minimum penalties for those vicious criminals who use a gun in the commission of a crime and who sell illegal drugs to children..

Republicans tried to ensure the swift deportation of illegal aliens who have committed violent crimes while in the United States.

Republicans attempted to tighten up the crime bill's prison language so that funds will be used to build "brick and mortar" prison cells, rather than warm-and-fuzzy prison "alternatives" such as "half-way houses" and "juvenile detention centers." Believe it or not, there's no guarantee that one dime of the crime bill's \$30 billion will be used to build a single prison cell.

And, last month, Republicans sought to ensure that first-time violent offenders are kept behind bars by encouraging states to adopt real, meaningful truth-in-sentencing reform.

Although a full two weeks have elapsed since the Senate's passage of the conference report and today's signing ceremony, Republicans were nonetheless blocked--shut out--from using just several hours to debate our ten amendments, toughen up the crime bill in the process, and potentially save the taxpayers nearly \$5 billion.

### So-Called Crime Bill: Expensive Lesson for Americans

So, today's signing ceremony may be a legislative victory for President Clinton, but it's a very expensive lesson for the American people.

The American people aren't dumb. They know that the crime bill is more hype than tough-on-crime substance. They know that it fully funds only 20,000 new police officers, not the 100,000 claimed by the administration.

And the American people understand that the most effective way to prevent crime is not with the pork-barrel, but with the prison cell.

Although Senate Republicans came up a bit short last month, this temporary set-back doesn't mean we've given up. On the contrary: Republicans will continue to push ahead--with greater effort and with even greater resolve--until the American people

(more)

get the kind of tough, no-nonsense, crime-fighting plan they deserve...and one that is 100% fat free.

This document is from the collections at the Dole Archives, University of Kansas  
<http://dolearchives.ku.edu>

### Crime Control Improvement Act: Incorporates 10 GOP Provisions

That's why I am introducing a bill today--the Crime Control Improvement Act--that incorporates all ten amendments proposed by Republicans during the debate last month: a \$5 billion cut in wasteful social spending. Tough mandatory minimum penalties for those who use a gun while committing a crime. Tough mandatory minimums for those who peddle drugs to minors and employ minors to sell drugs. The swift deportation of criminal aliens. And real truth-in-sentencing for first-time violent offenders, not for the second-time offenders, as the crime bill now provides.

The Senate should have adopted these amendments more than two weeks ago. The crime bill would have been vastly improved as a result...and the American people wouldn't be so skeptical today of the overblown claims made by President Clinton and by the bill's most ardent supporters.

No doubt about it, the Senate missed a golden opportunity by preventing Republicans from offering our amendments. But one lost opportunity doesn't mean we shouldn't keep on trying....and that's exactly what Republicans intend to do in the weeks and months ahead.

###

\* Remarks delivered on the Senate floor, approximately 2:55 PM.

### PROPOSED TEN REPUBLICAN AMENDMENTS--August 25, 1994

- \* Four amendments striking approximately \$5 billion in "social spending" from the conference report (excluding Violence against Women Act and funding for federal and state prison drug treatment).

--Amendment One: Strike Local Partnership Act

Savings: \$1.62 billion

--Amendment Two: Strike Model Intensive Grants

Savings: \$625.5 million

--Amendment Three: Strike Local Crime Prevention Block Grants; Family and Community Endeavor Schools; Community-Based Justice Grants; Urban Recreation; Assistance for Delinquent and At-Risk Youth; and Police Recruitment

Savings: \$734.5 million

--Amendment Four: Strike National Community Economic Partnership; Community Schools; Ounce of Prevention; Family Unity Demonstration Project; Gang Resistance Education and Training; and Drug Courts

--Savings: \$1.99 billion

- \* Tighten prison language:

--elimination of reverter clause, thereby ensuring that funds remain allotted for truth-in-sentencing

--elimination of "correctional plan" language that unnecessarily burdens state prison administrators

--ensure that prison funding will go to build "brick-and-mortar" prison cells, not just prison "alternatives"

--truth-in-sentencing for first-time violent offenders

- \* Simpson amendment expediting criminal alien deportation.
- \* Gramm/D'Amato mandatory minimum penalties for gun crimes.
- \* Mandatory minimum penalties for selling drugs to minors.
- \* Mandatory minimum penalties for employing minors to sell drugs.
- \* Drop mandatory minimum repeal. Substitute Senate-passed proposal with a requirement that federal prosecutors have a role in the decision to deviate from the mandatory minimum.

**SENATOR BOB DOLE**

**TORT REFORM**

**SEPTEMBER 23, 1994**

THANK YOU, FIFE, FOR THAT  
KIND INTRODUCTION. AND I  
WANT TO THANK JOHN TEETS  
FOR HIS HOSPITALITY IN  
ALLOWING US TO CONVENE HERE  
TODAY AT THE DIAL CORPORATE  
CENTER.

