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C. Boyden Gray, 1989

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77TH STORY of Level 1 printed in FULL format.

Copyright 1981 National Journal Inc.
National Journal

March 14, 1981

SECTION: REGULATION; Vol. 13, No. 11; Pg. 425

LENGTH: 806 words

HEADLINE: President Reagan's Trio of Deregulators

BODY:

James C. Miller III, Rich Williamson and C. Boyden Gray hardly knew one another when they joined the Reagan Administration, but they have quickly become friends and close colleagues as they have worked together to breathe life into the Presidential Task Force on Regulatory Relief.

The three form the staff of the task force, though each has another full-time job, Williams with President Reagan, Gray with Vice President George Bush and Miller with Office of Management and Budget (OMB) director Dave Stockman. They will have important voices on issues that come before the task force, including controversial and expensive rules issued by regulatory agencies and legislation developed to reform agency missions.

Though Bush chairs the task force, its executive director is Miller. That is chiefly because Miller, as administrator of the Office of Information and Regulatory Affairs at OMB, controls a staff of about 90 people who are trained to monitor regulatory activities in the agencies. Gray, who is counsel to the Vice President, has a staff of only one deputy. Williamson serves as assistant to the President for intergovernmental affairs.

Miller, 38, a congenial southerner who joined OMB from the American Enterprise Institute for Public Policy Research, is an economist who has spent much of his time in recent years analyzing federal regulations and suggesting alternative ways of achieving regulatory goals. His job at OMB seems tailor-made for him, and he has moved into it with relish. At a press conference in February, he told reporters that they could expect results from his efforts to deregulate the U.S. economy in 12 to 18 months. "I've written a lot about regulatory reform," he said, "and if we haven't succeeded by then, I'm going to stop writing about it, because then I'll know that it can't be done."

Miller is indeed a prolific author and editor. A listing of selected books, monographs and articles to which he has lent his name consumes three pages of a seven-page resume, which also includes two pages of references to his congressional testimony and presentations to agencies.

The title of one of Miller's articles, "Lessons of the Economic Impact Statement Program," published in 1977 in AEI's Regulation magazine, gives a clue to Miller's qualifications for his present job. Miller was an active participant in the regulatory management system devised during the Ford Administration -- a system relying on "economic impact statements" -- while serving as an assistant director of the Council on Wage and Price Stability. Miller, who holds a doctorate in economics from the University of Virginia, also has worked at the Council of Economic Advisers, Texas A&M University and the Transportation Department.

1981 National Journal Inc., National Journal, March 14, 1981

Williamson, 31, could easily have qualified for a leading role in Knute Rockne, All-American, the movie in which Reagan starred as George Gipp. He was a captain of the football and wrestling teams at New Trier High School in Winnetka, Ill., and attained the rank of eagle scout in the Boy Scouts.

At Princeton University, Williamson played varsity football, won wrestling tournaments and was elected president of the 1970-71 senior class. He earned a degree from the University of Virginia Law School in 1974.

For two years, he was legislative counsel and administrative assistant to Rep. Philip M. Crane, R-Ill., and for the following three years practiced law in the Washington office of Winston & Strawn, a large, Chicago-based corporate law firm. He was made a partner last May. He served as deputy to the chairman of the Reagan-Bush campaign, Sen. Paul Laxalt, R-Nev.

Gray is a tall, lanky attorney who has spent his professional career working around the fringes of government, with only passing temptations to join it. His one-page resume is as terse as he is reluctant to seek the recognition so often courted by those who are appointed to government office.

Gray, 38, graduated magna cum laude from Harvard University and earned his law degree at the University of North Carolina, where he was first in his class and editor-in-chief of the law review. His family hails from Winston-Salem, N.C., where they have owned most of the local news media.

In 1969, he joined the Washington law firm of Wilmer, Cutler & Pickering and was made a partner in 1976. At the firm, he specialized in antitrust and administrative law and represented the Business Roundtable, the American Mining Congress and individual companies before Congress on antitrust issues and regulatory matters.

