

## MEMORANDUM

SEPTEMBER 23, 1994

TO: SENATOR DOLE  
FROM: JO-ANNE  
SUBJ: TODAY'S TRAVEL TO ARIZONA

I spoke with both Jim Kolbe's and Bob Stump's offices to invite the Congressmen to fly out with you this afternoon.

Kolbe has an earlier commitment in the District, so will be leaving before you do. Likewise, Stump has other plans. The other House Members from Arizona are Democrats.

I also received a call from McCain's in-state Chief of Staff to indicate Gramm and McCain would like to join in the press conference with you at 5:45 this afternoon -- if you object, she will make sure they're not included. I told her there would be no problem with this. Please let me know if you feel differently.

By the way, you are being met by John Teets and then going to Dial's corporate headquarters for a tort reform meeting. FYI, Dial pledged \$50,000 to the RNC drive -- may be a good prospect for BAF.



FINAL

Contact: Mo Taggart  
703/684-7848  
Beep 800/946-4646  
pin # 1115689

**SENATOR DOLE SCHEDULE -- SEPTEMBER 23-25, 1994 -- ARIZONA,  
COLORADO, WISCONSIN, AND NEW HAMPSHIRE**

**FRIDAY, SEPTEMBER 23, 1994**

3:15 pm DEPART Capitol for National Airport

Driver: Wilbert

3:30 pm ARRIVE National Airport and proceed to departing aircraft

FBO: Signature  
703/419-8440

3:35 pm DEPART Washington for Phoenix, AZ/Sky Harbor International Airport

FBO: Cutter Aviation  
Aircraft: Gulfstream 3 (American Financial)  
Tail number: 232HC  
Flight time: 4 hours  
Pilots: Pat Maginnis  
Ray Smith  
Seats: 12  
Meal: Snack  
Manifest: Senator Dole  
Senator Gramm  
Senator McCain  
Congressman Jon Kyl  
Time change: -3 hours

4:35 pm ARRIVE Phoenix, AZ/Sky Harbor

FBO: Cutter Aviation  
800-234-5382

Met by: Mike Glassner & Brian Berry

4:40 pm DEPART airport for Dial Headquarters Center

Driver: Alberto Guitier, Governor's staff  
Drive time: 15 minutes  
Location: 1850 North Central

**FRIDAY, SEPTEMBER 23, 1994**

Page 2

4:55 pm ARRIVE Dial Headquarters

Met by: John Teets, Pres. & CEO Dial Corp.  
Governor Symington

5:00 pm- ATTEND/SPEAK Tort Reform Business Briefing

5:40 pm Location: Arizona Room  
Attendance: 45-50  
Event runs: 4:30 - 5:45 pm  
Press: Closed  
Facility: Podium and mic, theater style  
Format: John Teets introduces Gov. Symington  
Gov. Symington introduces Senator Dole  
Senator Dole gives remarks (10-15 minutes)  
Brief Q & A  
Contact: Jeanne Patterson  
602/952-2627 (o)  
602/840-8587 (h)  
602/952-9866 fax

5:40 pm DEPART Briefing for Arizona Hyatt

Driver: Alberto Guitier  
Drive time: 10 minutes  
Location: 122 N. Second St.

5:40 pm ARRIVE Arizona Hyatt

602/252-1234  
602/254-9472

5:45 pm- Press Avail

6:15 pm Location: Remington Room - 2nd Floor

6:15 pm- ATTEND VIP Fundraising Reception for Governor Fife Symington

6:45 pm Location: Cowboy Artistl Room  
Attendance: 50 @ \$500 per person  
Event runs: 6:00 - 6:45 pm  
Press: Closed  
Facility: None  
Format: Mix and mingle  
Contact: Chuck Coughlin  
602/222-8855  
602/263-7637 fax



**FRIDAY, SEPTEMBER 23, 1994****PAGE 3****6:45 pm- ATTEND/SPEAK Fundraising Dinner for Governor Fife Symington**

7:30 pm      Location:      Regency Ballroom  
                 Attendance:      700 @ \$300 per person  
                 Event runs:      6:45 - 9:00 pm  
                 Press:      Closed  
                 Facility:      No headtable, podium and mic  
                 Format:      6:50 pm John Greene gives Pledge of  
   Allegiance  
   6:53 pm Speaker Mark Killian, House Speaker,  
   gives Invocation  
   6:55 pm Governor Symington introduces Senator  
   Dole  
   7:00 pm Senator Dole gives remarks  
   Dinner is served after Senator Dole leaves  
                 Contact:      Chuck Coughlin  
   602/222-8855

**7:30 pm DEPART Hyatt for airport**

                 Driver:      Alberto Guitier  
                 Drive time:      15 minutes

**7:45 pm ARRIVE airport and proceed to departing aircraft**

                 FBO:      Cutter Aviation  
   800-234-5382

**7:50 pm DEPART Phoenix for Vail, CO/Eagle County**

                 FBO:      Beaver Creek  
                 Aircraft:      Gulfstream 3 (American Financial)  
                 Tail number:      232 HC  
                 Flight time:      1 hour 15 minutes  
                 Pilots:      Pat Maginnis  
   Ray Smith  
                 Seats:      12  
                 Meal:      Dinner  
                 Manifest:      Senator Dole  
   Mike Glassner  
   Brain Berry

                 Time change: +1

**9:50 pm ARRIVE Vail, CO**

                 FBO:      Beaver Creek  
   303/524-7700

**FRIDAY, SEPTEMBER 23, 1994****PAGE 4****9:55 pm DEPART Vail for Aspen/Don Johnson's Ranch**

FBO: Helo pad at Don Johnson's Ranch  
Aircraft: Bell Long Ranger  
Tail number: N207DS  
Flight time: 30 minutes  
Pilots: John Campus  
Tom Quinn  
Seats: 6  
Meal: None  
Manifest: Senator Dole  
Mike Glassner  
Brian Berry  
Contact: John Campus  
303/945-7144  
303/945-8843 fax

**10:25 pm ARRIVE Aspen at Don Johnson's Ranch**

NOTE: This is the actor who is also friends of Forstmann and the helo pilots.  
He is not expected to be there upon your arrival.

**10:30pm DEPART Don Johnson for Hotel Jerome**

Driver: Russell Fritz  
Drive time: 15 minutes  
Location: Hotel Jerome  
330 E. Main Street  
Aspen, CO

**10:45 pm ARRIVE Hotel Jerome**

Met by: Cheryl Walsten

303/920-1000  
303/925-2784 fax

RON----Aspen, CO

**SATURDAY, SEPTEMBER 24, 1994****Page 5****8:20 am DEPART hotel room for Forstmann Little Annual Management Conference****Location: Ballroom****8:30 am- ATTEND/SPEAK Forstmann Little Annual Management Conference****10:00 am****Location: Ballroom****Attendance: 150****Event runs: 8:30 - 10:00 am****Press: Closed****Facility: Riser, 3 chairs on stage****Format: Charlie Rose, moderator, introduces Senator Dole  
and Senator Kerry****Informal discussion (1 hour)****Q & A (1/2 hour)****Contact: Sheryl****303/920-1000 Rm 220 or Wheeler Room****cell: 303/379-1054****303/920-4790****Betsy Kenny Lack****212/355-5656****212/759-9059****10:10 am DEPART hotel for Aspen Airport****Driver: Russell Fritz****Drive time: 15 minutes****10:25 am ARRIVE Aspen Airport****FBO: Aspen Base Operator****303/920-2016**

**SATURDAY, SEPTEMBER 24, 1994**

Page 6

10:30 am DEPART Aspen for Denver, CO

FBO: AMR Combs  
Aircraft: Gulfstream 3 (American Financial)  
Tail number: 232 HC  
Flight time: 45 minutes  
Pilots: Pat Maginnis  
Ray Smith  
Seats: 12  
Meal: Snack  
Manifest: Senator Dole  
Bryan Sullivan  
Mike Glassner  
Brian Berry

11:15 am ARRIVE Denver, CO

FBO: AMR Combs  
303/790-2575

11:20 am- Press Avail

11:40 am Location: Lobby of FBO

11:45 am DEPART airport for Candidate Forum

Driver: Sean Murphy  
Drive time: 20 minutes  
Location: Bruce Benson Headquarters  
5600 Greenwood Plaza Level, Suit 150

12:05 pm ARRIVE Bruce Benson Headquarters

303/770-7080

12:10 pm- ATTEND/SPEAK Candidate Forum

12:50 pm Location: Campaign Headquarters  
Attendance: 80-100 Incumbent State Legislators & State  
Senators, candidates for State House and Senate,  
Colorado GOP County Chairmen and Benson for  
Governor County Chairmen  
Event runs: 12:00 - 2:00 pm  
Press: Open  
Facility: Semi-circular seating  
Format: Bruce Benson introduces Senator Dole  
Senator Dole gives remarks  
Contact: Ann Benson  
Stacey Oswalt 1-800-223-6766



**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 Oswald  
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**

**SATURDAY, SEPTEMBER 24, 1994****Page 9****7:10 pm DEPART Milwaukee for Manchester, NH**

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

Time change: + 1 hour

**10:10 pm ARRIVE Manchester, NH**

FBO: Stead Aviation  
603/669-4360

**10:15 pm DEPART airport for Highlander Inn**

Driver: Suzanne Hellmann  
Drive time: 5 minutes  
Location: 5 Highlander Way  
Manchester, NH

**10:20 pm ARRIVE Highlander Inn**

603/625-6426  
fax # is the same as above

RON----MANCHESTER, NH

**SUNDAY, SEPTEMBER 25, 1994****Page 10**

9:00 am MEETING with Paul Russo

Location: Hotel suite

9:30 am- MEETING with Former Governor Gregg

10:15 am

Location: Hotel suite

Contact: Paul Russo

216/621-5415

216/421-8556 (h)

10:15 am- MEETING with Barbara Russell

10:35

603/749-6889

Location: Hotel suite

11:35 am DEPART hotel for Dancing Bear Restaurant

Driver: Alex Niemela

Drive time: 10 minutes

Location: 20 Old Granite Street

11:45 am ARRIVE Dancing Bear Restaurant for Photo with Republican State Senate  
Candidate, Richard Danais (603/644-4600 (o), 603/668-4617 (h))  
603/666-0000

NOTE: Richard Danais will ride with you in car to Granite Street Bar  
and Grill

11:50 am DEPART Restaurant for Granite Street Bar &amp; Grill

Driver: Alex Niemela

Drive time: 5 minutes

Location: 50 Phillippe Cote Street

11:55 am ARRIVE Granite Street Bar and Grill

603/624-2822

Met by: Kathryn Niemela, Advance



**SUNDAY, SEPTEMBER 25, 1994**

Page 11

12:00 N ATTEND/SPEAK at Campaign America sponsored Brunch for State Senate,  
State Representative and Executive Council

Location: Granite Street Bar & Grill  
Attendance: 100 - 150  
Event runs: 11:00 am - 12:30 pm  
Press: Closed  
Facility: Podium and mic  
Format: 11:00 am Buffet Brunch served  
11:20 am Steve Duprey gives welcome and  
introduces Jan van Lohuizen, Voter  
Consumer Research Presentation begins of  
statewide survey  
12:00 Steve Duprey introduces Senator Dole  
12:03 pm Senator Dole gives remarks  
Mix and mingle  
Contact: Muriel Tela  
603/624-2822  
Jan van Lohuizen  
301/907-7551

NOTE: Senator Smith, Senator Gregg and Congressman  
Zeliff and Charlie Bass will attend.

12:30 pm DEPART Brunch for Press Avail with Senator Smith, Senator Gregg,  
Congressman Zeliff, Governor Merrill and Charlie Bass

Location: Lounge

12:35 pm - Press Avail

1:00 pm Location: Lounge

1:00 pm DEPART Press Avail for New Hampshire Republican State Convention

Driver: Alex Niemela

Drive time: 1 minutes (1 block away)

**SUNDAY, SEPTEMBER 25, 1994**

Page 12

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 Zeff  
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

2:30 pm DEPART Manchester for Concord, NH

Driver: Marc Chretien  
Drive time: 25 minutes  
Location: Holiday Inn  
172 N. Main Street

NOTE: Charlie Bass will accompany Senator Dole.

2:55 pm ARRIVE Holiday Inn for Fundraiser for Charlie Bass hosted by Senator  
Smith 603/224-9534

Mct by: Dennis Hogan, Advance  
800/366-7775  
603/666-5366 fax  
603/424-5631 (h)

**SUNDAY, SEPTEMBER 25, 1994**

Page 13

3:00 pm- ATTEND Fundraiser for Charlie Bass

4:00 pm

Location: State Room  
Attendance: 25-50 @ \$200 per person  
Event runs: 3:00 - 5:00 pm  
Press: Closed  
Facility: Podium  
Format: Mix and Mingle; Bass introduces Sen. Dole;  
Sen. Dole gives remarks  
Contact: Bruce Berke, Bass Campaign  
603/228-9494  
Jim Courtovich  
603/228-0453

NOTE: Senator Smith and Senator Gregg will attend. Senator Gregg will depart by 4:00 pm.

4:00 pm DEPART Concord for Laconia, NH

Driver: Marc Chretien  
Drive time: 40 minutes  
Location: Margate Hotel  
76 Lake Street

NOTE: Senator Smith will accompany Senator Dole.

4:40 pm ARRIVE Margate Hotel

603/524-5210

NOTE: Room will be available for the Senator.