**LET ME BEGIN BY CITING A  
FEW STATISTICS THAT, I  
BELIEVE, PUT TORT REFORM IN  
THE PROPER PERSPECTIVE:  
PRODUCT-LIABILITY AND  
PERSONAL-INJURY CASES COST  
THE U.S. ECONOMY A  
STAGGERING \$130 BILLION  
ANNUALLY IN LITIGATION COSTS  
AND HIGHER INSURANCE**



**PREMIUMS. THAT AMOUNTS TO  
MORE THAN \$1,000 PER  
HOUSEHOLD.**

**LEGAL JUDGMENTS  
ACCOUNT FOR 2.3 PERCENT OF  
OUR GROSS DOMESTIC  
PRODUCT.**

**PLAINTIFFS' LAWYERS EARN  
NEARLY \$20 BILLION ANNUALLY  
IN LEGAL FEES, OFTEN AS A**

**RESULT OF "CONTINGENCY-FEE"  
ARRANGEMENTS GUARANTEEING  
A 30 OR 40 PERCENT SHARE OF  
ANY JURY AWARD.**

**THOSE ARE THE BIG-PICTURE  
STATISTICS, BUT THE FEAR OF  
BEING ON THE LOSING END OF A  
LAWSUIT--WHETHER THE  
LAWSUIT IS BASELESS OR NOT--  
CAN HIT MUCH CLOSER TO**

**HOME:**

**PLAYGROUNDS AND "LITTLE  
LEAGUES" SHUT DOWN BECAUSE  
LOCAL COMMUNITIES CAN'T  
AFFORD THE INSURANCE. BOY  
SCOUT TROOPS DISBAND  
BECAUSE THERE AREN'T ANY  
ADULTS AROUND WHO ARE  
WILLING TO BE TROOP LEADERS.  
DOCTORS PRACTICE DEFENSIVE**

**MEDICINE, INCREASING THE  
COST OF HEALTH CARE IN THE  
PROCESS. VOLUNTEERS STAY  
HOME INSTEAD OF OFFERING  
THEIR SERVICES TO THE  
COMMUNITY. POLICE OFFICERS  
START SECOND-GUESSING THEIR  
OWN ACTIONS, WONDERING  
WHETHER THEY'RE GOING TO BE  
HAULED INTO COURT FOR SOME**

**MINOR MISSTEP.**

**EVEN WORSE, PEOPLE  
START TO LOSE FAITH IN THE  
SYSTEM. THEY BEGIN TO VIEW  
THE SYSTEM NOT WITH RESPECT,  
BUT AS AN OPPORTUNITY TO  
MAKE A QUICK BUCK.**

**EVERYONE BECOMES A  
POTENTIAL VICTIM. EVERY  
SOCIAL TRANSACTION, NO**

**MATTER HOW MINOR OR BENIGN,  
BECOMES A POTENTIAL LAWSUIT  
LEADING TO A MULTI-MILLION  
DOLLAR JACKPOT.**

**THAT'S WHY TORT REFORM  
IS SO IMPORTANT...NOT ONLY TO  
REDUCE BUSINESS COSTS, NOT  
ONLY TO PROTECT THE  
INNOCENT FROM FRIVOLOUS  
LAWSUITS, BUT TO RESTORE A**

**SENSE OF PERSPECTIVE AND  
PERSONAL RESPONSIBILITY.**

**TORT REFORM IS ESSENTIAL  
IF WE'RE GOING TO END THE  
LITIGATION BLAME-GAME IN  
AMERICA AND START HOLDING  
PEOPLE ACCOUNTABLE FOR  
THEIR OWN ACTIONS.**

**AND THAT'S WHERE**

**PROPOSITION 103 COMES IN:  
PROP 103 WILL CLEAR THE WAY  
FOR A NUMBER OF COMMON-  
SENSE REFORM MEASURES THAT,  
I UNDERSTAND, HAVE ALREADY  
PASSED THE STATE  
LEGISLATURE, BUT AREN'T VALID  
UNLESS AND UNTIL THE  
RESTRICTIONS IN THE ARIZONA  
STATE CONSTITUTION ARE FIRST**



**REMOVED.**

**FOR EXAMPLE: ONE REFORM  
WOULD GRANT IMMUNITY FROM  
FRIVOLOUS LAWSUITS FOR  
VOLUNTEERS AND NON-PROFITS.**

**A SECOND REFORM WOULD  
PREVENT DRUNK DRIVERS FROM  
SUING IF THEY ARE IN A CAR  
ACCIDENT AND ARE MORE THAN**

**50% AT FAULT.**

**A THIRD REFORM WOULD  
PREVENT FELONS FROM SUING  
FOR INJURIES RECEIVED WHILE  
COMMITTING OR FLEEING A  
FELONY.**

**AND HOW ABOUT  
PROTECTING POLICE OFFICERS  
FROM FRIVOLOUS LAWSUITS  
WHEN THEY ACT REASONABLY**

**AND WITHIN THE SCOPE OF  
THEIR DUTIES? THAT MAKES A  
LOT OF SENSE TO ME.**

**YOU KNOW, I'VE HAD A  
LITTLE EXPERIENCE WITH  
CONSTITUTIONAL AMENDMENTS.  
WHEN I WAS LEADING THE  
CHARGE FOR AN AMENDMENT  
THAT WOULD ALLOW STATES TO  
PASS LAWS PROTECTING THE**

