



**Presidential Oral History Program**

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# **President George H.W. Bush Oral History Project**

## **Briefing Materials**

**C. Boyden Gray**

**February 3-4, 2000**

**Prepared by William Hay, Research Assistant**  
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**UNIVERSITY of VIRGINIA**

## C. BOYDEN GRAY NEWS TIMELINE

*Prepared by William Hay*

*Miller Center, University of Virginia, January, 2000*

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### 1988

*November* President George H.W. Bush names C. Boyden Gray as White House Counsel in his first presidential appointment following the election. Gray assigned as legal counsel for the transition team with responsibility for monitoring conflict of interest rules and managing background checks and disclosure forms for appointees (*National Journal*, 11/26/88).

### 1989

*January* Conservative activists and other observers see judicial appointments as a harbinger of the Bush administration's tone. Gray expects that the process of selecting judicial appointees will remain the same as under Reagan, and he insists that Bush will "pick judges who view judging as a matter of interpreting the law, not legislating, not making it" (*Washington Post*, 1/29/89).

*February* Gray resigns as chairman of a family-owned communications firm and moves to establish a blind trust in response to media criticism about possible conflicts of interest (*New York Times*, 2/7/89). Reports surface of a conflict between Gray and Secretary of State James Baker, whose stockholdings in Chemical Bank of New York raise similar ethical concerns. Gray denies having leaked the report, but media pressure leads Baker to end the controversy by selling his stock (*Washington Post*, 2/10/89; *New York Times*, 2/15/89).

Senator John Tower's (R-TX) nomination as Secretary of Defense faces stiff opposition in the Senate on ethical grounds involving Tower's personal life and his ties with defense contractors. Gray criticized for failing to anticipate the problem, and White House Press Secretary Marlin Fitzwater admits that the appointment had been mishandled (*Washington Post*, 2/9/89).

*March* Tower nomination withdrawn as it becomes clear that Republicans cannot muster the votes to win confirmation. Representative Dick Cheney (R-WY) nominated with unanimous support from Senate leaders (*Washington Post*, 3/8/89; *USA Today*, 3/10/89; *New York Times*, 3/16/89).

Gray openly criticizes the Contra-aid plan negotiated with Congress by Baker on the grounds that it infringes on executive authority over foreign policy (*New York Times*, 4/2/89; *National Journal*, 4/8/1989). Fitzwater and Chief of Staff John Sununu openly rebuke Gray for making his opposition public (*Washington Post*, 3/26/89, 3/28/89).

*April* Administration releases an ethics proposal drafted by Gray's office (*San Diego Union-Tribune*, 4/12/89).

Senate leaders call for an inquiry into whether the Reagan White House withheld key documents or politically sensitive information about the Iran-Contra affair. Gray announces that former Reagan counsel Arthur Culvahouse would be called in to supervise an internal inquiry (*Washington Post*, 4/27/89).

Meeting between Bush, Vice President Dan Quayle, and Gray to discuss procedures under which the Vice President would serve as acting president if Bush became disabled (*Washington Post*, 4/29/89).

*May-June* Gray described as a key proponent of new clean air legislation and increased use of alternative fuels to limit smog (*National Journal*, 5/6/89; *Los Angeles Times*, 6/4/89).

*November* President Bush signs foreign aid bill that limits the administration's authority to use foreign aid as a negotiating tool with foreign governments. Gray named among officials opposed to the compromise (*Wall Street Journal*, 11/22/89).

Gray accused of delaying the nomination of a federal district judge in Vermont. The complaint by Vermont Senators James Jeffords and Pat Leahy raises concerns among others senators about White House infringement on their control over federal judicial appointments in their states (*Gannett News Service*, 11/31/89).

*December* Independent Counsel Lawrence Walsh reports to Congress that the White House refused his October request for a meeting with Bush (*Washington Post*, 12/12/89).

## **1990**

*May* Bush and staff, including Gray, meet with civil rights leaders to discuss a compromise that would avoid a veto of pending legislation that would effectively reverse court decisions that limited damage suits against employers for job discrimination (*New York Times*, 5/15/89).

*July* David Souter nominated to succeed retiring Supreme Court William J. Brennan. Gray describes President Bush's choice between Souter and appeals court judge Edith Jones of Texas as "very, very close....it almost didn't matter because both were so good" (*Washington Post*, 7/25/90).

*October* Gray and Attorney General Richard Thornburgh credited with Bush's veto of a civil rights bill that would have weakened the position of employers faced with job discrimination suits. Gray privately argued that the measure would force employers to adopt hiring quotas in order to avoid litigation (*Boston Globe*, 10/13/90).

*December* An Education Department proposal to ban most colleges from awarding race-based scholarship prompts divisions among key administration staff and protests from outside groups. Ed Rogers, Andrew Card, and James Cicconi argue that the new regulations would send a damaging political message to minorities, while Gray supports the measure (*Washington Post*, 12/14/90). Within a week, the administration changed the policy to allow the scholarships to continue (*New York Times*, 12/18/90; *Washington Post*, 12/19/90).