**PRIVATE**

5:45 pm MEET with United We Stand America Representatives, Don Cloutier and  
5:55 pm Maggie Simini

Location: Hotel Suite

**SUNDAY, SEPTEMBER 25, 1994****Page 14**

6:00 pm- ATTEND/SPEAK Fundraising Reception for Congressman Zeliff  
6:40 pm

Location: Mariah Lounge - Lakefront Building  
Attendance: 30 @ \$250 per person  
Event runs: 5:00 - 6:45 pm  
Press: Closed  
Facility: None  
Format: Mix and mingle  
Contact: Brian McCabe

6:40 pm DEPART Margate Hotel for boat landing

Driver: Marc Chretien  
Drive time: 15 minutes

6:55 pm- ARRIVE boat landing for Fundraising Dinner Cruise for Congressman Zeliff  
8:10 pm

Attendance: 250 @ \$60 per person  
Event runs: 7:00 - 7:30 pm at landing  
7:30 - 8:30 pm cruise  
Press: Open  
Facility: Posium and mic, seating in rounds  
Format: Mix and mingle  
8:00 pm Congressman Zeliff introduces Senator Smith  
8:03 pm Senator Smith gives remarks  
8:10 pm Congressman Zeliff introduces Senator Dole  
8:13 pm Senator Dole gives remarks  
Contact: Brian McCabe  
603/622-9494  
603/666-0890 fax

8:05 pm DEPART boat for airport

Driver: Marc Chretien  
Drive time: 10 minutes

8:15 pm ARRIVE Laconia Airport

FBO: Emerson  
603/293-7980



**SUNDAY, SEPTEMBER 25, 1994****Page 15**

8:20 pm DEPART Laconia, NH to Washington, DC

FBO: Signature  
Aircraft: Gulfstream 3 (American Financial)  
Tail number: 232 HC  
Flight time: 1 hour 10 minutes  
Pilots: Pat Maginnis  
Ray Smith  
Seats: 12  
Meal: Dinner  
Manifest: Senator Dole  
Mike Glassner  
Suzanne Hellmann

9:30 pm ARRIVE Washington/National

FBO: Signature  
703/419-8440

10:00 pm DEPART airport for Watergate

Driver: Wilbert

10:15 pm ARRIVE Watergate

Bios

## **ARIZONA**

### **Dodie Londen Chairman**



#### **Present**

Chairman, Arizona Republican State Committee - elected  
January 23, 1993

Vice Chairman, Arizona Commission on the Arts

Program Chairman, NFRW

Member, Arthritis Foundation Board

Member, National Society of Arts and Letters

Vice Chairman, Londen Insurance Group

#### **Previous**

Precinct Committeeman and Deputy Registrar

Immediate Past Treasurer, NFRW

Past President, Arizona Federation of Republican Women

NFRW Convention Chairman, 1985

Chairman, State Volunteers, Reagan for President, 1980

Volunteer and Fundraiser for George Bush

Chairman, Trunk and Tusk fundraiser for Republican State  
Committee

Recipient, Outstanding Volunteer of the Year Award

#### **RNC Activity**

Alternate Delegate, Republican National Convention, 1976

Delegate, Republican National Convention, 1980

#### **Personal**

Spouse: Jack

Children: Four

3501 North 24th Street  
Phoenix, AZ 85016-6607

(602) 957-7770 (GOP)

(602) 224-0932 (f)

## **ARIZONA**

### **Mike Hellon National Committeeman**



#### **Present**

National Committeeman, Arizona - elected August 18, 1992  
National Defense Executive Reserve  
Tucson Chapter, American Diabetes Association  
Tucson Chamber of Commerce  
Precinct Committeeman Captain, 1972 -  
President, Hellon and Associates, Inc., 1978 -  
Small Claims Hearing Office, Pima County Justice Courts,  
1993 -  
President, Hellon International, Inc., 1993 -

#### **Previous**

Republican State Executive Committee, 1989 - 1990  
Campaign Manager / Consultant for multiple Republican  
candidates, 1972 - 1984

#### **RNC Activity**

Alternate Delegate, Republican National Convention, 1980,  
1984, 1988

#### **Personal**

Spouse: Toni  
Children: Two  
Education: B.S. Arizona State University, 1972

5775 N. Camino Real  
Tucson, AZ 85718

(602) 577-5182 (o)  
(602) 529-2296 (f)



## **ARIZONA**

### **Sue Sossaman National Committeewoman**



#### **Present**

National Committeewoman, Arizona, elected - August 18, 1992  
Chairman, Chandler Regional Hospital Foundation Board  
Secretary, San Tan Historical Society  
Member, Mesa Community College Lifelong Learning Advisory Council  
Chandler-Gilbert Community College Citizens Advisory Council  
State Museum Guild  
Farm Bureau Federation  
Arizona Town Hall  
Deputy Registrar, 1975 -  
Precinct Committeewoman, 1975 -  
Precinct Captain, 1980 -

#### **Previous**

Secretary, Maricopa County Republican Committee, 1982 - 1988  
First Vice President, Maricopa County Republican Committee, 1988 - 1990  
Chairman, Maricopa County Republican Committee, 1989 - 1990  
President, Chandler Republican Women, 1976  
Presidential Elector, 1976

#### **RNC Activity**

Delegate, Republican National Convention, 1980, 1988  
Alternate Delegate, Republican National Convention, 1992

(cont.)



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: 09/22/94  
To: Brian Berry  
From: Jeanna Patterson  
Subject: Tort Reform Briefing by Senator Dole

Here are the confirmed attendees.

|                           |                          |                                  |
|---------------------------|--------------------------|----------------------------------|
| 1. Mr. Robert Edwards     | Chief Arizona Executive  | Rural/Metro                      |
| 2. Mr. Steven Barclay     | Attorney                 | Barclay & Gochring               |
| 3. Dr. Clyde Wright       | President & CEO          | CIGNA Healthcare                 |
| 4. Mr. Dean Borgman       | President & CEO          | McDonnell Douglas Helicopter Co. |
| 5. Mr. Robertson Jones    | Vice President           | Del Webb Corporation             |
| 6. Mr. John Teets         | President & CEO          | The Dial Corp                    |
| 7. Mr. Bob Wilmoth        | Legal Counsel            | The Dial Corp                    |
| 8. Mr. Norman McClelland  | President & CEO          | Shamrock Foods                   |
| 9. Mr. Gary Lane          | General Counsel          | U.S. West                        |
| 10. Mr. Don Ellerman      | Chief Legal Counsel      | Hughes Missile Systems           |
| 11. Mr. Martin Shultz     | Chairman of the Board    | Samaritan Health Systems         |
| 12. Mr. Richard Lehmann   | President & CEO          | Bank One                         |
| 13. Mr. Steve Roman       | Vice President           | Bank One                         |
| 14. Mr. Douglas Yearley   | President & CEO          | Phelps Dodge (tentative)         |
| 15. Mr. Scott Crozier     | Chief Legal Counsel      | Phelps Dodge                     |
| 16. Mr. Gehr Babinek      | Senior Vice President    | Circle K Corporation             |
| 17. Ms. Leanne Wilhardt   | Asst General Counsel     | Circle K Corporation             |
| 18. Mr. Frank McAllister  | CEO                      | ASARCO                           |
| 19. Ms. Elizabeth McNamee | VP for Policy & Research | Intergroup                       |
| 20. Mr. John Greene       | President                | Arizona State Senate             |
| 21. Mr. John Killian      | Speaker                  | Arizona House of Representatives |
| 22. Dr. Thomas Patterson  | Majority Leader          | Arizona State Senate             |
| 23. Ms. Nancy Loftin      | Chief Legal Counsel      | Arizona Public Service Company   |
| 24. Mr. Mark Klein        | Managing Partner         | Price Waterhouse                 |
| 25. Mr. William Turner    | Chairman                 | Argyle Atlantic Corporation      |

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09/20/94

## Interoffice Memo

|                             |                         |                                |
|-----------------------------|-------------------------|--------------------------------|
| 26. Mr. Richard Silverman   | General Manager         | Salt River Project             |
| 27. Ms. Jane Alfano         | Corporate Counsel       | Salt River Project             |
| 28. Mr. Fritz Beeson        | Corporate Counsel       | Salt River Project             |
| 29. Mr. Jim Jones           | Vice President          | AETNA                          |
| 30. Mr. Foster Mattson      | General Counsel         | Motorola SGS                   |
| 31. Mr. Bruce Ramo          | General Counsel         | Motorola GSTG                  |
| 32. Bill Johnson            | Regional Vice President | State Farm                     |
| 33. Mr. Jerry Maver         | Managing Partner        | Deloitte & Touche              |
| 34. Mr. John Gawaluck       | Managing Partner        | Ernst & Young                  |
| 35. Mr. John Kalil          | CEO                     | Kalil Bottling Co.             |
| 36. Mr. Jack Henry          | Managing Partner        | Arthur Andersen                |
| 37. Mr. Rodger Bailey       |                         | PFLS                           |
| 38. Ms. Marcia McAllister   |                         | ASARCO                         |
| 39. Governor Fife Symington |                         |                                |
| 40. Congressman Jim Kolbe   |                         |                                |
| 41. Senator Bob Dole        |                         |                                |
| 42. Mr. John Dawson         | President               | Scottsdale Plaza Resort        |
| 43. Mr. Bill Kilberg        |                         | Scottsdale Plaza Resort        |
| 44. Mr. Tom Zenty           | CEO                     | Mercy Healthcare (St. Josephs) |
| 45. Mr. Joe Bacchus         | Executive VP            | First Interstate Bank          |
| 46. Mr. Dan Bergin          | Corporate Counsel       | First Interstate Bank          |
| 47. Mr. Gary Miller         | Sr. VP                  | Bank of America                |
| 48. Mr. Bill Long           | Sr. VP                  | Norwest Bank                   |
| 49. Mr. Bill Nord           | Sr. VP                  | Norwest Bank                   |
| 50. Mr. Ed Wren             | President               | Wren & Associates              |
| 51. Mr. James P. Kane       | VP Southern AZ Div.     | Southwest Gas Corporation      |
| 52. Mr. Mark Spitzer        | Representative          | AZ House of Representatives    |
| 53. Mr. Bill Jones          | Partner                 | Jones, Skelton, Hochuli        |
| 54. Ernie Baird             | Representative          | AZ House of Representatives    |
| 55. Mr. Bob Bulla           | CEO                     | Blue Cross/Blue Shield         |
| 56. Mr. Richard Hannon      | Legal Counsel           | Blue Cross/Blue Shield         |
| 57. Mr. David Evans         | CEO                     | PepsiCo                        |

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09/20/94

## Interoffice Memo

|                           |                     |                            |
|---------------------------|---------------------|----------------------------|
| 58. Mr. Norman Miller     | Legal Counsel       | PepsiCo                    |
| 59. Dr. Rober Crawford    | CEO                 | MICA                       |
| 60. Mr. Philip MacDonnell | Partner             | Jennings, Strouss & Salmon |
| 61. Mr. Hal Elliott       | VP                  | St. Paul's Academy         |
| 62. Mr. Richard Vogel     | President           | Special Olympics           |
| 63. Mr. Gene Lemon        | Chief Legal Counsel | The Dial Corp              |

## STAFF

|                       |      |
|-----------------------|------|
| Ms. Allyson Bell      | PFLS |
| Ms. Jeanne Patterson  | PFLS |
| Mr. Carter Livingston | PFLS |
| Ms. Christian Sumner  | PFLS |
| Ms Caroline Roemer    | PFLS |
| Mr. Trey Hardin       | PFLS |
| Natalie Summers       | PFLS |
| Loanne Thrane         | PFLS |
| Randy Avin            | PFLS |
| Christine James       | PFLS |
| Joy Keyser-Pickar     | PFLS |
| Scott Chan            | PFLS |
| Art Ruiz              | PFLS |

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## 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  
Benson City Manager

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 Lakes 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 Paton 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-VHI 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.

09/20/94

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| 38. Ms. Marcia McAllister   |                         | ASARCO                         |
| 39. Governor Fife Symington |                         |                                |
| 40. Congressman Jim Kolbe   |                         |                                |
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| 42. Mr. John Dawson         |                         | Scottsdale Plaza Resort        |
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| 50. Mr. Ed Wren             |                         | Wren & Associates              |

## STAFF

|                       |      |
|-----------------------|------|
| Ms. Allyson Bell      | PFLS |
| Ms. Jeanne Patterson  | PFLS |
| Mr. Carter Livingston | PFLS |
| Ms. Christian Sumner  | PFLS |
| Ms. Caroline Roemer   | PFLS |

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- ◇ 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.



### Additional Talking Point for Senator Bob Dole

Attached is a newspaper column that former Senator George McGovern wrote. Since we are reaching out to both Republicans and Democrats, it would be very helpful if Senator Dole could mention that this is an issue that crosses party lines and make the following points:

- Tort Reform is a mainstream issue. When people like my old nemesis George McGovern and I are on the same side of an issue, it's an issue that is important to the people. Let me quote from an article from the Wall Street Journal written by former Senator McGovern:

"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."

When liberal Democrats basically say the same things as Republicans, you know tort reform is an issue upon which the majority of the people agree.



# NewsCount

(602) 957-7995

Publication

Page

Date

Circulation

USA Today

Wall Street Journal

A-18

8/11/94

6,000,000

1,919,355

## A Sneak Attack on Malpractice Reform

By GEORGE MCGOVERN

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. Nowhere is this war being fought more fiercely than today on Capitol Hill.