**AMERICAN FLAG FROM  
DESECRATION, MY CRITICS  
CHARGED THAT I WAS  
DESECRATING THE  
CONSTITUTION IN THE PROCESS.  
OF COURSE, MY CRITICS WERE  
WRONG, FOR AMENDING THE  
CONSTITUTION WAS, AND STILL  
IS, AS AMERICAN AS THE  
CONSTITUTION ITSELF. IN THEIR**

**WISDOM, THE FRAMERS DEVISED  
A PROCESS TO AMEND THE  
CONSTITUTION, BUT, OF  
COURSE, THEY DIDN'T MAKE IT  
EASY...REQUIRING THE  
APPROVAL OF 38 STATES AND  
THREE-FIFTHS OF BOTH HOUSES  
OF CONGRESS. AND, THE SAME  
PRINCIPLE HOLDS TRUE WITH  
THE ARIZONA STATE**

**CONSTITUTION: WE SHOULD  
RESPECT AND CHERISH OUR  
CONSTITUTIONS, BUT WHEN THE  
TIME COMES TO MAKE A  
CHANGE, WE SHOULD BE  
PREPARED TO DO WHAT WE  
BELIEVE OUGHT TO BE  
DONE....AND THAT'S WHAT  
PROPOSITION 103 IS ALL ABOUT.**

**I WANT TO SAY A WORD**

**ABOUT A RELATED TOPIC--**

**PRODUCT LIABILITY REFORM.**

**LAST JUNE, THE SENATE HAD AN  
OPPORTUNITY TO ADOPT A BILL,  
THE PRODUCT LIABILITY  
FAIRNESS ACT, THAT WOULD  
HAVE BROUGHT SOME COMMON-  
SENSE TO THE STATE-BY-STATE  
PATCHWORK OF PRODUCT  
LIABILITY LAWS.**

**HOW? BY ABOLISHING  
JOINT LIABILITY FOR SO-CALLED  
NONECONOMIC DAMAGES, SUCH  
AS "PAIN AND SUFFERING." BY  
ESTABLISHING A NATIONAL 2-  
YEAR STATUTE OF LIMITATIONS  
RUNNING FROM THE TIME AN  
INJURY AND ITS CAUSE ARE  
DISCOVERED. AND BY  
ENCOURAGING PARTIES TO**



**RESOLVE THEIR DIFFERENCES  
OUTSIDE THE COURTHOUSE,  
THROUGH SOMETHING CALLED  
ALTERNATIVE DISPUTE  
RESOLUTION.**

**38 OUT OF 44 REPUBLICANS  
VOTED TO END DEBATE SO THAT  
WE COULD PASS THIS  
IMPORTANT BILL.**

**UNFORTUNATELY, A MAJORITY**

**OF SENATE DEMOCRATS VOTED  
AGAINST ENDING DEBATE,  
OPTING INSTEAD FOR A  
FILIBUSTER, WHICH MEANT THAT  
THE BILL WAS DEAD FOR THIS  
CONGRESS.**

**I DRAW TWO LESSONS  
FROM THIS EXPERIENCE:**

**FIRST. THE TRIAL LAWYERS  
CONTINUE TO BE A VERY**

**POWERFUL FORCE IN  
WASHINGTON...AND I KNOW  
THEY'RE A POWERFUL FORCE  
HERE, TOO, IN ARIZONA. IT WAS  
THE TRIAL LAWYERS, AND THEIR  
ALLIES IN CONGRESS, WHO WERE  
MOST RESPONSIBLE FOR THE  
DEFEAT OF THE REFORM  
MEASURE.**

**— — — — —  
AND SECOND. WE NEED**

**MORE REPUBLICANS IN THE  
SENATE...OR "SEVEN MORE IN  
'94," AS I LIKE TO SAY. A  
REPUBLICAN MAJORITY IN THE  
SENATE MEANS A LINE-ITEM  
VETO...A BALANCED BUDGET  
AMENDMENT...HEALTH CARE  
REFORM THAT MAKES SENSE,  
NOT A GOVERNMENT  
TAKEOVER...AND PRODUCT**

**LIABILITY REFORM THAT WOULD  
SUPPLEMENT YOUR CRITICAL  
EFFORTS HERE AT THE STATE  
LEVEL, IN ARIZONA.**

**BUT I DON'T WANT TO  
LEAVE YOU WITH THE  
IMPRESSION THAT TORT REFORM  
IS A PARTISAN ISSUE; IT'S NOT.  
IT'S A MAINSTREAM ISSUE...ONE  
THAT CROSSES PARTY LINES.**

**JUST LISTEN TO THIS  
PASSAGE FROM AN ARTICLE  
THAT RECENTLY APPEARED IN  
THE WALL STREET JOURNAL,  
AND I QUOTE: "AMERICA IS IN  
THE MIDST OF A NEW CIVIL WAR,  
A WAR THAT THREATENS TO  
UNDERCUT THE CIVIL BASIS OF  
OUR SOCIETY. THE WEAPONS OF  
CHOICE ARE NOT BULLETS AND**

