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Embajada de España

Washington, D.C., September 15, 1992

Mr. Anthony Wayne
Director for Western European Affairs
N. S. C.
Room 368 -Old Executive Office
Washington, D.C.

Dear Tony

I would be very grateful if you could convey the attached letter that Mrs. Maria Paz Garcia Mayo, widow of our former Secretary of State, is sending to Mr. James Baker, III.

Sincerely yours,

Jorge Fuentes
Deputy Chief of Mission

1 enclosure

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CENTRAL
FILES

Maria Paz Garcia Mayo

Madrid, August 24, 1992

The Honorable
James A. Baker, III
Washington, D.C.

Dear James:

In these times of anguish and deep sorrow on the loss of my husband, I wish to thank you sincerely for your kind letter of condolence.

Your words in honor and in recognition of Francisco are precious to me for they are the best tribute to the memory of my late husband.

Again, I thank you from the bottom of my heart.

With warmest regards,

Maria Paz

Maria Paz Garcia Mayo

Madrid, 24 de agosto de 1992.

Excmo. Señor James A. Baker, III
WASHINGTON.

Estimado James:

En estos momentos de zozobra y profunda tristeza por la pérdida de mi marido deseo trasladarle mi más sincero agradecimiento por el mensaje de condolencia que ha tenido la gentileza de dirigirme.

Sus palabras de entrañable recuerdo y reconocimiento hacia Francisco tienen para mí un gran valor y constituyen el mejor homenaje a la memoria de mi difunto esposo.

Muy afectuosamente, *y con mi más emocionada*
opulitud

Mª Paz

NRN



UNITED STATES SENATE
WASHINGTON, D. C.

JOHN C. DANFORTH
MISSOURI

September 14, 1992

The Honorable James A. Baker, III
Chief of Staff to the President
The White House
Washington, D. C. 20500

Dear Jim:

Thank you very much for the announcement of a sale of 72 F-15s to Saudi Arabia.

It is hard to express what a boost the announcement is for McDonnell Douglas, its workers, and the St. Louis region. The sale will keep the F-15 line alive for an additional three years. It represents crucial assistance to a company which has suffered during the recent defense cutbacks.

Again, thanks.

Sincerely,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

John C. Danforth

NRN 9/15-LW

DR. ERIC P. THOR

13641 SOUTH 33RD ST.
PHOENIX, AZ 85044

PHONE (602) 496-5924 602/965-3585
FAX (602) 965-5961

in CA this past
weekend
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9/16- left word -
approved letter
& suggestions

September 8, 1992

The Honorable James Baker
Chief of Staff
The White House
Washington D.C. 20500

Dear Jim:

Having worked for you at Treasury and in the last election campaign, I want to one to congratulate you on your new reassignment. Also, I volunteer to help in any way possible. I want to mention a few things for you to consider in the California Strategy. Having heard and supported the President on his recent Salute to Barry Goldwater, I offer the following strategic suggestions. The President needs to "make things happen" on the West Coast and reassert his Western Leadership. He can personally take back the momentum with his strong leadership skills. Unlike some, I think we will make a BIG error which will hurt the Republican party, if we write off California. Not only is it critical to this election, but many in the future. Currently perceived "lack of interest" by the President in California will affect future Presidential Races. Currently population growth trends will show more growth in electoral votes in the next redistricting.

His progress is slow due to lack of focus on the state and the issues. He needs to focus on several including:

1. He should continue to spend as much time in California as he can with California leaders such as Ronald Reagan or other respected California leaders. I suggest he do another Victory Tour similar to the one he used to win four years ago. Having the Beach Boys and other California oriented opinion leaders with him is important. Unfortunately, appearing on Nightly News in Washington, the symbol of many California's problems does little good. He needs to be upbeat and focused on future as well as past issues. You might include California leaders such as Jack Parnell to help.
2. Work with the "disenfranchised." You personally need to review the process of networking in the West to include that past "Reagan Type" leaders are brought back into the process. Just trying to call people from past campaigns from Washington is not enough. Furthermore, Washington Law or lobbying offices are not well received in Los

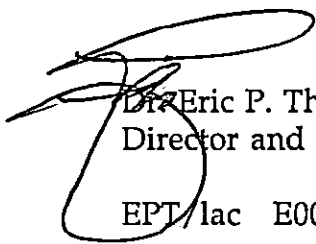
The Honorable James Baker
September 8, 1992
Page 2

Angeles or San Francisco. A large California Barbecue is one idea which could reinvolve "thousands" of the disenfranchised from the past.

3. Continue to focus the media markets in San Francisco, Sacramento, San Jose, Los Angeles, Orange Country and San Diego on the positive contributions of the past four years. There have been some successes. Concentrate on the issues which have turned around campaigns before. These include cultural diversity, family values, economic growth, global free trade, agriculture and the environment all of which have made progress during the past four years. Many voters do not know his record in these areas, and assume the gains were only under Reagan. They have not been.

Please let us know if we can be of help. I will look forward to seeing you in California soon.

Sincerely,



Eric P. Thor
Director and Professor
EPT/lac E002

cc: Jack Parnell
Richard Douglas



C. Itoh Building Products Co., Inc.
333 W. Taft Drive • South Holland, IL 60473

Central
Files

TO: WHITE HOUSE
ATTN: JAMES BAKER
YOU SHOULD HAVE RECEIVED A TOTAL OF 2
PAGES INCLUDING THIS SHEET.

FROM: MICHAEL COPPOLA DATE: 9/14/92
REPLIES SHOULD BE SENT TO FAX NUMBER INDICATED
BELOW.

DEAR JIM,

ENCLOSED IS COPY OF
LETTER I JUST FAXED THE PRESIDENT.
YOU ARE DOING A GREAT JOB. PLEASE
LET ME KNOW IF THERE IS ANYTHING
I CAN DO FOR THE PRESIDENT.
THANKS FOR YOUR TIME.

REGARDS
[Signature]

MILT PAPPAS
333 WEST TAFT DRIVE
SOUTH HOLLAND, ILLINOIS 60473

09/14/92 -- FAX TO: 202-456-2397

MEMO TO: George H. Bush, President of the United States

FROM: Milt Pappas

SUBJECT: \$40 Billion Over 5 Years Medicare B Payment Reductions

Venture Resources finally has a second meeting established with HCFA, this time with Lou Hayes, for 10:00 A.M. this Friday (9/18) in Washington.

It has been 3 1/2 months since I started this drive to help you with the beginnings to demonstrate Medicare reductions within current legislation. In the cost of time, that is over \$2 Billion that could have been saved, according to Dr. Root's recent letter to you. But, the problem in time is also that we will be prevented from helping you in your re-election effort unless immediate action takes place now!

I can now really appreciate the frustration you have in actually getting things done. HCFA's initial answer to the Venture Resources proposal was to tell them that they are redoing CPT codes, not addressing the total proposal. Redoing CPT's is a good idea, but a time consuming process, addressing less than 10% of the problem. The Venture Resources process is a now process taking place in the "field" addressing the problem directly, without need for change of current regulations to get results. With small, private enterprise doing the job it will get done now, saving the American people \$Billions!

Venture Resources has continually stated that their depth of background and experience will allow them to identify \$200 to \$300 million as a solid start for your use on the campaign trail in only 2 to 3 weeks after an arrangement.

I believe that the urgency of time here would be understood by HCFA if a White House representative (such as Dan Casse) were to attend this Friday's meeting and give you a first hand report.

REGARDS



REID & PRIEST
MARKET SQUARE
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WASHINGTON, D.C. 20004
202 508-4000

9/17 - thanked by
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FACSIMILE: 202 508-4321
TELEX: 440630 RP WASH

September 14, 1992

DIRECT DIAL NUMBER

202-508-4334

James A. Baker, III
Chief of Staff
The White House
Washington, D.C. 20500

Dear Jim:

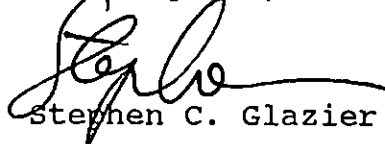
The President could show action prior to the election to implement his economic program if he used the line item veto, and dared Congress to attack its constitutionality. Confrontational action against Congress now to save the economy would give credibility to the President's rhetoric.

You will note that the President, in the campaign of 1988, promised to create a test case on this issue by actually using the line item veto. He has to date failed to act on this promise. However, he still has time to redeem this pledge to act, and he would create a winning political issue against Congress in the process.

If Congress does legally challenge the effort, which would be doubtful in itself, no legal resolution could be had until after the election. So even in the worst case, the President could not be shown wrong on any legal point until after the election. And of course, the action is politically right despite any legal outcome.

Let me know if I can help.

Best regards,


Stephen C. Glazier

Enclosures

cc: Robert B. Zoellich
Dennis Ross
Margaret Tutwiler
Janet G. Mullins

j:\wp51\text\9999\1002\baker.ltr

*At this point, you have
nothing to lose. Just do it.
That would be change now.*

Reagan Already Has Line-Item Veto

By STEPHEN GLAZIER

Contrary to popular misconception, the Constitution already grants the line-item veto to the president. President Reagan should immediately use it to reduce federal spending and the budget deficit without raising taxes.

The line-item veto lies in the language of the Constitution. Article I, Section 7, Clause 2 gives the president veto power over all bills passed by Congress. Any veto may be overridden by a two-thirds vote of each house.

At the Constitutional Convention in Philadelphia, on Aug. 15, 1787, according to James Madison's published notes of the debate, Madison commented on Clause 2: "Mr. Madison, observing that if the negative of the President was confined to bills, it would be evaded by acts under the form and name of Resolutions, votes, etc. — proposed that 'or resolve' should be added after 'bill.'"

In other words, Madison was concerned that Congress would subvert the presidential veto by merely labeling its actions "Resolutions, votes, etc." instead of "bills." ("Etc." apparently refers to whatever an imaginative future Congress might invent.) The "or resolve" language was Madison's first shot at all-inclusive language. But the convention did not find it adequate. "After a short and rather confused conversation on the subject," it rejected Madison's wording and adjourned for the evening.

That night, Madison apparently talked with Edmund Jennings Randolph. The next morning, the convention came to order to hear an improved and expanded proposal. "Mr. Randolph, having thrown into a new form the motion putting votes, Resolutions, etc. on a footing with Bills, renewed it" with the language that was accepted that day by the convention and was inscribed as Clause 3 of Section 7 of Article I.

"Every Order, Resolution or Vote to which the Concurrence of the Senate and House of Representatives may be necessary" would also be subject to the presidential veto in the same manner as described for bills in Clause 2. Randolph had found the broadest possible formula in the language of his day to describe the inventions that Madison feared. It remained only for future Congresses to invent them and name them, in order for the president to be able to veto them.

Madison records only one note on the debate that preceded the convention's adoption of Randolph's proposal. "Mr. Sherman thought it unnecessary, except as to votes taking money out of the Treasury." Although Roger Sherman appeared to be no great fan of the veto, he did comprehend that Congress's main motivation to subvert the veto, and the main reason the Constitution needed to defend it, would be the temptation for Congress to spend irresponsibly.

Why does the Constitution not speak specifically about the "line-item veto"? At the time of the convention, the phrase did not exist. It was not until the chaos preced-

ing the Civil War that Congress, in order to subvert the presidential veto and experiment with large deficits, first began the abusive practice of attaching appropriations riders to bills. It was only after this practice was invented that the term "rider" was developed along with the term for the corrective response—"line-item veto." Only in the Civil War environment of national fratricide and a weak, minority president could Congress have initiated this subversion of the executive.

When the Confederacy wrote its own constitution during the war, on many procedural points it merely restated the U.S. Constitution in light of the practice and language of the day. President Jefferson Davis was provided with a line-item veto described as such.

After the Civil War, Congress returned to fiscal responsibility, although the use of riders continued. Much later; however, when the welfare state ideology created by the Depression ran headlong into the de-

president. By extension, a president could determine that a "bill" contained implicit "joint resolutions" by Congress for each line item or appropriations rider, and then veto selected "resolutions" within a bill at his discretion. If Congress plays the game of "form and name" to subvert the president, then the president must likewise defend himself. This is the point of Clause 3.

The only other Clause 3 case of interest, a 1982 case from the U.S. Court of Appeals for the District of Columbia, *Consumer Energy v. FERC*, comes no closer to explicit comment on the line-item veto. However, citing Madison's notes, the court states: "Clause 3 was inserted to prevent Congress from evading the requirements of Clause 2 by merely calling its actions something other than a 'bill.'" Or, if a line item has the force of law, then a line item may suffer a veto.

A possible Democratic response might state that budgets may be vetoed, but not

line items or riders. At first glance, this appears to have some merit. But this argument would allow Congress to destroy the veto by bunching bills together. Taken to its extreme, each Congress, which sits for two years, could determine that all its actions for that period would, on the last day, be bunched together into one huge bill. All the individual bills that would have passed over the course of the two years would be merely "preliminary" procedural steps to the leviathan bill. The president then would have the choice of forgoing the veto or vetoing two complete years of legislation and perhaps destroying our government in the process.

This is the very game of "form and name" that inspired Clause 3. If the clause means anything, it means that the president can unbunch such

bills by vetoing line items and riders. Congress is already using this bunching gambit for the budget. Under the budget rules, Congress passes only one "omnibus" budget bill per year. Obviously, today's line item is yesterday's bill, and the president can veto either.

Whatever result the courts ultimately may reach, the president's use of the line-item veto offers everything to gain and nothing to lose. The courts can deliver no worse than the status quo. Any other legal result would be an improvement over current practice.

Indeed, with the collapse of the world equity markets on Oct. 19, and the subsequent drift toward the fiscal abyss by a Congress that has no seniority system, no party discipline, too many subcommittee chairmen, and, under its current rules, no leader with the institutional means to cut a deal and make it stick, President Reagan has no choice but to use his constitutional power to act unilaterally. The question is not one of narrow partisan contest, but whether we shall have effective government and a productive economy, or increasing chaos and poverty.

Mr. Glazier is a lawyer in New York.

ARTICLE I, SECTION 7, CLAUSE 2

EVERY BILL which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law....

ARTICLE I, SECTION 7, CLAUSE 3

EVERY ORDER, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

mands of World War II and the Cold War, Congress responded with a "tax a lot and spend more" formula for fiscal fairy tales. The Republican Renaissance has stemmed from the tax side of this formula, but the Democratic Congress remains unchecked on the spending side, with a metastasized deficit as a result. The recent world-wide collapse of the equity markets is merely the first serious symptom of this potentially fatal disease.

Since no president has ever vetoed a line item, the courts have never had an opportunity to bless the action. In fact, judges have had almost no chance to say anything about Clause 3, although what little they have said has been correct. Hence, if the Supreme Court ever gets a chance to pronounce on the line-item veto, it will be directly interpreting, on first impression, fairly clear and unobstructed constitutional language. The prognosis for any such decision would be favorable.

There is one 1889 Supreme Court case, *U.S. v. Stockslager*, that states that a joint resolution of both houses approved by the president has the same effect of law as if it were called a bill. Presumably, such a joint resolution could also be vetoed by the

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Line-Item Veto Hides Under an Alias

By STEPHEN GLAZIER

Critics of the presidential line-item veto say that use of this power would be a radical departure from past precedent and a dangerous, unpredictable new practice. But it is the limitation of this power—granted by Article I, Section 7, Clause 3 of the Constitution—that is dangerous and unpredictable. Moreover, the limitation of the power is relatively new. The only truly innovative aspect of the current proposal for the president to use the line-item veto is the use of that term to describe a practice found in history under another name.

When Washington and Adams were president, Congress passed very general appropriations bills and expected that the president would make specific spending decisions. Congress, in effect, was acknowledging a form of "line-item veto," though the term used back then was "impoundment."

Later, Congress began to pass more detailed appropriations bills. Even with more specific appropriations, though, presidents often freely "impounded," or chose not to spend, funds appropriated by Congress. For example, President Jefferson once informed Congress that funds appropriated for gunboats were not to be spent, since his purchase of the Louisiana Territory had eliminated the danger that he construed to be the motivation for the appropriation.

After Jefferson, presidents continued not to spend funds appropriated for specific items. Then, in an 1838 Supreme Court case, *Kendall v. U.S.*, that policy was questioned.

David and Goliath

A Mr. Stokes, who had a contract to deliver mail for the government, made claims for credits that the postmaster general found excessive. Frustrated, Mr. Stokes petitioned Congress, which sided with David, not Goliath, and helped sling the stone. The stone was a bill that directed the payment in full of Mr. Stokes's claims. The postmaster general insisted on paying only the amount he thought justified, and, acting for the president, he impounded the balance.

In *Kendall*, the court determined that the executive powers of the president provided in Article II of the Constitution did not permit the president to impound a specific appropriation that would require no presidential discretion to administer. Mr. Stokes was paid his full claim and Congress took back a bit of the president's impoundment-veto power.

But even after this case, impoundment continued as a common practice. Most line-item appropriations were more general than that at issue in *Kendall*, and presidents freely claimed reasons to impound that would avoid the *Kendall* precedent: "Changed circumstances," "frustration of congressional purpose," and "dissipation of previous necessity" were among them.

Throughout this ad hoc inventive process, all parties were happy to settle the issue on their own terms and ignore the clear constitutional language regarding the

line-item veto. Congress even legislated impoundment powers for the president in the Anti-Deficiency Act of 1950, and in a 1950 omnibus appropriations bill allowing the president to take advantage of opportunities for savings after any appropriations bill was passed. These bills were passed in disregard of the veto clauses of the Constitution.

After World War II, as Congress's compulsion to spend staggered out of control, presidents began to use impoundment openly as a purely fiscal policy tool. Presidents Truman, Eisenhower and Kennedy all impounded funds appropriated by Congress for specific projects. In 1966, President Johnson impounded \$5.3 billion to curb inflation caused by military spending in Vietnam. His Great Society projects for highways, housing, education, agriculture, health and welfare were not immune.

Under the Nixon administration, the impoundment issue came to a head, as Con-

The Impoundment Control Act of 1974 amounted to a de facto—and illegal—amendment of the Constitution.

gress made a grab for the constitutional powers of a weakened and beleaguered president. Confronted with fiscal fantasy in Congress in the face of a grueling war in Vietnam, President Nixon impounded \$12 billion in 1973. This included an impoundment of \$6 billion for sewer projects that Congress had passed over Mr. Nixon's veto in 1972. The response to these impoundments was litigation and legislation.

The Impoundment Control Act of 1974 amounted to a de facto—and illegal—amendment of the Constitution. Under the act, the president was allowed to temporarily impound any line item, but only until either the House or the Senate passed a resolution to override that impoundment. The president's power of impoundment was struck another blow in a 1975 case, *State of Louisiana v. Brinegar*, when a federal district court determined that the president could not impound line items of a bill that explicitly prohibited its own impoundment. Both the Impoundment Act and *Louisiana v. Brinegar* gutted the impoundment power of the president, and eliminated the deterrent effect of presidential threats of impoundments.

Then, in 1983, some presidential power was restored. In *INS v. Chadha*, the Supreme Court ruled that provisions of legislation that permit just one house of Congress to overrule acts of the executive branch were unconstitutional and void. This means that the congressional override provided for in the Impoundment Control Act was also unconstitutional, leaving intact only that part of the act that allows the president to impound specific items.

In other words, after two centuries of beating around the line-item-veto bush,

Congress (after Supreme Court correction and under a different label) has legislatively arrived at something very close to the line-item veto of the Constitution. Indeed, the remains of the Impoundment Control Act of 1974 would go even further than the Constitution, throwing out the president's 10-day veto deadline and the option of a two-thirds override vote by both houses of Congress.

The expansion and contraction of the impoundment power over the years has had little reference to the veto clauses of the Constitution, and everything to do with momentary political advantage. It is urgent now to settle this issue by adhering to the Constitution.

Use of the old name for the line-item veto, "impoundment," served as a semantic excuse to avoid review of the constitutional clauses relating to "veto." The label game of impoundment vs. veto did not begin to break down until relatively recently. In 1973, in the debates over the then-proposed Impoundment Control Act, Sen. Sam Ervin let the cat out of the bag when he equated impoundment practice with a line-item veto. Later, Harvard law professor Laurence Tribe, in his treatise on constitutional law, pursued at more length the theme and nomenclature of impoundment as line-item veto.

In retrospect, it is startling how the Constitution's explicit provisions on the veto could be ignored and extralegally amended by Congress for so long.

It is time to clean up this mess.

A Spending Check

It is no coincidence that the federal deficit began its explosion at about the same time that Congress eliminated the president's impoundment power. The president needs a constitutional, working line-item veto, by whatever name, to keep Congress's compulsive spending from destroying the economy.

The Constitution provides the president with a line-item veto and the power to veto any part of any bill, but he has a 10-day deadline to use it, and Congress can override it with a two-thirds vote of both houses. Congress cannot, by mere legislation, grant or deny a line-item veto or a part-of-a-bill veto, because the Constitution grants these powers to the president. And the Constitution cannot be amended by putting a different label on the same old facts.

Since George Washington was president, Congress and the president have agreed that the president has some sort of line-item veto. They just could not agree on what it was. They could not agree because they would not look to the Constitution for guidance. Congress's compulsion to spend irresponsibly now requires that the issue be settled by calling the line-item veto a veto, not an impoundment, and accepting the Constitution as originally intended. In the short term, a return to vigorous use of the line-item veto, in its constitutionally correct form, seems to be the first step to a cure to our deficit crisis.

Mr. Glazier is a lawyer in New York.

Most Bilateral Trade Pacts Carry a Penalty

By C. MICHAEL AHO

Rep. Richard Gephardt has been roundly ridiculed in the editorial pages of this and other newspapers for his amendment that would require retaliation if other countries' trade surpluses with the U.S. are not reduced. Much of this criticism is deserved, but Mr. Gephardt's objective is to open markets, not to discriminate among them. Little or no criticism has been leveled against the Reagan administration's policy of negotiating a series of

eralism. Last, other countries would protest if the U.S. tried to go beyond these special cases.

And yet the administration persists in pushing its strategy of bilateral agreements. Has it forgotten the lessons of history? Several can be learned from the experience of the 1930s. In the wake of the Smoot-Hawley tariff and subsequent retaliation, many countries tried to establish bilateral or regional agreements.