William Bennett withdraws from consideration as Chairman of the Republican National Committee after Gray warns him that accepting outside income from a book contract and speaking engagements would raise questions of ethical and political judgement (*New York Times*, 12/14/90).

## **1991**

*April* Gray and White House Chief of Staff Sununu reported to have “nurtured opposition within the business community” to a compromise measure on job discrimination under negotiation by leading corporations and civil rights leaders (*New York Times*, 4/20/91).

President Bush orders Gray to review the travel policy authorizing Sununu to use military aircraft and determine whether the practice creates an appearance of impropriety (*Washington Post*, 4/25/91). The move follows heightened media focus on Sununu’s travel.

*May* Disclosures that Sununu’s trips cost upward of \$600,000 prompt an expanded review by Gray that produces a memorandum released to the press (*Washington Post*, 5/3/91; *Federal News Service*, 5/9/91). A new policy announced on the 10<sup>th</sup> prohibits Sununu from using military aircraft for personal or political travel and requires him to first clear future flights with Gray (*New York Times*, 5/10/91).

*June* The *Washington Post* reports that Sununu has been ordered to follow tough new travel restrictions after an internal inquiry by Gray discovers that Sununu misinformed him about a trip Sununu took to a political fundraiser in Chicago on June 11<sup>th</sup> (*Washington Post*, 6/22/91).

Sununu publicly acknowledges that he had made mistakes in his travel that created the appearance of impropriety and pledges there will be no repetition (*Washington Post*, 6/23/91).

*July* Clarence Thomas nomination as Thurgood Marshall’s successor on the Supreme Court draws a skeptical reaction from civil rights leaders. Thomas considered the leading candidate once Marshall announced his retirement and a likely candidate if any other seat had become vacant (*Los Angeles Times*, 7/2/91). Strong support for

Thomas from Missouri Republican Senator John Danforth described as a factor in the decision (*Washington Post*, 7/3/91)

*October* Sexual harassment allegations against Thomas by Anita Hill threaten to block his nominations. Gray takes the lead in organizing the effort to win Thomas confirmation by challenging Hill (*New York Times*, 10/14/91). Thomas finally wins confirmation by the full Senate after a prolonged battle.

Bush administration reaches a compromise with Senate leaders over a controversial civil rights bill that included provisions on job discrimination that Gray had resisted (*New York Times*, 10/25/91; *Los Angeles Times*, 10/26/91).

*November* Gray leads an internal White House effort to abolish federal rules underpinning affirmative action (*Los Angeles Times*, 11/21/91; *Boston Globe*, 11/22/91). He subsequently writes an article defending Bush's signature of the civil rights bill on the grounds that Democrats had retreated on their quota demands in return for minor concessions (*St Louis Post-Dispatch*, 11/24/91).

## **1992**

*January* Bush's collapse at a state dinner in Tokyo draws attention to procedures that would transfer presidential authority in the event of his being stricken by disability. Grey quoted as stating that the procedures "served the president well" and provided an orderly process of letting key people know "everything is all right" (*Washington Post*, 1/9/92).

As a response to the economic recession, Gray joins other advisors, including Quayle, in urging a 90-day ban on new federal regulations. The proposed moratorium would reduce the burden on business and stimulate economic growth (*New York Times*, 1/21/92).

*April* Bush orders all federal contractors to inform non-union employees that mandatory dues may not be used for political activities against the employee's wishes. The order implements a Supreme Court decision in the Beck case where an employee refused to pay dues in support of political activity that he opposed. Grey defends the new policy on *Larry King Live* on the 13<sup>th</sup> (*Washington Post*, 4/14/92; *CNN*, 4/13/92).

*June-July* Reports circulate of an effort by Bush administration officials to restrain the public release of information on U.S. aid to Iraq prior the invasion of Kuwait. The disclosures involving Gray, Commerce Secretary Robert Mosbacher, and National Security Advisor Brent Scowcroft bring congressional demands for an independent prosecutor to investigate (*Boston Globe*, 6/24/92; *Los Angeles Times*, 7/8/92, *Washington Post*, 7/10/92).

- October*      Gray responds to renewed accusations of President Bush's involvement in the Iran-Contra scandal (*Washington Post* 10/4/92; *New York Times*, 10/4/92). Newly circulated documents from the Reagan era described Bush as having favored a plan to conceal details of the Iran initiative (*New York Times*, 10/21/92).
- After closed hearings by the Senate Intelligence Committee, Senator David Boren (D-OK) calls for an independent counsel to investigate allegations that the administrations withheld information about its dealings with Iraq before the 1990 invasion of Kuwait (*Boston Globe*, 10/15/92).
- November*      Gray issues a memorandum two days after the election informing White House staff that the 1978 law prohibiting the destruction of "Presidential records" did not cover materials used only by the staff member like scratch pads and informal notes (*New York Times*, (11/21/92).
- December*      Bush pardons six former Reagan administration officials, including Defense Secretary Caspar Weinberger, effectively ending Independent Counsel Lawrence Walsh's investigation into the Iran-Contra affair (*New York Times*, 12/25/92; *Los Angeles Times*, 12/26/92).