**BAYONETS, BUT ABUSIVE  
LAWSUITS BROUGHT BY AN  
ARMY OF TRIAL LAWYERS  
SUBVERTING OUR SYSTEM OF  
CIVIL JUSTICE WHILE ENRICHING  
THEMSELVES."**

**THAT'S NOT BOB DOLE  
TALKING...OR PHIL GRAMM...OR  
EVEN JOHN MCCAIN. IT'S NONE  
OTHER THAN GEORGE**

**MCGOVERN.**

**I SUBMIT TO YOU THAT IF  
BOB DOLE AND GEORGE  
MCGOVERN CAN FIND COMMON  
GROUND ON AN ISSUE, THEN  
MAYBE--JUST MAYBE--WE'RE ON  
TO SOMETHING WORTHY OF  
YOUR SUPPORT.**

**FINALLY, I WANT TO  
CONCLUDE BY CONGRATULATING**



**GOVERNOR SYMINGTON,  
SENATOR GREENE, SPEAKER  
KILLIAN, AND THE MEMBERS OF  
"PEOPLE FOR A FAIR LEGAL  
SYSTEM, FOR ALL THEIR HARD  
WORK ON THIS IMPORTANT  
BALLOT INITIATIVE. THIS IS A  
FIGHT WORTH FIGHTING. AND,  
APPARENTLY, THE CITIZENS OF  
ARIZONA ARE ON YOUR SIDE:**

**IT'S MY UNDERSTANDING  
YOU'VE COLLECTED ALMOST  
THREE TIMES THE LEGALLY-  
REQUIRED NUMBER OF  
SIGNATURES TO GET PROP 103  
ON THE BALLOT.  
CONGRATULATIONS.**

**SO, KEEP IT UP, AND DON'T  
STOP WORKING UNTIL YOU  
REACH THE FINISH LINE ON**

**NOVEMBER 8, ELECTION DAY.**

**###**

**29**

September 22, 1994

M E M O R A N D U M

TO: SENATOR DOLE  
FROM: DENNIS SHEA  
SUBJECT: TORT REFORM/PROPOSITION 103/ARIZONA

As you know, you are scheduled to participate in a meeting that is being billed as a "Proposition 103 Briefing." An agenda and a detailed attendance list are attached.

The sponsors of the event hope that you would speak for 10 minutes, answer questions for 10 minutes, and mix-and-mingle for approximately 10-15 minutes. The subject of your remarks is "Why Tort Reform is Important." You will be introduced by Gov. Symington.

**Arizona State Constitution**

Arizona is one of only four States with a constitutional ban on virtually any type of lawsuit limitation. The following pro-lawyer, pro-lawsuit provisions are contained in the Arizona State Constitution:

- \* "No law shall be enacted in this State limiting the amount of damages to be recovered for causing the death or injury of any person."
- \* "The right of action to recover damages for injuries shall never be abrogated, and the amount recovered shall not be subject to any statutory limitation."
- \* "The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact and shall, at all times, be left to the jury."

The Arizona State legislature has recently passed comprehensive tort reform legislation. One reform would prohibit a felon from recovering for injuries incurred during the course of committing or fleeing a felony. (Current law allows the felon to recover if the defendant was negligent.)

Another reform would prohibit a drunk driver from recovering damages for injuries resulting from an accident if the person's intoxication was at least 50% responsible for the accident. (Current law allows, but does not require, the jury or court to prohibit recovery in this situation.)

A third reform would establish a "gross negligence" standard for volunteers and non-profits. (In other words, a volunteer would not be held liable for an accident related to his volunteer

activities, unless the volunteer acted in a way that was "grossly negligent.")

Unfortunately, these and other reforms are not constitutionally valid unless and until the Arizona State Constitution is first amended. Hence, the need for Proposition 103.

### **Proposition 103**

State Senator John Greene is Co-Chairman of People for a Fair Legal System, the group spearheading the Proposition 103 ballot-initiative drive. The other Co-Chairman is Speaker of the Arizona House of Representatives Mark Killian.

Proposition 103 would amend the Arizona State Constitution to allow limitations to be placed on civil lawsuits and damages awards. More than 400,000 signatures have been obtained in support of putting Proposition 103 on the ballot, even though only 158,000 signatures are legally required.

Not surprisingly, the main opponents of Proposition 103 are the trial lawyers. They have formed an organization called "FAIR"--"Fairness and Accountability in Insurance Reform"--which expects to spend nearly \$2 million to defeat Proposition 103. They are depicting the initiative as an effort to take away the legal rights of Arizona citizens.

In their public-relations campaign, People for a Fair Legal System are not emphasizing how Proposition 103 will benefit corporations. Instead, their main focus is on how Proposition 103 will 1) help volunteer organizations (e.g., by limiting liability to acts caused by "gross negligence"), and 2) promote individual responsibility (e.g, by prohibiting drunk drivers from receiving monetary awards when they cause an accident and by prohibiting lawsuits against persons acting in self-defense).