But attempts in the interwar years to

foreign policy. The secretary of state would end up spending more time on the balance of trade, leaving him less time to spend on the balance of terror.

Bilateral or like-minded agreements also could smack of colonialism to developing countries. Even for those given preferential treatment, such an arrangement would add fuel to domestic political battles. To say nothing of the domestic political battles in countries surrounded by nationalist.

THE WALL STREET JOURNAL.

FRIDAY, FEBRUARY 12, 1988

A Plank Bush Should Stand On

The following advice to George Bush is excerpted from a letter to the vice president from Stephen Glazier, a New York lawyer who has written on the veto clauses of the Constitution. The Constitution establishes the veto in Article I, Section 7, Clause 2. Clause 3 specifies that it applies to "Every Order, Resolution, or Vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment). . . ." A related editorial appears today.

Dear George:

Thank you very much for your kind letters of Dec. 23 and Jan. 13, regarding my article in *The Wall Street Journal*, Dec. 4, 1987, entitled "Reagan Already Has Line-Item Veto."

In response to your question in your Jan. 13 letter, "if there is some practical way to test your theory on interpretation, I would be most interested in hearing more," there is an answer. The only way to test the interpretation is to precipitate a test case or series of test cases. And, of course, there can be no test cases without, first, actual use by the president of a Clause 3 line-item veto. Actual use by the president of the Clause 3 veto is the only way to test it because there are no hypothetical lawsuits, there are no Supreme Court advisory opinions, and no number of law review articles are dispositive of the issue.

Conceivably, the president could delicately veto one item in one bill, and then wait to see what happens. But time and the nation would be better served if the president would fully commit himself and start vetoing all bad parts of all good bills, and not just budget line items. (Clause 3 has no limit regarding subject matter. The Clause 3 veto applies to any part of any bill.) This approach would, in effect, create a flood of distinct "test cases" in short order. In any case, if the president never acts, the court can never rule.

Actually, the proper approach on this issue is not "What does Clause 3 mean? Let's test it." The approach is "Clause 3 means what the president says it means, until the Supreme Court may rule otherwise, if ever." Or perhaps even more to the point, "Clause 3 means what the president does in its name, until the court reverses him on it, if ever."

The executive has a greater role in interpreting the Constitution than does the judiciary, because the executive has the virtue of affirmative action. The judiciary

can only negate executive action, and only when the judiciary may review a specific case. Hence, it is off the mark for the president to be concerned with creating a "test case" for the court to review. Instead, the president should decide that he knows what the Constitution means, that he knows what the country needs in policy, and that he must execute this knowledge with commitment at every opportunity. And if the Democrats do not like the resulting Republican achievement, it will be for the Democrats to get in the way and challenge results with "test cases."

From a political point of view, you might also bear in mind the lesson of FDR and the New Deal. The core of the New Deal programs was voided as unconstitutional by the court. However, FDR's efforts in the controversy and in response to the Depression were such that he was locked into three landslide re-elections. He won that war while losing the Constitutional battle. And the only cost was infliction of the legal status quo on a narrow range of issues. In the worst case, a Clause 3 veto controversy could have a similar result for a Republican president. In the best case, and perhaps the most likely case, the Clause 3 veto would be upheld by the court.

For the president to apply the Clause 3 veto now would barely be controversial, outside of Congress and professional political circles. Aside from the language of the Constitution, and Madison's notes of the convention, note that 43 states have explicitly given their governors the line-item veto. And, Congress itself, in the past when it had the chance, has explicitly given the line-item veto to the executives of Puerto Rico, Guam, Alaska, Hawaii and the Philippines. Everyone knows what good government requires.

Although I have usually assumed that Democrats would sue to overturn presidential assertion of Clause 3 vetoes, this may not be the case. It could be very costly politically for the Democrats to challenge in court certain possible item vetoes. For example, if with the last 1,100 page Omnibus Budget Bill (whatever that means) Mr. Reagan had used a Clause 3 item veto on Teddy Kennedy's last-minute bill of attainder against Rupert Murdoch and his paper in Boston, the Democrats might well have decided that a court challenge would have been too embarrassing. Other possibilities abound. And of course, unchallenged use matures into consent by acquiescence.

Note that unilateral application of the Clause 3 veto is far more conservative than the proposal for a constitutional amendment for a line-item veto. Calls for an amendment could lead to a runaway Constitutional Convention and disaster. Unilateral assertion by the president of the Clause 3 veto could lead only to a very narrow range of legal results, and could not affect any other provision of the Constitution.

Your impulse in your Dec. 23 letter to pursue a consensual arrangement with Congress on this issue is understandable but not practical. Since the Vietnam War era, Congress has made a broad-based sustained attack on the power of the executive, including foreign policy as well as budgetary issues. Congress will not now voluntarily reverse itself at its own expense. The only way to restore government in this country is for the two other branches, the executive and the judicial, to gang up on the wayward third branch, the legislative, and take back the item veto.

The best way for you to prepare public opinion on this issue would be for you to adopt the item veto (the Clause 3 part-of-a-bill veto), without further constitutional amendment, as a plank in your campaign. It would be a high-profile way to show leadership and energy, without disagreeing with the policies of Mr. Reagan that you support. It would also be a good way for you to run against the Democrat-dominated Congress, and to show that you are really the only nominee with new ideas. And the people would be enlightened quickly, and become very supportive.

MONDAY, MARCH 7, 1988

Line-Item Veto: Older Than Constitution

By FORREST McDONALD

Last December Stephen Glazier argued on this page that the Constitution authorizes the president to exercise a line-item veto. His ground was the language of Clause 3 of Article I, Section 7, which says that not only bills but "every Order, Resolution or Vote" must be presented for the president's signature or veto.

His case can be made stronger by reference to the Framers' understanding of the nature of the veto, as indicated by the examples that constituted their experience in the matter.

The veto power, as they knew it, was an outgrowth of what in English constitutional custom was known as the "negative voice" of the Crown. For several centuries the Crown as well as the House of Lords and the House of Commons had a vote on all proposed legislation. If that vote was nay, the legislation failed. After the Glorious Revolution of 1688 the negative voice fell into disuse in regard to acts of Parliament, but variants of it were employed in regard to colonial legislation. It was these variants, together with provisions of early state constitutions, that formed the experience of the Framers with what came to be called the veto. The crucial fact is that in each of the forms in which Americans had encountered it, the veto was of a "line-item" nature.

The Board of Trade

The American colonists' most extensive experience with a veto had been through the British government's power to review acts passed by the colonial legislatures. Between 1696 and 1776 the Board of Trade, in behalf of the Crown, reviewed 8,563 acts submitted by the mainland American colonies, and it disallowed 469 of them—in whole or in part. In 1702 it declared its basic policy: Bills "might be altered in any part thereof."

The Board of Trade exercised such a line-item veto many times, as for instance in regard to a Massachusetts revenue act of 1764, which it found objectionable "in no other respect . . . than that it directs a double Impost" on certain goods. The board ordered the governor to require the legislature to amend "this particular clause." In the meantime, the rest of the statute was allowed to stand.

The second-most-common experience of Americans with a veto arose from the negative voice vested in colonial governors. This was likewise exercised selectively. The best-known examples are those of the proprietary governors of Pennsylvania and Maryland, who repeatedly vetoed specific provisions of military appropriation bills during the French and Indian War of 1756-63. Governors in other colonies also exercised a selective veto, at least in regard to

some kinds of legislation. In certain colonies, for example, the governors' councils were selected by legislative enactment; governors had and wielded the power to reject individual selections even though all the choices were presented together in the same bill.

The third area of experience the Framers had with the veto—that at the state level after independence—was more limited. The constitutions of only two states, Massachusetts and New York, provided for a veto.

The veto in Massachusetts, vested in the governor, was described as the power of "revisal." The phraseology of the provision suggests that it could be exercised se-

Between 1696 and 1776 the Board of Trade, in behalf of the Crown, reviewed 8,563 acts submitted by the mainland American colonies, and it disallowed 469 of them—in whole or in part.

lectively, but we cannot be sure because no governor exercised it before 1787.

New York's constitution of 1777 vested the veto power in a Council of Revision, consisting of the governor, the chancellor and the judges of the State Supreme Court. The language is similar to that in the U.S. Constitution, which is to say that it is not explicit as to whether a line-item veto is contemplated. In its very first exercise of the veto, however, the Council of Revision established the precedent that it could reject particular clauses as well as whole bills. This took place on Feb. 3, 1778, when the council disapproved several clauses of a legislative enactment without rejecting the whole; subsequently the Legislature amended the offending clauses.

There is another, related consideration that argues for the constitutionality of the line-item veto. As every student of the Constitutional Convention is aware, several delegates, including James Madison, proposed that the veto power be lodged jointly in the president and the Supreme Court. Instead, of course, the president and the court were separately empowered to pass on congressional enactments, the one on grounds of policy as well as constitutionality, the other only on the ground of constitutionality. The Supreme Court, in *Marbury v. Madison* (1803), established the precedent that its power was of a line-item

nature: It declared that Article 25 of the Judiciary Act of 1789, not the entire act, was unconstitutional.

But if the Constitution contemplates what we now call a line-item executive veto, one may ask, why has no president exercised the power? There are several reasons, the most important being that until quite recently, presidents have had at their disposal better means of rejecting individual items, especially with regard to appropriations—better, that is, from the presidential point of view, because they were not subject to being overridden by a two-thirds vote in Congress.

The original understanding was that Congress would simply declare lump-sum ceilings on expenditures, based upon its estimates of revenues, and that the president and heads of the executive departments would decide how the funds would be spent. Such appropriations began in 1789 and continued to be the norm throughout the administrations of George Washington and John Adams.

'Impounded' Appropriations

Thomas Jefferson and his secretary of the Treasury, Albert Gallatin, attempted to effect a shift toward itemized appropriations, but they were only partly successful. It proved impossible to itemize for the War and Navy departments, which accounted for more than half of all expenditures. Moreover, throughout the 19th century and into the 20th, administrators devised various methods (which the courts did not overrule) of spending in ways and for purposes other than those specified by Congress.

Most important, until 1974 presidents repeatedly "impounded" appropriations and refused to spend them; Congress had no recourse. Thus from the inauguration of Washington until Richard Nixon's last year in office, presidents employed several means to exercise what amounted to an absolute line-item veto. Then in 1974 Congress passed the Impoundment Control Act, curtailing what was by then the most effective of those means. It scarcely seems coincidental that runaway deficits began immediately afterward.

It is time for the president to bring the budget back under control, and a judicious exercise of the line-item veto might be a way to start. Both the original understanding of the Framers and 185 years of precedent suggest that he has the constitutional authority to do so.

Mr. McDonald is a professor of history at the University of Alabama and author of "Novus Ordo Seclorum: The Intellectual Origins of the Constitution" (1985). A related editorial appears today.

President Bush Exercises the So-Sue-Me Line-Item Veto

Our Past

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What if President Bush, weakened by the budget fiasco and distracted by 535 Lawyers in Chief litigating the Persian Gulf, confronted Congress by asserting a constitutional power to line-item veto? What if he signed what he liked in a bill and blacked out the rest? Congress would surely howl about an imperial president.

He did, but Congress hasn't. By my count, this month President Bush line-item vetoed 41 provisions in some 20 bills that

Rule of Law

By L. Gordon Crovitz

Congress passed this term. True, these were a different kind of veto—vetoes in the form of signing statements. President Bush signed these bills, but also declared that certain provisions are dead letters because he won't enforce them. These item vetoes (without possibility of override) were mostly to excise unconstitutional provisions; none, so far, claims the power to item veto pork in spending bills.

"These signing statements are a choke point for focusing on what are often very detailed but hidden provisions that take authority away from the president," Boyden Gray explained. Mr. Gray, the White House counsel, said, "What happens after a bill is passed is becoming as important as what happens before it is passed." Building on a system started by President Reagan, Justice, Defense and other agencies aggressively vet bills for possible separation-of-powers problems. One purpose is for signing statements to become part of the legislative history.

Mr. Bush, who so far has stuck to his guns on presidential war-making powers, excised several provisions in the Defense Authorization Act. He struck micromanaging requirements that he negotiate to get

Japan to pay for U.S. troops based there and negotiate the terms of future NATO basing of a U.S. fighter wing. "I am particularly concerned about those provisions that derogate from the president's authority under the Constitution to conduct U.S. foreign policy," Mr. Bush wrote. "I will construe all these provisions to be precautionary rather than mandatory," meaning that what Congress thought would be a law he'd instead take under advisement.

He also objected to provisions where Congress micromanaged the deployment of military reserves. He said he would construe these "consistent with my authority as Commander in Chief." Congress backed down on its threat to turn a classified annex that describes the Pentagon's secret "black budget" into binding law. The bill says the annex "shall have the force and effect of law as if enacted into law"; the signing statement noted that this means "provisions of the annex are not law."

Mr. Bush dismissed several parts of the foreign-aid bill, including a required "on-site inspection" of the Thai-Cambodian border. Mr. Bush wrote that he'd view these requirements as "advisory rather than mandatory." He vetoed part of the Military Construction Appropriations Act by limiting required notice to Congress before big construction projects to when "advance notice is feasible and consistent with my constitutional authority."

Several bills violated the Constitution's Appointments Clause, which says that only the president can name people to certain public offices. "Call this congressional pork by patronage appointment," Mr. Gray said. Mr. Bush objected to a line in the National and Community Service Act creating "paid volunteers." Oxymoron aside, Congress tried to appoint a majority of an oversight board, which Mr. Bush said is "without legal force or effect" because only the president can choose nominees.

Other bills violated the Constitution's Recommendation Clause, which directs the

president to recommend new policies to Congress. Mr. Bush crossed out provisions where Congress tried to stop the administration from even thinking about new ideas, including restrictions against funding to study the possibility of moving to a "market rate" method of pricing hydroelectric power and limits barring the Office of Management and Budget from so much as "reviewing any agricultural marketing orders"—that is, from critiquing farm subsidies.

The Supreme Court invalidated the legislative veto in the 1983 case of *INS v. Chadha*, but Congress keeps on passing provisions to let itself make laws without presenting bills to the president. Mr. Bush declared legislative vetoes as "without legal effect" in bills from the Omnibus Budget Reconciliation Act to the National and Community Service Act.

Not all the line-item vetoes protect presidential powers. Mr. Bush also crossed out a provision in the Disadvantaged Minority Health Improvement Act that would have violated the equal-protection clause by linking eligibility for school health programs to race. He lined out a provision in the Clean Air Act that would have expanded private lawsuits and a provision in the Consumer Product Safety Improvement Act that would have given state attorneys general carte blanche to sue.

Mr. Gray said that while these "are line-item vetoes of a certain kind," Mr. Bush hasn't decided whether to expand the vetoes to include vetoes of line items in spending bills simply because their cost is excessive. Presidents swear to uphold the

Constitution, so refusing to enforce what they consider unconstitutional provisions: arguably less radical than asserting the right to item veto to control spending. This is a further step Mr. Gray said "we're not ruling out and not ruling in."

Still, the principle is now established that a president can decide that parts of what Congress labels a "bill" can be vetoed, leaving the rest. "A key part of the puzzle is the question of who gets to decide what a bill is," Mr. Gray said.

There were plenty of budget-busting candidates this year for a line-item veto. One was a provision that mysteriously appeared under the heading of the National Park Service. It says, "In this act and in subsequent annual appropriation acts, \$85,000 shall be available to assist the town of Harpers Ferry, W.Va., for police force use." In other words, permanent federal funding for a police department in Sen. Robert Byrd's home state.

The Bush administration gets only fair marks for separation of powers. OMB Director Richard Darman boasts of new presidential powers in his budget deal, but Congress slipped in a provision that will make it harder to run the government with a vetoed continuing resolution, as Mr. Bush did for a time last month. Congress amended the Anti-Deficiency Act, which for more than a century gave presidents emergency spending powers. The change adds the word "imminent" as a requirement to any threat to life or property that justifies a president keeping workers such as air-traffic controllers on the job.

Still, signing statements as line-item vetoes shows there's some life left in the Bush presidency. A Congress that fails to defend its unconstitutional line items might also acquiesce if its pork-spending line items were vetoed. Mr. Bush can still be the first president in many years to leave the office stronger than he found it, especially if these line-item vetoes are a taste of line-item vetoes to come.



Boyden Gray

**SPEECH BEFORE
CITIZENS FOR A SOUND ECONOMY FOUNDATION
MARCH 13, 1992**

**“NO NEED TO WAIT ON CONGRESS—
LINE-ITEM-VETO AUTHORITY IS
IN THE CONSTITUTION”**

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Remarks Before
Citizens for a Sound Economy
Washington, DC

March 13, 1992
(Revised)

Thanks for being here. Let me start with the conclusion and you will know where we are going. Then we can get into the details of the legal ins and outs, and different arguments that are taking place and different precedents that we can talk about. That way at least if I put you to sleep with the legal part, you won't miss anything.

The bottom line on this argument about the line-item veto is that it already exists in the Constitution: that the president has the power, he doesn't need legislation, he doesn't need an amendment, he can just do it. Furthermore, for a president to use the line-item veto is traditional in American political history and by advocating the use of it, we are not advocating anything new, we are not advocating anything radical. We are merely advocating the restoration of what is traditional in our American political system. What is new, what is radical, and what is unprecedented is Congress' attempt to take it from the president in the Impoundment Control Act of 1974. So, when people start worrying about lawlessness and recklessness and unprecedented constitutional activity and all of that, they are only talking about Congress denying a line-item veto to the president.

Another point here is that in the big picture of things, a proposal to exercise a line-item veto and to make an issue out of it, is a win-win situation. In doing it, if you manage the thing correctly, you can win the political war, regardless of what happens in the legal battle about the line-item veto. The legal battle is almost a red herring. The legal questions are almost a red herring. They are not irrelevant, but the main point is the political side of the thing. So, you make mileage against Congress and you reform the unconstitutional balance between the powers of Congress and the executive that have evolved largely as a result of the executive pushing an unpopular war that was opposed in the end by Congress and some of that fallout from that which has skewed our system for about 20 years.

The line-item veto does make an issue out of congressional spending control. The best suggestion I have heard for doing this is Judge [Robert] Bork's suggestion to item veto a defense appropriation: Veto items of defense spending that are not proposed by the Pentagon and that the Pentagon doesn't want. Ted

Kennedy and all the clowns in Congress would then sue the president to spend more money on defense projects that the generals don't even want spent, while they are telling him he is spending too much money on defense. Politically, I love it. So, that is my favorite just because it makes it so tough to fight -- I would love to see them explain why they are suing the president to spend more money on defense when the generals don't want it. It is a classic.

There is something else. If the president is going to do a line-item veto, I think he should do more than one item -- he should do several. And he should be careful to veto some items that are not actually in bills but only in committee reports. A little background -- most line-items are not actually in bills. They are in committee reports, or exhibits to committee reports, or testimony by an individual that is an exhibit to a committee report that may be referred to in the bill. As such, most items are in fact not binding law. They are not legislation. The Constitution is very clear that what is binding law has to be read to both houses of Congress, voted for by the majority of both houses, and presented to the president in writing, in a document that he can read, and he has 10 days to decide whether to sign it or not. That is how you get a law. It doesn't matter whether you call it a bill or not. What matters is that law is defined by the procedure through which is passed. That is the procedure. Most line-items don't do that. They are just part of the legislative record. They are not binding -- they are advisory, and you can take them or leave them.

Strictly speaking, because you are vetoing something that is not a law, there would be no override. You can't override it -- it wasn't a law in the first place. It is not really a veto. But, I would encourage some of these items to be included in a veto. The reason for this is it really muddles up the opposition. A major attack that makes people feel most uneasy about this is the legal argument against it. Veto stuff that is not binding anyway. This is not controversial. The line-item veto of empowered legislation that is really a law is controversial. This other stuff is not controversial. There is no attack on it. If they choose to attack the line-item veto, they've got some of these things that aren't even legislation -- you can't attack them. So, what you do basically is you take a lot of steam out of the legal argument, and you know you are going to win something. You are going to win the veto on all these line-items that weren't even legislation. You can call it a super veto because there is no override. It is a tactical kind of situation and something that should be done anyway. It answers a lot of problems that I will get into in a little bit.

On the way over here I was thinking about a lot of the gut-level criticism of this proposal. Some have said that it makes the president look like he's getting around the

that lasts two decades of trying to avoid the Constitution."

Look at Chadha and the history of Chadha. Chadha is the unanimous Supreme Court decision that decided that legislation by Congress cannot provide for a one-house override. The Constitution says you override a veto with 2/3 vote of both houses. Congress passed a law that says if the president vetoes this, we can override his veto with a majority vote of one house. To the Supreme Court, this is blatantly unconstitutional. You want to play with a veto, you have to amend the Constitution. Mere legislation cannot amend the Constitution -- unanimous decision.

Since then, Congress has passed over 102 bills that have one-house overrides or one-committee-of-one-house overrides. That is lawlessness. That is recklessness. The publishers now of the U.S. Code Annotated have to put warning labels in the present statute saying they are in there. It is like the Surgeon General's warning label on cigarettes: Notwithstanding the wording of this paragraph that provides a one-committee veto, it appears to be unconstitutional -- don't be fooled. And, they cite Chadha. This is in the code. They are all over the place. So, recklessness and lawlessness is the president's line to Congress. If they want to use that against him, let's bring it up -- let's bring up the issue.

Let's get down to some of the nitty-gritty here on the legal argument for the line-item veto. The Constitution has two veto clauses or provisions. The first one is the one you know and love and they teach you in law school, everybody understands it; it has been litigated to death. It talks about how bills get to be laws, it talks about the bills. Both houses vote for it by majority. The president has 10 days to say yes or no. If he disapproves (nobody uses the word veto), he sends it back to Congress with a statement explaining the reasons he disapproves. At that point, they can override that veto by 2/3 vote of each House. They have no deadline to override.