His service in government seemed foreordained; his father, Gordon, served as Army Secretary during the Truman Administration and then was a member of the Foreign Defense Advisory Board from 1961 until it was abolished by President Carter in 1977.

GRAPHIC: Picture 1, Miller, Richard A. Bloom; Picture 2, Williamson, Richard A. Bloom; Picture 3, Gray, Richard A. Bloom

62ND STORY of Level 1 printed in FULL format.

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February 6, 1989, Monday, Late City Final Edition

SECTION: Section A; Page 15, Column 1; Editorial Desk

LENGTH: 991 words

HEADLINE: ESSAY;
Bush's Emperor of Ethics Is Wearing No Clothes

BYLINE: By William Safire

DATELINE: WASHINGTON

BODY:

'I want you to know I have always recused myself from anything to do with communications,' insisted Boyden Gray, President Bush's longtime family friend, legal counsel and adviser on ethics.

He volunteered that statement because he has been chairman of the board of Summit Communications, a \$500 million corporation, while serving supposedly full time as Vice President Bush's counsel. By serving two masters, he violated (unwittingly, he asserts) White House ethics policy dating back at least 20 years.

Mr. Gray knows that wearing two hats makes him vulnerable to accusations of conflict of interest. That is why he leaves the room when F.C.C. matters are discussed.

But last week, law professor Tim Muris admitted to New York Times reporter Jeff Gerth that 'Boyden Gray put me in charge' of the Bush transition's liaison with the F.C.C. and other regulatory agencies.

Last Thursday, in his new White House office (where I could feel the ghost of a past occupant, John Ehrlichman) Mr. Gray blanched when asked if he thought it was proper for him to have picked his friend and former O.M.B. associate to visit the agency that regulated his company.

'I don't know. Do I have a problem with picking Tim?' he asked himself aloud. 'I had an influence in picking him. Did I pick him specifically to do F.C.C.? I don't think so.' The lawyer groped for a way out. 'I didn't select him to do F.C.C., I picked him to do all the regulatory agencies. I picked him to provide input, free; he was not the decision maker.'

Next morning at 7:15, Mr. Gray had a breakfast meeting with George Bush, a certified hang-tough guy. Afterward, the lawyer, his spine newly stiffened, called back with a changed story: 'I did not select Tim Muris. I did ask him if he would help out with Darman and the O.M.B. Yes, I know this is a 180-degree turn, but I was taken aback yesterday. We have a strong paper trail that demonstrates he was not my man.' He said he would fax it right over. 'I do not accept your contention that I wired the selection of Tim Muris and am tainted by his involvement.'

(c) 1989 The New York Times, February 6, 1989

Within minutes, a quick-cooked chronology rolled off the telefax machine to prove beyond all doubt that on May 30, 1988, at Kennebunkport, 'Bush picked Tim Muris as an adviser on regulatory matters. Boyden Gray was not at this series of meetings.' These guys never learn; it's as if chronologists Bud McFarlane and Oliver North had never left the scene. Senators Carl Levin and William Cohen at the Subcommittee on Oversight of Government Management will want to look at this.

My charitable guess is that Mr. Gray acted without thinking about the ethics of arranging for an old pal to revamp the commission that happens to regulate his trust's business. He wasn't being venal, but he sees now that it looks venal, so he's getting his boss and his staff to twist the truth and rewrite the record - which is venal.

Mr. Gray would never have been in that awkward position had he not been so certain of his own rectitude. He sees nothing wrong in being the only member of the Reagan Administration, and now the Bush Administration, to serve in government while remaining as chairman of the board of a large corporation.

'It's not a 'large corporation,' ' he retorts, 'it's a family company.' He speaks of 'fiduciary obligation to the next generation,' which is undoubtedly why George Bush, who has long known about his lawyer's regular trips to Atlanta for board meetings, raises no objection.