### **Product Liability Reform**

Proposition 103 concerns the broad topic of tort reform. Nevertheless, some of the businessmen attending the meeting may be interested in the status of product liability reform legislation in Congress.

Last June, the Senate failed twice to invoke cloture on S. 687, the Product Liability Fairness Act. The first cloture vote was 54-44. The second cloture vote was 57-41.

On the second vote, 38 Republicans and 19 Democrats supported cloture. The following Republicans voted against cloture: Cochran, Cohen, D'Amato, Pressler, Roth, and Simpson. Arizona's two Senators were split on cloture. Senator McCain supported cloture on both occasions. Senator DeConcini voted against cloture on the first vote and did not vote on the second

cloture motion.

A couple of points:

- \* It's fair to say that, if Republicans controlled the Senate, product liability reform would be a reality today. Most Senate Democrats voted against ending debate on the bill.
- \* The trial lawyers are not only powerful in Arizona, they are also powerful in Washington.

The Product Liability Fairness Act would establish some national product liability standards that would pre-empt the current patchwork of state-by-state standards. Some of the highlights of the Product Liability Fairness Act include:

- \* abolishes the doctrine of joint liability for noneconomic damages, such as "pain and suffering" (joint liability allows a defendant only partially responsible for damages to be sued for 100 percent of those damages; abolishing joint liability for noneconomic damages would help product-manufacturers, who are often named defendants in lawsuits because of their deep pockets)
- \* establishes an absolute defense if the plaintiff's drunk or drugged condition was more than 50 percent responsible for his injuries
- \* establishes a uniform 2-year statute of limitations (the filing of a lawsuit must occur within 2 years after an injured person discovers the injury and its cause)
- \* before punitive damages may be recovered, plaintiffs must meet a high standard of proof--they must prove, with clear and convincing evidence, that the defendant acted with conscious, flagrant indifference to the safety of those who may be harmed
- \* encourages parties to engage in alternative dispute resolution, rather than go immediately to court; defendants who unreasonably refuse to participate in alternative dispute resolution will be held liable for the plaintiff's reasonable attorneys' fees
- \* Pre-market approval by the Food and Drug Administration or the Federal Aviation Administration will be a defense against punitive damages, except in cases of bribery or in cases in which the manufacturer withholds information required by regulators (opponents of the bill seized on this provision)

## Health Care/Malpractice Reform

Malpractice reform is a part of the broader category of tort reform. In the area of malpractice reform, the Mitchell health care bill is seriously deficient:

1. **Damages Caps.** Unlike Dole-Packwood, the Mitchell bill places no caps on non-economic damages, such as "pain and suffering." (Dole-Packwood caps non-economic damages at \$250,000.)

2. **Collateral Source Rule.** Unlike Dole-Packwood, the Mitchell does not propose a collateral source rule. A collateral source rule would reduce total damages by the amount of other payments made to compensate an individual for an injury.

3. **Contingency Fee Limits.** Like Dole-Packwood, the Mitchell bill limits attorney contingency fee limits to 33% of the first \$150,000 of recovery, and 25% of any amounts over \$150,000.

4. **Pre-emption.** As the attached article by Morton Kondracke argues, the Mitchell bill sells out to the American Trial Lawyers Association by pre-empting state laws that impose caps on non-economic damages. The Mitchell bill could also pre-empt state laws that establish contingency-fee limits that are more stringent than those proposed in the Mitchell bill.

**The Bottom Line:** Injured patients are getting short-changed by the current malpractice system. According to the RAND Corporation, only \$.43 (43 cents) of every dollar spent in the malpractice system goes to injured patients. The majority of the money goes to cover administrative expenses and pay lawyers' fees.

# people for a FAIR legal system...

## Prop-103 Briefing September 23, 1994 Agenda

4:30 - 4:33 p.m. (3 minutes)	Welcome, Introduce John Teets	Sen. John Greene President, Arizona Senate Co-Chair, People For A Fair Legal System
4:33 - 4:38 p.m. (5 minutes)	Why Dial Corp. is Supporting Prop-103	Mr. John Teets Chairman, The Dial Corporation
4:38 - 4:40 p.m. (2 minutes)	Support for Prop-103 is Growing, Introduce Rodger Bailey	Rep. Mark Killian Speaker of the House Co-Chair, People For A Fair Legal System
4:40 - 4:55 p.m. (15 minutes)	Update on Prop-103, Introduce Gov. Symington	Mr. Rodger Bailey Bailey Political Consulting
4:55 - 4:58 p.m. (3 minutes)	Importance of Prop-103, Introduce Senator Dole	Gov. Fife Symington Governor of Arizona
4:58 - 5:08 p.m. (10 minutes)	Why Tort Reform is Important	Senator Bob Dole Republican Leader of the U.S. Senate
5:08 - 5:18 p.m. (10 minutes)	Questions & Answers	Senator Bob Dole

Following the briefing Senator Dole will shake hands and greet those in attendance for ten minutes.



Date: 09/20/94  
To: Brian Berry  
From: Jeanne Patterson  
Subject: Tort Reform Briefing by Senator Dole

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Here are the confirmed attendees. If you want to go forward, we will make every attempt to increase this roster through phone calls and personal contacts. I appreciate your understanding on this.