Now, in the Constitutional Convention, in the original draft, that is all there was -- the veto provision. You can read the notes of the convention that argue it. Madison was there. He did a lot of drafting of the Constitution, but he also kept notes and a diary of the arguments in the convention before they were finished. These are published and you can read them. On August 15, 1787, they were talking about this and everybody was saying veto, fine -- good idea -- but they were concerned with this terminology. Madison, writing about himself, quoting himself (he used the third person) said, "Mr. Madison, if the negative of the president was confined to bills, it would be evaded by acts under the form and name of resolutions, votes, etc." In other words, look, if you are going to veto bills this way, Congress will just say, "Fine. Well, this isn't a bill --

it is something else, we can change the names. You can't veto that. The Constitution says you can veto bills -- it's not a bill -- it is a resolution." Madison says, you can't have this lawyer mumbo-jumbo going on around here. We've got to write a veto provision that sticks, that has no linguistic loopholes.

So, he proposed "bill or resolve." He started playing with the language. He says, there was a rather short and confused conversation on the subject and they decided to adjourn. Think about that. They came back the next day, and Randolph had new language. Randolph proposed a whole new paragraph that would add to the original veto paragraph. Basically it would plug up the linguistic loopholes that you have in a paragraph that talks about bills. This was approved, and it was part of the original, unamended, adopted language of the Constitution. It says, every "order, resolution or vote to which the concurrence of the Senate and the House," etc., etc., etc., "shall be presented to the president and before the same, shall be approved by him or being disapproved by him, shall be repassed by 2/3 of the Senate and the House," etc., etc., etc. "according to the rules and limitations prescribed in the case of a bill in the preceding paragraph."

In other words, they plug up this linguistic loophole -- this thing that Madison is concerned about that the lawyers may get around the wording of the veto provision by changing "the form or the name" of what they do to make a law. He keeps talking in the notes about how maybe we should call it resolutions, votes, etc. instead of bills. He keeps talking about etcetera this and etcetera that, and they keep adding more and more words. First it says "resolution," then he says "resolutions and votes, etc." and finally they end up with "order, resolution or vote." What they got here is the broadest language that they could think of in the language available at that time to describe this. This is the universal linguistic "acts of form and name" loophole plugger -- whatever the lawyers and Congress think of by legal means to subvert the veto, this plugs it up. Whatever they invent, you can veto it. Whatever act of form or name they create to undermine the first paragraph of the veto, it doesn't matter, it doesn't work, you can still veto it. So if they say it's not a bill, it is part of an omnibus bill, you say fine, I'll veto part of that bill, that item.

Eventually, they get to "order, resolution, and vote," instead of "order, resolution, etc." I think what they are thinking of is that in the language of the day, "vote" is the broadest, most all-inclusive term they can imagine. This is a democratic body. They can only take an action by voting. So, if they don't vote, they haven't done anything, so there is nothing to veto. This was the kitchen sink word. Franklin is not going to let them write "etcetera" in the Constitution. They've got to

say something. That is the kitchen sink. In fact, if you read the Federalist Papers and the Anti-Federalist Papers, there are a lot of policy arguments about veto, arguments about who should have it, who should exercise it, and what the override should be. Nobody argues about the second provision. Everybody agrees if you are going to have a veto clause, you've got to have one that sticks up, that can't be subverted by the lawyers playing games. That is not what they argue about. That is not what they care about. They agree that you've got to have a provision that can't subsequently have loopholes invented in there. That is what we are talking about here.

Back in the old days when they first wrote legislation, before word processors, before printers, before Linotypes were invented, they did all of this stuff in longhand. Bills were very short. Some of them were only a page long. They didn't have huge, omnibus appropriations bills. Parts of bills would be like fragments of sentences. It wasn't until much later that the practice of adding riders to bills and attaching line-items to bills even occurred. Why doesn't the Constitution say line-item veto? Well, it does. It doesn't use those words. It doesn't even say veto. It says you can return these things if the president disapproves of them.

Veto was not a commonly used term at the time. Line-item veto was not a commonly used term at the time. What they called it was the revisionary power. It is an editorial power. That is the common term they used. They couldn't say veto, including line-item vetoes or parts of bills because those words didn't even exist. But, it is what they intended and it is the facts that they knew at the time.

If you look at an article that you have in the Wall Street Journal from Forrest McDonald, he is a constitutional historian who has written various books, including a book called Novus Ordo Seclorum which is about the intellectual origins of the Constitution and the history of the colonial legislatures with the veto and other aspects of the Constitution. He went into the vetoes in the Constitution and the revisionary powers that were known to the guys who wrote the Constitution. This was their experience with the veto, it wasn't invented out of nothing. Like most of the Constitution, it is part of a long development of Anglo-American legislative jurisprudence, procedure, and so forth. They all had experience with this Council of Revisionary Powers. He looked at their experience and what they had done and what they lived with, and what facts they thought were included at this time, by the revision or veto. In fact, the history of the colonial legislatures and the history of the British parliament dealing with the veto of the king, the revisionary power and the history of the colonial legislatures dealing with the veto of the governors as delegated representatives of the sovereign (who at that time was the king and not the people),

shows that they all experienced vetoes of parts of bills. They passed bills and some of them would be vetoed in their entirety, and some of them would be vetoed partially.

Something called the Board of Trade -- back then communication was very slow across the North Atlantic -- so the king had set up something called a Board of Trade, in some instances it was the king's viceroy or proxy. It did a lot of the actual vetoing. McDonald even found one reference in 1732 to the Board of Trade writing about its policies in which it claims that bills may "be altered in any part thereof." In fact, its vetoes did that. A lot of times they vetoed or revised parts of bills. In fact, the very term they used which is "revisionary power" inherently implies the power to change parts of bills. You revise the bill, you edit it, you change it -- revision doesn't imply you throw it all out. Change the parts you don't like, an editorial power that is inherently line-item or inherently parts of bills.

It wasn't limited to spending. This provision is not limited to spending. It allows the president to veto any part of any bill. It is not limited to spending or taxation or anything else. In fact, it is broad. It is responsive to the loopholes that may be created from time to time by Congress. In another hundred years, it will be God-knows-what. What are these guys going to think of? I don't know. Whatever the next loophole is, you can veto it.

So, the revisionary power they knew and wrote into the Constitution to them was revisionary. It was a line-item type power. They thought it was a line-item power. They would never think to itemize the whole thing. It was an all-inclusive term and all-inclusive power. The term "veto" does not exclude types of vetoes. The term veto does not exclude the line-item veto or any other term. There is a fellow here in town who writes some law review articles about the veto and the line-item veto, Greg Sidak. He wrote one recently, and I think it was in the Cornell Law Review. He identified four different kinds of line-item vetoes. He has invented names for four different kinds of line-item vetoes. Nobody would suggest that the president does not have the line-item veto, because it does not itemize the terms for the four subtypes of line-item. Veto is an inclusive term that includes all its parts.

Furthermore, there was a lot of discussion at the Constitutional Convention about who is going to get the line-item veto, who is going to have the veto, who had the power. There was a big proposal that in the end was voted down, that there be a Council of Revision, made up of the president and the justices of the Supreme Court who together would exercise the veto. They didn't want the president to have the power alone because they were afraid he would set himself up as a king. So, they almost

went with a Council of Revision. After the revolution, the independent State of New York's constitution had a Council of Revision which was made up of the governor and the justices of the Supreme Court. They flew with that for a while. But they decided instead to split it. It is one of the great compromises of the convention. They are going to split the veto. They are going to split the Council of Revision. They are going to split it this way -- they would give the Supreme Court the veto, but it would be limited by motive and intent. They could only veto unconstitutional things. They could only veto something which was unconstitutional. They couldn't veto anything on pure policy grounds because their job was to protect the legal version of the Constitution. But the president had his share of veto authority, and he could veto for any reason, including policy, because he is elected and he can veto purely for policy reasons. But, they were going to give an override to Congress against the presidential veto because he could veto the policy. But there wasn't going to be any override for the Supreme Court's veto because it could veto only for constitutional, legal reasons. Except for that, the veto was unchanged when they split the Council of Revision.

So, they split the Council of Revision in the Constitution and they refined the individual nature and gave an override to Congress on the presidential policy veto. But they wouldn't have an override on the Supreme Court, which would be the final word on constitutionality.

The first thing the Supreme Court did with a veto, was to veto part of a bill in Marbury v. Madison in 1803. Nobody batted an eye. Nobody told John Marshall that you can't do that because you've got to veto the bill all or nothing. They vetoed part of the bill because that is what they thought vetoes were all about. This is what they thought revisionary power was all about. It is completely in line with what the framers intended.

What happened on the presidential side? Well, Congress appropriated money for different items, and George Washington spent some of it, and he didn't spend some of it. He blew off some of it. He never spent some of it. And every president from Washington through Nixon established the proposition of not spending all the money for all the items that Congress appropriated. They called this "impoundment," which is traditional throughout history, both sides, all parties did it, all presidents did it. They would get line-items and they just wouldn't spend it. They just wouldn't do it. In fact, this impoundment provision, this actual practice was kind of a super-veto. It is, in my opinion, an overextension of the power of the veto because, in fact, there is no 10-day deadline. Presidents did this whenever they wanted and there was no override. They just did it. They didn't say they were going to do it or give reasons for the disapproval to send it up to the Hill to have it

overridden. They just kept the money in the Treasury.

In fact, in 1974, impoundment was litigated. Historically it wasn't thought to be unconstitutional. But Congress attacked it in 1974; it was litigated. Bork was Solicitor [General of the United States] and he argued it, and they argued it on the grounds of inherent executive power, the executive power clause of the Constitution regarding the president. They lost. The Supreme Court said it was not inherent to executive power. They are right. It is not inherent to executive power, it is a veto power. They are reading the wrong provision.

Nobody attacked it because of its line-item character. The infirmity of it is that it has no override and it has no 10-day deadline. But you prune back this constitutional overgrowth in traditional practice and what do you have left? You have a line-item veto, which is what everybody did up until 1974 when Nixon lost the ranch because of a lot of larger problems.

So, to reestablish this power in a constitutionally secure form that has a 10-day deadline and a congressional override, it is not radical, it is not new, it is not unprecedented, but it merely reestablishes the old tradition of impoundment with the proper pruning. People attack this idea in part because they think it is new. They say, look, if this has been there for 200 years, how come just now you are reading it? What has been going on for 200 years? If it was real, it would have been happening. The answer is yes, you're right, it was happening. They just didn't call it that. Why should they rely on the veto provisions when for 200 years the presidents have been getting away with impoundment? Why use a .22 when you've got a .44? There is no override in impoundment. Why give the guys a chance to override? If we are getting away with it, roll with it. That is why they never pegged it on veto -- because line-item veto is a fig-leaf compared to the larger umbrella of impoundment. Why give these guys an override when they are too dumb to figure it out?

It is interesting, in 1974 during this big debate over the Impoundment Act and the lawsuits involved and Bork's arguments in the Supreme Court about it in 1973 and 1974, people were very up-front -- the people who opposed it. They equated impoundment with the line-item veto. It was called that. Larry Tribe, in his books, equates it. It says impoundment is line-item veto. Sam Ervin (D-NC), who was a Senator at the time, he was very up-front. So, the bottom line is that the precedential argument is "your interpretation (that the Constitution has a line-item veto) can't be right because nobody has ever done it. After people have been reading the sentence for 200 years, you can't just pop it out now." The answer is, "In practice, it is traditional. It has always been done. It is not new. It is old." The only thing we are really asking for is to clean it up and give him less. Give him only what the president deserves, but let

Congress have a chance to override it with a 2/3 vote of both houses. That is the answer.

Something very interesting has been going on. Gordon Crovitz talks about this in the article that was handed out, how President Bush exercises the "so-sue-me line-item veto." There have been a couple dozen cases where the president has done something which is an item veto: not spending items, which are fine, but nonspending items that he has vetoed for various reasons. The Constitution doesn't use the term "veto." It uses approve and disapprove. When the president has vetoed entire bills, he doesn't issue something call a veto. He issues this long and windy pseudo-legal decision, and he calls it a "memorandum of disapproval," and he sends it to Congress.

You read some of these memoranda of disapproval and they say, "Well I am signing this bill; however, I don't like this provision, I don't like that paragraph, I don't like this paragraph, and I am instructing the cabinet that it is not binding or doesn't have the force of law -- I disapprove." He sends it up to the Hill. That is a line-item veto. Not a spending item, but part of a bill. It is today's practice.

Congress passes a bill and the Congress wants it to be a law. The president says, "This part is not a law because I don't like it." He writes up his reasons for disapproval, sends it up to the Hill, and that's that. That part is not a law and it is not implemented. Those are the facts that describe a line-item veto. This has been going on at least since 1990.

I've read some of these things and they are part of bill vetoes. So, in effect, it has been happening and has been going on. Congressmen have read about it in the papers. They've read about it up there, and they are not asleep. They know it is there, and they are totally passive. The longer this goes on, the longer we have this policy of acquiescence by Congress. The longer we have a kind of consent to the power by Congress, the longer they let this happen and the more it is done, the more precedential value we have to justify that line-item veto authority, in fact, is there. So, in effect, we are not telling the president to exercise a line-item veto, but to continue the exercise of the line-item veto. But make some noise about it and get the political mileage. Get in Tom Foley's face with it. Help him to call a line-item veto override vote.

They have been talking about test cases for some time. Test case this, test case that. They say we don't really know what the Constitution says, and are you sure you want the Supreme Court to tell us? This strikes some people as a bit odd. The ultimate political agent in this country is the president; and he should decide what the Constitution means to him and what it ought to mean; and he should just do it. If anybody disagrees

with him, they can sue him. They can fight about it, which is fine. He can disagree. If it ever goes to the Supreme Court, he will abide by the decision of the Supreme Court. That is more than Congress does. Congress has ignored the Supreme Court over 100 times in Chadha. They continue to ignore it. If you ask Lou Fisher and his clowns up there, he will tell you that Congress is not bound by the United States Constitution as interpreted by the U.S. Supreme Court. He will tell you this. I find this shocking, and I think a lot of Americans find it shocking. That is their position. I think the president is a lot less reckless than that and a lot less lawless than that. If the Supreme Court says you can't do this, I'm sure he will stop doing it and not do it 102 times more.

The real point here is that the Constitution, in the first instance, is what the president does. It is up to Congress to create test cases. It is up to the president to act. It is up to the president to make the first decision. He must decide what he thinks, and then let other people decide what they think, and then proceed accordingly. So the shoe is really on the wrong foot in regard to test cases. The president should make a decision and act. Only he has executive power, and only he can implement policies. So, it is up to him to go first.

Let's recap a couple of things. This line-item veto in the Constitution, it applies to any part of any bill, not limited to spending. It is not needed against most line-items because most line-items are, in fact, not legislation and not binding law. They are really advisory, nothing more. It is up to Congress to really create test cases. It is not up to the president to create test cases. If the president does veto, it stands and it is the law until somebody finds they object, they want to finance litigation, they sue, they get jurisdiction, and they win, and they get a clear decision overturning presidential actions. Then there can be an appeal and it ends up in the Supreme Court. If it ends up in the Supreme Court, they need a clear decision, at best 5 to 4. Until that happens, it is the law and the item veto stands.

Any item veto of a bill, of a real law, of real legislation, could be overruled by a 2/3 vote of both houses, just like any other veto.

Vetoing, as it were, one of these line items that is not really a bill but is in a committee report, is not really a veto of anything that is real law, and it can't be overridden. That impoundment authority is a super line-item veto. There is no override, there is no deadline. It is really a matter of packaging. The voters don't care about the distinction at all, whether it's a bill or a committee report. All they see is a lot of specific, special-interest, pork-barrel stuff. The president is trying to stop it. If he is trying to stop it, that is a

line-item veto, but they don't care about this distinction of, well, is it a line-item in a bill, can it be overridden or not. I don't think it is going to make much difference.

Legally, line-item veto of a real binding law in legislation is controversial. What should be the reaction to it? What should be the analysis of it? Amongst lawyers who work for the president, I've dealt with some of these guys over time, and I've read some of their memos. Their approach generally is they write the Supreme Court decision.

But this is not really relevant. They are not the judge to decide. They are lawyers, they are advocates in an adversarial system for a client who is the president. He wants to do it. Their job is not to play judge. Their job is to connect the dots -- to get the president where he wants to go.

So, when they say I don't think it is there and this is why, that is not only the wrong answer, it's the wrong question. Nobody really cares. It is not really relevant. The question is, my boss wants to do it, what can I do to help him. What is my advice to him? I tell him, it's controversial. You may win, you may not. You can veto a bunch of stuff, including stuff that is not even law, and win at least half the battle because there is no attack on half of this stuff that is not even law. So, we can at least split the baby for you. If you veto the line-items that are in budget reports and committee reports, we can at least split the baby for you. It's up to you, Mr. President, Mr. Politician, to win the political battle regardless of the legal outcome.

On the hard stuff, well, what can I advise you? Well, you've got a chance of winning, you've got a chance of losing. Well, maybe the chances are more than 25 percent. Maybe it is 50-50. But my advice would be look, I think you've got more than 25 percent chance, so do it. You can win the political war: you're political, you're a politician, fight the political war, manage the political scene so you win politically, regardless of the outcome of the legal battle. And then we will try to win the legal battle. We can win half of it, the easy half. We will just see what we can do on it. Don't worry about it. You just worry about the political stuff. Make sure the right guys get in the Congress. Make some political hay out of this. That whole analysis was originally given to me by Bork. He is not real enthusiastic about this. Legally, I think the judicial and legal Washington community is not innovative in a lot of ways. But that is fine. But he thinks, in fact, that should be the analysis. He says, you know, there is a point at which if you truly believe there is absolutely no chance at all of winning, then it doesn't pass some "hee-haw test." But if it just passes the "hee-haw test," go for it and don't be intimidated by lawyers. I personally think if it's got more than a 25 percent

chance, I think you should go for it. And, this is on the hard end, where we have vetoed law, part of the bill that is really binding. Vetoing a committee report is a freebie.

On the part that you veto line-items that aren't even law, they are just committee reports, that is easy. But, on the other part, it is hard. So I say 50-50, great, do it. I think a lot of people that may be advising the president may think, God, we don't even have a 99 percent guarantee of winning -- it is very risky -- don't go for it. I might be embarrassed.

For some individuals, it may be a long-term conflict of interest in these considerations. If you have aspirations to a very high office in government as an attorney in the cabinet or on the bench or something else, you may be concerned with getting the "advice and consent" of the Senate through your confirmation hearing. If you really become popular with this issue and are identified with this issue, you make a lot of enemies forever.

Believe it or not, I got a call a couple days ago from these congressmen who were about to go down to the White House for another conversation with the guys down there. They say they are getting the most resistance from some of the lawyers in the White House on this ground. They wanted to ask me to put together a list of lawyers in private practice who would be willing to brief this issue in support of it, or on both sides. The guys they were talking to down there with Bush and Quayle are just plain dead. They say, "Listen, I don't think it is there, I can't really advise you on it." Obviously I wasn't there, but it is their perception. Some of these high-level advisers are just playing dead on this issue to the extent that these congressmen are going to tell the president that he should privatize advice on the issue. I know that is not true for everybody down there. I know some people down there who are lawyers on the White House staff who very much support it. But it is a big group, and nobody can talk to everybody. So I'm sure different people get different perceptions depending on who they talk to and when they talk to them.

The ultimate conclusion of all this is that the whole legal argument is a bit of a red herring. The hurdle I need to get the president over so he can do this is the minimum hurdle to enable action. He needs to get over the "hee-haw test," and he's over it. The real thing you should bear in mind is a quote from Goethe, who said that "In all action, there is genius." I would add to that my own further quote which is, "In all inaction, there is stupidity."

Don Oberdorfer

4630 30TH STREET N.W.
WASHINGTON, D.C. 20008

(202) 966-4633

September 12, 1992

Dear Jim:

I wanted to let you know before you hear it from the foreign policy/journalistic grapevine that I have decided to retire from The Post next Spring to pursue other interests. I will be 62 in May and after 37 years in journalism, 24 of them on The Post, it seems to me time to shift my gears.

For one thing, I would like to write some more books. The Turn, like my first book, Tet!, was a satisfying enterprise and was not difficult for me to write. For another, I would like to spend more time in Asia or working on Asian topics from afar, which as you know has been a long-term interest of mine.

While I have not committed myself fully yet, my current inclination is to write a book in the next couple years about the struggle between North and South Korea since the Korean war. I have followed this story for decades and know many of the players. In the next few years, the story may come to a head.

In the past two weeks, I have informed my bosses at The Post. The typical reaction was shock, followed quickly by understanding and support when hearing my reasons. I want to do some other things while I have the energy and enthusiasm, so this seems a good time.

I know you and the Baker team have your hands full this fall with the Bush re-election drive, so I did not want to impose on your time by calling or coming by. But I wanted you to hear it first from me, if that were possible.

Many thanks to your help to me, especially in the Foggy Bottom days. Laura joins me in best regards to you and Susan.

Cheers,

Don

RUBLOFF

Abel E. Berland
Vice Chairman

34
NRN

September 10, 1992

Hon. James Baker
White House
1600 Pennsylvania Ave.
Washington, D.C. 20500

Dear Mr. Baker:

My personal poll is not encouraging for the re-election of President Bush; yet anything may happen between now and the 2nd of November. May I strongly urge for your consideration the use in the campaign of the judiciary issue.

As we both know, it is the federal judiciary that in the final analysis determines the kind of country we are going to live in. The last thing we need is another Warren court and the malignant influence that it has had on the legal system, especially in the area of capital crimes.

If the American people understand how the election of Mr. Clinton and the appointment of liberal judges to the federal court will affect each and every one of us in a negative and most unhappy manner, they might think twice about casting a ballot for Mr. Clinton.

Sincerely,



AEB:af

*This is my own view and not
necessarily that of the company
with which I'm associated.*

111 West Washington Street
Chicago, Illinois 60602
312/368 5400

11317 Hart Way
Cypress, CA 90630

NRN



A personal
note from: *Bill Lynde*

September 12, 1992

TO: James A. Baker III -

In these tedious campaign days when stress is great, tempers short, days long, a touch of humor can be therapeutic.

Try this political spoof from my column in a weekly California newspaper, the Los Alamitos News-Enterprise.