But that 'family company' is no candy store. Summit owns 16 radio stations and serves 130,000 cable TV subscribers; Mr. Gray's own grudging estimate of its net worth is \$250 million, up from \$25 million eight years ago when he went to work for Vice President Bush.

'I get no benefit from the company,' he claims. Not so; in addition to the financial power that flows from control of huge sums, he has been taking more than \$100,000 a year for watching over the interests of his clan. And when he leaves government, he can declare himself a whopping bonus.

Incredibly, he professes ignorance of the longstanding White House policy prohibiting outside earned income, especially on that scale. 'There have been no written rules on this, that I know of.' When asked how he can square Mr. Bush's ringing campaign pledge to prohibit outside earnings with his own corporate moonlighting, he ripostes: 'I was not in the loop during the campaign. I never saw that ethics fact sheet. Besides, if it was known to be policy, why did Bush pledge it?'

Mr. Gray, whose outside earnings were duly recorded each year on his ethics form, blames his aides and the Office of Government Ethics for not alerting him to the fact that board chairmanships and high outside fees were not practices permitted anybody else. He took silence as approval. He claims that former White House counsel Fred Fielding told him a few months ago he had 'no legal problem.'

Apparently he finally sought guidance because his habitually late filing of disclosure statements troubled the O.G.E.'s director. Last year's filing was six months late, put in the day before Election Day; the accommodating Director, whose reappointment is up to Mr. Gray, forgave what he called a 'non-willful violation.'

(c) 1989 The New York Times, February 6, 1989

You might think that setting up a new Administration would be time-consuming, but a couple of days after the Bush inauguration, there was the new White House counsel, Boyden Gray, on the Summit company jet on his way to a board meeting in Atlanta. "The plane ride was a blessing," he says. "I get a lot of work done. It's not as if I'm going off to John Gardner's tennis ranch."

Insisting again he sees nothing improper in his actions, Mr. Bush's ethics czar asks: "Do you really have to choose between public and private life? You help me with that."

The answer is unequivocal: yes. If he has to turn to pundits for that, Boyden Gray is in the wrong line of work.

TYPE: Op-Ed

SUBJECT: UNITED STATES POLITICS AND GOVERNMENT; ETHICS; REGULATION AND DEREGULATION OF INDUSTRY; REFORM AND REORGANIZATION

ORGANIZATION: FEDERAL COMMUNICATIONS COMMISSION (FCC); SUMMIT COMMUNICATIONS GROUP INC

NAME: BUSH, GEORGE (PRES); GRAY, C BOYDEN; SAFIRE, WILLIAM; MURIS, TIMOTHY J

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Los Angeles Times

November 23, 1991, Saturday, Home Edition

NAME: C BOYDEN GRAY

SECTION: Part A; Page 1; Column 5; National Desk

LENGTH: 1503 words

HEADLINE: BUSH'S COUNSEL FIGHTING DELAYING ACTION ON RIGHTS;
WHITE HOUSE: BOYDEN GRAY, A LEADING CONSERVATIVE IN ADMINISTRATION, WAS BEHIND
BID TO KILL ANTI-BIAS RULES.

BYLINE: By DAVID G. SAVAGE, TIMES STAFF WRITER

DATELINE: WASHINGTON

BODY:

It is almost as though Clayland Boyden Gray, the lanky lawyer and an heir to the R. J. Reynolds tobacco fortune, had been groomed all his life to be counsel to the President of the United States.

He grew up in a white-columned presidential mansion on the campus of the University of North Carolina. His father, Gordon Gray, was not only president of the university but a golfing buddy of Sen. Prescott Bush, the father of the 41st President.

These days, the 48-year-old attorney operates from a wood-paneled second-floor office in the West Wing of the White House. And the casual, soft-spoken and seemingly distracted Boyden Gray has become the ideological leader of the conservative legal forces in the Bush Administration.