Mr. Robert Edwards	Chief Arizona Executive	Rural/Metro
Mr. Steven Barclay	Attorney	Represents Mayo Clinic
Dr. Clyde Wright	President & CEO	CIGNA Healthcare
Mr. Dean Borgman	President & CEO	McDonnell Douglas Helicopter Co.
Mr. Rob Jones	Vice President	Del Webb Corporation
Mr. John Teets	President & CEO	The Dial Corp
Mr. Norman McClelland	President & CEO	Shamrock Foods
Mr. Don Bliss	Chief Arizona Executive	U.S. West
Mr. Don Ellerman	Chief Legal Counsel	Hughes Missile Systems
Mr. Blair Benjamin	Chief Legal Counsel	Samaritan Health Systems
Mr. Richard Lehmann	President & CEO	Bank One
Mr. Douglas Yearley	President & CEO	Phelps Dodge (tentative)
Mr. Gchl Babinck	Senior Vice President	Circle K Corporation
Mr. Andy Brodkey	Chief Legal Counsel	Magma Copper Company
Mr. Gene Lemon	Chief Legal Counsel	The Dial Corp
Ms. Elizabeth McNamee	VP for Policy & Research	Intergroup
Mr. John Greene	President	Arizona State Senate
Mr. John Killian	Spaker	Arizona House of Representatives
Ms. Nancy Loftin	Chief Legal Counsel	Arizona Public Service Company
Mr. James Hartegen	?	Cypress Climate Metals

*Confidential*

## CONSTITUTIONAL MODIFICATION CAMPAIGN Executive Summary for Proposition 103

### BACKGROUND

*The Arizona State Constitution prohibits the people or their elected representatives from limiting civil lawsuit damages. This prohibition stymies meaningful tort reform, slows economic development, raises taxes and increases the cost of doing business in Arizona.*

- ◆ Arizona is one of only 4 states whose constitution prohibits limitation on lawsuits.
- ◆ States that reform their liability systems attract jobs and improve productivity.
- ◆ State of Arizona paid tort claims are among the highest in the nation, forcing the state to put aside \$71 million in tax dollars to cover 1994 tort costs.
- ◆ The US tort system, consuming 2.3% GDP, is the most expensive in the world, making US products and services more costly at home and less competitive in the global marketplace.
- ◆ Individual plaintiff awards are higher when the defendant is a corporation or governmental entity.
- ◆ The direct cost of the tort system in the U.S. is over \$132 billion.
- ◆ Tort costs have grown four times faster than the US economy in the past 58 years.

### THE BENEFITS FOR ARIZONA

*Proposition 103 will amend the Arizona State Constitution to allow the people or their elected representatives to limit lawsuits. Passage of Proposition 103 is necessary for other, previously enacted legislation to be valid and constitutional*

- ◇ Volunteer Immunity - sets a "gross negligence" liability standard for volunteers and non-profits.
- ◇ Felonious Acts - restricts felons from suing for injuries incurred while committing or fleeing a crime.
- ◇ Drunk Driver -prohibits recovery by a driver whose intoxication was responsible for accident.
- ◇ Public Protection - grants qualified immunity to police, firefighters, emergency medical technicians.
- ◇ Personal responsibility - prohibits civil suit against person acting in self defense.
- ◇ Recreational Land Use - Provides qualified immunity for landowners who allow public use of their lands.

# people for a FAIR legal system...

## Background on People For A Fair Legal System (PFLS)

- PFLS is a non-partisan grassroots organization made up of hundreds of groups and thousands of people, including little leagues, homeowner and taxpayer associations, PTAs, small business owners, community leaders, town councils, school boards, volunteer groups, etc. PFLS is primarily funded by Arizona insurance companies and is registered with the Secretary of State as a campaign organization.
- PFLS began working with the Legislative Leadership in 1992 to reform Arizona's civil justice system. Senate President John Green and Speaker of the House Mark Killian serve as Co-Chairmen for PFLS.
- The first success came in April of 1993 when the Arizona Legislature passed S.B. 1055. This legislation has been called the most sweeping tort reform package the country has seen in the last decade. The trial bar must have agreed because they immediately petitioned portions of the bill for referendum on the 1994 ballot.
- The second win came in March of 1994, the Arizona Legislature, this time with bi-partisan support, passed S.B. 1305, an even stronger worded tort reform package. However, because Arizona is one of only four states in the country that does not allow for any limits to be placed on lawsuits, a conditional enactment clause was included with S.B. 1305. S.B. 1305 will only go into effect if the Arizona State Constitution is amended to allow for limits to be placed on lawsuits.
- The next step in the fight for tort reform in Arizona was gathering the necessary number of signatures to place a constitutional amendment on the ballot. PFLS gathered a record-breaking 400,712 signatures (only 158,000 were required), placing Prop-103 on the November 8, 1994.

# people for a FAIR legal system...

Just some of the groups and individuals working with People For A Fair Legal System to modify three outdated sections of the Arizona Constitution.