We seemed to be turning a corner. In attempts to curb abusive litigation, states across the country have developed innovative solutions to resolve liability claims while containing costs. For instance, California has had effective medical liability reform in place since the mid-1970s. More than half the states have already enacted meaningful reforms. As on so many other issues, the states are leading the way to commonsense reform.

This is why proponents of reform were stunned and dismayed last week to see the House Judiciary Committee report out a medical liability amendment to the health care bill that can only be described as a disaster for the public and a windfall for the trial lawyers. Through their lobbyists and political contributions, the trial lawyers have inserted language that would actually overturn some of the reform the states have worked on for over 20 years by substituting less effective federal language. The amendment would, if passed, add to the cost of health care while limit-

ing patients' access to the care they need.

There is significant bipartisan support among members of Congress, the nation's governors and the general public for effective medical liability reform to improve access, contain costs and to ensure adequate compensation for patients who are wrongfully injured. All that stands in the way is a group of lawyers intent on keeping their personal gravy-train rolling along.

Nobody wants to weaken a good civil justice system. Nobody wants to deny a legitimate claimant or other wronged party his or her day in court. But the nation and our economy cannot continue to be held hostage. Forty percent of all doctors and 70% of obstetrician-gynecologists will be sued in their careers. The rate at which doctors are being sued has exploded by 1,000% since 1984. Direct liability costs have been growing at four times the rate of inflation. Yet of the billions of dollars spent on medical liability, only 40 cents of every dollar reached the injured patient. Trial lawyers customarily collect 30% to 50% of the average award in fees and expenses.

The tort or lawsuit component of our justice system exacts a multibillion-dollar toll on the American economy and consumes a portion of our gross national product five times greater than in Japan or Britain. Such costs are inevitably passed back to consumers in increased prices for goods and services. Not just in doctor or hospital bills, but in every appliance, tool,

football helmet, ladder, automobile or other product frequently targeted in product liability suits.

During last winter's ice storms in Washington I fell on the ice outside a theater and broke my shoulder, including a serious injury to the rotator cuff that required surgery and lengthy therapy. It never occurred to me to sue anyone. I simply fell down and got hurt on the ice caused by Mother Nature. But numerous friends suggested that I sue the city or the theater, or anyone else in the vicinity. If I and my fellow citizens all take that route, the lawyers may get richer, but the rest of us will be the poorer for it.

The doctor who took care of me after the complicated injury was a superb orthopedist who did everything right. But with an injury like this, doctors have to have the courage to follow what are sometimes risky and radical procedures. I don't want my doctor so frightened by potential lawsuits that he backs away from these procedures, or charges me exorbitant fees to cover huge malpractice insurance costs, nor do I want opportunistic trial lawyers getting rich at the expense of me and my doctor and my fellow Americans.

As Congress moves toward voting on health care reform, let's urge it not to turn back the clock on malpractice reform.

*Mr. McGovern is a former U.S. senator and 1972 Democratic presidential nominee.*

## AN INITIATIVE MEASURE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, SECTION 31, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVIII, SECTION 5, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVIII, SECTION 6, CONSTITUTION OF ARIZONA, RELATING TO CIVIL JUSTICE REFORM.

Be it enacted by the People of the State of Arizona:

The Constitution of Arizona is proposed to be amended as follows, by amending Article II, section 31; Article XVIII, section 5; Article XVIII, section 6, if approved by the voters and on proclamation of the Governor:

Section 1. Article II, section 31, Constitution of Arizona, is amended to read:

31. Damages for death or personal injuries

Section 31. ~~No~~ A law shall MAY be enacted in this State limiting the amount of damages to be recovered for causing the death or injury of any person.

Section 2. Article XVIII, section 5, Constitution of Arizona, is amended to read:

5. Contributory negligence and assumption of risk

Section 5. UNLESS OTHERWISE PROVIDED BY LAW, 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.

Section 3. Article XVIII, section 6, Constitution of Arizona, is amended to read:

6. Recovery of damages for injuries

Section 6. The right of action to recover damages for injuries shall ~~never~~ MAY be abrogated, and the amount recovered shall not MAY be subject to ~~any~~ statutory limitation.



# people for a FAIR legal system...

## Talking Points for Senator Bob Dole People For A Fair Legal System - Tort Reform Briefing September 23, 1994

- There is no question that common sense and fairness need to be put back into our civil justice system. A system that was created to protect the people of this state and this country, not put their financial security at risk. Frivolous lawsuits costs us all. Volunteers stay home instead of offering their services to the community, police officers and fire fighters have second thoughts before rushing in to do their jobs, schools shut their doors after hours to potential youth programs that would give our children an alternative to hanging out on the street, taxpayers foot the bill for prisoners who sue for frivolous and ridiculous reasons.
- Arizona is in a position to take a leading role in passing meaningful tort reform because of some courageous legislators. Legislators willing to take on one of America's most powerful lobbies--the trial bar. Legislators like Senator John Greene, Senator Tom Patterson, Rep. Mark Killian and others were willing to look the trial bar in the eye and say, not this time...this time we're not backing down...this time we're going to do what's best for the people of Arizona.
- Tort reform has been tried before. In 1986 the medical community came close, but it turned into a lawyer vs. doctors fight. In 1990 tort reform was tried again, this time it became a lawyer vs. insurance fight. This year, with the support of over 400,000 people and 400 community groups it is the people of Arizona fighting for tort reform.
- It's not going to be easy. But when you consider what is at stake, you have to keep trying until you are successful. Just look at people opposing this. Some members of the trial bar will do anything to win. They use scare tactics and they have been known to stretch the truth. If tort reform passes accident attorneys stand to lose a lot of money.
- If tort reform passes the people of Arizona have a lot to gain. Many people agree that our legal system isn't working, but what they don't realize is what tort reform will do for them. Your legislature has made it easy for you to see the benefits of tort reform. On the very day Prop-103 passes, the people of Arizona will receive new protections -- common sense protections. Protections that we take for granted until we need them. Protections like:

p.o. box 10687 -- phoenix, az 85064

- immunity from frivolous lawsuits to volunteers, non-profit organizations, schools, and emergency medical technicians. (This is very important for organizations like the Red Cross that depend heavily on volunteers.)
  - preventing drunk drivers or illegal drug users from suing if they are in an auto accident and they are more than 50% at fault.
  - prohibiting prisoners from being able to sue the taxpayers of Arizona for frivolous claims. (48% of all federal tort cases in AZ are filed by prisoners.)
  - granting immunity to attack victims who are being sued for simply defending themselves.
  - protecting law enforcement officers and fire fighters from frivolous lawsuits when they are acting within the scope of their duties saving lives and protecting the people of Arizona.
- The bottom line for you and your companies, is that tort reform is good for business. States that have enacted tort reform have improved their productivity and have attracted more jobs.
  - Everything is in place for Prop-103 to pass, you have support from the people of Arizona (a record-breaking 400,000+ people signed to put this issue on the ballot), you have a broad based coalition of community groups, volunteer organizations, the business community, and state-wide associations, you have courageous legislators willing to fight for tort reform, and you have a Republican Governor who will sign legislation into law.
  - I would encourage you and your companies to do everything you can to make sure Prop-103 passes.
    1. Have your company publicly join the coalition in support of Prop 103 and give financial support.
    2. Let your employees know about the issue and how important it is to your company. Encourage them to vote.



Press Availability  
Symington

NEWS AVAILABILITY WITH ARIZONA GOVERNOR FIFE SYMINGTON

Friday, September 23, 1994

5:45 P.M. to 6:15 P.M. PST      Phoenix, AZ.

PURPOSE:

To promote the re-election campaign of Governor Fife Symington of Arizona.

BACKGROUND:

You will join Governor Symington in a news availability at the Hyatt Hotel before attending a VIP reception and fund-raising dinner.

In the Arizona Primary election on September 14, Fife Symington defeated Barbara Barrett 68% to 32%. The Democrats nominated supermarket magnate Eddie Basha (Basha) as their nominee in an upset over Phoenix Mayor Paul Johnson and Terry Goddard. Basha received 37% of the vote with 35% for Goddard and 28% for Johnson.

Symington is focusing this election on his many accomplishments in office. He's countering that Basha is "just another liberal" who won't get the job done. Symington notes that Basha is a cheerleader for President Clinton (and Clinton's top Senate supporter Dennis DeConcini). DeConcini endorsed Basha yesterday. Basha publicly thanked DeConcini last year when he cast the deciding vote for the Clinton budget bill.

The Symington campaign will continue to link Basha to Clinton.

A Phoenix TV-3 poll released last night shows a tough race for Symington. Taken among 550 likely voters, it showed Basha with 53%, Symington with 39%, John Buttrick the Libertarian with 3% and undecided with 4%. The pollsters asked voters their view on the race "if the election were held today".

POINTS TO AVOID:

\* If a question comes up on the Crime Bill, you may wish to downplay it as Senate nominee Jon Kyl supported the measure. Kyl has received extensive criticism in the state for his vote.

\* There is a private ~~initiative~~ <sup>initiative</sup> on the ballot #300, which was opposed by former Sen. Barry Goldwater and supported by Symington and most other Republicans. Just yesterday Goldwater reversed himself and came out in favor of the initiative. The press may try to ask you about Goldwater's other controversial opinions (Gay rights, abortion, etc.).

#### POINTS TO STRESS:

\* Fife Symington has the best record of any Governor in America on accomplishing what he promised. He is an effective leader for Arizona who is moving the state forward.

\* While other states have talked about tax reduction, tough policies on crime, reform in education, and creating a quality environment for business and industry, Symington has already done it. He is a model for Republicans in getting the job done.

\* Symington is most proud of his leadership in providing three straight tax cuts totaling \$1.7 billion for the people of Arizona.

\* Violent crime rates in the state are declining.

\* Symington led the charge to get a "no parole" law passed for criminals.

\* According to Forbes Magazine, Arizona rated an "A" for job creation with 184,000 new jobs in 3 years.

\* Symington led the charge with GOP legislators to pass a strong education reform plan. The measure which just came into effect, allows Arizonans to create their own charter schools so long as it complies with civil rights, health and safety laws. Those creating the schools develop their own textbooks and curriculum.



## Promises made. Promises kept.

"Governor Fife Symington has "...demonstrated an ability rare among politicians: keeping campaign promises."

—The Arizona Republic

### Arizona 1990:

- 213% increase in spending in the '80's
- \$1 billion projected budget deficit by year 2000
- 4th highest rate of violent crime in America
- 40% plus of all paroled inmates commit new felonies: murders, robberies, rapes...
- AZ gets an "F" for economic development policy according to the Corporation for Enterprise Development

### Arizona 1994:

- \$186 million budget surpluses in last 2 yrs.
- \$1.7 billion in tax relief through 3 straight years of tax cuts
- Violent crime rate declines, and 3 death sentences are (finally) carried out
- No more parole for any criminal
- AZ gets an "A" for job creation according to Forbes Magazine—184,000 new jobs in 3 years

*Paid for by Symington '94 Committee*



**Symington**  
**GOVERNOR '94**



## Leadership that's working

With all the progress Arizona has made in less than four years, why would we want to go back to the way things used to be? Governor Symington is getting the job done right. He needs a second term to finish the job. Creating more economic prosperity throughout the state by reducing the growth of government and eliminating the personal income tax. Implementing tough new anti-crime policies. Completing the fight for real education reform. And more.

Thanks in large measure to the leadership of Governor Symington, Arizona is back on the right track. Things are better than they were four years ago. And we'll make even greater progress when Governor Symington is re-elected to a second term.

**Symington**  
★★★★★  
**GOVERNOR '94**

## Promises made. Promises kept.

**T**he spirit of governing should be based upon a partnership with the people. And through empowerment we will lead Arizona forward.

*"When we cut personal income taxes, we are putting power back in the hands of the people. We are giving every*

*Arizona the economic freedom to succeed and to build a brighter future.*

*"When we educate our young in public schools, we give them the power to succeed in life. When we seek choice in public education, we are seeking to place power in the hands of*

*parents for the benefit of their children.*

*"When we get tough on crime, we empower people to break free of fear and go on with their productive lives.*

*"This is the spirit of Arizona, the spirit that guides me. Believing together in God's good grace, there is no end to what we can accomplish together."*

*— Governor Fife Symington*

*"Governor Symington's anti-crime plan is indisputably the most balanced and comprehensive proposal offered by an Arizona leader to date."*

*— The Tribune Newspapers*

A8 The Arizona Republic Thursday, September 22, 1994

## DeConcini backs Basha's bid

By Eric Miller  
The Arizona Republic

Sen. Dennis DeConcini, D-Ariz., has formally endorsed Democrat Eddie Basha for governor, a move that could lend a huge boost to Basha's voting strength in southern Arizona.

DeConcini's state director, Barry Dill, said Wednesday that DeConcini was asked for his support over the weekend by the Basha campaign.

"He responded that he will do whatever he can and whatever Eddie Basha asks him to do," Dill said.

Dill said DeConcini will jump for Basha as well as help him raise funds in both Arizona and Washington, D.C.

"DeConcini has a strong network that can generate a lot of votes and a lot of money," said Steve Owens, state Democratic Party chairman.

"Senator DeConcini is still very, very popular in southern Arizona, where Basha didn't draw as strong as he did in Maricopa County and with rural voters."

Although Basha defeated former Phoenix Mayor Terry Goddard by less than 3,000 votes in the primary, there seems to be little doubt that the self-described "chubby grocer" could use the help in the Tucson area. Basha has only one grocery store in the Tucson area, and it opened in the past year.