For nearly two years, Gray and his staff of White House lawyers have relentlessly fought congressional Democrats and civil rights advocates who were seeking to overturn the rulings of the Rehnquist Court. For the last year, they have also fought Republicans, such as Sen. John C. Danforth (R-Mo.), who sought to fashion a compromise civil rights bill.

This week, it seemed they were even fighting President Bush.

Bush had agreed last month to sign a civil rights bill that overturned seven Supreme Court rulings and gave women a new right to seek damages for discrimination or harassment on the job.

But, on Wednesday, Gray and two lawyers on his staff drafted and disseminated copies of a presidential order calling for agencies to "immediately terminate" any policy or program that "encourages" the hiring of workers on the basis of "preferences, set-asides or other similar devices."

Leaders of civil rights groups, who had watched Gray fight over every word and comma in the legislation, were outraged that the White House counsel seemed to be redefining the bill on the day it was signed into law.

1991 Los Angeles Times, November 23, 1991

On Thursday, the President, beating a quick retreat, abandoned much of Gray's statement and announced instead, "I say again today that I support affirmative action. Nothing in this bill overturns the government's affirmative action programs."

Where Gray and his lawyers had taken a hard line against "quotas" and "racial preferences," the President opted for a more muddled position. He has denounced quotas but has endorsed government affirmative action programs that include specific "preferences" based on race and gender.

The latest flap over affirmative action has reaffirmed Gray's standing as the Administration's chief villain in the eyes of civil rights attorneys.

"Boyden Gray and the people who work for him are the single most important reason for the bitter and anguished struggle over the civil rights legislation," said Kerry Scanlon, an attorney for the NAACP Legal Defense and Educational Fund. "He has put together an ideological Mafia, and they exert a tremendous amount of power. This small group of right-wing extremists has set policy for the whole Administration."

Like William Bradford Reynolds in the Ronald Reagan Administration's Justice Department, Gray assembled a staff of young, aggressive and rigidly conservative lawyers who set out to reshape federal anti-discrimination laws. Several served as law clerks to Reagan appointees on the Supreme Court, where they played a key role in writing court opinions that made it more difficult for minority members and women to win job discrimination claims.

One Gray staff member has an even closer tie to the high court: Attorney Janet Rehnquist is the 33-year-old daughter of Chief Justice William H. Rehnquist.

Gray took for himself the job of being the Administration's lead negotiator on the civil rights bill. In that role, civil rights advocates said, they found him awkward and odd and inflexible.

But Gray pleased advocates for the disabled when he took up their cause during negotiations on the pending Americans with Disabilities Act. He explained that he had felt somewhat handicapped as a young man because of his 6-foot, 6-inch height.

He raised eyebrows during the negotiations on the civil rights bill when he commented that he felt empathy with minority members because he had been the lone Southerner and "WASP" on the board of the Harvard Crimson, the school's newspaper.

"You could see the blacks and Hispanics looking at each other as he told this story," said one civil rights negotiator, who described the incident.

On another occasion, he ripped from the hands of former Transportation Secretary William T. Coleman, a prominent black Republican, a White House proposal that would have allowed companies to refuse to hire blacks if they concluded that doing so would be bad for business.

"This is no longer operative," Gray said, tearing up the paper.

1991 Los Angeles Times, November 23, 1991

But, mostly, civil rights lawyers said, they became frustrated with Gray because he would not budge.

"He was worse than (White House Chief of Staff John H.) Sununu," said one civil rights negotiator.

Ralph Neas, executive director of the Leadership Conference on Civil Rights, said he no longer is willing to deal with Gray. "He has put together a team of right-wingers who are more extreme than Meese," referring to former Atty. Gen. Edwin Meese III. "They are determined to turn the clock back on civil rights."

But conservatives say Gray is being attacked because he vigorously fought proposals that would encourage "quotas" and "racial preferences" in the guise of an anti-discrimination law.