Agri Business Council of AZ  
Altar Valley School District No. 51, Superintendent  
American Association of Physicians and Surgeons - AZ Chapter  
American Equestrian Alliance  
Amigos Trade Association  
Apache Junction City Manager  
Apache Junction Assistant City Manager  
Arizona Association of Chiefs of Police  
Arizona Association of Managed Care Plans  
Arizona Auto Dealers Association  
Arizona Bankers Association  
Arizona Burglar and Fire Alarm Association  
Arizona Cable T.V. Association  
Arizona Chamber of Commerce  
Arizona Contractors Association  
Arizona Council of Centers for Children and Adolescents  
Arizona Counties Insurance Pool  
Arizona Farm Bureau Federation  
Arizona Medical Association  
Arizona Multihousing Association  
Arizona Restaurant Association  
Arizona Retailers Association  
Arizona School Boards Association  
Arizona Special Olympics Foundation, Board of Directors, Chairman  
Arizona State Association of Four Wheel Drive Clubs  
Arizona State Dental Association  
Arizona State Lodge, Fraternal Order of Police, Inc.  
Arizona Dist. 3 Little League, Asst. District Administrator  
Arizona Youth Football Federation, Inc.  
Associated General Contractors  
Associated Highway Patrolmen of Arizona  
A T & T  
Beer and Wine Wholesalers of Arizona  
Bcnson City Manager

p.o. box 10687 - phoenix, az 85064

Mayor of Parker  
Mayor of Payson  
Mayor of Pinetop-Lakeside  
Mayor of Queen Creek  
Mayor of St. Johns  
Mayor of Scottsdale  
Mayor of Sedona  
Mayor of Show Low  
Mayor of Sierra Vista  
Mayor of Snowflake  
Mayor of Springerville  
Mayor of Tucson  
Mental Health Association of Maricopa County  
Mesa Governmental Relations Coordinator  
Mohave County Board of Supervisors  
Mohave County School Superintendent's Office  
Nadaburg School District No. 81, Superintendent  
National Federation of Independent Business  
OK Corral  
Papago Stables  
Parker Area Chamber of Commerce  
Parker Town Manager  
Payson City Manager  
Phoenix Board of Realtors  
Pima County Medical Society  
Pima County Sheriff's Office  
Pima Trails Association  
Pinal County Board of Supervisors  
Pinetop-Lakeside City Manager  
Pine/Strawberry School District No. 12, Superintendent  
Queen Creek Chamber of Commerce  
Queen Creek Unified School District No. 95, Superintendent  
Rural/Metro Corporation  
St. Johns Chamber of Commerce, President  
St. Johns City Manager  
St. Paul's Academy  
Scottsdale Assistant City Manager  
Show Low City Manager  
Show Low Unified School District No. 4, Superintendent  
Snowflake City Manager  
Southern Arizona Arabian Horse Association  
State Retired Employees Association  
Sun City Taxpayers Association  
Superstition Riding Stables, Inc.  
The Equestrian Group  
The Health Care Choice Coalition

Bikers Against Manslaughter, Area Representative  
Blue Ribbon Cafe, Globe, Arizona  
Blue Ridge Unified School District No. 32, Superintendent  
Buckeye Town Manager  
Buckeye Valley Chamber of Commerce  
Cave Creek Town Manager  
Center Against Sexual Abuse (CASA)  
City of Apache Junction  
City of Benson  
City of Goodyear  
City of Holbrook  
City of Kingman  
City of Mesa  
City of Scottsdale  
City of Show Low  
City of Sierra Vista  
City of St. Johns  
City of Tucson  
Don Donnelly Stables at Gold Canyon  
Eager City Manager  
East Valley Coalition  
Flagstaff Council Member  
Florence Town Councilwoman  
Florence Woman's Club, President  
Gilbert Chamber of Commerce  
Gilbert City Manager  
Gilbert Assistant City Manager  
Gilbert Unified School District No. 41, Superintendent  
Goodyear City Manager  
Greater Phoenix Association of Health Underwriters  
Home Builders Association of Central Arizona  
Kingman Area Chamber of Commerce  
Kingman City Manager  
Lake Havasu City Manager  
Lake Havasu Unified School District No. 1  
Madison School District, Assistant Superintendent  
Maricopa County Medical Society  
Maricopa County Sheriff's Office  
Mayor of Apache Junction  
Mayor of Benson  
Mayor of Buckeye  
Mayor of Cave Creek  
Mayor of Colorado City  
Mayor of Gilbert  
Mayor of Holbrook  
Mayor of Kingman

The Lakcs Homeowners' Association  
The Western Stable Owners Association  
Touchstone Community, Inc.  
Town of Buckeye  
Town of Cave Creek  
Town of Colorado City  
Town of Eager  
Town of Gilbert  
Town of Parker  
Town of Payson  
Town of Pinctop-Lakeside  
Town of Snowflake  
Town of Springerville  
Tri-City Behavioral Services, Inc.  
Tucson City Risk Manager  
Tucson Intergovernmental Affairs Director  
Volunteer Center  
Western Sod, General Manager  
Westside Social Services, Inc.  
Westworld Riding Stable  
Yuma Economic Development Corp., President  
Yuma School District No. 1, Superintendent

## Latest Winners Of Health Fight: Trial Lawyers

Super-lobbyist Tommy Boggs scored a stunning victory for his client, the Association of Trial Lawyers of America, on Tuesday, but in moving to gut medical malpractice reform nationwide, he may have overreached.