## **C. BOYDEN GRAY PRELIMINARY AGENDA**

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### **First Session: Joining and Starting Work in the Bush Administration**

#### 1988 Presidential Campaign:

- How did C. Boyden Gray join the George H.W. Bush campaign? What role did Gray's work with Vice President Bush on regulatory reform during the Ronald Reagan years play in shaping their later relationship?
- What issues helped or hurt Bush? Describe the relationship between the Reagan and Bush staffs. How much continuity was there between the two administrations? Why did the Bush administration retain Reagan Attorney General Richard Thornburgh and Treasury Secretary Nicholas Brady? How did Bush maintain support from Reagan Democrats and Republican conservatives? What went right in Bush's 1988 campaign?

#### The Reagan-Bush Transition:

- What issues shaped Cabinet and White House appointments and the transition generally? Where did Bush turn for advice and personnel recommendations? Describe Gray's role in the process of forming a new administration. How did early decisions on ethics and policy issues set the Bush administration's tone? Did early statements insisting on high ethical standards create subsequent political problems?
- How did FBI background checks on appointees affect the transition? What created the climate that led to a higher standard than under past administrations? Did ethics rules create problems for appointees with the appearance of conflicting interests?
- Discuss John Tower's nomination as Secretary of Defense. What role did the counsel's office play in the process? Were the allegations about Tower's personal life a surprise to the administration and to the counsel's office in particular? How did the failure of Tower's nomination affect the Bush administration's relationship with Congress? How did it affect the personnel selection process?

### **Second Session: Major Policy and Political Work**

#### The Bush White House:

- What were the Bush administration's top priorities in its first year? How did Gray see his job as counsel to President Bush? In what areas did Gray become involved with setting policy beyond the usual scope of a White House counsel? How would Gray describe his relationship with others in the White House staff? With cabinet officers, especially the attorney general, and their departments?
- How would Gray characterize the administration's relations with Congress? What was President Bush's view of the relationship between Congress and the executive branch?

#### Political Issues: Ethics, Judicial Nominations, Civil Rights, etc.:

- What prompted Gray's involvement with environmental issues, particularly the Clean Air Act? How did other administration officials respond to his activities?
- Describe the Bush administration's efforts to develop an ethics reform package. How did experience with the Independent Counsel law during the Reagan years influence their initiatives? What problems did Gray face in working with Congress on the issue? How did ongoing investigations, including Iran-Contra, affect the Bush administration?
- What political concerns and philosophy guided President Bush's judicial appointments? Discuss the administration's impact on the federal courts. What part did Gray play in selecting nominees? Did the administration continue the Reagan administration's policy of shifting the judiciary to the right? How did Gray view the Senate's role in determining judicial appointments? What was the administration's strategy behind David Souter's nomination to the Supreme Court?
- Discuss the debate within the administration over civil rights policy. What role did Gray play in developing and implementing that policy? How did political concerns affect negotiations with Congress? Given the role of recent court decisions in prompting calls for new legislation to lessen the burden on plaintiffs in job discrimination suits, discuss the relationship between court appointments and civil rights policy.
- Discuss Gray's role as an adviser to the president in the months leading up to the Gulf War. What position did Gray take on the need to seek congressional approval for military action? Describe the debates over this issue within the administration.
- Discuss the controversy surrounding William Bennett's appointment as Chairman of the Republican National Committee. Were the concerns over possible conflicts of interest significant enough to force Bennett to withdraw from consideration, or were other factors involved? What difficulties making sensitive appointments did the incident demonstrate?
- Discuss the controversy over Sununu's use of government travel facilities for non-official business and the impact on the administration? What was Gray's role in the episode? How did Gray advise the president to handle the problem? Discuss the decision to seek Sununu's resignation.
- What concerns guided Clarence Thomas's nomination to succeed Thurgood Marshall on the Supreme Court? Describe Gray's role in Thomas selection and the effort to win his confirmation. How would Gray describe the conflict's impact on the administration?

#### The 1992 Presidential Campaign:

- How did the dynamics of a campaign year affect the White House counsel's office? How did involving Iran-Contra and the Bush administration's policy toward Iraq before 1990 affect the campaign? How did Gray respond to these allegations? Did Lawrence Walsh's increased activity in 1992 hurt President Bush politically?



- What were the differences between the 1988 and 1992 campaigns? Describe the effect of new ethics rules on cooperation between the campaign staff and administration? Where did the 1992 campaign go wrong?
- What factors led President Bush to pardon Reagan Defense Secretary Caspar Weinberger? Discuss the political and legal issues the pardons raised.

### **Third Session: The Bush Presidency in Retrospect**

- Was the press' picture of the Bush presidency accurate? What did the press get wrong? What did it miss?
- How might have things been different had Bush been elected to a second term?
- The Bush presidency is noted for its foreign policy achievements, but less is said about its domestic policies. How did the Bush administration prioritize the two? Were there significant differences in the way these different policy areas were handled? If so, why did they occur?
- How did the Bush administration cope with the demands of campaigning and governing at the same time?
- Was the political and legal climate in Washington different during the Bush administration from what it is today?
- How should the Bush administration be viewed by future historians? What is most important for them to know to understand the Bush administration and its place in history?