For two decades, the legal fights over civil rights have turned on the same issue: Were the federal civil rights laws intended to protect women, blacks and members of other minorities from discrimination? Or were they intended to forbid any discrimination, including against white males? Although groups like the NAACP Legal Defense and Educational Fund take the former view, Gray and his attorneys take the latter.

"Boyden is right on the law. He has taken the principled position," said Reynolds, the Reagan Administration's civil rights chief. "They can't fight him on the substance, so they are attacking Boyden as the bad guy in all this. That distracts people from the real issue, but that's the way the game is played in Washington."

Terry Eastland, a spokesman and speech writer in the Meese Justice Department, lauded Gray for **standing firm** against the civil rights activists.

"This bill is less of a quota bill than before, and you have to credit Boyden Gray for that," Eastland said. "**His responsibility is the law, not politics and strategy, and you have to understand him in those terms.**"

But, in Washington, nearly everything is political, and Gray's lawyerly zeal may be hurting his client, George Bush.

"Boyden is politically hard of hearing," said a Republican political consultant, who asked not to be identified. "He got a better bill for the President on the substance of it, but he has gone about it in a way that hurt politically."

Last week, for example, just days after Bush had proclaimed that he and Congress had reached agreement on civil rights, Gray published an opinion piece in the Washington Post claiming that he had won a "startling success" and the Democrats had made a "complete capitulation."

"That made no sense. The President is trying to make a truce, and (Gray) is taking an 'in your face' attitude," the Republican consultant said.

Because Gray has enjoyed a long and close relationship with Bush, most political advisers doubt that his job is threatened because of the furor over the draft presidential order.

1991 Los Angeles Times, November 23, 1991

Like Bush, Gray grew up in a large, wealthy family. He attended Harvard University as an undergraduate and then returned to Chapel Hill for law school at the University of North Carolina. After graduating as the valedictorian in 1968, he clerked for Chief Justice Earl Warren.

He went to work for the Democratic-dominated Washington law firm of Wilmer, Cutler & Pickering but grew disenchanted with the Democrats in the 1970s. In 1981, newly elected Vice President George Bush hired him as his counsel. His duties included representing Bush during the inquiries arising out of the Iran-Contra affair. When Bush became President, his first appointment made Boyden Gray the White House counsel.

Often, Gray is portrayed as a shy eccentric. His assets are said to exceed \$10 million, but he motors around Washington in a 1978 Chevy Citation that is powered by ethanol.

Although he avoids the spotlight, Gray and his small staff of attorneys have taken on tasks that are often handled by the Justice Department, such as screening Supreme Court candidates and hammering out the details of civil rights policies. And, once engaged in a fight, Gray has proved to be unyielding.

Although the new civil rights bill is now law, the attorneys who negotiated it say they expect the fight with the White House counsel to go on.

Said Neas, the director of the civil rights coalition, "I am confident that Boyden Gray will do everything in his power to undermine the Civil Rights Act of 1991, as well as the civil rights policies of the last quarter century."

GRAPHIC: Photo, Presidential counsel C. Boyden Gray has taken a hard line against job quotas, preferences. Associated Press

TYPE: Profile

SUBJECT: ;UNITED STATES -- GOVERNMENT OFFICIALS; CIVIL RIGHTS; ATTORNEYS; PRESIDENTIAL AIDES

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November 22, 1991, Friday, Final Edition

NAME: C. BOYDEN GRAY

SECTION: FIRST SECTION; PAGE A14

LENGTH: 1210 words

HEADLINE: Gray's Role Differs From Predecessors';
Counsel at Forefront On Domestic Policy

SERIES: Occasional

BYLINE: John E. Yang, Sharon LaFraniere, Washington Post Staff Writers

BODY:

The proposed directive on affirmative action that sent the Bush administration into a hasty retreat yesterday underscores how different C. Boyden Gray's role is from that of previous White House counsels.

The document reflected its author's sharply conservative ideology, his penchant for getting involved in policy -- and what many critics say is his political tone deafness.