Basha lost to Goddard by a more than 2-1 ratio in Pima County in the Sept. 13 primary — 29,000 votes to 14,000.

In the 1991 gubernatorial runoff election, Goddard outdrew Fife Symington in Pima County by much

closer margins, 52,000 votes to 32,000.

Symington spokesman Doug Cole said Wednesday that DeConcini's support will mean that another Democrat is endorsing Mr. Basha.

He did not directly comment on what effect the endorsement might have on the campaign.

"We're very pleased to see President Clinton's chief Arizona cheerleader join the Basha team," Cole said.

Despite his victory in the primary, DeConcini aide Dill said Basha does not have the name recognition in Pima County that he does in Maricopa County and in rural areas of Arizona.

"If you look at the Democratic primary vote in the (U.S.) Senate and governor's race, you saw the Tucson voters going for the candidate they were most familiar with," Dill said. "I don't think there's much doubt that Senator DeConcini will bridge that unfamiliarity for Mr. Basha."

## Symington to debate Basha and Buttrick

The Arizona Republic

Gov. Fife Symington agreed Wednesday to debate his gubernatorial opponents, Democrat Eddie Basha and Libertarian John Buttrick, in at least four face-to-face debates, three of them to be televised.

Symington left open the question of whether he would participate in any of the more than 50 other candidate forums and appearances between now and the Nov. 8 general election.

The governor's proposal came a day after Basha sent Symington a letter saying that Basha would appear only at forums that invited all three gubernatorial candidates.

But Symington said that he has not determined which of those events he will attend. He did say that he would like the chance to debate Basha at least once in a "one-on-one live television debate."

Basha campaign manager Rick DeGraw said Wednesday that there was "no way" Basha would debate Symington alone, if Buttrick was not also extended an invitation.

The four debates Symington agreed to, include forums put on by the League of Women Voters, The Arizona Republic/KAET-TV (Channel 8), Tribune Newspapers and the Rotary Club of Tucson.

**ELECTION**  
★'94



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BOB DOLE

THE PHOENIX GAZETTE Thursday, September 22, 1994

# Charter schools law takes effect, wins GOP praise

na Blaud  
PHOENIX GAZETTE

ons can create their own  
under legislation that took  
Friday, but it likely will be  
before one opens.

lications for starting a char-  
school were made available  
aday for the first time. No  
have been set. And a state  
harged with overseeing the  
hasn't been appointed.

theless, Republicans — led  
Fife Symington — gath-  
fore the media to praise the  
ion.

It's just real typical, using  
as a political football," said

Kay Lybeck, president of the  
Arizona Education Association,  
the state's teachers' group.

Symington — who is running for  
re-election — thanked two Repub-  
lican cohorts for their work on  
charter schools, touting it as land-  
mark education reform.

"This is a great day for educa-  
tion in Arizona," said Senate  
Majority Leader Tom Patterson.

"It's almost hard to overesti-  
mate how this will change public  
schools in this state. You're going  
to see things that will make real  
differences in the lives of chil-  
dren."

As chairwoman of the House

Education Committee, Lisa Gra-  
ham of Paradise Valley, who is  
running for state superintendent  
of public instruction, was instru-  
mental in getting the charter  
schools provision passed.

"We need change in our  
schools," she said, citing high  
dropout rates and graduates who  
are unprepared to get jobs.

This spring, charter schools  
were passed by the Legislature as  
part of the Arizona Schools Im-  
provement Act, an effort spear-  
headed by Republicans.

The law lets any group form a  
school as long as it complies with  
civil rights, health and safety laws.

Creators write the curriculum,  
choose the textbooks and schedule  
classes.

Not a bad concept, Lybeck said,  
as long as there are assurances  
that those schools would be open to  
all students and be held to the  
same standards as public schools.

"We need to tread softly and  
learn from others' mistakes be-  
cause there will be some," said  
Democratic Sen. Lela Alston of  
west Phoenix, Graham's opponent  
for the top schools job.

Alston voted against charter  
schools, mostly because once a  
charter is granted, it does not come  
up for review for five years.

"So if something weird or un-  
healthy is happening in those  
schools, the chartering organiza-  
tion is stuck with it for five years,"  
Alston said.

While kids in charter schools  
would have to take the same tests  
as public schools, there is no  
penalties if those students don't  
perform well, Lybeck said.

One of the first charter schools  
is likely to be proposed by former  
legislator Armando Ruiz and  
Tommy Espinosa of Espirita De-  
velopment Corp., a community  
organization that runs Little  
Lambe preschool.



9-22-94

## Goldwater reverses field, endorses property issue

By Steve Yozwiak  
The Arizona Republic

Former U.S. Sen. Barry Goldwater has put his powerful political thrusters in reverse, saying he now favors a controversial property-rights referendum on the Nov. 8 ballot.

After a visit Tuesday morning from Gov. Fife Symington and Arizona House Speaker Mark Killian, Goldwater issued a letter saying he now will vote "yes" on Proposition 300.

The meeting was initiated by Killian after it was reported that Goldwater had come out against the ballot issue, saying he was "a definite 'no' vote" and would be "an idiot" to vote otherwise.

Hours after the 20-minute visit from Symington and Killian, however, Goldwater issued a new letter to his fellow Republicans saying just the opposite.

"I can sure vote for a law that tells government regulators to keep private-property rights in mind. I will be a 'yes' vote on Proposition 300," Goldwater said in the letter, released by Symington's re-election campaign.

Backers of Proposition 300 maintain that it would require state government to comply with the Fifth Amendment guarantee against the taking of private property without just compensation.

Opponents say it would go beyond that, throttling laws aimed at protecting the environment, health and safety and costing taxpayers more money to stop polluters.

Goldwater's opposition to Proposition 300 had been seen as an embarrassment to Symington, because Goldwater is honorary chairman of the governor's re-election campaign. The Democratic nominee, grocery-chain owner Eddie Basma, opposes Proposition 300.

Goldwater's opposition could have been a death knell for the issue, which is being closely watched nationally by

environmentalists, who oppose it, and business interests, which support it.

"I think it's an important endorsement," said Killian, whose family ties helped him gain the audience with Goldwater.

Killian's late grandfather, Ray Killian, worked closely with Goldwater to gain congressional funding for the \$4 billion Central Arizona Project canal.

Sandy Bahr, campaign treasurer for the Arizona Community Protection Committee, which opposes Proposition 300, said she does not believe Goldwater's flip-flop will hurt her cause.

"I think Senator Goldwater is a man of deep convictions and conscience, and in his heart, he knows his original position was right," said Bahr, borrowing from Goldwater's 1964 presidential campaign slogan: "In your heart, you know he's right."

Bahr said she thinks the political arm-twisting could backfire on Proposition 300 supporters.

"I think it shows the kind of power certain special interests have in this state. I think it's unfortunate that they would put this kind of political pressure on Senator Goldwater to change his position," Bahr said.

Linda McClure, executive director of Arizonans for Private Property Rights, was elated, saying the reversal shows Goldwater's support of the Bill of Rights. Goldwater's endorsement will be used in pro-Proposition 300 campaign materials, she said.

In his new letter, Goldwater said, "I didn't have the straight story about what (Proposition 300) would do."

"There isn't anything wrong with government looking out for people's rights before it passes a lot of regulations. Nobody thinks much about property rights until theirs are violated, and then it's a hell of a lot of trouble getting the government off your back."



# 3 GOP hopefuls to sign conservatives' 'Contract with America'

By Jeff Barber  
Special Washington Bureau

WASHINGTON — It is a presidential pledge for congressional reform or GOP "pact off."

Three Republican U.S. House challengers from Arizona say they will sign a "Contract with America" next week to insure that support for a balanced-budget amendment, congressional term limits, a tax credit for families with children, a capital-gains tax cut, and anti-crime measures not other proposals.

The idea, national Republicans had said, is to make the party's congressional candidates sound important, common themes. House minority Whip Newt Gingrich, R-Ga., says this November's election, after the GOP the prospect of winning the Democratic seats needed to end the Democratic majority.

Arizona congressional hopefuls

I.D. Hayworth, Matt Salmon and John Shadegg plan to join scores of other Republican candidates nationwide on the U.S. Capitol steps next Tuesday to sign the contract. The Arizona are seeking seats in Congressional Districts 6, 1 and 4, respectively.

On Thursday, the chairman of the Democratic Congressional Campaign Committee called the pledge "a vote off" because, he said, there wasn't enough money to pay for it. He said the pledge was significant for this and a balanced budget.

An Associated Press story Friday describing the signing. Chairman Vic Fazio, D-Calif., led at a press conference.

Fazio said Republicans who like the oath will be countering their independence. The pledge is being proposed by Gingrich, who is aiming to succeed the retiring Robert Michel

as House Republican leader.

"I believe that those who signed this contract will have to stand up to where their independence comes from, because in my view they're signing a document that gives their vote away," Fazio said. "We (Democrats) truly represent the people who elect us, and not the leaders who want us to give them their voice."

A spokesman for Hayworth said the pledge meant that voters would have exactly twice the say in the "If the belief of responsibility and the belief of independence," said Scott Hildebrand, Hayworth's campaign manager. "It's back and white. This is what we will vote for."

Hildebrand said Hayworth would sign the pledge without reservation. "When you have a philosophy of limited government, limited terms and lower rates, then either I.D. nor myself has a conflict with anything."

that's going on here and feel very comfortable signing it," Hildebrand said.

Salmon said when he signs the contract, "I will be representing all the voters in Congressional District

One who are tired of business as usual and demand change."

Salmon added, "If I break this contract, throw me out. I mean it."

Gingrich has been touring the pledge in fund-raising letters for

Republican candidates. He says a sign at 25 Republican seats in the House would give the GOP the same "working conservative majority" that Ronald Reagan enjoyed during his first two years in the White House.

ATZ Republic  
9-23-94



# Babbitt: 'No' on Prop. 300

## Fears management of water could end

By Steve Yozwiak  
The Arizona Republic

Interior Secretary Bruce Babbitt took on Gov. Fife Symington and other backers of a controversial property-rights amendment Thursday, urging Arizona voters to reject the measure Nov. 8.

Babbitt urged a "no" vote on Proposition 300 because he believes that agricultural interests could use the law to suck dry the state's remaining underground water supplies.

"The thing that concerns me most about it is that it will effectively put a halt to all water management in Arizona," said Babbitt, who as governor helped forge the state's nationally recognized groundwater-conservation laws.

Backers of Proposition 300 maintain that it would require state government to comply with the Fifth Amendment guarantee against the taking of private property without just compensation.

Opponents of the measure say it goes beyond that, that Proposition 300 would throttle laws aimed at protecting the environment, health and safety, and would cost taxpayers more money to stop polluters.

"Everybody who wants to pump the aquifers dry will simply say, 'You owe me compensation,'" Babbitt said.

"If that thing (Proposition 300) goes in place, you can forget about water management. It is going to turn the development future of this state upside down in the long run."

His remarks followed an address to about 200 members of the National Conference of Editorial Writers late Thursday at the Heard Museum.

With Native American flute music as a backdrop, Babbitt urged the editorial writers to back his moves to encourage the development of solid scientific information through his National Biological Survey.

The survey, still in its developmental stages, would be an attempt to inventory the nation's plant and animal life in an effort to head off confrontations between developers and environmentalists.

Babbitt, a Democrat, told the

## Babbitt calls for 'no' vote on Prop. 300

— KSNV, from page B1

editorial writers that the so-called property-rights movement was an issue "whipped up by radio talk-show hosts" to show that any government regulation "is some form of oppression, this unconstitutional activity."

Because the wording of Proposition 300 is so complicated — even some of the most learned land-use attorneys in the state argue over what it would do — the endorsements of folks like

Babbitt could go a long way.

Supporters and opponents of Proposition 300 both actively courted the endorsement of former Sen. Barry Goldwater during the past month.

At first, Goldwater came forth with a statement against the measure.

"While the lot of prominent people who oppose Proposition 300 and the number of people who have spoken to me about it, I would be an idiot if I didn't vote against it."

Then, on Tuesday, after a visit

from fellow Republicans Symington and Arizona House Speaker Mark Kilina, Goldwater issued a statement in favor of the ballot question.

"I can sure vote for a law that tells government regulators to keep private-property rights in mind. I will be a 'yes' vote on Proposition 300."

In another Arizona-related development, Babbitt said he would produce a new plan guiding aircraft flights over national parks like the Grand Canyon by year's end.