I hope my letter somehow surfaces through all the tons of mail and FAX messages you are getting in these hectic days.

OD & FUN



FROM FUNDRAISER - Women Behind t Shirley Schvaneveldt, left, and Kenny Shelter board member, with Judy Klabouch, ectors of the shelter, celebrate receipt of \$4,050

asa Youth Shelter of Fundraiser

(WBR) Idt and r of the Youth of the Sports cently benefit n for ouble raising

now adopted Casa Youth Shelter, according to Schvaneveldt, commenting on the work done at Casa after a tour of the shelter conducted by president of the board of directors Judy Klabouch. At the pasta fest hosted by Brandyberry, WBR past-president Carol Cooper said, "We organized in 1988 to bring the fun back into racing and to help the kids, jockeys, owners, and trainers." Of the new involvement with Casa Youth Shelter, she added, "It's because of Kenny, and it's going to the kids. It's one of the greatest causes Los Alamitos has ever seen."

Klabouch commented, "We can't always count on government support, but we can always count on Kenny! He shows how important outreach is. Our board is comprised of people like Kenny who spread the word."

Brandyberry summed up the evening saying, "I asked WBR if they would contribute 25 percent of their proceeds from the bowling to Casa, and they turned around and game me 100 percent!"

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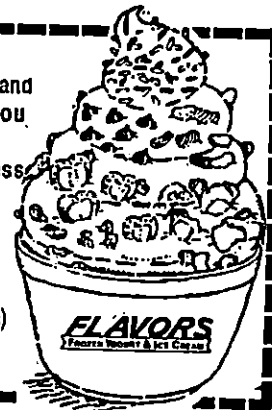
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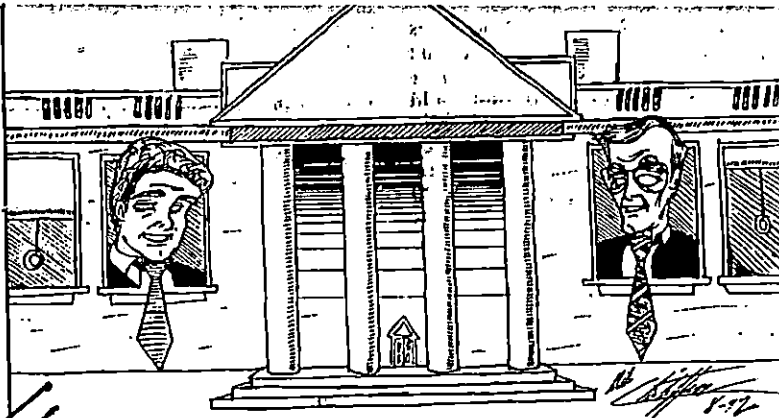
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HAM ON WRY

A Political Spoof

By Bill Lynde

The only sensible way to resolve the presidential campaign is to cancel the general election and elect both tickets by acclamation. With the presidency admittedly being too big a job for one mortal, this is the time to take fantasy by the horns and make history . . . of a sort. After all, two heads are better than one. And isn't the country ripe for political change?

Obviously, Bush will occupy the right wing at the White House, Clinton the left. Here are the dual assignments:

Bush will do the outside work. Outside the country, that is, where he feels at home. Chores like delivering loan checks to Russia and Israel. Air Force 1 will be retrofitted to haul cargo so bags of wheat and corn can be dropped for the hungry. As policeman to the world, Bush will wear an appropriate uniform with a chief's badge. Stops will be made to shake hands with leaders of foreign countries who are friends of the U.S. today,

tomorrow its enemies.

Clinton is the inside man to supervise all sorts of domestic programs from the oval office. Special emphasis will be put on helping Congress raise taxes. He will take the bus to Capitol Hill.

Quayle will continue to make speeches on the mashed potatoe circuit, focusing on groups at the 19th hole and at National Guard encampments.

Gore can protect the environment and go to the dentist on military aircraft.

Wives, after espousing their favorite causes, will take turns cooking dinner on the chef's night out and make a fearsome foursome at bridge.

Millie is to continue spraying the rose garden.

In keeping with the nation's economic malaise, salaries will be split 50-50. Bush will veto bills Monday, Wednesday and Friday, Clinton Tuesday, Thursday and Saturday (with overtime pay). It'll be week-end turnsies at Camp David.

Ross Perot will be on call for utility assignments at no pay.

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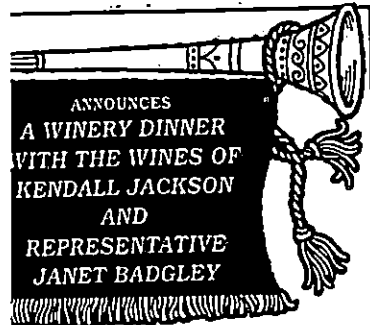
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Personal

James A. Baker III
Chief of Staff
The White House
Washington, D.C.



Carm *NRN*

THE WHITE HOUSE
WASHINGTON

September 2, 1992



Mr. Baker- Your comments are appreciated.
But someone really needs to look very
carefully, and thoughtfully, at the
suggestion that was made regarding help
for small business and the potential jobs
and economic stimulus that such a plan could
produce.

F. M. Heddinger
9-14-92

Dear Mr. Heddinger:

Thanks so much for taking the time to write regarding
my new responsibilities at the White House.

I just wanted you to know that I received your message
and appreciate your good wishes more than I can say.

With warm regards,

Sincerely,

A handwritten signature in cursive that reads "James A. Baker, III".

James A. Baker, III
Chief of Staff and
Senior Counselor to the President

Mr. Fred M. Heddinger, Sr.
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The White House
Washington, DC 20500



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CHAIRMAN
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September 14, 1992

Mr. James Baker
Chief of Staff
The White House
Washington, D.C. 20500

Dear Jim

Why not point out that this is a world wide recession - not a Reagan-Bush recession - and that, while we are far better off than the rest of the world, in a global economy we cannot escape entirely.

Best wishes.

Yours,



501/725-2915

NRN

OSRO COBB

ATTORNEY AT LAW

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72201

September 10, 1992

Hon. James Baker
Chief of Staff
The White House
Washington, D. C. 20500

Dear Mr. Baker:

Governor Orval E. Faubus, of Arkansas, a popular governor elected six straight times to the office, recently wrote me a letter requesting I supply one of my books, Osro Cobb of Arkansas, to a faculty member of Rusdan College in Clayton Victoria, Australia, where they are now teaching Arkansas history. The governor is extremely bitter about the wide-spread confusion and discontent with the unbelievable errors in the attempted administration of integration in our public schools. He is 100% behind President Bush in restoring some semblance of freedom to the students of the schools by permitting them to choose the school, either public or private, to attend. He is so greatly exercised about the abuses and discontent, particularly in Arkansas and Pulaski County, that he might consider going public and nation-wide to support the President's plan.

I believe we may be overlooking the fact that education reaches every citizen of the United States, and certainly Gov. Faubus is right in that the radical experimentation has been devastating to the spirit of confidence and calmness in an atmosphere permitting study and a chance for quality education. Gov. Faubus is a very forceful speaker, and I think we should take full advantage of his talents in revealing the disastrous situation of the schools in Arkansas during Gov. Clinton's years.

It can be documented that Gov. Clinton in announcing for governor the last time virtually took an oath on public television that if elected he would serve out his full term on duty.

About two years ago there was a consensus of opinion by the school authorities that with the federal court overseeing the school proceedings the school situation had not progressed one bit in thirty-some years and was still in a sad state.

Hon. James Baker

- 2 -

September 10, 1992

The Supreme Court of the United States has held in at least three cases that where schools are brought under control of the federal court and do not make any progress whatever for approximately three years that such districts are entitled to file a petition to dismiss the case in the federal court and have the matter referred back to the school board for further attention. The Supreme Court has also held that where the federal courts have overseen the operation of schools which have made significant gains in public education that here again the case should be dismissed and authority returned to the state school board to carry on. Gov. Clinton had to be aware of these possibilities, but he certainly failed to take any action.

If you wish, I will attempt to arrange an unpublicized meeting with Gov. Faubus with one of your top campaign officials as I believe it best to keep the matter from publicity until you make a definite decision as to how you can best use this wonderful support for the President.

With personal regards, I remain

Sincerely yours,



Osro Cobb

OC/gm

cc: Gov. Orval E. Faubus
304 South Hampton
Conway, Arkansas 72032
Telephone: (501-327-2081)



Debate

NPN -
FILE.

Dr. D. Scott Jacobsen & Associates

9/10/92

Dear Mr. Baker,

Last night I heard on the talk show, "Larry King Live," that Clinton & Gore are planning to show up for a "presidential" debate in late September that you and President Bush have not agreed to. Of course, this is their strategy to show President Bush as a coward or something of the like. I have a suggestion



That may help you counter this strategy. I believe that you will not have President Bush and V.P. Quayle show up for that unarranged date, but you might want to make Clinton look like a goofy WWF wrestler and have a women Republican congressman show up unannounced to challenge Mr. Clinton. She will make it clear that she is not there to act for her president but as a concerned congressman who wishes to take this open opportunity



to debate the leading Democratic
nominee. If Clinton refuses, he then
looks cowardly and if he debates and
wins - no big deal; but if he loses
he could pack his bags and head
back to Arkansas because he will
be totally discredited.

I hope this might
help.

Very Sincerely

Dr. D. Scott Jacobsen



United States Council for International Business

ABRAHAM KATZ, President

Serving American Business as U.S. Affiliate of:

The International Chamber of Commerce
The International Organisation of Employers
The Business and Industry Advisory Committee to the OECD
The ATA Carnet System

NRN

September 14, 1992

The Honorable James A. Baker III
White House Chief of Staff
The White House
1600 Pennsylvania Avenue, NW
Washington DC 20500

Dear Mr. Baker:

The enclosed "U.S. Council Statement on Cooperative Efforts of the U.S. and Mexican Business Communities to Address Labor and Environment Issues in the NAFTA" details a variety of ways in which the business community on both sides of the border is working to improve the environment, health and safety performance, and quality of the workforce. We have sent this package to every Member of Congress, and to the press, in our continuing effort to support the Administration in its efforts to complete a North American Free Trade Area.

Many of these activities are taking place in the context of a business-to-business cooperative effort between the U.S. Council and Mexico's Confederation of Chambers of Industry (CONCAMIN). Launched in March 1992, this ongoing program focuses on sharing best practices in the areas of environmental and human resource management and development. We have provided details of this program on an ongoing basis to the Department of Labor, EPA, and USTR.

We have also included in this statement our evaluation of a number of proposals that would contribute to uncertainty and distort or undermine NAFTA by seeking to deal with labor and environment concerns through taxation or other government regulatory measures. We believe that handling labor and environment issues outside the Agreement itself -- through the intergovernmental mechanisms and programs, launched or to be initiated in connection with NAFTA, as well as through voluntary international business-to-business efforts as outlined in our statement -- is the best way to promote its objectives.

The business-to-business cooperative program described herein represents an ongoing commitment of the two business communities to support the efforts of their governments to improve labor and environmental standards and their implementation. We look forward to continuing our work in the months and years ahead in the context of the NAFTA. Please do not hesitate to call upon us if there is any way in which we can be of further assistance.

Sincerely,



STATEMENT
of the
UNITED STATES COUNCIL
FOR INTERNATIONAL BUSINESS

COOPERATIVE EFFORTS of the U.S. and MEXICAN BUSINESS COMMUNITIES
to ADDRESS LABOR AND ENVIRONMENT ISSUES in the NAFTA

September 11, 1992

UNITED STATES COUNCIL FOR INTERNATIONAL BUSINESS
1212 Avenue of the Americas, New York, New York 10036. (212) 354-4480

COOPERATIVE EFFORTS of the U.S. and MEXICAN BUSINESS COMMUNITIES to ADDRESS LABOR AND ENVIRONMENT ISSUES in the NAFTA

To support the efforts of their governments in improving labor and environmental standards and their implementation, in a February 1992 meeting in Mexico City, the United States Council for International Business and Mexico's Confederation of Chambers of Industry (CONCAMIN) launched a program of cooperation to promote exchanges of best practices in the labor and environment fields. This paper describes current and planned activities being undertaken in this program.

The U.S. Council for International Business believes that the North American Free Trade Agreement (NAFTA) meets the objectives that the American business community established at the outset of the negotiations:

- To eliminate existing barriers to trade and investment among the participating countries;
- To equalize conditions of competition for the exports and enterprises of each country in the markets of the others (i.e., to assure real national treatment in open, competitive markets);
- To promote confidence in a stable business environment and increase opportunities for economic growth in all three countries.

We believe that economic growth in open markets is the only way to assure that the needed resources will be available to achieve effective environmental protection to create jobs and to facilitate the necessary adjustment of enterprises and workers to new competitive conditions and opportunities.

Consequently, American business opposed including in the free trade agreement itself labor and environmental provisions that would contribute to uncertainty and distort or undermine the agreement. American business supported the efforts of the governments to enhance cooperation between their respective labor ministries and environmental agencies.

Business is pleased that governments have agreed to launch constructive cooperative programs and appropriate intergovernmental mechanisms in these two areas.

Following their meeting, the U.S. Council and CONCAMIN urged other business and professional associations in the U.S. and Mexico to join in a broad business-to-business cooperative effort. The initial meeting was followed by planning sessions in March and May, held in Washington and New York respectively. The operational effort was endorsed by a meeting of a large number of U.S. and Mexican business organizations, hosted by the Business Roundtable in June 1992. The U.S. Council-CONCAMIN program has focused on environmental management, health and safety programs, human resource aspects of total quality management, employee involvement and training, and basic and vocational education.

A number of voluntary codes and guidelines set benchmarks for both Mexican and American business conduct in the labor and environment fields. Moreover, the Mexican business community, in cooperating with its government's modernization thrust, has established new institutions and programs aimed at raising the level of business performance in Mexico on labor and the environment. These innovations complement ongoing initiatives in these areas and provide an enhanced framework for international business-to-business cooperation in promoting best practices.

The cooperative program consists of:

- hosting companies, business and industry groups, and Mexican Government environmental and labor officials at individual American corporate training programs and providing translations of relevant training materials;
- providing American business environment, health and safety, and human resources specialists (including bi-lingual speakers) to

address individual Mexican companies, as well as to participate in seminars and training programs organized by Mexican business groups and attended by Mexican businessmen and industrialists;

- publicizing and providing funds for seminars and training programs for business in Mexico;
- pooling financial and technical resources to improve Mexico's environmental infrastructure, e.g. waste water treatment facilities.
- technical assistance on joint investments to produce goods and services that will benefit the environment in Mexico; and
- promulgating voluntary industry principles to encourage better environment, health, and safety practices and programs among U.S. and Mexican companies, especially small and medium sized firms.

More detailed summaries of these cooperative activities in labor and environment can be found in the following pages.

Also included in this package of materials is the U.S. Council's evaluation of a number of proposals made in the U.S. to tax or otherwise interpose government regulatory measures to deal with these areas.

The U.S. Council believes that such proposals would distort or undermine the NAFTA. The intergovernmental mechanisms and programs launched or to be initiated in connection with the Agreement, as well as the voluntary and international business-to-business efforts as outlined below, are best calculated to address legitimate concerns regarding labor and the environment.

U.S. and MEXICAN BUSINESS ACTIVITIES on LABOR IN MEXICO

I Shared Commitment to Common Principles

The U.S. and Mexican business communities share a desire to continuously improve safety and health, productivity, quality and competitiveness, which are the means for increasing working and living standards. Both countries belong to the International Labor Organization (ILO) and Mexico has ratified 73 conventions of that organization which are legally binding. The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy is a voluntary set of guidelines of the ILO. While a product of the 1970s and thus reflecting the concerns and considerations at that time, the Declaration still provides a reference point for both business communities. As Mexico is soon expected to become a member of the Organization for Economic Cooperation and Development (OECD), the Mexican business community will then join that of the U.S. in having, as an additional reference point, the OECD Guidelines for Multinational Enterprises.

In addition, both the U.S. Council and CONCAMIN, as well as many individual companies on both sides of the border, have endorsed and are promoting the International Chamber of Commerce's Business Charter for Sustainable Development. The Business Charter primarily addresses environmental management but also concerns related issues of safety and health.

II Business Supports Mexican Action on Human Resource Management & Development

The business community in Mexico is also guided by the National Accord for the Improvement of Quality and Productivity. The Accord is a combined effort of the Mexican government and the business, labor, and agricultural sectors which seeks to combat inflation and enhance Mexico's capacity for economic growth and structural change. The signing parties, which included CONCAMIN, considered it essential to workplace conditions, worker responsibility, motivation and welfare, and methods of remuneration and have undertaken a commitment to actively promote the Productivity Accord and assist small and medium-sized business to implement its principles.

In addition, the business community supports the National Accord for the Modernization of Basic Education negotiated between the National and state governments and the teachers union. The Accord for the

Modernization of Basic Education provides direction for improving the quality of basic and vocational education and the incentives to stay in school.

The commitment to common principles and the development of a modern framework in Mexico for dealing with human resource issues are propitious for the exchange of best practices between U.S. and Mexican companies which the U.S. Council and CONCAMIN has initiated and encouraged among other business organizations. What follows is an illustrative list of programs and activities which form part of the cooperative effort between the U.S. and Mexican business communities on labor.

III Seminars, Conferences, Site Visits and Other Examples of the Program

- ▶ Many companies are integrating the priority areas of safety, health and environmental management into one function within their corporate structure. These three areas have formed the bulk of the cooperative efforts between the two business communities. For organizational purposes, programs and activities which include environment, health and safety have been described in the environment section of this paper on environment. Examples of programs and activities which only address safety or health have been listed below.
- ▶ In August, the Manager of the Eastman Kodak Company's 21st Century Learning Challenge Program for pre-college education met with the Board of the Monterrey Metropolitan Quality Council (MMQC). They agreed to cooperate in developing a program for business-education partnerships. The program would demonstrate the link between school and work, a major component in the battle against child labor.
- ▶ In October, CONCAMIN plans to offer two seminars in the states of Jalisco and Zacatecas which would address the subject of applying total quality management principles to human resources. The programs would address general managers of small and medium sized enterprises. The U.S. Council will enlist U.S. business participation, which will most likely include Motorola and AT&T.
- ▶ In October, the U.S. Council plans to co-sponsor with the Monterrey Productivity Center a seminar on total

quality management and training which is geared for managers of small and medium-sized companies. The seminar is expected to feature a presentation by American Express, a winner of the National Quality Award.

- ▶ Packard Electric, a division of General Motors, is in the process of publishing a manual depicting its employee involvement program and intends to begin offering seminars in Chihuahua which would demonstrate how to develop effective employee involvement programs which include union representation.
- ▶ In October, the U.S. Council for International Business will participate in the First Annual U.S. - Mexico International Labor Law Conference. This major tripartite conference will address such issues as:
 - protection of the right to organize and the promotion of collective bargaining;
 - cooperative labor-management relations;
 - occupational safety and health;
 - workplace discrimination;
 - worker training;
 - alternative dispute resolution techniques in the workplace.
- ▶ In November, Eastman Kodak will again meet with the MMQC for a workshop on applying total quality management in the education context. Eastman Kodak has committed to ongoing technical support to assist MMQC in conducting a quality audit of current and future educational needs in Monterrey, and formulating a strategy for meeting those needs.

IV Ongoing Features of the Program

- ▶ Motorola's continuous commitment to safety and health resulted in being ranked first in its category composed of 15,000 companies when receiving a 1989 award from the State of Jalisco Council of Health, Safety and Security. Motorola makes a special commitment to share its experiences with its suppliers and customers and with professional associations from all over Mexico.

- ▶ Caterpillar helps contractors train their own operators on Caterpillar equipment, thereby helping to ensure safety at the worksite.
- ▶ The American Trucking Association has been cooperating with its Mexican counterpart on sharing information concerning driver safety programs.
- ▶ The Institute of Nuclear Power Operations has had since 1984 a working agreement with the Comisión Federal de Electricidad of Mexico to exchange technical information with the focus on commercial nuclear reactor safety and reliability.
- ▶ The Monterrey Productivity Center, supported by private companies, jointly administers the Nuevo León Quality Award in which human resources and health care comprise two of the seven areas which are criteria for the award. One of the purposes of the Award is to encourage emulation of the successful methods and techniques used by the applicants for the Award. John Deere & Co. was a 1992 recipient of the Nuevo León Quality Award and is scheduled to take part in the Center's program for sharing best practices.
- ▶ Mexico's 32 private sector productivity centers sponsor programs to improve practices in small, medium and large companies. Examples of such programs with U.S. business participation include:
 - "Breakfast for Quality" in which successful U.S. and Mexican companies share experiences by discussion and analysis of cases. At these events, winners of both the Nuevo León and National Quality Awards make presentations and spur discussion of best practices.
 - Quality Seminars in which methods, systems and tools to increase quality are shared. These programs are open not only to U.S. and Mexican business, but to government and university officials.
- ▶ Goodyear Tire and Rubber offers a variety of training services for small and medium sized businesses in Mexico.

U.S. and MEXICAN BUSINESS COOPERATIVE ACTIVITIES on ENVIRONMENTAL MANAGEMENT in MEXICO

I Shared Commitment to Common Principles of Environmental Management

The U.S. and Mexican business communities share a commitment to two major voluntary business initiatives on the environment, which provide the basis for U.S. Council-CONCAMIN programs in the area of environment, health and safety.

First, both organizations, as well as many individual companies on both sides of the border, have endorsed and are promoting the International Chamber of Commerce's Business Charter for Sustainable Development, which contains principles of environment, safety and health management for businesses everywhere. Second, a variety of sectoral business organizations have been working to apply and promote the principles of the ICC Charter in the U.S. and Mexico. For example, the Chemical Manufacturers Association (CMA), has developed a sector specific set of principles called Responsible Care, making it a requirement for membership. Meanwhile, CMA's counterpart in Mexico, the Asociación Nacional de la Industria Química (ANIQ), has developed a Responsible Care program for Mexico called Responsabilidad Integral.