While some White House counsels have played large policy roles -- such as Clark Clifford did for President Harry S. Truman -- most recent occupants of the job have devoted themselves to purely legal questions. They relied on other, more senior advisers to carry their messages to the president.

Gray has no need of intermediaries. He has been Bush's official lawyer since Bush became vice president in 1981, and their personal relationship goes back to their fathers, who played golf together. "He has a very good relationship with Bush," said Peter B. Teeley, who worked with Gray in Bush's vice presidential office.

As a result, Gray has taken a large role in shaping the president's positions on the major domestic legislation of his administration -- the Clean Air Act, the Americans with Disabilities Act and, most of all, the Civil Rights Act of 1991.

Many consider him to be one of the president's most important advisers -- but not Gray, at least not publicly. "People seem to think I have such a great role in policy," he said in a telephone interview yesterday. "I don't have a role in budget policy, I don't have a role in tax policy, I don't have a role in foreign policy . . . I have never set foot on Air Force One."

Gray said he only becomes involved in policy when complex legal issues are involved. "This can be so technical, so esoteric, I'm called in as the translator," he said.

Gray has turned the counsel's office into a bastion of conservatism, staffing it with "the best and the rightest" -- leaders in the Federalist Society for

The Washington Post, November 22, 1991

Law and Policy Studies, a conservative group; former clerks for judges appointed by President Ronald Reagan and even the daughter of Chief Justice William H. Rehnquist.

"He is the one who has been the true believer," said an administration official.

The statement that sparked yesterday's furor illustrated both Gray's strengths and weaknesses.

To conservatives, it was a principled stand against unfair preferences in hiring and promotion by the government or private employers. But it generated such a political firestorm that what should have been an opportunity for President Bush to embrace civil rights became instead the administration's latest embarrassment.

"You could never rely on Boyden to understand the politics," said a former Bush administration official. "He should be teaching law school somewhere."

"Boyden's got a tin ear on some things," an administration official said. "I'm not confident he's the best person to handle the civil rights stuff."

Gray, 48, doesn't fit the picture of a Washington power broker. His bushy eyebrows, stooped shoulders and lanky 6-foot, 6-inch frame invite frequent comparisons to Washington Irving's Ichabod Crane. At the law firm of Wilmer, Cutler and Pickering, where he worked for eight years, his shyness and social awkwardness earned him the nickname "Eeyore," after the "Winnie-the-Pooh" character, according to Lloyd N. Cutler, Gray's mentor at the firm and President Jimmy Carter's White House counsel.

He physically punctuates his remarks, bolting out of his armchair to make a point, chopping the air with his hand, waving his long arms, slumping back in his seat to consider a remark. "Just him unwinding his legs and standing up is very imposing," said one administration official.

He mumbles in a soft southern drawl. His fractured sentences, which often trail off into long silences, contribute to his distracted air, but those who work with him say he is crystal clear in his objectives.

"Fred Fielding [who had Gray's job in the Reagan administration] would say, 'Here's three options,' " said one administration official. "Boyden says, 'Cut to the chase. This is what I want to get me from here to there.' He has a sense of the jugular."

Both Bush and Gray, an heir to the R.J. Reynolds tobacco fortune, are cut from the same patrician cloth. Gray went to Harvard, Bush to Yale. Both belong to the Alibi Club, one of the most exclusive and secretive groups in Washington, which has just 50 members. Gray's father, Gordon Gray, served as Army secretary under Truman and as President Dwight D. Eisenhower's national security adviser; Bush's father was a senator.

Gray doesn't have interests, he has passions. One is alternative fuels; he drives a methanol-powered Chevrolet. Another is tennis; a regular partner is Katharine Graham, chairman of The Washington Post Co.

The Washington Post, November 22, 1991

For eight years, he was relatively unknown as the vice president's counsel. A major task was overseeing Bush's council on government regulation, a job that dealt with policy.