AZ Republic  
9-23-94



Scott's The Denver Post explores 1950s game

## INDEX

1205 1206 1207 1208 1209 1210 1211 1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1224 1225 1226 1227 1228 1229 1230 1231 1232 1233 1234 1235 1236 1237 1238 1239 1240 1241 1242 1243 1244 1245 1246 1247 1248 1249 1250 1251 1252 1253 1254 1255 1256 1257 1258 1259 1260 1261 1262 1263 1264 1265 1266 1267 1268 1269 1270 1271 1272 1273 1274 1275 1276 1277 1278 1279 1280 1281 1282 1283 1284 1285 1286 1287 1288 1289 1290 1291 1292 1293 1294 1295 1296 1297 1298 1299 1300 1301 1302 1303 1304 1305 1306 1307 1308 1309 1310 1311 1312 1313 1314 1315 1316 1317 1318 1319 1320 1321 1322 1323 1324 1325 1326 1327 1328 1329 1330 1331 1332 1333 1334 1335 1336 1337 1338 1339 1340 1341 1342 1343 1344 1345 1346 1347 1348 1349 1350 1351 1352 1353 1354 1355 1356 1357 1358 1359 1360 1361 1362 1363 1364 1365 1366 1367 1368 1369 1370 1371 1372 1373 1374 1375 1376 1377 1378 1379 1380 1381 1382 1383 1384 1385 1386 1387 1388 1389 1390 1391 1392 1393 1394 1395 1396 1397 1398 1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412 1413 1414 1415 1416 1417 1418 1419 1420 1421 1422 1423 1424 1425 1426 1427 1428 1429 1430 1431 1432 1433 1434 1435 1436 1437 1438 1439 1440 1441 1442 1443 1444 1445 1446 1447 1448 1449 1450 1451 1452 1453 1454 1455 1456 1457 1458 1459 1460 1461 1462 1463 1464 1465 1466 1467 1468 1469 1470 1471 1472 1473 1474 1475 1476 1477 1478 1479 1480 1481 1482 1483 1484 1485 1486 1487 1488 1489 1490 1491 1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504 1505 1506 1507 1508 1509 1510 1511 1512 1513 1514 1515 1516 1517 1518 1519 1520 1521 1522 1523 1524 1525 1526 1527 1528 1529 1530 1531 1532 1533 1534 1535 1536 1537 1538 1539 1540 1541 1542 1543 1544 1545 1546 1547 1548 1549 1550 1551 1552 1553 1554 1555 1556 1557 1558 1559 1560 1561 1562 1563 1564 1565 1566 1567 1568 1569 1570 1571 1572 1573 1574 1575 1576 1577 1578 1579 1580 1581 1582 1583 1584 1585 1586 1587 1588 1589 1590 1591 1592 1593 1594 1595 1596 1597 1598 1599 1600 1601 1602 1603 1604 1605 1606 1607 1608 1609 1610 1611 1612 1613 1614 1615 1616 1617 1618 1619 1620 1621 1622 1623 1624 1625 1626 1627 1628 1629 1630 1631 1632 1633 1634 1635 1636 1637 1638 1639 1640 1641 1642 1643 1644 1645 1646 1647 1648 1649 1650 1651 1652 1653 1654 1655 1656 1657 1658 1659 1660 1661 1662 1663 1664 1665 1666 1667 1668 1669 1670 1671 1672 1673 1674 1675 1676 1677 1678 1679 1680 1681 1682 1683 1684 1685 1686 1687 1688 1689 1690 1691 1692 1693 1694 1695 1696 1697 1698 1699 1700 1701 1702 1703 1704 1705 1706 1707 1708 1709 1710 1711 1712 1713 1714 1715 1716 1717 1718 1719 1720 1721 1722 1723 1724 1725 1726 1727 1728 1729 1730 1731 1732 1733 1734 1735 1736 1737 1738 1739 1740 1741 1742 1743 1744 1745 1746 1747 1748 1749 1750 1751 1752 1753 1754 1755 1756 1757 1758 1759 1760 1761 1762 1763 1764 1765 1766 1767 1768 1769 1770 1771 1772 1773 1774 1775 1776 1777 1778 1779 1780 1781 1782 1783 1784 1785 1786 1787 1788 1789 1790 1791 1792 1793 1794 1795 1796 1797 1798 1799 1800 1801 1802 1803 1804 1805 1806 1807 1808 1809 1810 1811 1812 1813 1814 1815 1816 1817 1818 1819 1820 1821 1822 1823 1824 1825 1826 1827 1828 1829 1830 1831 1832 1833 1834 1835 1836 1837 1838 1839 1840 1841 1842 1843 1844 1845 1846 1847 1848 1849 1850 1851 1852 1853 1854 1855 1856 1857 1858 1859 1860 1861 1862 1863 1864 1865 1866 1867 1868 1869 1870 1871 1872 1873 1874 1875 1876 1877 1878 1879 1880 1881 1882 1883 1884 1885 1886 1887 1888 1889 1890 1891 1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903 1904 1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1940 1941 1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023

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ner case, returned yesterday under a settlement with Denver Public Schools, ending an episode that attracted statewide debate.

McLean, who missed several days of her first period since last

The dispute clearly focused the debate over outcome-based education, a philosophy that a student's knowledge and ability in a subject are more important than simply being in class. Ironically, Kelley earned college

trades should be linked to attendance.

"I was glad it's over," said McLean, "now a demo. I was thinking when I was going to ap-

Please see GYMNASIUM on 19A

Moreover, with Congress all too certain to go home for the election campaign without acting on even modest reform measures, the odds favor political activists.

Child  
on C  
The  
figu  
grow  
but

Right: Gubernatorial candidate Bruce Benson discusses divorce yesterday as wife, Nancy, watches. Above: Benson's ex-wife, Nancy.



# Files detail story of Benson divorce

**By Howard Pankratz  
and Robert Kowalski  
Dennis Post-Goth writers**

the year before, the Hepburns' candidate for governor, carried on a love affair while still married to his wife of almost 30 years and then spent huge sums of money on himself and his girlfriend while the divorce was being resolved, according to court documents made public yesterday.

The documents were contained in a court file on the divorce of Benson from his first wife, Nancy. The file was opened by a judge's order yesterday after the

Benson family gave up a costly legal fight to keep it sealed. Beaver television station KUSA, Channel 9, had said to open the documents.

140 hours after the documents were released, Benson held a news conference with his new wife, Nancy, and Ann and David, two of his children by his first wife.

"I'm fully admitting the errors of my ways in my life," said Benson. "Are there things in my life I'm not proud of? You bet!

"If it's too much and it takes me down, it takes me down."

Phase see BENSON on 22A

The thick divorce file describes bitter arguments over money and other matters in the wading days of the Benson marriage. It also says Benson was carting on a love affair with Nancy Head while still married to Nancy. He married Nancy last November, a month after the divorce became final.

"When Mr. Benson announced he wanted a divorce from me on Dec. 29, 1931, it was a complete surprise and shock to me," said Nancy Benson in court papers. She declined to be inter-

By Tracy S. S. /  
Editor: Paul S. S.

**LARIMER**  
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"We don't ac-

**Sex**

+303-770-7288 BENISON FOR COLORADO

F.R. Recept.

6:15 pm- ATTEND VIP Fundraising Reception for Governor Fife Symington

6:45 pm

Location: Cowboy Artistl Room

Attendance: 50 @ \$500 per person

Event runs: 6:00 - 6:45 pm

Press: Closed

Facility: None

Format: Mix and mingle

Contact: Chuck Coughlin

602/222-8855

602/263-7637 fax



VIP RECEPTION WITH GOVERNOR FIFE SYMINGTON

Friday, September 23, 1994

6:15 p.m. to 6:45 p.m. Phoenix, AZ.

PURPOSE:

To attend the VIP reception for Gov. Fife Symington.  
Donors have paid \$500 per person to attend.

BACKGROUND:

Some of those attending this reception were at the Tort Reform meeting earlier.

POINTS TO AVOID:

None in particular.

POINTS TO STRESS:

- \* How important it is for Symington supporters to continue to work to raise funds for him.
- \* That the race will be close and that everyone needs to put more effort forward.

KEY ATTENDEES:

- \* Governor Symington
- \* Ann Symington
- \* Bob Fannin- Finance chairman for Symington '94
- \* State Party Chairman Dodie Londen
- \* Hon. John Greene - Senate President
- \* Cong. Jon Kyl
- \* Cong. Jim Kolbe
- \* Phil Dion- President of Del Webb industries
- \* Rep. Mark Killian- House Speaker
- \* Mac Magruder- McDonald's franchisee
- \* Tom McClain- President of Miss Karen's Yogurt

## BIOGRAPHY OF GOVERNOR FIFE SYMINGTON

On March 6, 1991, Fife Symington was sworn in as the 19th Governor of Arizona.

Fife Symington was raised in Maryland and graduated from Harvard University in 1968. After graduation, Symington joined the United States Air Force and was stationed at Luke Air Force Base in Arizona. In 1971, he received the Bronze Star medal for his service in Southeast Asia during the Vietnam War. He completed his military service in 1971 with the rank of Captain.

Symington returned to Arizona in 1972 and became a partner in the Lincoln Property Company. In 1976 he founded The Symington Company, a commercial and industrial development company. Symington served as President and CEO of The Symington Company until May 1989, when he stepped down in order to devote his full attention to his campaign for Governor of Arizona. He was elected Governor on February 26, 1991, winning an unprecedented special runoff general election.

Since taking office, Governor Symington has carried out his agenda of tax reduction, economic development, education reform, a balanced environmental program, and fiscal accountability in government.

During the 1994 legislative session, Fife Symington ushered through a third consecutive decrease in Arizona personal income tax. His \$100 million Middle Income Tax Relief Act of 1994 is Arizona's first across-the-board reduction in income tax brackets. Symington's tax reduction programs enacted so far will save Arizona citizens and Arizona businesses \$1.7 billion. The Governor stands firm in his commitment to decreasing the tax burdens on Arizonans and on the state's economy. He has pledged to phase out Arizona's personal income tax in his second term.

Symington has recognized the need for excellence in government. He initiated Project SLIM (state long-term improved management) to produce top quality service in a streamlined state government. Total Quality Management is now a permanent part of Arizona state government through the Governor's Office for Excellence in Government.

During the Symington Administration, some of the toughest, most effective criminal justice packages in the United States have been enacted into law. This includes a new truth-in-sentencing provision mandating that convicts will now serve no less than 85 percent of their sentence and tough new laws aimed at curbing juvenile crime. The Governor is also reaching out to neighborhoods plagued by gangs and drugs. He initiated Project Intervention, a \$2 million grant program to help reclaim Arizona's neighborhoods. Symington has greatly expanded funding for at-risk pre-schoolers.

Among his economic development achievements are the establishment of a Job Training Program and the creation of tax incentives for companies that use recycled materials. Another important legislative initiative is the nationally acclaimed Defense Restructuring Law, which allows state government to offer substantial state tax credits to defense companies that restructure to commercial production. As a direct result, 4500 jobs are being brought to Arizona.

Arizona's relationship with Mexico is also of significant importance to the Governor's economic development strategy. He opened trade offices in Mexico City and Hermosillo, Sonora, created the Organization for Free Trade and Development, and coordinated a disaster relief effort for the State of Sonora. Governor Symington was the first United States Governor in history to be invited to address a state congress in Mexico, the Sonoran Congress. Symington established *The Border Volunteer Corps*, a volunteer program to improve the quality of life along the Arizona-Mexico border. The Governor is the Co-Chairman of the Border Governors' Conference.

His dedication to environmental issues is equally clear. In his first State of the State Address, Symington proclaimed, "It is time to protect our environment against the ravages that time may not heal." During his administration's tenure, the Governor has signed legislation to expedite the cleanup of hazardous waste, protect riparian areas, conserve water, and keep Arizona's air clean for future generations. Fife Symington organized the largest environmental volunteer clean up effort of any metropolitan area in the U.S. history.

Governor Symington served as Chairman of the Western Governors' Association during 1992-93. Currently, he serves as Vice Chairman on Natural Resources for the National Governors' Association.

Fife Symington is married to the former Ann Pritzlaff. They have five children: Fife IV, 23; Scott, 21; Whitney, 16; Richard, 13; and Tom, 10. His personal and family activities include skiing and fly fishing. The Governor is an instrument-rated commercial pilot and is certified as an advanced open water diver.

June, 1994



DEM. CANDIDATE FOR GOV.

EDDIE BASHA

HOTLINE 9/15/94

\*7 ARIZONA: "CHUBBY GROCER" TAKES DEM PRIMARY

In the end, "it was the savvy and calculated behind-the-scenes" strategy of supermarket magnate Eddie Basha (D) to get the rural and Native American voters to the polls that "probably clinched" his narrow victory in the 9/13 Dem primary. Basha manager Rick DeGraw, credited by most analysts as "the brains of the behind the race, seemed amazed at how closely reality mirrored the Basha game plan." '90 nominee Terry Goddard (D): "I think Eddie came on extremely strong. He had a good message at the end, and he had a lot more advertising than I did. And that makes a difference." Ex-Phoenix Mayor Paul Johnson (D): "Bottom line, I just didn't do what I needed to do out there" (9/15). "Retail groceries combined with retail politics to produce a massive turnout" for Basha on the Navajo Reservation, providing more votes than his margin of victory in the Dem primary. Basha "did well" across rural AZ but was "especially strong" in the counties which contain the AZ portion of the "sprawling, West Virginia-size" reservation. Basha worked "especially hard for the Navajo vote, one of the largest potential blocs" in the state (Kammer, ARIZONA REPUBLIC, 9/15). Basha must now "lure to his camp" the same moderate Republicans that Gov. Fife Symington (R) "so successfully wooed" to win in '90. Symington ran as a moderate, "but he has governed as a hard-liner. Basha will try to exploit this." At the 9/13 Dem Unity Luncheon with DNC Chair David Wilhelm, Basha invited Goddard and Johnson to the podium, and the three "mugged for the camera. They made a human 'W' with stubby Basha sandwiched between towering Goddard and stilt-tall Johnson. Democrats insisted it stood for win." The addition of Libertarian John Buttrick to the race, "one of the most articulate minor-party candidates to emerge in years, only complicates the picture." Republicans "may split their votes" between Symington and Buttrick (REPUBLIC, 9/15).