II Business Support of Mexican Action on Environmental Management

Mexico's government launched its effort to improve environmental protection in 1988 with passage of the General Ecology Law, which parallels U.S. legislation in many ways, but also gives the government broader powers than allowed in the U.S. The government has sharply increased funding for enforcement, and secured support from the World Bank. Business in Mexico is working with the federal and state governments in a series of business-government agreements designed to help implement these new requirements.

In May, 1992, CONCAMIN and several other business and industry groups signed agreements with Mexico's environmental agency, now called the Secretariat of Social Development (SEDESOL), to improve compliance with regulations for high-risk operations, and to develop programs of emergency response and prevention. Previously, in 1990, ANIQ and the government initiated a two-year effort to improve environmental performance in the chemical sector.

In Nuevo León State in early 1992, a CONCAMIN affiliate signed an "Ecological Pact" with the state government, the local transport sector, environmental organizations and local universities, with provisions for pollution monitoring, construction of new wastewater treatment facilities, and an inspection program for vehicles.

To achieve the goals of these agreements, CONCAMIN and other Mexican business groups are organizing extensive training and education programs in conjunction with government, academic institutions, and environmental and other organizations. Examples include the national-level Environment-Industry Council (CIE) and the Institute for Environmental Protection of Jalisco (IPAJAL), as well as its older parallel in Nuevo León, the Institute for Environmental Protection of Nuevo León (IPANL).

Business groups are establishing information centers for the business community. For example, CONCAMIN and the Chamber of Industry of Transformation (CANACINTRA) are part of a environmental technology database project organized with the support of the governments of the U.S., Canada and Mexico and implemented by the U.S.-based World Environment Center (WEC), which is supported in part by business.

Business and industry groups in Mexico are also organizing programs independently of their cooperative work with the government. These include building educational programs in conjunction with local and national universities, and organizing training programs and conferences on environmental management issues in industry. In addition, several private sector financial institutions, such as Grupo Abaco, have opened credit programs with favorable interest rates and repayment terms to finance private sector investment in pollution control equipment, pollution reducing processes, energy efficiency programs, and other environmental projects. In doing so, they join the public sector development banks, such as Nacional Financiera, which also have substantial lending programs for environmental projects.

The commitment to common principles and the development of Mexican environmental management programs and institutions has provided a framework for the joint program of the U.S. Council and CONCAMIN.

III Seminars, Conferences, Site Visits and Other Examples of the Program

- ▶ In May, the U.S. Council helped arrange presentations on environmentally responsible incineration and leading incineration technologies at the Second Forum and Industrial Exhibition for Environmental Protection, organized by the IPANL in Monterrey.
- ▶ In July, the U.S. Council, IPANL, CONCAMIN and Guadalajara's Metals Industry Chamber (CIMEG) organized seminars on environment, health and safety (EHS) management issues for businesses in Monterrey and Guadalajara. Also in July, the U.S. Council and CONCAMIN co-sponsored EcoMex '92.
- ▶ General Electric invited environmental specialists from two Mexican business organizations, CONCAMIN and the IPANL, to a training seminar held at G.E. facilities in El Paso, Texas, and Ciudad Juárez, Mexico, and made various G.E. training and environmental auditing materials available to those organizations.
- ▶ Allied-Signal holds periodic training workshops for its Mexican facilities, to which Mexican government environmental officials are invited. Officials from SEDESOL and local government participated at the most recent program, and Allied has scheduled its next training session for early November. The programs are designed to keep Allied-Signal managers abreast of regulatory developments in Mexico as well as advances in Allied-Signal's internal environmental protection program.
- ▶ A Honeywell maquiladora division helped improve its compliance with Mexican and U.S. regulations on waste transfer and disposal by planning regular meetings between its officials, federal, state and local Mexican officials, Texas environmental officials and waste disposal vendors. The so-called "Team Mexico" has also enhanced cross-border communication on this key aspect of environmental management, and the effectiveness of the regulations in general.
- ▶ The U.S.-based Industry Coalition for Ozone Layer Protection (ICOLP), which includes 15 major users of ozone-depleting CFCs, has developed a database of alternative technologies and training materials for companies that wish to use their existing stock of CFCs more efficiently and ultimately, move to non-CFC-based processes and technologies. ICOLP, led by Canadian member Northern Telecom, has worked with Mexican businesses and business organizations to help Mexico make the transition to CFC-free technologies by organizing seminars and providing information.
- ▶ The Environmental Business Council (EBC), a coalition of some 150 environmental service companies, manufacturers, public sector organizations and academic institutions in the Boston area, is working with CONCAMIN on a program of exchanges and training programs in environmental management.

The EBC held a seminar on selected topics in environmental management at the Metal Mecánica Expo in Guadalajara in August. A previous seminar addressed similar issues in Monterrey in early July.
- ▶ Several major U.S. corporations, including Ford Motor Co., Procter & Gamble, IBM, Black & Decker and Xerox, teamed up to provide financial support for EcoMex '92, a week-long educational program and technical exhibition for environmental managers organized by the U.S.-based Alliance for International Environmental Studies in late July in Mexico City. The conference was co-sponsored by Yale University's School of Forestry and Environmental Studies, La Salle University in Mexico City, the U.S. Environmental Protection Agency, the U.S. Council and CONCAMIN, and attracted over 300 participants (75 percent from small- and medium-sized Mexican firms); 38 exhibitors (33 percent Mexican companies); and 800 visitors.
- ▶ Organizational Resources Counselors, co-sponsored by Praxair Inc. and Union Carbide Industrial Gases de Mexico, is organizing a seminar on Environment, Health and Safety programs in U.S. companies and their Mexican subsidiaries, to address EHS issues at Mexican facilities of U.S. and other foreign companies.
- ▶ In 1991, Nalcomex, the Mexican subsidiary of Nalco Chemical Company, implemented process and other changes and reduced by 23 percent the wastewater discharged by its facility near Mexico City for treatment at an off-site plant. Further steps by the company include installation in late 1992 of an on-site treatment plant to eliminate altogether the need to rely on off-site treatment by creating closed-loop recycling of all wastewater.
- ▶ The World Environment Center is working with several companies of Mexican and other origin that are active in the Ciudad Juárez area to arrange financial support for three wastewater treatment facilities in the region that will benefit the companies as well as the community as a whole. Because clean water is a precious resource in that arid region, the companies themselves, as well local authorities, have much to gain by improving water quality and making water use patterns more efficient. Some 320

maquiladoras and other plants are located in the greater Juárez area.

The local companies have pledged to contribute 25 percent of project's cost, the federal and state governments of Chihuahua and Juárez respectively will contribute 35 percent, and the remaining share will be provided by a private investor. The companies will recoup their share through discounts to future water-use fees.

As of September 1, the final agreement on this project had not yet been signed. Participants report that the change of administration in the State of Chihuahua and City of Juárez in July's elections would delay signing until after the new administrations take office in October and have reviewed the project.

- ▶ Shell Oil Co. USA and Petroleos Mexicanos (Pemex) recently signed a memorandum of understanding to enter into a joint venture which will provide for Shell to process Mexican crude oil at its Deer Park refinery near Houston, yielding up to 45,000 barrels a day of unleaded gasoline for sale in Mexico. This will be the first time that Mexico imports unleaded gasoline, and will enable Mexico to increase current supplies of unleaded fuel by some 50 percent.
- ▶ North American Philips Consumer Electronics has teamed up with two small Mexican businesses in Ciudad Juárez to address environmental issues. PetroPac contracted to take styrofoam packaging waste from the Philips plant for recycling and reuse, and included the Philips waste on its Mexican recycling permit, thereby relieving Philips of the need to ship the material back to the U.S. Soldaduras Omega provides solder for Philips' operations and collects waste solder for recycling and reuse.

IV Ongoing Features of the Program

- ▶ In late 1992, the U.S. Council plans to participate in CONCAMIN's November conference on environmental education, as well as the November conference of the Latin American Association of Industrialists on Latin American industry, with coverage of domestic and regional environmental concerns.

- ▶ In addition, the U.S. Council and its member companies will continue their practice of providing materials to CONCAMIN on management programs, educational and training programs, and other information that will assist Mexican businesses and business groups in the improvement of company environmental management programs in Mexico.
- ▶ The Global Environmental Management Initiative (GEMI), a coalition of 21 leading companies, is working to develop and promote methodologies and tools which foster good environmental management. Recently, GEMI has released a primer on Total Quality Environmental Management and the Environmental Self-Assessment Program (ESAP), which is designed to help companies throughout the world to assess their progress in applying the ICC Charter's principles.
- ▶ Several professional organizations in the environmental area, such as the NAC - Environmental Information Association, the Air & Waste Management Association (AWMA), the Aerospace Industries Association, and the Coalition for Responsible Waste Incineration, have agreed to serve as contacts on the U.S. Council resource list on a wide range of environmental management issues.
- ▶ Many of these professional organizations, among them the AWMA, the Water Environment Foundation, the Electric Power Research Institute, and the Institute of Nuclear Power Operators are already working with their counterpart organizations in Mexico to exchange information on environmental management issues.

Evaluation of Proposals on Environment and Labor Issues in NAFTA

The following points address certain specific proposals which have been made recently relating to environment and labor issues raised by the NAFTA negotiations.

I Proposals to tax trade and/or cross border investment to finance environmental and adjustment assistance programs.

- ▶ A tax that applies only to imports or investments from another FTA partner distorts competition in the market of the country applying the tax, denying both imports and investment the national treatment which is one of the main objectives of the FTA.
- ▶ It does not matter that all three parties might be applying the same kind of tax; the fact remains that competitive conditions between imports or foreign investors and domestic products or investments would not be equal in any of the three markets. This defeats the purpose of the FTA, which is to eliminate barriers and equalize conditions of competition.
- ▶ If a tax is deemed necessary to provide funding for adjustment assistance, environmental clean up or regulatory enforcement, it should be decided as a function of the need for such funds in each country separately, and should apply equally to all the activities in that country being taxed (e.g., to all investment or products, regardless of source). Only in this way can competition conditions remain equivalent among all competitors in a given market.
- ▶ A tax levied on particular transactions to finance a particular program risks resulting in a mismatch of funding and expenditures. The funds are invariably either inadequate or excessive for the programs for which they are earmarked. Further, establishing an earmarked revenue source also risks removing certain spending decisions from the careful scrutiny which the normal budgetary process requires.
- ▶ Business supports adequate funding to implement agreed programs for environmental purposes as embodied in the Integrated Border Environmental Plan. It is also committed to the development of an effective adjustment assistance program, and will work with the Administration and the Congress to develop the best package possible.

- ▶ We do not favor new taxes for these purposes. We believe that funds for both programs should come from general revenues, supplemented as appropriate by funding at the state and local level. Private sector spending on infrastructure or other investment to achieve environmental goals, or for training and adjustment programs for workers should be facilitated through tax or other appropriate incentives. In particular, projects primarily benefiting local communities should have some local financing components to stimulate the commitment and infrastructure necessary to assure success.

II Making alleged lax enforcement of environmental or labor regulations an unfair trade practice.

- ▶ This approach risks increasing trade obstacles, tensions and uncertainty, vitiating business objectives (and desire) for the agreement, without achieving improved enforcement.
- ▶ The U.S. would not--and should not--surrender to another country the right to decide unilaterally whether U.S. enforcement of its own laws was adequate, and would properly react strongly against the imposition by another country of a trade sanction for such a reason. There is no reason to believe our FTA partners would--or should--behave differently if we were to take such action.
- ▶ The purpose of the NAFTA is to codify the rules governing commercial relations among the parties. Disputes among the FTA parties about the implementation of the obligations set forth in the NAFTA agreement should properly be resolved through the dispute settlement provisions in the agreement. We do not believe that enforcement of its own environmental or labor laws or regulations by one of the parties is a legitimate subject to be addressed by the NAFTA, and imposition of trade sanctions for such purposes would defeat the purpose of the trade agreement.
- ▶ Cooperation among the parties about national programs and policies is appropriate and is being provided for under arrangements separate from the obligations about commercial policy which are the proper scope of the NAFTA. These cooperation arrangements are the appropriate fora for discussion of enforcement concerns. Voluntary private

sector-to-private sector arrangements (including those of the U.S. Council) are also being developed to improve company programs for regulatory compliance and for increasing the scope for private sector efforts such as the Business Charter for Sustainable Development of the International Chamber of Commerce.

III Allowing shareholder suits against U.S. companies for allegedly poor practices in Mexico.

- ▶ This proposal raises problems of extraterritorial jurisdiction and is a departure from U.S. corporation law. It seeks to remove from the government of Mexico the right to determine its own law and to confer this power on a U.S. court. It encourages shareholder litigation and legal harassment of U.S. companies. Enforcement of foreign law should be litigated in those countries, not U.S. courts.
- ▶ If U.S. shareholders so decide, they can require a U.S. corporate parent to adopt any policy they wish for the operation of its foreign subsidiaries as long as such policies are consistent with the laws of the country in which the subsidiaries operate. Many U.S. companies have, in agreement with the majority of their shareholders, already established uniform standards in certain matters for their foreign operations (e.g. through system-wide application of the recommendations in the Business Charter for Sustainable Development). Such issues of corporate governance should remain the right of decision by shareholders and the management they empower, not litigation in courts.

IV Government imposition of a code of conduct for the operation of subsidiaries of U.S. enterprises in Mexico (e.g., about wage rates, working conditions or environmental practices).

- ▶ Mandatory codes of conduct affecting only U.S.-owned businesses in Mexico would contravene the principle of national treatment, distort competition conditions in that market and could, at least in theory, put U.S. subsidiaries in violation of Mexican law, depending on the Code's requirements.

- ▶ All such proposals in the past (e.g., as in the debates in the U.N. over a code for transnational corporations) were properly rejected by several U.S. administrations as being discriminatory or denying national treatment (either against U.S. companies or against TNC's vis-a-vis domestically owned companies).
- ▶ Such codes are inflexible (once imposed by law, they are difficult to adapt if new circumstances require it); promote instability in cross-border investment relations; and invite abuse, raising many of the issues discussed in the previous section.
- ▶ Employers are properly required to observe the laws (including labor and environmental laws) of the country in which they operate. Forcing other obligations on one class of employers (i.e., U.S. companies operating in Mexico) distorts competition between U.S.-owned and other companies in that market and discourages U.S. investment in Mexico, again defeating one of the prime purposes of the FTA.
- ▶ Voluntary codes already exist (e.g., in the ILO and OECD) and provide a general framework for promoting desirable practices by companies of all nationalities. In addition, the U.S. and Mexican business communities are cooperating in programs to share "best practices" in labor relations and to train companies, including small and medium-sized, in such areas as environmental management, health and safety, total quality, employee involvement and empowerment, and in contributing to local education programs. Making such matters mandatory discourages new private initiatives and generates a culture of doing the minimum necessary to comply with the law.
- ▶ A word on wage rates. Wages are a function of worker productivity. They vary with productivity both within a given market across sectors and internationally. Mandating a level which U.S. firms operating in Mexico would have to meet would ignore that basic market reality and constitute yet another artificial government-imposed distortion penalizing U.S.-owned companies in competition with others, including from other countries, in Mexico.

JAB08



*Association
Advisors,
Ltd.*

(714) 661-8569 (714) 495-8088
Bob Steel & Bob Mahoney
24671 La Plaza #100
Dana Point, CA 92629

To...Jim Baker, Chief of Staff
White House, Wash. DC

From...Bob Steel, retired
Dana Point, CA

Enclosed items offered as suggestion
for your consideration.

Unless we take some dramatic action
with one or more ideas which are
clearly feasible soon, we're likely
to lose out on the California vote!

Wish we could do more. But, you're
the one who can make it happen!

Good Luck!!!

Open Letter
To Jim Baker

Suggestion...Reducing The NATIONAL DEBT

1. Government issues TAX EXEMPT, DEBT REDUCTION, TREASURY NOTES.
2. Government pays out only 50% of the amount of interest due to the investor, and credits the remaining 50% to the DEBT REDUCTION account.
3. Promoted as the Patriotic Thing To Do, much as War Bonds, Declaring War on The NATIONAL DEBT.

.....Why This Idea Might Work.....

- A. Investors more concerned about safety of funds and economy of nation than immediate cash yield.
- B. TAX EXEMPT, beats NO-NEW-TAX Pledge.
- C. Dramatic. Understandable. Promising.

Sincerely,
Bob Steel, retired.

Explanation: Why this OPEN LETTER TO JIM BAKER???

by Bob Steel

Most Americans are very concerned about our Nation's economic future. Very few, however, are in the "privileged" position to do anything about correcting our course, even if they have the genius to comprehend what is going on and what corrections will be most effective. And, I want to be quick to add a disclaimer: I am not now, nor was I ever one to be in that "privileged" position to which I refer.

For more than thirty years, I was frequently within the shadows cast by most of leaders of our nation, inside as well as outside of our Government. Often, I was within earshot of the real communication taking place among those "privileged" few. My job was the chief paid executive, President, for a substantial trade association, the National Spa and Pool Institute, headquartered in Washington, DC. More than 4000 other associations are also based there, their prominence having considerable impact upon the Federal Government enclave.

Part of my job was to be alert about matters of Government and the Economy. Being the "networking" type, I parlayed my professional association executive role and "hob-nobbed" my way through the principal societies and lobbying groups, including the U.S. Chamber of Commerce and the American Society of Association Executives and became well acquainted.

The culmination of all those years placed me "at the right place, at the right time" during the last years of the Carter Presidency when our Economy appeared in desperate straits with the experiences of double digit inflation. Pressed by my members (the swimming pool industry) to perform miracles, or at least magic, to straighten out the economy, I resorted to sharing my plight with my colleagues, the heads of the other associations, only to find we were all in the same boat and it was definitely sinking!

After we shared our stories, commiserating with each other, we came to the conclusion that we had to find some kind of program which we could all support. Fortunately, in our midst was Jack Carlson, head staff of the Realtors Association. Jack had been with the Office of Management and Budget at the White House, and had also filled the post at the U.S. Chamber of Commerce as Chief Economist. None of us fully comprehended Jack's "preaching" about his "2% SOLUTION" program to "reduce the Federal Budget" until it calculated into a lower ratio with the "Gross National Product" numbers; but we went along with it. We had little hope otherwise!

Over the following six months, I spent most of my waking hours, becoming a key catalyst by persuading my association friends to join in what became one of the largest single purpose lobbying efforts in the history of the Congress. Both political platforms adapted the idea, but Reagan capitalized upon it the most. He included it in his Reaganomics program. And, he was elected!

A few years have passed since I've had to "perform magic", but the scene remains similar. Because of the magnitude of our "system", accompanied by the complexity of most of its segments, we are becoming more and more dependent upon those "privileged" few to properly assess the situation, then select and pursue strategies which make the most sense.

The rest of us, particularly people like me, have to help by contributing ideas and timely information, so that the "privileged" few have balanced feedback and fresh thinking.

While surrounding themselves with capable "aides" offers efficient production, to its discredit is the bureaucratic screening of information from outside the protective cocoon established. For that reason, I shall send copies of this material to about twenty key persons, with better assurance that the message will get through and be considered in time.

I'd be happy to exchange ideas with any persons who wish to contact me. And, I don't really have any magic tricks to resolve our nation's problems. I simply realize that we need to "balance our checkbook". Right now, getting our National Debt under better control seems to be an important facet of that discipline.

Bob Steel
33672 Blue Lantern #6
Dana Point, CA 92629

Phone: (714) 661-8569



Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Letter with Attachment	David Philley to James Baker Presidential Pardon (25 pp.)	09/17/92	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Baker, James A. III
Subseries: Public Correspondence Files
WHORM Cat.:
File Location: [Public Correspondence] [5]

Date Closed: 1/30/2001 **OA/ID Number:** 93004-005

FOIA/SYS Case #: 2000-0715-F **Appeal Case #:**
Re-review Case #: **Appeal Disposition:**
P-2/P-5 Review Case #: **Disposition Date:**

AR Case #: **MR Case #:**
AR Disposition: **MR Disposition:**
AR Disposition Date: **MR Disposition Date:**

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National Security Classified Information [(a)(1) of the PRA]
- P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P-3 Release would violate a Federal statute [(a)(3) of the PRA]
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

- (b)(1) National security classified information [(b)(1) of the FOIA]
- (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- (b)(9) Release would disclose geological or geophysical information

ALAN FREEMAN per JAB
609/823-1211



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445 W. 45th Street, New York, NY 10036 • 212-903-5722 • Fax: 212-489-7155

VERY PERSONAL! Please give to Jim Baker and Margaret Tutwiler only!

September 16, 1992
Via Fax

Personal & Confidential

Mr. James A. Baker 3rd
Chief of Staff
The White House
Washington DC

Attn: Margaret Tutwiler

Dear Jim,

It has been 16 years now since we first met as passengers in an airplane flying over Houston when you were running the Ford for Presidency Campaign. Over the years I have approached you on proposals tied in to themes of the Reagan and Bush administrations - drug prevention - capitalism education for the former Soviet Union, etc. You were always gracious, but no funding.

But, what I offer today to you personally and to the Bush/Quayle reelection campaign is the greatest program that we will have ever produced and the greatest number of viewers, 70 million people, that we have ever attempted to reach; and they are adults - not like our prior programs reaching 18 million teens. This four hour educational video/discussion program on the issues of the election as well as an analysis of the first four years and the promise of the next four years with commentary by academia and journalists is a monumental project.

Jim, on a very personal note, I have always stuck up for you - always defended you against what I believed were false charges. When they said that you were anti-Semitic, I reminded or informed them, if they never knew of the times when you were the guest of honor and speaker at the Israel Independence Day Parade in New York and were the guest of honor at the Fifth Avenue Synagogue breakfast several hours before the parade and the repeal of the Zionism is Racism resolution at the UN. I remind or inform people of the times when I covered President Bush at Jewish functions, the Yeshiva University graduation where he was the principal speaker, and the Ethiopian Jews air lift. Anti-Semites don't get involved with those type functions and deeds.

TELEVISION & VIDEO PROGRAMS REACHING 200 MILLION ADULTS AND STUDENTS WORLDWIDE

Celebrating our 25th Anniversary

Mr. Jim Baker

-2-

September 16, 1992

Your crowning achievement for World Jewry was the Madrid Peace Talks and I'm sure soon to be the first treaty in 44 years between the other Arab countries and Israel. Congratulations, you deserve much credit. Again, in my speeches and writings this past year I have always argued that these talks are real and good for Israel, the USA and the world. You saw how I praised you in "The Making of Peace" video that I produced.