A month after Bush took office, Gray found his name in the headlines because of disclosures that he had earned fees from his family's \$ 500 million communication company throughout the time he worked in the vice president's office. Gray, by then in charge of advising presidential appointees on ethics requirements, resigned as chairman of the company and placed his assets in a blind trust.

Later, Secretary of State James A. Baker III accused Gray of being the source of news reports that Baker had held bank stocks inherited from his father while Treasury secretary under Reagan.

Gray has also tangled with White House Chief of Staff John H. Sununu, writing a stinging review of Sununu's travels aboard military planes, and concluding that he had failed to reimburse the government \$ 3,768 for personal flights.

Some saw that as a payback for Sununu's rebuke of Gray in 1989 for publicly criticizing the administration's agreement with Congress on aid to the Nicaraguan contras. Gray, known as a strong advocate of presidential prerogatives, argued that Bush had given up too much foreign policy authority to Congress.

Behind the scenes, where he is most comfortable, Gray has played a crucial role in judicial nominations, including Bush's selection of Clarence Thomas for the Supreme Court, and Cabinet-level appointments. After allegations about his personal life threw the nomination of former senator John G. Tower (R-Tex.) to be defense secretary into serious doubt, for example, Gray told Bush he ought to consider withdrawing the nomination, according to "The Commanders," a recent book by Washington Post editor Bob Woodward.

Although conservative groups consider him their champion in the White House, Gray's views are somewhat unpredictable. He dismayed some conservatives by advocating provisions in clean air legislation that encourage the use of alternative fuels and by working for passage of the Americans With Disabilities Act, which greatly strengthened anti-discrimination protections for the disabled.

In two years of negotiations over the civil rights bill, however, he has stuck to a solidly conservative position, engaging in a fierce tug of war with other administration officials and insisting in the end that it was the liberals who had capitulated.

GRAPHIC: PHOTO, AMONG ONLOOKERS AT CIVIL RIGHTS BILL SIGNING YESTERDAY WERE GRAY, FAR RIGHT, AND CHIEF OF STAFF JOHN H. SUNUNU, FAR LEFT. AP

TYPE: NATIONAL NEWS, BIOGRAPHY

SUBJECT: APPOINTED GOVERNMENT OFFICIALS; FEDERAL GOVERNMENT; LAWYERS; CONSERVATIVES; CIVIL RIGHTS; CIVIL RIGHTS LAWS; AFFIRMATIVE ACTION; CONGRESSIONAL BILLS SIGNED

The Washington Post, November 22, 1991

ORGANIZATION: CIVIL RIGHTS ACT OF 1991; FEDERALIST SOCIETY FOR LAW AND POLICY STUDIES

NAMED-PERSONS: GEORGE BUSH; C. BOYDEN GRAY; PETER B. TEELEY; JOHN H. SUNUNU; CLARENCE THOMAS; JOHN G. TOWER; HARRY S. TRUMAN

ENHANCEMENT: AGE

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February 4, 1989, Saturday, Final Edition

NAME: BOYDEN GRAY

SECTION: FIRST SECTION; PAGE A1

LENGTH: 943 words

HEADLINE: Bush's Chief Ethics Adviser Won't Use Blind Trust

BYLINE: Walter Pincus, Bob Woodward, Washington Post Staff Writers

LEAD: White House counsel C. Boyden Gray, President Bush's chief ethics adviser, served as the paid chairman of the board of a large family-owned communications company during the eight years he was Bush's vice presidential counsel.

BODY:

White House counsel C. Boyden Gray, President Bush's chief ethics adviser, served as the paid chairman of the board of a large family-owned communications company during the eight years he was Bush's vice presidential counsel.

Gray was also a very active investor during those years, moving hundreds of thousands of dollars annually in and out of the stock market and various partnerships, including real estate, oil and gas, electronic, computer and other high-tech companies.