# ARIZONA

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

**Filing Date:** June 30

**Primary Election:** Sept. 13

## REPUBLICANS

Fife Symington, Incumbent

Barbara Barrett, Attorney

## DEMOCRATS

Terry Goddard, Former Mayor of Phoenix

Eddie Basha, Supermarket Magnate

Paul Johnson, Phoenix Mayor

## Update

In early May, Governor Fife Symington released a crime fighting package for Phoenix which included funds for youth recreation and jobs programs, use of National Guard personnel and the creation of an anti-gang task force. While former Phoenix Mayor Terry Goddard derided the plan, Democratic candidate and supermarket magnate Eddie Basha applauded Governor Symington for it. City councilmen from the toughest areas of Phoenix feel the plan will deter gang members from violent activity.

Arizona joined other states in suing the federal government for reimbursement of costs associated with incarceration of illegal immigrants. The Immigration Reform and Control Act says the federal government must pay these costs for incarceration. Reimbursement by the federal government of costs to the state of Arizona total about \$121 million.

Attorney General Grant Woods decided not to challenge Governor Symington in the Republican primary. He said that Governor Symington's odds for reelection were greatly improved and found no reason to run for governor.

The Resolution Trust Corporation and Governor Symington reached a civil settlement on the \$210 million lawsuit. Under the terms of the settlement, Governor Symington did not accept any of the blame and did not have to pay any damages. Former U.S. Attorney Melvin McDonald said that for other reasons the settlement is good news for Governor Symington. He said that this settlement is "the best evidence I have seen" that there probably will not be a case on other more serious charges.

Former Phoenix Mayor Paul Johnson received the endorsement of Paul Tsongas, who said that he was breaking a personal rule against endorsing in primaries.

The latest Rocky Mountain Poll conducted in early April had Governor Symington beating former Reagan Administration official Barbara Barrett by more than 2 to 1 (+/- 6.9% margin of error). In the Democratic primary Goddard led his nearest competitor Johnson by 12 points (+/- 7.4% margin of error). In the only general election match up, Goddard held a 9 point lead over Governor Symington with 17% undecided. (No margin of error listed for this last poll).

#### 1992 Presidential Vote

|             |               |
|-------------|---------------|
| Bush (R)    | 572,086 (38%) |
| Clinton (D) | 543,050 (37%) |
| Perot (I)   | 353,741 (24%) |
| Total       | 1,468,877     |

#### Gubernatorial Election Results

|             |                         |               |
|-------------|-------------------------|---------------|
| 1991 runoff | Fife Symington, III (R) | 492,569 (52%) |
|             | Terry Goddard (D)       | 448,168 (48%) |
|             | Total                   | 940,737       |

|           |                         |               |
|-----------|-------------------------|---------------|
| 1990 gen. | Fife Symington, III (R) | 523,964 (50%) |
|           | Terry Goddard (D)       | 519,653 (50%) |
|           | Total                   | 1,043,617     |

### NEW POLLING INFORMATION

#### ROCKY MOUNTAIN POLL BY THE BEHAVIOR RESEARCH CENTER OF AZ APRIL 9 - 12, 1994:

*REPUBLICAN REGISTERED VOTERS (N=205 REGISTERED REPUBLICAN VOTERS  
MARGIN OF ERROR +/- 6.9%):*

| 2 WAY GOP PRIMARY | NOW | 3-WAY GOP PRIMARY | NOW | 1/94 |
|-------------------|-----|-------------------|-----|------|
| Symington         | 45% | Symington         | 39% | 44%  |
| Barrett           | 22% | Barrett           | 18% | 5%   |
| Undecided         | 33% | Woods             | 16% | 20%  |
|                   |     | Undecided         | 27% | 31%  |

*DEMOCRATIC REGISTERED VOTERS (N=180 RV +/- MARGIN OF ERROR 7.4%):*

| DEM PRIMARY | NOW | 1/94 | GENERAL MATCHUPS |     |             |
|-------------|-----|------|------------------|-----|-------------|
| Goddard     | 34% | 36%  | Goddard          | 46% | Goddard 41% |
| Johnson     | 22% | 15%  | Symington        | 37% | Barrett 30% |
| Basha       | 17% | 17%  | Undecided        | 17% | Undec. 29%  |
| Undecided   | 27% | 32%  |                  |     |             |

F.R. Dinner



September 22, 1994

TO: SENATOR DOLE  
FROM: MARCIE ADLER  
RE: PHOENIX, ARIZONA  
ATTENDING THE SYMINGTON RECEPTION & DINNER

OFFICERS OF SWIFT TRANSPORTATION, A MAJOR LONG-DISTANCE TRUCKING COMPANY HEADQUARTERED IN PHOENIX, ARE LONG-TIME SUPPORTERS OF SYMINGTON AND HAVE PURCHASED 3 TABLES FOR THE DINNER.

THE COMPANY HAS A MAJOR CONTRACT WITH PAYLESS CASHWAY IN TOPEKA AND WILL BE OPENING A NEW TERMINAL IN WYANDOTTE COUNTY, EITHER EDWARDSVILLE OR KCK - THEIR 17TH. THIS MEANS 700 NEW JOBS FOR KANSAS, INCLUDING RELOCATING WORKERS FROM A ST. JOSEPH, MO, COMPANY THEY BOUGHT.

INVITATION TO VISIT THEIR PHOENIX TERMINAL

DAVE BERRY, VICE PRESIDENT, HAS INVITED YOU TO TOUR THEIR OPERATIONS CENTER, MANNED BY 100 EMPLOYEES.

BRIAN BERRY, OUR FIELD REPRESENTATIVE, ADVISES THAT TIME IS TIGHT THIS TIME, BUT THAT HE'D LIKE TO SCHEDULE A STOP AT SWIFT DURING A FUTURE VISIT AND WILL REVIEW INFORMATION BEING PROVIDED BY DAVE BERRY.

AMONG THOSE ATTENDING RECEPTION & DINNER, AS REPORTED BY DAVE BERRY:

DAVE BERRY, SWIFT VICE PRESIDENT  
LYNN MARINO, HIS SISTER-IN-LAW WHO RAVES ABOUT YOU  
BOB FANNIN, ATTORNEY, FATHER OF THE LATE GOVERNOR & SENATOR

6:45 pm- ATTEND/SPEAK Fundraising Dinner for Governor Fife Symington

7:30 pm

Location: Regency Ballroom

Attendance: 700 @ \$300 per person

Event runs: 6:45 - 9:00 pm

Press: Closed

Facility: No headtable, podium and mic

Format: 6:50 pm John Greene gives Pledge of  
Allegiance

6:53 pm Speaker Mark Killian, House Speaker,  
gives Invocation

6:55 pm Governor Symington introduces Senator  
Dole

7:00 pm Senator Dole gives remarks

Dinner is served after Senator Dole leaves

Contact: Chuck Coughlin  
602/222-8855

FUND-RAISING DINNER WITH GOVERNOR FIFE SYMINGTON

Friday, September 23, 1994

6:45 p.m. to 7:30 p.m. Phoenix, AZ.

PURPOSE:

To attend and address a fund-raising dinner for Gov. Fife Symington.

BACKGROUND:

This fund-raising dinner (\$300 a person) is designed to highlight the accomplishments of Gov. Symington.

Symington is being challenged by Eddie Basha (Baa-sha) a supermarket magnate. Basha is portraying himself as "the chubby grocer". He's also says he's a "raving capitalist" who favors helping more Arizona businesses.

Symington will frame the election on what he's done for the state. His campaign theme is -- "Promises made, promises kept."

POINTS TO AVOID:

\* The crime bill. Rep. Jon Kyl will be in attendance.

POINTS TO STRESS:

\* Gov. Symington has done what others have only talked about. He cut taxes, cracked down on violent crime, reformed education, and created a better climate for Arizona business. He's the best Governor in the United States.

\* Arizona is rated an "A" for job creation with 184,000 new jobs in 3 years.

\* When he led the charge on reducing taxes --- some \$1.7 billion --- it helped turn the Arizona economy around. Now, others are following Fife Symington by cutting taxes in their state.

\* Symington's "no parole" law for criminals has made Arizona's streets safer.

\* Fife Symington has prepared his state's children for the future by supporting a revolutionary education reform initiative which created a new charter school system. This legislation just went into effect last week. It will prepare the next generation for a more competitive world.



POLITICAL ENVIRONMENT:

\* The re-count in the Democratic primary election continues. News accounts say it may be October until a winner is declared. Rep. Sam Coppersmith currently leads by 132 votes over Richard Mahoney. The delay helps Jon Kyl, who continues to campaign across the state. Coppersmith is still campaigning, but is not as effective since he's still involved in the re-count.

\* The Arizona GOP has a good chance to win the 1st district open seat of Sam Coppersmith (GOP opponent is Matt Salmon); the 6th district seat of Karan English (GOP opponent is J.D. Hayworth); and retain the seat of Jon Kyl (John Shadegg). Additionally, the GOP hopes to win the Secretary of State seat with former House Speaker Jane Hull running for the open seat.

\* Interior Secretary Bruce Babbitt is in Arizona to address the National Conference of Editorial Writers. He announced his opposition to state proposition 300, which would protect private property rights. Barry Goldwater had earlier opposed the initiative, but now favors the proposition, which is also supported by Gov. Symington.

\* Sen. Kyl continues to get flack for his vote in favor of the crime bill.

KEY ATTENDEES:

- \* Governor Symington
- \* Ann Symington
- \* Bob Fannin- Finance chairman for Symington '94
- \* State Party Chairman Dodie Londen
- \* Hon. John Greene - Senate President
- \* Cong. Jon Kyl
- \* Cong. Jim Kolbe
- \* Phil Dion- President of Del Webb industries
- \* Rep. Mark Killian- House Speaker
- \* Mac Magruder- McDonald's franchisee
- \* Tom McClain- President of Miss Karen's Yogurt

9/22  
12:15 pm

Agribusiness Table:

Allied Signal Table:

America West Table:

Franko, Bill \* (+ guest)  
Meyers, Morry \* (+ guest)

APS Table:

DeMichele, Barbara  
Denman, Jo Ann  
Denman, John  
Loftin, Nancy  
Othon, Art  
Othon, Lorraine  
Shultz, Linda  
Shultz, Marty  
Stewart, Catherine

ARMA Table:

Landreth, Dave

AZ Bankers' Table (Gordon Murphy Table):

Baird, Hon. Ernie  
Isbell, George  
Lewis, John  
Murphy, Gordon\*  
Thompson, Alan

AZ Cotton Grower's Association:

Table sold (9/12/94)

AZ Society of CPAs Table:

Completed 9/20/94

Cheatam, Leigh  
Daggett, Michael  
Henry, Barbara  
Henry, Jack  
Holland, Doug  
Hubiak, Cindie  
Julian, Gary  
Jones, Robert  
Ozer, Hopc  
Ozer, Jay

**Bank One Table:**

**Ken Bentson Table:**

Bentson, Ken  
Mardian, Lucy  
Mardian, Sam

**Biddulph Table:**

Completed 2/16/94

Baker, Paul  
Biddulph, Dean  
Biddulph, Kemp  
Hartman, Jim  
Katsenes, John \*  
Katsenes, Mary \*  
Lavidge, Bill  
Lavidge, Julie  
Spangler, Jean  
Spangler, Scott

**Blue Cross/Blue Shield Table:**

**Brown & Bain Table:**

Bain, Lois  
Bain, Randall



Ballinger, Ed  
Brown, Jack  
Cooledge, Richard  
Placenti, Frank  
Richardson, Joe  
Scarborough, Larry  
Theobald, Scott  
Van Cott, Charles

**Robert Burns Table:**

**Cattlemen's Table 1:**

Arner, Mrs.  
Allred, Wally  
Klinker, Jim  
O'Brien, Bill (+ guest)  
Parsons, Joe (+ guest)  
Sedgewick, Cabot  
( 2 seats available for legislators)

**Cattlemen's Table 2:**

Aja, Bas  
Aja, GiGi  
Clifton, Phil  
Clifton, Mrs.  
Jelks, Mrs.  
Jelks, Rukin  
Metzger, Jack (+ guest)  
Perry, Bill  
( 1 seat available for legislator)

**Harry Cavanagh/Norm Miller Table:**

Completed 9/20/94

Cross, Don  
Forrister, Jan  
Linder, David  
Miller, Carol

Miller, Norm  
Rose, Scott  
Rose, Deborah  
Visser, Johanna (+ guest)

**Harry Cavanagh Table 2:**

Carnahan, Lillian  
Carnahan, Michael  
Cavanagh, Geri  
Cavanagh, Harry

**Circle K Table:**

9 seats paid for (9/9/94)

**Cluxton/Vieh Table:**

Anderson, Bob  
Anderson, Sydney  
Cluxton, Harley  
Cluxton, Mrs. Harley  
Knight, C. Dennis  
Knight, Margot  
Vieh, Jackie\*  
Wilson, Hack  
Wilson, Marguerite

**Skip Corley Table:**

**Jeff Covill Table:**

Babaoft, Kam  
Covill Ann  
Covill, Bruce\*  
Covill, Elliot  
Covill, Jeff  
Hershmen, Carolyn

Karabatsos, Elizabeth  
Karabatsos, Maurine  
Waltz, Kurt  
Williams, Charlie

**Mark Dioguardi Table:**

DeMuro, Gene  
DeMuro, Joane  
Dioguardi, Mark  
Korman, Dorothy  
Kyle, Cyndi  
Kyle, Hon. Richard  
Olson, Sandra