Jim, I ask that you personally review the enclosed educational video and discussion program proposal on Campaign '92 for two reasons:

- 1) The obvious. You have more brains in your little finger than most of the other advisers all put together.
- 2) I sent this proposal to the November Company and outside of returning the first call that I made to them, they have not responded at all.

Probably, they have not returned any phone calls, nor has Bob Teeter, and I can only surmise, is because I once dealt with Mark McLaughlin, the head of media for the November Company about six years ago when he was working on Crest toothpaste and we were trying to get a Crest media buy. He gave me a difficult time then saying school programs were no good and gave a no to our program without ever reading our 100 page proposal with much test data. We had major arguments at that time and McLaughlin called it to my attention when he recently talked with me. Evidently, Whittle's Channel One read it and liked it so much they copied it. They are now in about 8,000 schools; we are in 100,000 schools when all the advertising is sold.

Jim, this new program for the nation's 350,000 churches and synagogues reaching 70 million people is tailor-made for the Bush/Quayle ticket. Religious people, and I don't mean right wing Christian only, I mean our total 70 million viewers appreciate many of the values that Bush/Quayle and you personally stand for and project. Questions such as the following which will be discussed in this program by renowned journalists and academia are:

Do the Reagan and Bush administrations deserve credit for the collapse of the Soviet Union?

Is congress the reason for the failure of the Bush administration to get the economy moving again?

Is the poor US economy due to the Bush administration or is it part of the world wide recession that is not the fault of the United States. What is causing the world wide economic recession?

Mr. Jim Baker

-3-

September 16, 1992

Can you really blame the economy on the president, or on the congress? Should not our corporate executives take the blame? Is American business leadership good or bad? Should both business and government be blamed for the poor economy?

Are we heading toward a possible environmental disaster as portrayed in Democratic Vice Presidential candidate Al Gore's book "Earth in the Balance"? Is the Bush/Quayle administration putting jobs ahead of the environment?

Jim, if there is one man in this entire world who symbolizes the paragon of competency, action, grace (even though as humans we all slip occasionally) and perseverance, it is you. Therefore, as much as the president and vice president are promoted in campaign advertising, your achievements world wide and your capabilities in hopefully catalyzing the recovery of the global economy and thus our national economy simultaneously must equally be promoted.

Jim, our four hour Teach-In combines two hours of video programming and two hours of grass roots discussion in each respective church and synagogue. This additional commentary could be stated either by the president, vice president or by you and stressed by local discussion leaders at the various Teach-Ins. There could be local Republican and Democratic leaders present at each church and synagogue as resource persons present in case further information about the candidates or issues is requested and to give a closing statement of several minutes.

Jim, I will assure you that this program will be fair. There will be no hatchet jobs; no sneaky attacks; no innuendos. This is an educational program conducted for one reason only:

**TO HELP MAKE SURE THAT THE AMERICAN PEOPLE
REALLY UNDERSTAND THE ISSUES AND THE CANDIDATES
AND WHAT THEY CAN DO FOR OUR COUNTRY.**

Jim, with this goal in mind, I am hopeful that you or the appropriate parties will call me as soon as possible and say "Yes, we are buying four :30 spots in this program NOW in order to help launch it in time to be used during the last week of October. As of now, we have corporations interested and deliberating on placing their commercials in our program, but no hard orders, yet.

Mr. Jim Baker

-4-

September 16, 1992

Time is running out fast!

Jim, I am confident that this proposal is in the right hands with you and that you will act appropriately.

With warmest personal regards.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alan D. Freeman", with a long horizontal flourish extending to the right.

Alan D. Freeman
President

P.S. I would also like to be considered to be one of the questioners at the debates.

Enclosures



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Campaign '92: The Presidency Fall 1992 Video Teach-In

This video Teach-In discussion program is scheduled to be conducted in 350,000 churches & synagogues throughout the United States, reaching seventy million people in late October right before the November 3rd election.

The video program is sent free on video cassette to the churches and synagogues upon request with the estimated number of the expected attendance. During the scheduled Teach-In, the church or synagogue is asked to have each person attending complete an evaluation form with comments on the editorial content of the program as well as the commercial content with the person's name, signature, address and phone number.

The minister, priest or rabbi is then asked to return these forms to ENS to be eligible for the many door prizes. The names of the individuals are kept private by ENS. The rabbi, priest or minister also gives a total attendance number on their personal evaluation form. The forms are stored by ENS and are available for inspection. A sampling of these viewers is available for verification of the number of people attending the teach-ins. The winners of the many national door prizes are selected from a drawing by high public officials - Governors, Senators, etc. The door prizes include vacations, cars, computers, year's supply of food etc. and will help insure a well attended Teach-In.

The need for this type program is critical. It is difficult for voters to make intelligent voting decisions based on sound bites and name calling; each candidate on identical issues says he is right and the other is wrong. Each has statistics and achievement records justifying his own position.

Our program will objectively analyze the issues and arguments in a non-partisan manner. We will use distinguished journalists and academia to comment as well as to edit and help us produce an objective and informative program.

The 25 minute discussion period following each 35 minute video part enables an interaction between the video and the audience helping the individual voter to really understand the issues and the candidates, and urging them to vote for the candidates of their choice.

ENS**ENS WORLD NEWS, INC. • EDUCATIONAL NEWS SERVICE, INC.**

445 W. 45th Street, New York, NY 10036 • 212-903-5722 • Fax: 212-499-7155

Fall '92 Teach-In on CAMPAIGN '92

Church and Synagogue Program

4 hour Teach-In 2 hour program / 2 hour discussion

To be scheduled during October 25 - November 1

Voting will be urged during this program.

The topics and estimated times are subject to change.

A

35 minutes

ECONOMY/JOBS

Clinton 4 minutes

Bush 4 minutes

:30-sec commercial

:30-sec commercial

HEALTH CARE

Bush 4 minutes

Clinton 4 minutes

:30-sec commercial

:30-sec commercial

TRADE/IMPORTS

Clinton 4 minutes

Bush 4 minutes

:30-sec commercial

:30-sec commercial

CIS/EUROPE/AFRICA

Bush 4 minutes

Clinton 4 minutes

25 min. discussion

B

35 minutes

ECONOMY/JOBS

Quayle 4 minutes

Gore 4 minutes

:30-sec commercial

:30-sec commercial

ENVIRONMENT

Gore 4 minutes

Quayle 4 minutes

:30-sec commercial

:30-sec commercial

CRIME/GUNS

Quayle 4 minutes

Gore 4 minutes

:30-sec commercial

:30-sec commercial

VALUES/ABORTION

Gore 4 minutes

Quayle 4 minutes

25 min. discussion

C

35 minutes

ECONOMY/JOBS

Bush 4 minutes

Clinton 4 minutes

:30-sec commercial

:30-sec commercial

TAXES

Clinton 4 minutes

Bush 4 minutes

:30-sec commercial

:30-sec commercial

MIDDLE EAST

Bush 4 minutes

Clinton 4 minutes

:30-sec commercial

:30-sec commercial

EDUCATION

Clinton 4 minutes

Bush 4 minutes

25 min. discussion

D

35 minutes

ECONOMY/JOBS

Gore 4 minutes

Quayle 4 minutes

:30-sec commercial

:30-sec commercial

PREJUDICE

Quayle 4 minutes

Gore 4 minutes

:30-sec commercial

:30-sec commercial

DRUGS/AIDS

Gore 4 minutes

Quayle 4 minutes

:30-sec commercial

:30-sec commercial

POVERTY

Quayle 4 minutes

Gore 4 minutes

25 min. discussion

The Teach-In's are conducted by clergy & lay leaders in their respective churches & synagogues.

Viewing Audience: 70 million church and synagogue members

350,000 churches and synagogues receive the programs

200 viewers per church and synagogue (average)

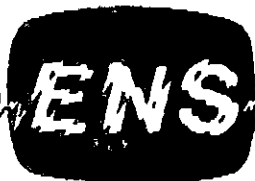
Each 30-second commercial: \$380,000

CPM - \$8.00

Total church & synagogue universe is 147,607,394 members

TELEVISION & VIDEO PROGRAMS REACHING 200 MILLION ADULTS AND STUDENTS WORLDWIDE

Celebrating our 25th Anniversary



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ALAN D. FREEMAN BACKGROUND

Freeman is celebrating 25 years in journalism. He is President of ENS World News and Educational News Service, companies that he founded that reach the nation's schools with in-depth television news programming. Recently, he launched a new video program for churches and synagogues throughout America, Europe and South America and is working on international distribution of the school news program.

Freeman has won five Gold Medals at the International Film and TV Festival of New York. He produced the first "Earth Day" filmstrip program for the nation's schools in 1970 and the Energy Conservation programs of the mid '70s. He produced the "Golda Meir-Israel's Woman of Valor" record album and book set in 1980 shortly after covering the Camp David meetings and the Israel-Egypt Peace Treaty Agreement in Washington.

In 1984 he pioneered free media programming in schools sponsored by commercials.

He covered all four Reagan-Gorbachev Summits from 1985 to 1988 and produced the Nuclear Disarmament Media Program that was used nationally in 18,000 schools.

During the Iceland Summit, Freeman was able to persuade the Soviets to release the sister of Mikail Shirman to go to Israel to donate bone marrow for her cancer-stricken brother.

Freeman covered the 1991 historic Middle East Peace Talks in Madrid. His questioning of the Jordanian Foreign Minister on "shaking hands with Yitzhak Shamir" was seen on all major networks world-wide. Freeman's company, ENS World News produced a one-hour video, "The Making of Peace" featuring highlights of that conference, as well as video clips that were not widely televised such as the All Arab Press Conference given by Israel's Deputy Foreign Minister, Benjamin Netanyahu. Freeman was one of only two non-Arab journalists permitted to attend.

Freeman has covered national elections since 1964 including twelve national party conventions.

Central Files

✓
AMO HOUGHTON
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

9/16/92

Jim -

This is a copy of the letter I've just sent to Dick Cheney. Thought you'd like to see it.

All the best,

A handwritten signature in dark ink, appearing to read "Amo", with a horizontal line underneath.



COMMITTEES:
BUDGET
FOREIGN AFFAIRS
SELECT COMMITTEE ON
AGING

Congress of the United States
House of Representatives

September 16, 1992

The Honorable Richard B. Cheney
Secretary
Department of Defense
The Pentagon
Room 3E880
Washington, D.C. 20301-1000

Dear Dick:

Sorry to bother you with this - but the Schweizer issue has reared its head prior to what I thought was the D Day Report from GAO - September 28th. It is now out.

GAO has thrown in with the original Air Force decision to award the Enhanced Flight Screener (EFS) contract to Slingsby Aviation Ltd. of York, England. I disagree with this decision. I have always disagreed with the decision. From strictly a technical and business standpoint it makes no sense, and I say that having in my previous life worked with military contracts since 1952.

The facts are clear:

- 1) Schweizer is an American company, Slingsby is not.
- 2) There is high unemployment in upstate New York.
- 3) Schweizer met the standards that the Air Force required.
- 4) Schweizer's fatal flaw was that it thought having met the requirements - the next order of priority was to save money for the government (ie. 8% lower bid than anyone).

Again - sorry to bother you, but Dick this is bad news - from an employment, technical, business and really TRUST standpoint.

Now, having headed up a reasonably sized organization - I know the pressures there will be to circle the wagons, protect the system.

This is a time not to let that happen. I implore you - PLEASE REVERSE THIS DECISION.

September 16, 1992

To: Rich Bond

From: Amo Houghton

Subject: USAF Contract Award - Schweizer Aircraft

Action Needed

- o An Air Force contract was awarded to a British firm over a company in my district. A GAO appeal resulted in the award being upheld. I disagree with the decision.
- o We need a reversal of this contract at the Presidential level. Would you carry this message to the President?

Political Scope

- o A reversal of the decision is not only right -- but would help the President and Senator Al D'Amato.
- o In brief, the President would be saving American jobs and showing his sensitivity on the economy.
- o News in the Southern Tier of New York is also news in Northern Pennsylvania. Big impact on both states.

Background

- o Schweizer Aircraft Corp. (Big Flats, NY) recently lost a \$54.8 million Air Force contract to a British firm - Slingsby Aviation Ltd., Kirbymoorside, England.
- o Program description: 113 aircraft to screen USAF pilot candidates plus logistic support for 7 years.
- o Earlier this year, Schweizer was told by the Air Force that its bid was \$4.5 million (8.2%) lower than Slingsby's bid. However, the contract was awarded to Slingsby.
- o Schweizer filed a formal protest with the GAO.
- o Yesterday, GAO said that it was upholding the Air Force's contract award to Slingsby. When pushed, Dan Gordan, an attorney with GAO, who authored GAO's decision, said the Schweizer bid was lower in cost, but the Air Force took the position that Slingsby product was superior.
- o This is wrong. By the Air Force's own admission, Schweizer offered an "excellent aircraft" at much cheaper cost.
- o The Air Force and GAO failed to provide any degree of technical objective review of the inconsistencies contained in the evaluation record.

Somebody is moving the goal posts. I don't like it. This is harmful not only to the region, but to anyone else who in the future wants to bid on a government project. This precedent gives subjective personal judgment to anyone on any contract to slant the result the way he or she wants. In the private sector you get fired for things like this.

Why Was Schweizer Aircraft Denied USAF Contract?

- I. Discussion with GAO - Attorney, Dan Gordan
 1. The facts - Schweizer's product was acceptable and cheaper.
 2. USAF opinion - The English firm's airplane (Slingsby) was better.

- II. Discussion with Schweizer - Stu Schweizer
 1. All planes were flown and tested.
 2. The Schweizer plane was given excellent ratings.
 3. The Air Force's award decision was clearly inconsistent with a significant number of the test pilots' and evaluators' ratings.
 4. The Air Force failed to bring to Schweizer's attention any concern with respect to yaw oscillation until after the award to Slingsby was announced. Those concerns led to the awarding of the contract to Slingsby. If Schweizer had been notified of the problem, it could have been quickly and easily corrected at no extra cost.
 5. Issues
 - A. Does the yaw oscillation problem really exist? No. The Schweizer pilot on board each test flight did not observe any yaw oscillation.
 - B. Statements from the Air Force indicated that Schweizer passed the evaluations with high scores.
 - C. Why didn't Air Force mention the "better" features of Schweizer's plane? (Example: far better crash survivability rating.) Air Force only pointed out the negatives.

My Assessment

- o This is an open and shut case.
- o Schweizer's bid met Air Force requirements in every respect - it offered an excellent aircraft at a cost which was significantly lower than Slingsby.
- o The so-called "better features" of the Slingsby aircraft are irrelevant if indeed they even existed.
- o Anyone who has any business sense at all knows that an excellent product at a lower price wins. In this instance, it appears that the Air Force failed to review objectively the procurement.
- o To my mind, no support has been provided to justify the extra cost associated with the Slingsby aircraft.
- o This decision must be reversed.
- o End of story.

Scowcroft's office
received this too
& they are handling
response.

csj
9/17

TO
Central
Files



THE AMBASSADOR

EMBASSY OF THE REPUBLIC OF EL SALVADOR
WASHINGTON, D. C.

September 17, 1992



The Honorable
James A. Baker III
The Chief of Staff
The White House
Washington, D.C. 20500

Dear Mr. Baker:

We are going through a very difficult moment in El Salvador because of the outcome and reports that will be presented by the Ad-Hoc Commission that points directly to about 100 Armed Forces Officers which has brought great discontent in the Armed Forces and we foresee dangerous reactions that could jeopardized our young democratic system.

In the last few days I have sent letters to the Appropriations Committee led by Senator Leahy and to the 100 members of the Senate. I am enclosing copies of these letters for your information.

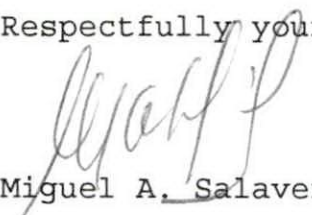
We are afraid that if they cut military aid, we will lose the support of the good officers that will be in charge of the new Armed Forces. Therefore, it is of vital importance that we fight to maintain at least the \$11 million dollars that were marked-up by the House of Representatives and avoid the total reduction of military aid that is being planned by some members of the Senate. It seems as if they have enough votes to cut the aid.

This is urgent as Senator Leahy is planning the Mark-Up in the Sub Committee on Foreign Operations of the Senate Appropriations Committee for tomorrow Friday, September 18th.

Your attention and invaluable help in this matter will be again appreciated by the people and government of El Salvador.

Wishing all the best to you and President Bush.

Respectfully yours,


Miguel A. Salaverría

*Embassy of El Salvador
2308 California Street, N.W.
Washington, D.C. 20008*

*Miguel A. Salaverria
Ambassador*

September 15, 1992

The Honorable John McCain
U.S. Senate
Washington, D.C. 20510

Dear Senator McCain:

I am writing to you to emphasize the importance of continuing the Foreign Military Financing (FMF) program for the Republic of El Salvador.

Some may be tempted to believe such funding would be better spent on other programs. I do not believe this to be the case. In fact, the elimination of all military assistance to El Salvador would work against the implementation of the Peace Accords.

As you know, the El Salvadoran Armed Forces (ESAF) are being asked to significantly reduce their size as part of the Peace Accords. The Armed Forces are also required to change past practices and be more fully compliant with international standards of human rights.

While the implementation of the peace agreement has not progressed as rapidly as anticipated, the ESAF have taken extraordinary steps and continue to be instrumental in the implementation of the Peace Accords. Among the actions taken by the Armed Forces are:

- a reduction of 20,448 as of May 31, 1992 troops including two rapid reaction battalions; and
- the unprecedented agreement to establish an Ad Hoc Commission of three civilians to review the professional records of Salvadoran military officers in order to determine who should be retained, removed from commands or retired from the service.

These steps have been taken despite great concern that the FMLN is not abiding by the Peace Accords.

The ESAF leadership has, in fact, been a strong proponent of the peace process. They have worked toward this end in the belief that peace is best for the people of El Salvador. They are being asked to take a risk in trusting that their opponents will also comply with the Peace Accords.

This risk is worth taking in part because the United States remains committed to a secure and peaceful El Salvador in which a smaller, more democratic ESAF, in conjunction with the new national police, will provide for the security of the people. Elimination of the FMF program would not reassure the ESAF of the American commitment to that objective.

At this delicate time all parties must be reassured of the benefits of securing peace and of the need to comply with the Peace Accords. Reducing FMF assistance to El Salvador now, less than two months before the October 31 cease-fire deadline, would work against these goals.

Thank you for your kind attention,

Sincerely,

Senator. We need
your help on this
matter -
Best regards,


Miguel A. Salaverria
Ambassador

JUSTIFICATION FOR MILITARY ASSISTANCE TO EL SALVADOR FY 93

SUMMARY

The Government of El Salvador needs the continuation of U.S. military assistance in order to secure the transition from war to peace. One of the greatest accomplishments of the Peace Agreement was that it represented much more than a cease-fire; it provided for the reform and professionalization of the state institutions, including the Armed Forces. Lack of resources at this point would impair the efforts to create a more professional and accountable military. Furthermore, given that the Armed Forces have borne the brunt of the reform and reduction package, while the FMLN is 3 months behind in its original demobilization schedule, insufficient levels of military assistance would likely produce a destabilizing effect for the peace process.

REFORM OF THE ARMED FORCES

The Peace Accords provided for the reform of several key state institutions, including the Armed Forces. The purpose is to give El Salvador a more professional military, completely subordinated to civilian authority, and fully capable of performing its duties in a democratic society. Its mission has been redefined to the role of being the instrument of the state for issues related to the national defense. A key element in attaining this goal is the creation of new offices in the Armed Forces that will increase the accountability within the military (i.e.; the office of the Inspector General). Another key element is the importance of military education, in order to internalize the spirit of the Peace Agreements in present and future generations of military officers.

In addition to these considerations, there are present needs of sustainment that, if not met, would result in critical shortages and lack of maintenance. Based on these needs, a military assistance request of \$27 million for FY 93 has been recommended by the U.S. Military Group in El Salvador. The House of Representatives marked up \$11 million, which would force a drastic reduction in funding for training, medical services, etc.

THE POLITICAL ARGUMENT

The Armed Forces have not only supported the negotiated settlement of the war, but to this day have carried the burden of tasks in reforming and reducing their forces. Among these tasks are:

- * Ratification of Constitutional Amendments with regard to the role and mission of the Armed Forces in society;
- * the draft has ended;

- * the police forces have been abolished or taken out of military control and a new Civilian Police is already undergoing training;
- * the ESAF concentrated its forces on time and has reduced its forces even faster than called for in the plan;
- * the National Directorate of Intelligence has been abolished;
- * the immediate reaction battalions, the best ESAF forces, have begun demobilization;
- * the local civil defense units have been disbanded;
- * the Ad-Hoc Commission that will review the Officer Corps and make recommendations to President Cristiani for dismissals of officers has been working for 3 months and will finish its report on September 22.

While the cease-fire has been maintained, El Salvador is still at a very delicate transition stage from war to peace. At the same time that the ESAF has been complying with its tasks, the FMLN has been consistently delaying its concentration to the Designated Assembly Zones and the demobilization of their combatants. The FMLN should have demobilized 60% of its combatants, but it has only demobilized 20% of support personnel and even less weapons. Furthermore, there is evidence that the FMLN continues to receive weapons from Nicaragua and that weapons are being hidden. The weapons inventories that the FMLN have provided to the United Nations are unacceptable. The U.N. is trying to convince the FMLN to abide by a new timetable of demobilization, that would keep the October 31 deadline for its complete demobilization.

This imbalance between ESAF compliance and FMLN non-compliance is another reason why further reductions in the assistance that the Government needs to implement the changes in the military in a smooth manner would most likely bring complications to the implementation process.

CONCLUSION

The Government of El Salvador is fully aware that in the future, the bulk of the expense of maintaining the military will rest on the internal resources of the country. However, at this point in the transition process, FME funds are the only way to turn the letter of the Peace Agreements into reality and give stability to the overall democratic process.