Two of ATLA's most consistent Congressional allies, Senate Majority Leader George Mitchell (D-Maine) and House Judiciary Committee Chairman Jack Brooks (D-Texas) on Tuesday produced nearly-identical health care bills potentially canceling out state efforts, many quite extensive, to bring malpractice claims under control.

Within the sweeping national conflict over

health reform, malpractice reform is a theater of combat where fighting is especially fierce and expensive, although it's more obscure than the contest over employer mandates and price controls.

It pits the trial lawyers, who litigate on behalf of victims of medical mistakes and collect huge contingency fees when they win, against hospitals, doctors, and malpractice insurance companies, which often pay huge sums when they lose and also pay a lot to insure themselves against loss.

Boggs, partner in the lobby-law firm of Patton Boggs & Blow and son of former Reps. Hale and Lindy Boggs (D-La.), is the lead lobbyist for the trial lawyers.

A widely cited Harvard study found that the average US doctor spends \$15,000 per year in malpractice insurance, and premiums for

anesthesiology and obstetrics can go as high as \$200,000 per year.

The rate at which doctors get sued has increased ten-fold in the past three decades, and the average award in winning lawsuits has increased from \$40,000 to nearly \$150,000 over the past 20 years, taking inflation into account. Lawyers customarily collect between 30 and 50 percent of a victim's award, plus expenses.

To avoid lawsuits, doctors often practice costly "defensive medicine," ordering tests and performing procedures that wouldn't ordinarily be necessary. A recent study by the consulting firm Lewin-VIII indicates that reforms to control defensive medicine could save \$4 billion per year.

Over the past several years, medical groups have won various limits on malpractice suits in most states, including specific dollar limits

in 15 states on so-called "non-economic damages," such as "pain and suffering."

California, for instance, limits non-economic damages to \$250,000; Massachusetts and Maryland, \$500,000; and Michigan, \$225,000.

The medical providers and business lobby, the Health Care Liability Alliance, has been urging that similar limits be passed as part of national health legislation while ATLA has been fighting against them.

Now, Mitchell and Brooks are backing a provision for federal law to preempt state limits, but Boggs claims the measure will not wipe out state award caps unless Congress passes its own cap. The HCLA counters that federal lawsuits are certain to be filed against state limits, claiming that Congress opposes caps.

# Pennsylvania Avenue

By Morton M. Kondracke



If ATLA prevails in Congress, it will be Boggs's second major triumph this year.

On June 29, the Senate fell three votes short of the 60 votes necessary to break a filibuster led by another ATLA acolyte, Sen. Fritz Hollings (D-SC), against legislation limiting awards and legal fees in product liability cases.

In another demonstration of its power, ATLA intervened with then-House Ways and Means Committee Chairman Dan Rostenkowski to slice a \$350,000 cap on non-economic damages out of the health care bill approved by the panel's health subcommittee, on the grounds that Brooks's committee had jurisdiction over the topic.

### *Helped by Mitchell and Brooks, super-lobbyist Tommy Boggs scored a major coup for the trial lawyers Tuesday.*

To gain influence, ATLA contributes lavishly to campaigns — \$4.4 million during the 1992 election cycle and \$235,000 so far in this cycle, according to Federal Election Commission filings. The health industry is spending just as lavishly, but it has numerous objectives in the health care reform fight, whereas ATLA's money is narrowly focused on product liability and medical malpractice.

Despite a close relationship between ATLA and President Clinton, the Administration's health care bill contained some measures sought by the health industry, including 33 percent limits on lawyer's fees and a mandate that parties try mediation before filing lawsuits.

The Clinton bill contained no limits on damage awards, but the Senate Finance Committee wrote in a \$250,000 limit indexed to inflation. Mitchell's bill, naturally, contains no such limit and eliminates state caps. House Majority Leader Richard Gephardt (D-Mo) has yet to decide whether to incorporate Brooks's measure into his health care bill.

Boggs's success on Tuesday with Mitchell and Brooks stunned the health and business lobbies.

"This ought to be called the Mitchell-Brooks Trial Lawyers' Full Employment Act," said Wayne Sinclair, senior vice president of the MMI Companies, a malpractice insurance firm. "It amazes me that the trial lawyers are not only trying to block reform, but they've gotten greedy."

With any luck, overreaching will rebound against the lawyers. In the House, Rep. Vic Fazio (D-Calif) is working on Gephardt to keep Brooks's provisions out of the House leadership bill and safeguard his state's reforms. In the Senate, numerous amendments to Mitchell's bill will be proposed.

Mitchell's willingness to compromise on employer mandates improves the chances that some health care legislation will pass this year, but it would be a shame if it contained a windfall for lawyers.