**Ted Deitrich Table 1:**

**Ted Deitrich Table 2:**

**Del Webb Corp. Table:**

table sold (1st table)

Dion, Patty  
Dion, Phil  
Gleason, Betty Lou  
Gleason, Jack  
Jones, Kathy  
Jones, Rob  
Roach, Chuck  
Roach, Ellen  
Wren, Ed  
Wren, Lisa

**Kevin DeMenna Table:**

(Seat table 1 & 2 and CPAs and Grand Canyon table all next to each other - all Kevin's)  
table sold (9/9/94)

Barton, Craig  
Burns, Denise  
Burns, Mary Jane  
Cochran, Larry



DeMenna, Kevin  
DeMenna, Melissa  
Phillips, Gary  
Shadegg, John  
Stephan, Clarke  
Townsend, Steve

**Kevin DeMenna Table 2:**

Groscost, Dana  
Groscost, Hon. Jeff  
Louis, Anke  
Louis, Dill  
Louis, Jackie  
Pawlowski, Stacey  
Rose, Jason

**Charlie Dunlap Table:**

**Esmor Table:**

table sold (9/13/94)

Bagley, Fred  
O'Keefe, Jim  
Landry, Larry  
Lewis, Sam (+ guest)  
King, Ned  
King, Mrs. Ned  
Moran, Kevin  
Rau, Russell  
Staley, Dick

**Kennemore Craig Table:**

Burk, Pat  
Berg, Timothy  
Crockett, Nan  
Crockett, Webb  
Green, Karen  
Green, Mike Preston

**Gallagher & Kennedy Table:**

Boatman, Priscilla  
Boatman, Robert  
Brodman, Robert  
Grogan, Jim  
Grogan, Mary Jo  
Hartley, Matthew  
Ishikawa, Brian  
Ishikawa, Nancy  
Lundin, John  
O'Malley, Thomas

**Sara Goertzen Table:**

Adelson, Julie \*  
Adelson, Tom \*  
Bare, Mark  
Brandenburg, George \*  
Dial, Pat \*  
Goertzen, Sara  
Marsh, Debbie \*  
Marsh, Jim \*  
Sepulveda, Martin \*  
Tryhus, Greg \*  
Tryhus, Sally \*

**G-TECH Table:****Bill Gosnell Table:**

Blake, Bill  
Coppola, Craig  
Gosnell, Bill  
Lowc, Allen  
Marreel, Jerry  
Watkins, Jim

**Governor's Table:**

Dole, Hon. Bob  
Gramm, Hon. Phil

Misc



## MEMORANDUM

September 21, 1994

To: Senator Dolc  
From: Richard McBride  
Re: Arizona Briefing

**REPUBLICAN:**  
Congressman Jon Kyl

**DEMOCRATS:**  
Congressman Sam Coppersmith  
Dick Mahoney, *Secretary of State*

### OVERVIEW

- Ex-Senator Barry Goldwater is **Kyl's** honorary campaign chairman and has held fundraisers for **Kyl** at his home. However, Susan Goldwater, Barry's wife, and Joanne Goldwater, Barry's eldest daughter, signed a fundraising letter in June for Rep. **Sam Coppersmith**. They support **Coppersmith's** pro-choice policy. **Kyl's** campaign did not seem to mind sharing the Goldwater family "as long as they get custody of Barry Goldwater."
- The Arizona campaigns have surrogates in the United States Senate. **Kyl** is being supported by Sen. McCain while Sen. DeConcini is backing **Coppersmith**. In July, when **Kyl** criticized the Clinton administration for their efforts to curb illegal immigration, DeConcini not only defended Clinton's efforts, he accused **Kyl** of political posturing and attacked **Kyl** for not supporting previous bills that contained funding for border protection. McCain sent DeConcini a letter urging "a truce on negative partisan attacks." Robert Maynes, DeConcini's spokesman, suggested it was too late for a truce.
- On the first vote of the crime bill, **Kyl** and **Coppersmith** voted the party line. After the vote, **Coppersmith** attacked **Kyl** by saying "[**Kyl**] is someone who would rather complain, wring his hands and take partisan political shots -- basically do nothing while our crime problems escalate." **Kyl** did not support the first bill citing the unnecessary spending as a reason but also said that he thought that the bill was being renegotiated.

On the second vote, both **Kyl** and **Coppersmith** voted for the crime bill. **Kyl** called the second vote "a result of bipartisan efforts." In response to **Kyl's** comment,

*Arizona Republic's* Chesire wrote, "If this is what comes of breaking gridlock, by all means let us return to good old robust partisanship." (8/28)

- In August Arizona State Senator Peter Goudinoff (D) began selling bumper stickers that said "Seig Kyl" (Goudinoff misspelled "sieg"). Goudinoff said the purpose for these bumper stickers was to reveal Kyl's right-wing philosophy. Kyl and the Arizona Anti-Defamation League were very shocked and offended. These are some editorials from around the state: "Heap scorn on Peter Guodinoff, if you will, but don't begrudge him his right to express himself" (*Arizona Republic*, 8/19), "[Goudinoff] is entitled to his opinions, but this one went too far and hurt too deeply" (*Arizona Daily Star*, 8/16), "[Goudinoff] has gone too far this time" (*Tucson Citizen*, 8/19).
- **Coppersmith** is not only promoting help in this election from President Clinton, he is attacking the other Democrat candidates who are trying to distance themselves from Clinton. "They don't want to stand with our president. They feel he may not be popular right now, that he may hurt their campaign. Well that's wrong." However, **Coppersmith** rejects partisan labels. **Coppersmith** is trying to appeal to Democrats and Independents.
- The September 13 Primary was indecisive for the Democrats. After the final tally of ballots, **Coppersmith** is the apparent winner over **Secretary of State Dick Mahoney** by 123 votes. However, Arizona law requires a recount if the difference in votes is 1/10 of 1%, or 200 votes. **Mahoney** contends that there are "600 to 700 ballots that have been disqualified improperly and should be counted." The majority of those ballots are in rural areas where **Mahoney** did best. Both **Coppersmith** and **Mahoney** are claiming victory and the outcome is not expected to be known until the end of September. Cindy Resnick and Dave Moss conceded. Regardless of the outcome, each has pledged to work for the winner. As far as Steve Owens, Arizona Democrat Chairman, is concerned, **Coppersmith** is the nominee.

## POLLING INFORMATION

### Political Media Research (9/3-7/94)

#### BALLOT

|         |     |             |     |
|---------|-----|-------------|-----|
| Kyl     | 39% | Kyl         | 44% |
| Mahoney | 34  | Coppersmith | 32  |

### Frederick/Schneiders (May/94)

#### BALLOT

|             |     |
|-------------|-----|
| Kyl         | 46% |
| Coppersmith | 34  |

### FINANCIAL INFORMATION

| Candidate   | Raised 8/24 | Spent 8/24  | PAC \$    | 3rd Quarter | COH 8/24    | Debt     |
|-------------|-------------|-------------|-----------|-------------|-------------|----------|
| Kyl         | \$3,233,807 | \$1,686,852 | \$623,844 | \$349,406   | \$1,546,456 | \$11,185 |
| Coppersmith | \$954,799   | \$286,959   | \$198,951 | \$170,596   | \$374,202   | \$25,000 |
| Mahoney     | \$454,040   | \$271,443   | \$0       | \$53,636    | \$182,595   | \$0      |



Dallas Morning News

9-15-94

# Magnate stuns foes in Arizona race

## In upset, Basha wins Democratic gubernatorial nomination

Associated Press

PHOENIX — A supermarket magnate and self-described "bleeding heart capitalist" captured Arizona's Democratic gubernatorial nomination Wednesday in an upset over two former Phoenix mayors.

Eddie Basha, chairman of his family's statewide Basha's supermarket chain, defeated Terry Goddard and Paul Johnson in a cliffhanger that wasn't decided until early on the morning after the primary.

He will face Republican Gov.

Fife Symington, who coasted to victory over lawyer Barbara Barrett, 68 percent to 32 percent, despite legal and personal problems that have plagued his administration.

The Democratic primary for the Senate was still too close to call. Rep. Sam Coppersmith held a narrow lead over Secretary of State Dick Mahoney, with several thousand absentee and questionable ballots uncoun-  
ted.

Mr. Coppersmith, the chosen successor of retiring Democratic Sen. Dennis DeConcini, stopped short of

declaring himself the winner.

"We're not going to declare victory until we get some third-party confirmation, but we feel very good," said his spokeswoman.

The winner will face four-term Rep. Jon Kyl, who ran unopposed for the GOP nomination.

Mr. Basha ended up with 37 percent of the vote to 35 percent for Mr. Goddard and 28 percent for Mr. Johnson, who had been considered the front-runners.

Mr. Basha won all but one of the  
Please see **MAGNATE** on Page 32A.

# Magnate wins nomination

Continued from Page 27A.

state's 13 rural counties and finished a strong second in each of the urban counties. He did particularly well in three counties that cover the Navajo Nation, where his stores are the only source of staples for some communities.

"It's not over until the chubby grocer goes to sleep," Mr. Basha

joked as returns from rural counties pushed him into the lead.

Mr. Basha, an appointed member of a state higher education board whose face was familiar to voters through his company's commercials, had portrayed himself as a champion of families, calling for more spending on education and children's programs.

Mr. Symington was a defendant in a federal lawsuit accusing him of misusing his position as a director of a now-defunct savings and loan. He settled the lawsuit without admitting any wrongdoing or paying any money.

His personal financial dealings are under investigation by a grand jury.

HOTLINE 9/21/94

ARIZONA REPUBLIC: "Give ... Clinton credit for a  
commendable flip-flop this time on Haiti" (9/20).

HOTLINE 9/19/94

\*1 ARIZONA: KYL GAINS UPPER HAND AS DEMS AWAIT RECOUNT

As Rep. Sam Coppersmith (D-01) "declared victory," Sec/State Dick Mahoney (D) said "he's confident that he's the winner." ARIZONA REPUBLIC's Van Der Werf: "Neither is right, at least not yet. The election was so close -- Coppersmith is the apparent winner by 123 votes -- that there will be a recount. The outcome will probably not be known until the end of September. In the meantime, Arizona may be in for the specter of two Democratic candidates raising money and campaigning across the state, acting as the party's nominee." Coppersmith gave "what amounted to a stump speech" in which he "bashed" Rep. Jon Kyl (R-04). Mahoney said that if Coppersmith is declared the winner, he will work for him. However, Mahoney also said he is "convinced that there are 600 to 700 ballots that have been disqualified improperly and should be counted." Most of those ballots are in rural counties, where Mahoney did best. Kyl spokesperson Scott Celley said Kyl is "watching the process with amusement": "If the [Democratic] party does not wish to put forward a nominee in this election, it is perfectly OK with us" (9/17).

HOW IT PLAYS: PHOENIX GAZETTE'S Murphy: "The prospect of at least two more weeks of Coppersmith-Mahoney bickering is a nightmare for Democrats, who had hoped to focus their energies on the GOP nominee." AZ Dem Chair Steve Owens: "From our perspective, Coppersmith is the nominee" (9/17). REPUBLIC's Willey on Kyl's "advantage": "Not only does he have a head start in the general-election race, but he also will be better funded than either Coppersmith or Mahoney. ... Whatever 'Big Mo' the Democrats hoped to get out of a feisty Senate primary has already been lost" (9/18).



HOTLINE 9/14/94

\*1 ARIZONA: DEM SENATE, GOV RACES PHOTO-FINISH

SENATE: In the Dem primary, frosh Rep. Sam Coppersmith (D-01) narrowly leads Sec/State Richard Mahoney, with state Sen. Cindy Resnick and Dave Moss trailing. Rep. Jon Kyl (R-04) was unopposed in the GOP primary. Sen. Dennis DeConcini (D) is retiring. Results with 99% reporting (AP, 9/14):

DEM PRIMARY

|             |        |     |
|-------------|--------|-----|
| Coppersmith | 81,043 | 32% |
| Mahoney     | 80,274 | 32  |
| Resnick     | 75,227 | 30  |
| Moss        | 15,777 | 6   |

GOVERNOR: Gov. Fife Symington (R) won renomination over ex-Reagan admin. official Barbara Barrett (R). In the Dem primary, supermarket magnate Eddie Basha holds a slight lead over ex-Phoenix Mayor/'90 nominee Terry Goddard; finishing third was another ex-Phoenix Mayor, Paul Johnson. Results with 99% reporting (AP, 9/14):

DEM PRIMARY

|         |        |     |
|---------|--------|-----|
| Basha   | 95,868 | 37% |
| Goddard | 91,707 | 35  |
| Johnson | 73,072 | 28  |

GOP PRIMARY

|           |         |     |
|-----------|---------|-----|
| Symington | 197,479 | 68% |
| Barrett   | 92,260  | 32  |

HOUSE:

AZ 01: Frosh Rep. Sam Coppersmith (D) is running for the Senate. State Sen. Matt Salmon won the GOP nod over TV cable lobbyist Susan Bitter Smith, atty Linda Rawles, state Sen. Bev Hermon and realtor Bert Tollefson. State Sen. Chuck Blanchard (D) was unopposed. Results with 100% reporting (AP, 9/14):

GOP PRIMARY

|              |        |     |
|--------------|--------|-----|
| Salmon       | 19,704 | 39% |
| Bitter Smith | 11,288 | 22  |
| Rawles       | 9,495  | 19  |
| Hermon       | 7,982  | 16  |
| Tollefson    | 2,098  | 4   |

AZ 04: Rep. Jon Kyl (R) is running for the Senate. Ex-Asst AG John Shadegg won the GOP primary over ex-state Rep. Trent Franks, Maricopa Co. Supervisor Jim Bruner and Joan Jugloff. Atty Carol Cure (D) was unopposed. Results with 100% reporting (AP, 9/14):

GOP PRIMARY

|         |        |     |
|---------|--------|-----|
| Shadegg | 25,956 | 43% |
| Franks  | 18,161 | 30  |
| Bruner  | 12,409 | 21  |
| Jugloff | 3,597  | 6   |

AZ 06: Frosh Rep. Karan English (D) will face sportscaster

J.D. Hayworth (R), who won the GOP primary over state Rep. Dave Schweikert, Gary Husk, atty David Smith and ex-McCain aide Ramona Liston. Results with 90% reporting (AP, 9/14):

| GOP PRIMARY |        |     |
|-------------|--------|-----|
| Hayworth    | 19,596 | 46% |
| Schweikert  | 8,877  | 21  |
| Husk        | 5,995  | 14  |
| Smith       | 4,563  | 11  |
| Liston      | 3,894  | 9   |

Prop. 300, Water



September 22, 1994

TO: Senator Dole  
FROM: Mike Torrey  
SUBJECT: Arizona update

PROPOSITION 300...A few years ago, the Governor signed into law a private property rights bill which required the state agencies to conduct takings impact assessments when promulgating regulations. The environmentalist objected to this legislation and have placed this issue on the ballot. A vote for proposition 300 is a vote for private property rights. Senator McCain is a supporter of private property rights but has not said much on this issue.