*Embassy of El Salvador
2308 California Street, N.W.
Washington, D.C. 20008*

*Miguel A. Salaverria
Ambassador*

September 16, 1992

The Honorable Dave Durenberger
United States Senate
Washington, D.C. 20510

Dear Senator Durenberger:

Excuse me for bringing again the subject of Foreign Military Financing (FMF) but it is of such an importance for the peace process, for the balancing of power and for the harmony that must exist in all sectors of El Salvador. The Senate Appropriations Committee is about to consider U.S. military assistance for the Government of El Salvador for Fiscal Year 1993. President Alfredo F. Cristiani has asked me to convey to you the fundamental importance and need for this aid to complete the implementation of the peace agreement during the next twelve (12) months.

As you know, some voices have been raised against continued U.S. military aid for our country in FY 93, alleging that our phased-in military demobilization under the peace agreement makes such aid unnecessary. We do not agree with those voices.

The Peace accords call for demobilization in periodic stages by the Armed Forces of El Salvador (ESAF) and the FMLN guerrillas. On the ESAF side, two (2) rapid strike battalions with our most experienced and effective soldiers have been demobilized, and three (3) more are targeted for demobilization during the remainder of September and October. Further demobilizations will continue in January, and will eventually result in a 50% reduction of our total military manpower at the height of the conflict by early 1994. On the FMLN side, only 20% of their troops have been disbanded, and they are three months behind schedule in this process. This guerrilla demobilization has to be completed by October 31, 1992 under the peace implementation schedule, which is also the date that the official ceasefire is set to expire.

We are facing, therefore, a very delicate period in the life and security of El Salvador during the next 12 months. Our new civilian National Police forces are not yet ready to fully undertake the post-war public security they have been entrusted with to maintain law and order throughout the country. The FMLN has meanwhile failed to turn in their vast inventory of weapons, despite repeated calls to do so by the United Nations peacekeeping mission in El Salvador. As a result of these developments, great uncertainty remains regarding the FMLN's willingness to truly abide by the terms of the peace accords in an honest and timely manner. Any further delays in the demobilizing and the disarming of the guerrillas will raise serious concern and alarm which are bound to affect the peace process itself and increase the level of friction between old enemies.

In light of this, a complete cut-off of military aid to El Salvador for FY 1993 would be not only premature from a national security point of view, but would also send the wrong signal at the worst possible moment to the FMLN regarding the need to continue their full compliance with the peace accords.

Even under an expeditious demobilization process, it is important to keep in mind that ESAF will still have a continuing need for training, replacement parts, fuel, maintenance, basic supplies and facilities, and other related personnel and weaponry to maintain normal readiness and proficiency. El Salvador should be able to become self-sufficient in these areas of defense needs after 1994, but at the present time, our domestic resources are strained and overextended to the limit by the many burdens we are undertaking to carry out the reconstruction of our country.

Your support for President Cristiani at this critical juncture is essential. He needs your help in this great task of forging a real and long-lasting peace, a task he can only complete with a reasonable level of military assistance to allow him and the Armed Forces under his command to finish the job safely and securely for the benefit of all Salvadorans. We trust you will help us keep the peace during this very delicate period of its implementation by supporting our basic national defense requirements during these next 12 months.

Thank you for your continuing interest in El Salvador and for your support of the peace process.

Very truly yours,



Miguel A. Salaverría



Embajada de España

Washington, D.C., September 15, 1992

Mr. Anthony Wayne
Director for Western European Affairs
N. S. C.
Room 368 -Old Executive Office
Washington, D.C.

Dear Tony

I would be very grateful if you could convey the attached letter that Mrs. María Paz García Mayo, widow of our former Secretary of State, is sending to Mr. James Baker, III.

Sincerely yours,

Jorge Fuentes
Deputy Chief of Mission

1 enclosure

Central Files 6782

Maria Paz Garcia Mayo

Madrid, August 24, 1992

The Honorable
James A. Baker, III
Washington, D.C.

Dear James:

In these times of anguish and deep sorrow on the loss of my husband, I wish to thank you sincerely for your kind letter of condolence.

Your words in honor and in recognition of Francisco are precious to me for they are the best tribute to the memory of my late husband.

Again, I thank you from the bottom of my heart.

With warmest regards,

Maria Paz

Carnegie Endowment for International Peace

*Central
File*

Morton I. Abramowitz
President



September 15, 1992

Hon. James A. Baker III
Office of the President
The White House
1600 Pennsylvania Ave NW
Washington DC 20500

Dear Mr. Secretary:

I am writing simply to let you know of an effort undertaken by the Carnegie Endowment and the Institute for International Economics that should be of interest to you. We have established a National Commission to consider proposals for major changes in our governmental machinery to deal with the radically changed world. The enclosure provides more details.

We plan to have our report ready shortly after the election and will send you a copy.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mort", is written above the typed name.

Morton Abramowitz

September 14, 1992

CARNEGIE ENDOWMENT AND INSTITUTE FOR INTERNATIONAL ECONOMICS FORM COMMISSION ON ORGANIZING THE U.S. GOVERNMENT FOR THE POST-COLD WAR ERA

The Carnegie Endowment for International Peace and the Institute for International Economics have formed an independent bipartisan Commission to examine how the U.S. government should be reorganized to meet the foreign policy, national security and economic challenges of a radically changed world. Commission members have held a variety of senior positions throughout the government. They have a combined record of 432 years of public service.

Announcing the initiative today, Endowment President Morton I. Abramowitz stated that "our current foreign policy apparatus was designed for the Cold War and generally served us well. Yet most of the challenges that the existing system was designed to handle have disappeared or receded. Issues that do not fit easily into the old system, such as the environment, migration and population growth, have risen in importance. The government has to change to deal with the more complex post Cold War world."

Institute for International Economics Director C. Fred Bergsten added that "economic and trade issues must be integrated into national security policy-making and accorded a much higher priority in government decision-making than is the case today." Bergsten noted that the Competitiveness Policy Council, an independent national commission which he chairs, has declared that "our present government structure was not designed to help this country compete in a global economy" and that reorganization of economic policy was also needed.

The Chairman of the Commission is Richard Holbrooke, a Managing Director at Lehman Brothers, former Assistant Secretary of State for East Asian and Pacific Affairs, and former editor of *Foreign Policy* magazine. The Co-Chairman is William Frenzel, Guest Scholar at the Brookings Institution and a U.S. Congressman from Minnesota for 20 years. A full listing of Commission members is attached.

"The new world demands new American policies," Holbrooke stressed today. "New priorities require new machinery." Frenzel added that the group would try to identify a select number of fundamental reforms necessary for the effective conduct of American policy in the post Cold War era.

This Commission follows directly from the Carnegie Endowment's recently concluded National Commission on America and the New World, chaired by Winston Lord. The Commission's report, *Changing Our Ways*, concluded that "This is the time for us to change the way we think about the world and the way we conduct our affairs at home and abroad...We are a country ill-equipped for new priorities. Our institutions creak with anachronisms...To lead abroad we need to revamp the processes of government."

The new Commission will issue its report in early November.



MEMBERS OF THE COMMISSION

Richard Holbrooke (Chairman), Managing Director at Lehman Brothers; former Assistant Secretary of State for East Asian and Pacific Affairs. Additional Service in the White House, the Agency for International Development, and the Peace Corps. Years in government: 16.

William Frenzel (Co-Chairman), Guest Scholar, Governmental Studies Program, Brookings Institution; former U.S. Congressman (R-MN). Years in government: 20.

Morton I. Abramowitz, President, Carnegie Endowment for International Peace; former Ambassador to Thailand and Turkey; former Assistant Secretary of State for Intelligence and Research. Additional service in the Department of Defense. Years in government: 33.

Madeleine Albright, President, Center for National Policy; Donner Professor of International Affairs, Georgetown University; former Coordinator for National Security Legislation, National Security Council. Years in government: 8.

Graham Allison, Douglas Dillon Professor of Government, Harvard University; Director, Harvard Project on Strengthening Democratic Institutions; former Dean, John F. Kennedy School of Government; former Special Advisor to the Secretary of Defense. Years in government: 8 (advisory).

C. Fred Bergsten, Director, Institute for International Economics; Chairman, Competitiveness Policy Council; former Assistant Secretary of the Treasury for International Affairs; author of 20 books on U.S. international economic policy. Additional service in the State Department and the National Security Council. Years in government: 10.

Stephen W. Bosworth, President, US-Japan Foundation; former Ambassador to Tunisia and the Philippines; former Director of the State Department Policy Planning Staff. Years in government: 27.

Frank C. Carlucci, Vice Chairman, The Carlyle Group; former Secretary of Defense; former Director of Central Intelligence; former National Security Advisor. Additional service in the State Department, the Office of Management and Budget, and the Department of Health, Education and Welfare. Years in government: 30.

Adm. William J. Crowe, Jr., Counselor, Center for Strategic and International Studies; Professor, University of Oklahoma; former Chairman of the Joint Chiefs of Staff. Years in government: 40.

I.M. Destler, Professor, School of Public Affairs, University of Maryland; Visiting Fellow, Institute for International Economics; author of nine books on American foreign policy making. Government service in the Department of Agriculture, the President's Task Force on Government Organization, and the Office of Management and Budget. Years in government: 6.

Stuart Eizenstat, Vice Chairman, Powell, Goldstein, Frazer and Murphy; Adjunct Lecturer, John F. Kennedy School of Government, Harvard University; former Assistant to the President for Domestic Affairs and Policy and Executive Director, Domestic Policy Staff. Years in government: 6.

Morton Halperin, Director of the Washington Office of the American Civil Liberties Union; former senior staff member, National Security Council; author of works on bureaucratic politics and self determination. Additional service in the Department of Defense. Years in government: 4.

Stephen Hess, Senior Fellow, Brookings Institution; syndicated columnist; former Deputy Assistant to the President for Urban Affairs. Additional service in the Department of State. Years in government: 8.

Adm. Bobby Inman, Vice Chairman, President's Foreign Intelligence Board; former Director of the National Security Agency; former Deputy Director of Central Intelligence. Additional service in the U.S. Navy and the Defense Intelligence Agency. Years in government: 31

James Johnson, Chairman and CEO, Federal National Mortgage Association; former Managing Director at Lehman Brothers; former Executive Assistant to the Vice President. Years in government: 8.

James Jones, Chairman, American Stock Exchange; former U.S. Congressman (D-OK); former Chief of Staff for the President. Years in government: 20.

Winston Lord, Chairman, Carnegie National Commission on America and the New World; former Ambassador to the People's Republic of China; former President of the Council on Foreign Relations, Inc.; former Director of the State Department Policy Planning Staff. Additional service in the Department of Defense and the National Security Council. Years in government: 22.

Jessica Tuchman Mathews, Vice President, World Resources Institute; columnist for *The Washington Post*; former Director of the Office of Global Issues on the staff of the National Security Council. Years in government: 5.

Donald McHenry, University Research Professor of Diplomacy and International Relations, Georgetown University; President, IRC Group, Inc.; former U.S. Permanent Representative to the United Nations. Years in government: 18.

Paul O'Neill, Chairman and CEO, ALCOA; former President of the International Paper Company; former Deputy Director of the Office of Management and Budget. Additional service in the Veterans Administration. Years in government: 17.

Rudolph Penner, Senior Manager for Economic Studies, Policy Economics Group, Peat Marwick; former Director of the Congressional Budget Office. Additional service in the Office of Management and Budget and the Department of Housing and Urban Development. Years in government: 11.

Peter G. Peterson, Chairman, The Blackstone Group; Chairman, Institute for International Economics; Chairman, Council on Foreign Relations, Inc.; former Secretary of Commerce; former Assistant to the President for International Economic Affairs. Years in government: 6.

Anthony Solomon, Chairman, Economic Focus, Institute for EastWest Studies; former Assistant Secretary of State for Economic Affairs; former Under Secretary of the Treasury for Monetary Affairs; former President and Chief Executive, Federal Reserve Bank of New York. Additional service in the Agency for International Development. Years in government: 16.

Joan Spero, Executive Vice President of Corporate Affairs & Communications, American Express Company; former Ambassador to the United Nations Economic and Social Council.

Peter Tarnoff, President, Council on Foreign Relations, Inc.; former Executive Secretary, Department of State. Years in government: 21.

Alan Wolff, Managing Partner, Dewey Ballantine; former Deputy Special Representative for Trade Negotiations (with Rank of Ambassador), Office of U.S. Trade Representative. Years in government: 12.

* * * * *

The Carnegie Endowment for International Peace was founded in 1910 by Andrew Carnegie. An operating (not a grant-making) foundation, it conducts its own programs of research, discussion, publication and education in international relations and U.S. foreign policy.

The Institute for International Economics is a private, nonprofit, nonpartisan research institution for the study and discussion of international economic policy. It is funded largely by philanthropic foundations.

Questions regarding the Commission should be directed to the Coordinator of the Commission, Daniel Hamilton, who is a Senior Associate at the Carnegie Endowment for International Peace (202-862-7924, fax 202-466-6007).

cc: Tom Scully - FYI only

Roy Romer
Governor of Colorado
Chairman

Raymond C. Scheppach
Executive Director

Carroll A. Campbell Jr.
Governor of South Carolina
Vice Chairman

Hall of the States
444 North Capitol Street
Washington, D.C. 20001-1572
Telephone (202) 624-5300



September 18, 1992

CENTRAL FILES:

NRN

9
9/18

Mr. James Baker
Chief of Staff
The White House
Washington, D.C. 20500

Dear Mr. Baker:


Last fall, the National Governors' Association working closely with key members of the Administration negotiated legislation that drew a fine balance between protecting the federal government from unlimited financial exposure in the Medicaid program while protecting the states' ability to raise "good" taxes from health care providers to support a portion of their state share of Medicaid financing. As a part of the negotiated agreement, the Governors also agreed to a cap on the disproportionate share hospital program in exchange for flexibility in the designation of which hospitals would participate in the program in a given state.

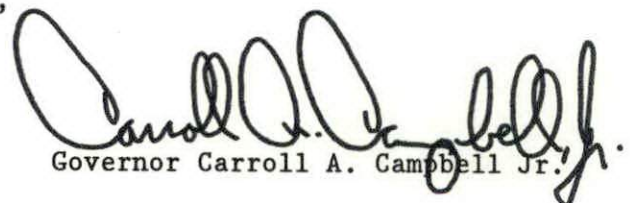
In June, a number of Governors met with members of the administration to discuss our concerns with unresolved issues in the regulations being developed by the Department of Health and Human Services to implement the new law. We received a commitment that the regulations would be published by the end of August and that our concerns would be fairly addressed. The Department has done its part. While there are still several issues in the regulations which we have serious problems with, the Department has worked well with NGA and did complete their work in a timely fashion.

In early August, we wrote to Mr. Skinner, reiterating our concerns about the regulations and accepting an offer made by Tom Scully to sit down with NGA after OMB review of the regulations to resolve outstanding issues before publication. Since mid-August, NGA has tried repeatedly to schedule such a meeting. The meeting is currently set for Monday, September 21.

It is critical to the nation's Governors that this meeting take place and that regulations be issued quickly after this meeting. Further, it is extremely important that the spirit of the negotiated agreement be maintained.

Sincerely,


Governor Roy Romer


Governor Carroll A. Campbell Jr.

9/17 - cj thanked by phone

WRN

RALPH E. BECKER
1818 N Street, N.W., Suite 600
Washington, D.C. 20036
(202) 466-1100
FAX: (202) 466-2745

September 10, 1992

Honorable James D. Baker, III
The White House
Washington, D.C. 20500

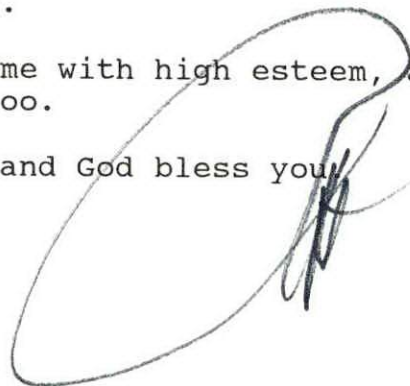
Dear Jim:

As the greatest Secretary of State in our history, it has been suggested by several columnists (enclosed are two) that the President deliver a major TV speech on foreign policy based on his achievements and how it affects our economy, in plain understandable English, and his plans for the next for years dramatized with visual colored maps.

Particularly knocking the hell out of his opponent's foreign policy speech who had the gall and arrogance to be an expert with 3 months' experience on the Hill 20-30 years ago.

Ann joins me with high esteem, admiration, and affection to Susan too.

Good luck and God bless you.



SAMUEL FRANCIS

Bush's strong suit in foreign policy

Talk up family values, the absence of God from the Democratic platform, Murphy Brown and the alleged resemblance between Woody Allen and Hillary Clinton all you want, but President Bush still limps behind his opponent in the polls. Ever so gradually it seems to be dawning on the crackerjacks who run the Bush-Quayle campaign that The Plan ain't working. Maybe they should talk about something else.

One such something might be foreign policy, in which Mr. Bush has a claim to real credentials and Bill Clinton no claim to any. In his address to the Republican Convention, the president did in fact mention his foreign policy record, but there's one little something he hasn't made much of yet. Maybe he should.

Some weeks ago, back before the

Samuel Francis, a columnist for The Washington Times, is nationally syndicated.

great Republican family barbecue in Houston, Mr. Clinton chose to unbosom himself on foreign affairs and to enlighten the world as to what he would do about the Balkans. You probably remember the Balkans. A few weeks ago, the United States and much of the civilized world were muttering about military intervention to stop the Serbian slaughter of Bosnians. Mr. Clinton, never one to pass up a chance to mutter along with the pack, advised that the United States should go to war.

First, the Democratic nominee called for emergency action by the United Nations, but, as reports of death camps and "ethnic cleansing"

sprouted in the press, his humanitarian juices began to bubble. By early August, Mr. Clinton was chirping for airstrikes against the Serbs "for humanitarian reasons." Not a few of his surrogates in Congress also pumped for intervention or U.N. action with U.S. support.

But not long afterward, the top brass in the Pentagon went up to Capitol Hill and patiently explained to the military geniuses who plot grand strategy from the House gymnasium that getting involved in the Balkan war might not be the swiftest idea to come out of the congressional steamroom. It might take as many as 400,000 troops, and our forces would

be targets of guerrilla warfare. There was no clear national interest served by our involvement; there was no clear objective and no clear means of attaining any objective.

The testimony from the high brass, coupled with similar reflections from European leaders, seems to have persuaded the armchair MacArthur among us to button their faces for a change. In the last few weeks, they have been mercifully silent about going to war to save Sarajevo, and the issue is now taking a nap.

Mr. Bush, for his part, has said he doesn't believe we should get involved, and he's right, for all the reasons adduced by the generals. But Mr. Clinton, though he too seems to have shut up about starting a war, is on record as favoring U.S. bombing strikes. So the question is this: Why, given this clear and important difference in policy between the two candidates, hasn't Mr. Bush made much of an issue of it in the campaign?

Back when the Lee of Little Rock was planning his airstrikes, Mr. Bush did register his reluctance to go to war and said he would "not make one decision based on American politics." Since then, he's been devoting himself pretty much to — well — American politics. And none too effectively either.

Far be it from me to tell the president how to plan his re-election strategy, but it would appear that the differences in Balkan policy between Mr. Bush and Mr. Clinton are worth dwelling upon. They offer a perfectly legitimate, far more substantial and politically advantageous issue with which Mr. Bush could launch airstrikes against his Democratic opponent.

The issue in fact opens up a whole buffet of goodies from the traditional Republican kitchen: Democrats start wars; Republicans finish them. Democrats gave us World War I as a crusade for democracy; Presidents Kennedy and Johnson gave us

Vietnam and didn't have the guts or the smarts to win it. Now Mr. Clinton would give us another Vietnam in the Balkans. He'll be another Jimmy Carter, and, while we're on the subject of Mr. Carter, how about two of Mr. Clinton's top advisers, Warren Christopher and Tony Lake, both of whom were heavies in the Carter State Department?

In short, what you have in the policy split over the Balkans is the seed from which an entire campaign branch on foreign policy could blossom, a serious and substantive debate over issues crucial to the American people and the role their nation should play in the post-Cold War era.

Maybe it wouldn't lift Mr. Bush's boats in the opinion polls after all, and maybe that's why he hasn't floated it. But maybe presidential campaigns ought to be about more than what works in the polls, and maybe, if the president doesn't understand that, that's why he shouldn't remain the president.

SORRY I
INADVERTENTLY
CUT A PART OFF

MORTON KONDRACKE

Muffled try at a bold idea

Buried far down in President Bush's speech to the American Legion was the germ of a revolutionary idea that might have taken the world by storm had he made it the centerpiece of his acceptance speech at the Republican National Convention.

"The United States must build a new network of trade agreements," Mr. Bush declared, "with Eastern Europe's new democracies, with the new nations of the old Soviet Union, with our neighbors in Latin America, with the dynamic economies of the Pacific, as well."

This is just short of a proposal recommended prior to the convention by a former Reagan administration official, Donald Devine, in these pages — a worldwide free-trade zone knocking down all trade barriers between every country that joins up.

Had Mr. Bush advanced the full proposal in Houston, or even to the veterans in Chicago, its boldness might have electrified Republicans, wowed the press and discombobulated Democrats, Europeans and the Japanese.

But Mr. Bush made free trade merely part of his laundry list of proposals at the convention. While he went further in Chicago, his idea was obscured by his explanations of why he decided to stop the 1991 Persian Gulf war without pressing on to Baghdad.

"A new network of trade agree-

Morton Kondracke is a senior editor for Roll Call and is a nationally syndicated columnist.

Had Mr. Bush made a global trade pact proposal in Houston, he would have made headlines all over the world. It would have been as sweeping as the Marshall Plan at the end of World War II, offering the chance to enter the U.S. market without paying tariffs.

ments" still does not constitute a barrier-free world trade zone. Mr. Bush errs, as ever, on the side of prudence.

The world free-trade zone idea is not original with Mr. Devine. For several years, it has been the goal of Robert Zoellick, incoming White House deputy chief of staff and probably the best strategic thinker in the Bush administration.