Gray said in an interview yesterday that in order to conform with new ethics guidelines pledged by Bush, he will no longer accept a fee from the communications company. He added that he has reduced his holdings to real estate partnerships, government bonds and a multimillion-dollar interest in Media General Corp., another communications giant.

But he said that he does not see any need to further divest himself or to create a blind trust for his remaining investments, as members of the Bush administration have been encouraged to do.

Gray's active past participation in the management of his investments, currently estimated at \$ 10 million, was reported as required on government disclosure statements and did not violate law.

In Ronald Reagan's first term as president, Gray served as general counsel of the Presidential Task Force on Regulatory Relief, which Bush chaired. That body was charged with reducing the burden of federal regulation on private business -- a charter that theoretically could have enabled it to affect the affairs of companies in which Gray owned stock.

During this period, "I was my own ethics officer," Gray said, adding that he and his deputies ensured that he avoided any potential conflicts.

The new administration is attempting to erase even the appearance of conflicts of interest. Last week, Bush named an eight-member commission to "take a fresh look" at governmental ethical standards, including

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conflict-of-interest law. Although Bush has not yet named a promised White House ethics officer, Gray has filled that role since before the inauguration and was instrumental in drafting ethics guidelines during the transition period.

About 30 officials in the Reagan administration avoided conflict problems by voluntarily establishing blind trusts, which are not required by law or ethics rules. Gray said he believes he can avoid such problems in his new, high visibility post the way he has in his previous governmental jobs -- by recusing himself from government decisions that bear on his remaining investments.

The day after taking office in 1981 as Bush's counsel, Gray filed a "disqualification" memorandum covering a number of potential conflicts related to his business and financial activities. It said "in view of the financial interests held by me and close relatives, the record should show clearly that I must and shall disqualify myself from any matters relating to . . . communications policy at the FCC [Federal Communications Commission] or elsewhere; the tobacco industry; oil and gas, and the computer industry."

In yesterday's interview, he cited as an example his decision in March 1987 to donate his oil and gas industry partnerships to his alma mater, Harvard University, when he became part of a Reagan administration working group studying alternative fuels policy.

But, he acknowledged, "I'm now under greater scrutiny" and "it's not so easy to recuse myself now." As White House counsel, Gray participates in most key policy meetings.

During his first eight years in government, as Bush's legal adviser, Gray also served as chairman and trustee of Summit Communications Inc. of Atlanta, a company that was set up by his father in 1948, receiving deferred income in executive fees between 1981 and 1987 of about \$ 125,000. In 1987 and 1988, the fee was increased to \$ 50,000 each year.

As counselor to the vice president, Gray was in a pay grade below the level that is subject to limitations on outside income.

Over the past eight years, Summit's worth has increased from about \$ 10 million to about \$ 250 million worth of assets currently, including 130,000 TV-cable subscribers and 16 radio stations.

Gray said that since 1981, he has recused himself in all matters involving government communications policy and the FCC. He said he believed he could function without any conflict of interest because he was not the chief executive or operating officer, and only devoted four to six days a year to overseeing Summit.

On the question of income from Summit, Gray said yesterday that "Due to my promotion and due to the policies enunciated by [Bush] during the presidential campaign, I cannot and I will not take outside income and so have instructed the family company."

But, he said, he would continue to act as chairman of Summit pending a recommendation from Bush's newly appointed ethics panel.

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Gray has no direct stock ownership in Summit, but votes 24 percent of the company stock held in trust for family descendants.

Donald E. Campbell, deputy director of the office of government ethics, said yesterday that no conflicts of interest had been found in Gray's 55-page, 1988 financial disclosure form. Campbell said, however, that his office's review could not possibly analyze all of Gray's many partnerships and previous investments.

Lloyd Cutler, a former law partner of Gray's and counsel to President Jimmy Carter, was quoted in November as saying that Gray would be "the ethical conscience" of the White House. Cutler has been appointed a member of ethics panel which is to set new rules for the government.

Staff researcher William F. Powers Jr. contributed to this report.

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