COLORADO RIVER...The Colorado River Compact of 1922 allocated 7.5 million acre-feet (maf) of Colorado River water annually to the three lower basin states. California is entitled to 4.4 maf, Arizona 2.8 maf, and Nevada .3 maf.

At current growth rates, Nevada expects to exhaust its Colorado River allocation before 2010. Consequently, Nevada officials are seeking additional water supplies. Southern California's growing urban population also needs additional water. Meanwhile, Arizona does not expect to fully utilize its Colorado River supply until about 2035. As a result, both California and Nevada are trying to gain access to part of Arizona's unused apportionment. The states are trying to resolve this matter between themselves with some assistance from the Department of Interior. Senator McCain has supported allowing the states to resolve this problem without Congressional intervention.

Taxes

September 22, 1994

MEMORANDUM

TO: SENATOR DOLE  
FROM: NINA OVIEDO   
SUBJECT: ARIZONA -- TAXES & GOVERNOR SYMINGTON

Governor Symington has pledged to eliminate personal income taxes. Apparently the revenues will be made up by "growing business" in Arizona (lowering taxes has more people and businesses moving into the state and therefore more jobs, growth, etc).

- State personal income taxes are "regional/local" issues and not a federal item.
- Currently, 9 states do not have a broad based income tax:

Alaska

Tennessee

Florida

Texas

Nevada

Washington

New Hampshire

Wyoming

South Dakota





## T R I P B O O K

### GOVERNOR SYMINGTON AND EDUCATION ISSUES

Governor Symington has aggressively sought to reform education in his state. You may recall that the Arizona State Legislature almost passed a school "choice" bill earlier this year and that you had sent letters of support to state legislators. This bill would have provided parents with vouchers to send their children to the schools of their choice. It fell only a few votes short of passing.

In contrast, Governor Symington's opponent thinks more money will leverage education improvements.

#### CHARTER SCHOOLS

On another front, Governor Symington has established Charter Schools. These are new public schools that are created from the ground up by parents, teachers and community groups. The idea behind them is that they will have greater independence than traditional public schools and thereby be more responsive to local needs. As a result, Charter Schools are quickly becoming one of the most popular reform tools nationwide.

I should note, however, that Charter Schools are weaker than the school "choice" concept for two important reasons.

- o A Charter School does not give parents the same range of educational options as school choice. A Charter School only gives a parent one choice or one school, while a "choice" program is only limited by the number of schools in a community.

- o Choice Programs create educational excellence by forcing schools to compete against each other for students. Charter Schools do not compete with anyone and thereby do not have the same pressure to improve academics.

Crime



September 22, 1994

**ARIZONA--CRIME**

1. Attached is a letter by Governor Fife Symington that lists three examples of how the federal government hinders state law enforcement efforts: a) federal prison cap orders, 2) federal habeas corpus rules, and 3) the exclusionary rule. The crime bill, as passed, addresses none of these issues.

2. The Arizona state prison system is under federal court supervision. For example, federal judges tell Arizona state prison officials the types of publications and typewriters they must buy for prisoners and the number of law clerks they must hire for the state's prison law libraries.

3. Last January, Governor Symington tried to prohibit the distribution of pornographic materials in the state's prison system. An LBJ-appointed federal judge named Carl Muecke (pronounced "Mickey") intervened, arguing that the pornography ban violated the First Amendment rights of state prisoners. The case is still in litigation. Muecke has been heavily involved in regulating the Arizona state prison system.

4. Last year, Gov. Symington successfully spearheaded the effort to abolish parole and establish truth-in-sentencing. Effective January 1, 1994, all offenders--including non-violent offenders--must serve at least 85% of their prison sentences. The State Parole Board is now called the Board of Executive Clemency.

D. Shea



STATE OF ARIZONA  
EXECUTIVE OFFICE

FIFE SYMINGTON  
Governor

15 August 1994

The Honorable Bob Dole  
United States Senate  
SH-141 Hart Senate Office Building  
Washington, D.C. 20510

Dear Bob:

As a governor who has spent much of his energies confronting crime at the state level, I am writing you with several proposals for Congress to consider including in any crime legislation to be passed this year.

In the United States there is a great disconnect between the public will about crime (which is fairly characterized as strong for swift, certain and just punishment) and the public policy (which is best characterized as wavering toward punishment and fairly consistent toward social programs based on wealth transfers). That disconnect occurs in the courts, which by design are the least democratic branch of government.

My proposals for Congressional action against crime therefore involve the Article I power of the legislative branch to limit the subject matter jurisdiction of the federal courts.

**First, remove federal court jurisdiction over state prison systems.** Across America, federal district judges have essentially seized control of state prison systems. They have handed down long lists of judicial mandates (all unfunded, of course) regarding prison conditions and operations. The effect of these mandates -- issued under purported reach of the Eighth and Fourteenth Amendments to the U.S. Constitution -- is to drive the costs of building and operating state prisons to astonishing heights. The further effect has been gradually to create prison systems which look nothing like what the public would prefer. Instead of punishment and labor, American prisons tend to feature idleness and ease. The American people are not cruel or inhumane. Give them back their prison systems.



**Next, make meaningful reforms of federal habeus corpus rules or remove federal subject matter jurisdiction over state death penalty cases.** The death penalty has been frustrated all over the country by federal judges who entertain endless appeals from convicted murderers. This must end. The continuing obstruction of justice in capital cases permitted by the federal courts frustrates the public and crime victims to the point of outrage.

**Finally, eliminate federal subject matter jurisdiction over evidentiary matters in state criminal prosecutions.** This reform would have the good effect of allowing states to avoid operation of the "exclusionary rule," imposed upon them by the federal courts in the early 1960s. The exclusionary rule is a failed judicial artifice which has no effect but to suppress relevant evidence, frustrate state felony prosecutions and antagonize the victims of crime, who cannot understand why the courts would be in the business of hiding the truth from juries. By it's very nature, the exclusionary rule protects only the guilty. It should be eliminated by those states which wish to do so and replaced with administrative and civil sanctions against police who violate the civil rights of citizens.

I am confident that these reforms, all within the easy grasp of Congress, would do far more to advance the cause of justice than the provisions in the current federal crime bill. While a "war on crime" is the often-stated policy of public bodies, a war on criminals is a wiser and more precise objective for our nation to adopt. Please use your influence to advance these policy goals in Washington.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fife", with a stylized flourish at the end.

Fife Symington  
GOVERNOR



*Bob Dole*

U.S. SENATOR FOR KANSAS

NEWS

FROM:

SENATE REPUBLICAN LEADER



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.



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

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#### 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.

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.

USED 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"



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--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.



## **THE CRIME CONTROL IMPROVEMENT ACT**

Introduced by Senators Dole, Hatch, Thurmond,  
Simpson, and Grassley

### **SECTION-BY-SECTION ANALYSIS**

**Section One. Short Title.** The Act may be cited as the "Crime Control Improvement Act of 1994."

**Section Two. Elimination of the Model Intensive Grant Program.** This section strikes the \$625.5 million Model Intensive grant program, contained in subtitle C of Title III of the Violent Crime Control and Law Enforcement Act of 1994. Under this program, 15 cities are hand-picked by the Administration and given complete discretion over how to spend the funding. Program funds may be spent for any purpose loosely tied to crime reduction. The Model Cities Intensive grant program was not part of the Senate-passed crime bill.

**Section Three. Elimination of Local Partnership Grant Program.** This section strikes the \$1.62 billion "Local Partnership Act," contained in subtitle J of Title III of the Violent Crime Control and Law Enforcement Act of 1994. The Local Partnership Act was not part of the Senate-passed crime bill.

**Section Four. Elimination of House-passed Social Spending.** This section strikes approximately \$737 million in social spending programs, contained in subtitles B, D, G, H, O, and Q of Title III of the Violent Crime Control and Law Enforcement Act of 1994. The programs eliminated by this section include the Local Crime Prevention Block Grant program, the Family and Endeavor Schools program, the Community-based Justice Grants program, the Urban Recreation program, the At-Risk Youth program, and the Police Recruitment program.

**Section Five. Elimination of Senate-passed Social Spending.** This section strikes over \$1.9 billion in social spending programs, contained in subtitles A, D, K, S, and X of Title III and Title V of the Violent Crime Control and Law Enforcement Act of 1994. All of the programs eliminated by this section had passed the Senate as part of the Senate crime bill. However, in some instances the authorization levels for the programs were increased in conference. The programs eliminated by this section include the National Community Economic Partnership, the Community Schools program, the Ounce of Prevention program, the Family Unity Demonstration Project, the Gang Resistance Education and Training program, and the Drug Courts program.

**Section Six. Prison Grants.** This section amends subtitle A of Title II of the Violent Crime Control and Law Enforcement Act as follows:

\* The Act currently allows prison funds to be spent on



alternative correctional facilities in order "to free conventional prison space." This section requires that prison grants be spent on conventional prisons to house violent offenders, not on alternative facilities.

\* This section removes from the Act a provision which would have conditioned state receipt of the prison grants on adoption of a comprehensive correctional plan that would include diversion programs, jobs skills programs for prisoners, and post-release assistance. Accordingly, these grants will be used exclusively to build and operate prisons.

\* This section also amends the Act to condition prison grants on state adoption of truth-in-sentencing for first-time violent offenders. The Act only requires that states adopt truth-in-sentencing for second-time violent offenders.

\* Finally, this section amends the Act by deleting a "reverter clause" which provides that truth-in-sentencing grants that are not quickly spent will revert back to non-incentive grants. This reverter clause essentially removes any incentive for states to adopt truth-in-sentencing reform.

**Section Seven. Increased Mandatory Minimum Sentences for Criminals Using Firearms.** This section establishes a mandatory minimum penalty of 10 years' imprisonment for anyone who uses or carries a firearm during a crime of violence or drug trafficking crime. If the firearm is discharged, the person faces a mandatory minimum penalty of 20 years' imprisonment. If death results, the penalty is death or life imprisonment.

**Section Eight. Mandatory Minimum Prison Sentences for Those who Use Minors in Drug Trafficking Activities.** This section establishes a mandatory minimum sentence of 10 years' imprisonment for anyone who employs a minor in drug trafficking activities. The section also establishes a sentence of mandatory life imprisonment for a second offense.

**Section Nine. Mandatory Minimum Sentences for Those who Sell Illegal Drugs to Minors.** This section establishes a mandatory minimum sentence of 10 years' imprisonment for anyone 21 years of age or older who sells drugs to a minor. The section also establishes a sentence of mandatory life imprisonment for a second offense.

**Section Ten. Deportation of Criminal Aliens.** This section provides for the expedited deportation of non-permanent resident aliens convicted of certain violent felonies upon completion of the prison sentence. The amendment would also allow federal judges to enter deportation orders at the time of sentencing. Once the sentence is served, the criminal is automatically deported.

This section, originally proposed by Senator Simpson, was



included in the Senate-passed crime bill.

**Section Eleven. Flexibility in Application of Mandatory Minimum Sentence Provisions in Certain Circumstances.** The Senate-passed crime bill contained a narrowly circumscribed mandatory minimum reform measure that returned a small degree of discretion to the federal courts in the sentencing of truly first-time, non-violent drug offenders. To deviate from the mandatory minimum, the court would have to find that the defendant did not finance the drug sale, did not sell the drugs, and did not act as a leader or organizer.

This section restores the Senate-passed measure and also adds a section ensuring that the so-called "safety valve" will not be abused by the courts. This added improvement requires certification by federal prosecutors that the defendant cooperated with law enforcement authorities.

**Section Twelve. Equitable Distribution of Discretionary Funds.** This section expresses the Sense of Congress that all grants authorized under the Violent Crime Control and Law Enforcement Act of 1994 and not required to be distributed according to a formula prescribed by law shall be distributed in a fair and equitable manner that ensures that rural states receive a fair and proportional share of the funds.