Mr. Zoellick, former undersecretary of state for economic affairs, drafted Mr. Bush's speech to the American Legion, but merely contributed to the convention address, which was a committee project meant chiefly to attack Democrat Bill Clinton.

Had Mr. Bush made a global trade pact proposal in Houston, he would have made headlines all over the world. It would have been as sweeping as the Marshall Plan at the end of World War II, offering not American foreign aid this time, but the chance to enter the U.S. market without paying tariffs or being limited by quotas.

Mr. Bush would be offering the hope of prosperity to every country on Earth — and the hope of jobs and prosperity for Americans, who would be able to export freely everywhere.

Europe and Japan would be challenged the way the Soviets were by the Marshall Plan. If they rejected it under pressure from domestic protectionists, they would be as left out of the new world trade action as the Soviets were.

Those nations that did join up — certainly including Russia, Eastern Europe and Latin America — would grow into favored customers of U.S. companies.

Trade unions surely would denounce Mr. Bush for risking U.S. jobs, making them vulnerable to competition from low-wage economies. The unions would put pressure on Bill Clinton and other Democrats, who already are wavering over Mr. Bush's proposed North American Free Trade Agreement covering the United States, Canada and Mexico.

Mr. Bush's case would be: "We're going to compete with the whole world, and the only way that the United States can win is to produce the best products — by having the

world's best schools, the best workers, the best research facilities, the most productive factor, the best capital-formation process. The United States is a winning try — and here, my fellow Americans, is how we're going to do it."

The president actually has sensible policies on education and training and development, but lacks a structure to make them compelling.

Mr. Bush is a free trader. It may be one of the few principles he truly believes in. He has pushed NAFTA, more open trade with the Caribbean, Japan and Europe and the Uruguay Round of GATT, which would substantially lower tariffs and other barriers, but not eliminate them.

Mr. Zoellick's idea is that the NAFTA pact would be extended to the entire Western Hemisphere, from Alaska to Argentina, creating a potential "dollar bloc" large enough to compete — if it comes to that — with the German-dominated European Community "deutsche mark bloc" and the Japanese-dominated "yen bloc" in Asia.

But instead of fighting bloc trade wars, Mr. Zoellick wants to use the U.S. ability to fight them as leverage to persuade the European Community and Japan to reach free-trade agreements with the United States and the rest of the world.

This vision was part of James A. Baker III's farewell speech to the State Department this month, which Mr. Zoellick wrote.

There is still time, of course, for Mr. Bush to incorporate it into his campaign — much as he did the idea for expanded job training for displaced workers. But the acceptance speech was Mr. Bush's big chance to put a big idea across to a gigantic audience of Americans. Mr. Bush blew it.

THE WILKES COMPANY

Morris E. Wilkes
1903 TEXAS AVENUE
LUBBOCK, TEXAS 79405-1116
(806) 765-5298
(806) 765-8550 (FAX)

NRN
I called
to thank

~~JAB 09~~

September 11, 1992

The Honorable James A. Baker, III
Chief of Staff
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. Baker:

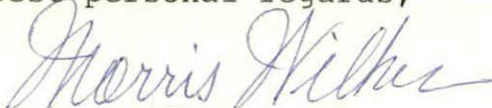
I was very active in your campaign for Texas Attorney General in 1978 and now serve as a political consultant and lobbyist.

One of my clients, Alan B. White, Chairman and C.E.O. of The Plains National Bank of Lubbock, hosted a very successful Texas Victory '92 fundraiser at his home with special guest, Barbara Bush.

While the luncheon event was being held, Alan's bank was robbed. Enclosed is a newspaper article about the event and copies of my letters to The President and Mrs. Bush.

I have always admired and respected you and I'm very proud of the outstanding job you always do. Please let me know how I can be of help to you now, and in the future.

Best personal regards,


Morris Wilkes

MW/pk

Enclosures

Bank robber hits Plains National

By GRADY SIMMONS
Avalanche-Journal

While Plains National Bank president Alan White was dining with first lady Barbara Bush on Thursday, a branch of his bank was being robbed by a bushy-haired bandit.

The robber, still on the lam Thursday night, got away with \$7,400 during the 12:19 p.m. holdup at 4401 Brownfield Highway, White and police said.

White, who was hosting a Republican fund-raiser featuring Mrs. Bush, learned of the robbery after she left about 1 p.m.

"I'm sure the guy who robbed the bank didn't know Mrs. Bush was at my home," he said late Thursday. "It's unfortunate that it happened. But it's fortunate that no one was harmed — that was my first concern — and it was a relatively insignificant amount of money and the person is identified. Hopefully, they'll be able to apprehend him."

The bandit walked up to a tell-

er's window inside the bank and told the teller to give him all the big bills from the second drawer, according to police Capt. Frank Wiley.

"After the teller handed over the money, he ran east across Quaker Avenue," Wiley said. "There was no weapon displayed, and no one saw him get into a car."

Police had not determined if the robber had worked alone in the heist, but detectives were interviewing bank employees and customers Thursday afternoon, according to Wiley.

"The robber was in the bank just a short period of time," Wiley said. "There were some customers in the bank, but we don't have anything from them yet."

Wiley described the robber as a white male, 5 feet 10 inches to 6 feet tall and weighing 180 to 200 pounds. He wore dark glasses, a plaid shirt, blue jeans and carried a red-and-white bandana in his hand. He had reddish bushy hair



Caught in the act

A camera at the Plains National Bank branch at 4401 Brownfield Highway caught a robber in action Thursday afternoon.

and a mustache.

Plains National Bank customers were diverted from the bank lobby to the drive-through windows early Thursday afternoon as FBI agents and police detectives interviewed witnesses inside the bank.

LUBBOCK AVALANCHE-JOURNAL

First in Lubbock — First on the South Plains

70th Year, No. 265

48 Pages ★ ★

Friday, September 11, 1992

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50 cents

THE WILKES COMPANY

Morris E. Wilkes
1903 TEXAS AVENUE
LUBBOCK, TEXAS 79405-1116
(806) 765-5298
(806) 765-8550 (FAX)

September 11, 1992

The Honorable George Bush
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

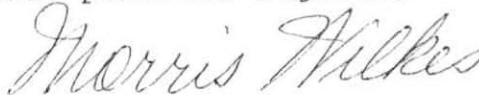
I am the Government Relation's Consultant to Mr. Alan B. White, Chairman and CEO of Plains National Bank, Lubbock, Texas.

It was an honor and pleasure to host your wife Barbara at the White's home for a very successful Texas Victory '92 fundraiser.

I thought you and Mrs. Bush might enjoy the attached news article from The Lubbock Avalanche-Journal.

Please let us know how we can be of continued help.

Best personal regards,



Morris Wilkes

MW/pk

Enclosure

✓ cc: The Honorable James Baker
Chief of Staff
The White House

THE WILKES COMPANY

Morris E. Wilkes
1903 TEXAS AVENUE
LUBBOCK, TEXAS 79405-1116
(806) 765-5298
(806) 765-8550 (FAX)

September 11, 1992

The Honorable Barbara Bush
First Lady of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mrs. Bush:

It was an honor and pleasure to host you in Lubbock at the home of Alan and Lisa White. I am Alan's Government Relation's Consultant.

The Texas Victory '92 fundraiser was an outstanding success. Thanks for coming to Lubbock.

Enclosed is an article you might find of interest from the Lubbock Avalanche-Journal.

Please let us know how we can be of continued help.

Best personal regards,



Morris Wilkes

MW/pk

Enclosure



*League of Arab States
The Secretary General*

✓
3033/3

24 AUG 1992

Dear Jim,

Now that you are changing jobs I would like to convey to you my appreciation for what you always stood for and for your genuine efforts to promote peace and stability in the Middle East and in the world. I cherish the relationship we cultivated during years of fruitful cooperation. I remain confident that you will be successful in your new endeavour as you were in your former one.

With these few words I want to express to you my sincere feelings of friendship.

May God bless you,

All the best Esmat

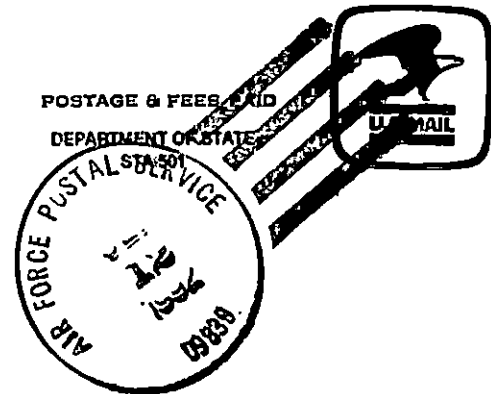
Ahmed Esmat Abdel-Meguid

The Honourable James Baker III
Chief of Staff
The White House



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The Honorable James Baker III
Chief of Staff
The White House
Washington, DC 20500





*Office of
the Secretary General*

The Honourable James Baker III

Chief of Staff

The White House

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6665 Fed Emp Program



State Plaza Hotel

BERT TOLLEFSON JR
West USA Realty
8687 E. Via de Ventura 110
Scottsdale Az. 85258
602 948-5554

Honorable James Baker
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

September 14, 1992

9/18 - cj spoke w/ him several times;
expressed JTB's appreciation for his
interest in helping. Don't have a formal
position open to offer - grateful for his
continued help w/ A&E Campaign.

Dear Mr. Secretary:

Admire your accomplishments very much and want to be part of your team. Enclosed is copy of letter sent to you and the President last week. Having worked for you during the 1976 Ford campaign I know there are valuable contributions I can make at this time based on experience in various Federal departments as well as posts in private business.

FILE

Each spokesman for the Bush Administration should begin by emphasizing the many achievements in both domestic and foreign areas. In this global economy they are intertwined. The millions of new jobs created during the Reagan-Bush years will be expanded during the second Bush term. Democrat proposals risk losing those jobs as businesses would suffer under increased taxes and stifling regulation. The Democrat candidate has less character and competence than any candidate they have offered in 50 years. There is a real danger of international and domestic chaos if the Bush Administration does not continue.

As a manager, speaker or writer, I have the proven experience to contribute much. Am here at State Plaza.

Best regards,
BERT Tollefson Jr.

September 4, 1992

8687 E. Via de Ventura #110

Scottsdale, Az 85258

BERT TOLLEFSON JR

The Honorable George Bush
President of the United States
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

There is nothing more important than electing you to a second term. I can help you and James Baker.

Having worked for you and with you for over 20 years (since before we were both Presidential appointees, 1969-72); I know essential work has to be done and I have the proven experience to do it.

Your opposition candidate has less competence and character than any candidate they have offered in 50 years. This has to be increasingly understood.

The Bush Administration has great achievements in both foreign and domestic affairs. They are intertwined. There is a real danger of international and domestic chaos with your lightweight opponent.

Some of your Cabinet and associates are making effective statements through the news media but it seems this could be increased through more coordination and scheduling. Working with both legislative and public affairs, I was the only one who attended both the Saturday White House strategy sessions with Bryce Harlow and Wednesdays with Herb Klein. Speaking for the U.S. State Department in many states I was often invited back including three consecutive years as speaker at the Chicago Export Conference. There are many segments in speeches by Cabinet members and Presidents since Eisenhower that I have written.

I have worked for Republicans since 1936 when I was 7 years old, managed Governor Sig Anderson's campaign when he led the nation with 71% of the vote before I ran against Mc Govern spending most of my net worth and stepping aside so Abdnor could win. I will be in Washington next week to see your staff. Bert Tollefson



BERT TOLLEFSON JR.

Tollefson Associates

8687 East ~~Scottsdale~~ Via de Ventura
Scottsdale, Arizona 85258 #110

(602) ~~998-5554~~ (602) 998-5667

948-5554



BERT TOLLEFSON, JR.

Bert Tollefson, Jr., Scottsdale, Arizona, has spoken in 49 states and 41 of the 68 countries he has visited. He first sold real estate at age 19 in South Dakota thirty years ago. Two years later he became Chief Assistant to Governor Sig Anderson of South Dakota where he served over three years before appointment as Director of the South Dakota Highway Commission.

He then moved to Washington, D.C. as Assistant to U.S. Representative E. Y. Berry. From 1957 to 1961 he was the youngest Cabinet Aide in the Eisenhower Administration as Assistant to U.S. Secretary of Agriculture Ezra Taft Benson.

For seven years in the early 1960's he was National Manager of the \$300 Million Dollar annual business of the Blue Cross-Blue Shield Health Benefits Program for Federal employees and also was the Legislative Representative with the Congress. In 1966 he was selected President of the American Corn Millers Federation and Export Institute. In 1969 he was a Presidential Appointee (confirmed by the U.S. Senate) to the U.S. State Department where he served four years before returning to real estate business in Arizona.

He has a B.A., M.A., and has completed course work towards a Doctorate in Business Administration at George Washington University. He is married and has four grown children; is a former enlisted man commissioned out of the ranks as a U.S. Army Officer and is a member of several national honorary organizations.



Bert Tollefson, Jr. M.A., CIPS

Multi Million Dollar Producer
Certified International
Property Specialist

8687 E. Via de Ventura
Suite #110
Scottsdale, Arizona 85258

Bus. (602) 948-5554
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02. Form	SF171 for Bert Tollefson, Jr. (3 pp.)	09/12/92	(b)(6)	

Collection:

Record Group: Bush Presidential Records
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Series: Baker, James A. III
Subseries: Public Correspondence Files
WHORM Cat.:
File Location: [Public Correspondence] [5]

Date Closed: 1/30/2001	OA/ID Number: 93004-005
FOIA/SYS Case #: 2000-0715-F	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
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- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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- (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- (b)(9) Release would disclose geological or geophysical information

Bert Tolleson
861-8200 x609

Personal
per
(Baron Jackson)

Hon. James Baker
White House

X-RAYED
32 SEP 15 PM 2:50

Sept 15, 1992
12 Noon

Hon James Baker
+ Carson Jackson

At 4 P.M. today (Tues) I will be with Porter Davis in Room 143 if anyone in your operation wishes to see me at 4:30.

Have several new, beneficial ideas that should be activated. Increased use of Department spokes people is essential and could have a substantial impact. Concise, factual contrasts between the candidates can make the difference. They are running a candidate with less competence and character than anyone they have offered in 50 years.

In 1980, running against McGovern for the U.S. Senate I kept repeating he was "a captive of the Eastern liberals." I stepped aside (when Abdor changed his mind about running so we could defeat McGovern). Clinton must be identified for what he is. Best Tollefson

(8-11)
certified P879821387

see
ID 326252CU

cb Gray

FROM: ELEANOR COHEN 103 W. Oakview #3 San Antonio TX 78209 512-821-5660 Sep 10 92

✓ TO: MR. JAMES BAKER, WHITE HOUSE CHIEF OF STAFF

Mr. Baker, This is a personal supplement to you of my Sep 8 92 letter to the Pres, Mrs. Bush, VP Quayle and to you, by Cert # P 879 821 386.

George Bush is serving the lawless, not the law. He won't send anyone here because he wants me dead. Pres Bush won't save me. I want this said, during my life, not from the grave. He has been making a lot of noise about the meaning of "The buck stops here". Well then Mr. Baker he will be responsible for my death, the buck stops on that, it will be the legacy of his tenure in office, accomplished in the sanctity of the Oval Office. I would do anything in my power to help accomplish 2 things, 1- defeat Bush/Quayle and 2- elect Clinton/Gore. BUT I DON'T WANT THAT TO HAPPEN OVER MY DEAD BODY. I WANT LIFE. I want President Bush to remember that he has legal obligations in the Oval Office.

He is to serve the law in case he has forgotten, or never understood. I consider Pres Bush to be a disaster for this country, the Mount Pinatubo of Presidents. And, he is a bigot. That doesn't give him the right to deny me the right to life. Recently I heard someone comment on a TV news program about the "Hortonization" of the 88 campaign for (and this is what the person said) "the vilest and basest of reasons". That's Bush. ~~Live~~ night on Crossfire, either Mr. Kinsley or Sen Swafford asked Sen Gramm and Mr. Sununu to comment about the fact that Harry Truman had fought to advance Civil Rights in this country and Pres Bush had voted against the 1964 Civil Rights Bill. This was a question on what that had to say about Bush compared to Truman. Instead of a reply came evasive and noisy clamor from the other side, and loud comments about the fact that Bush had vetoed the 90/91 Civil Rights Bill because it was a quota bill and then ensued a hot discussion on the validity of those comments. Gramm and Sununu did a masterful job of tromping on and burying the question about an issue they didn't have the guts to answer honestly. George Bush besmirches the good name of Truman who had the courage to stand for goodness. That's the George Bush who doesn't believe I am created equal by the Creator or endowed with an inalienable right to life, liberty and the pursuit of happiness.

What else but utter disregard and disdain and contempt for my human life could be behind the absolute silence in the face of the record I have sent to Bush/Gray, Barr, Cheney and the record they know exists in the Death Testament, in the entire lawsuit of which the Death Testament is a part and of the entire record of the one-person concentration camp environment I stepped in to on Oct 15 1980. BUSH IS A TOTAL BIGOT. Harry Truman defied the forces of bigotry and ended segregation in the Armed Forces. That's character that George Bush can only dream about, but never emulate because it has to do with what's inside the heart and soul and mind of a person, a person who must be able to learn and grow and act not to placate what is the worst in people but to help people open their eyes to what is the best for humanity and the best in humanity. At a different time than when George Bush commented about the lack of the 3 letters G-O-D in the Democratic platform, I looked at the TV and staring straight out with a mean-spirited glint in his eyes and a face twisted with meanness and with a voice to match, George Bush said that "the Democrats have turned their backs on God." But it is George Bush who has turned his back on God and made religion the last refuge of a heartless scoundrel. George Bush has forgotten, or never knew what God wants, clearly expressed in MICAH "It hath been told thee, O man, what is good, And what the Lord doth require of thee, Only to do justly, and to love mercy, and to walk humbly with thy God".

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Copies to: Mr Bush, Mrs Bush, VP Quayle
Atty Gen Barr, Secy Def Cheney
ms Mary Malalen

Eleanor Cohen

Ms. Eleanor Cohen
103 W. Oakview, #3
San Antonio, TX 78209

Certified P879 821 387

FROM: ELEANOR COHEN 103 W. Oakview #3 San Antonio TX 78209 512-821-5660 Sep 10 92

TO: ~~MR. JAMES BAKER, WHITE HOUSE CHIEF OF STAFF~~ → *Copy for Pres Bush*

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Atty Gen Barr, Secy Def Cheney
Mrs Mary Malalin*

Eleanor Cohen

Ms. Eleanor Cohen
103 W. Oakview, #3
San Antonio, TX 78209

Certified P879 821 387

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Atty Gen Barr, Secy Def Cheney
Mrs Mary Malalin*

Eleanor Cohen

Ms. Eleanor Cohen
103 W. Oakview, #3
San Antonio, TX 78209

Certified P879 821 387

FROM: ELEANOR COHEN 103 W. Oakview #3 San Antonio TX 78209 512-821-5660 Sep 10 92

TO: ~~MR. JAMES BAKER, WHITE HOUSE CHIEF OF STAFF~~

*Copy for
V.P. Quayle*

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Atty Gen Barr, Secy Def Cheney
Mrs Mary Malala*

Eleanor Cohen

Ms. Eleanor Cohen
103 W. Oakview, #3
San Antonio, TX 78209

right of the return address.

CERTIFIED

P 879 821 387

MAIL

Ms. Eleanor Cohen
103 W. Oakview, #3
San Antonio, TX 78209



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SEP 15 1992

Mr James Baker
Chief of Staff
The White House
Wash DC

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File Location: [Public Correspondence] [5]

Date Closed: 1/30/2001	OA/ID Number: 93004-005
FOIA/SYS Case #: 2000-0715-F	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

<p>Presidential Records Act - [44 U.S.C. 2204(a)]</p> <p>P-1 National Security Classified Information [(a)(1) of the PRA] P-2 Relating to the appointment to Federal office [(a)(2) of the PRA] P-3 Release would violate a Federal statute [(a)(3) of the PRA] P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA] P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA] P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]</p> <p>C. Closed in accordance with restrictions contained in donor's deed of gift.</p> <p>PRM. Removed as a personal record misfile.</p>	<p>Freedom of Information Act - [5 U.S.C. 552(b)]</p> <p>(b)(1) National security classified information [(b)(1) of the FOIA] (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA] (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA] (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA] (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA] (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA] (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA] (b)(9) Release would disclose geological or geophysical information</p>
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9/22 -- 1:30pm

Barbara,

This was faxed to us this afternoon. Because it's time sensitive, we've given a copy to Dorrance Smith's office for approp. action.

JAB has seen it.

Thanks,

csj

9-22
3:30 p
Wandra -
Since this
is a copy,
I didn't
track. Per the
above note,
the orig. is
in D. Smith's
office BK



CBS Inc., 51 West 52 Street
New York, New York 10019
(212) 975-5152

Laurence A. Tisch
Chairman, President and Chief Executive Officer

September 22, 1992

The Honorable James A. Baker
The White House
Washington, D.C.

Dear Jim:

It was good to see you and the President last week. I was disappointed the following day by the President's statement regarding the pending cable legislation.

Let me emphasize the following points regarding the importance of this legislation to the nation's broadcasters.

First, this legislation deals with the relationship of local television stations to local cable systems. It does not mention or affect the national television networks. That is why it is of great concern to almost 1,000 local television stations across the nation. (CBS is involved as the owner of seven stations and on behalf of its 200 independently-owned affiliated stations that strongly support the bill.)

Second, the legislation doesn't grant any new rights to television stations but only restores to them the right to control their own signal granted by Congress in 1927. Cable has had an exemption from this provision so that a cable system can take a broadcaster's signal without his permission, repackage it and charge viewers for it. No other business in America has the right to take a competitor's product without permission or payment.

That is why television station owners and managers feel so strongly about this legislation. We believe the federal government currently forces us to subsidize the cable industry, which in turn is only stronger in competing with us. This bill would eliminate this fundamental unfairness in existing government policy, allowing the free market to work between broadcasters and cable. Broadcasters believe it is strongly pro-competitive.

Broadcasters are not pro-regulatory, as we must continually deal with excessive regulations that hinder

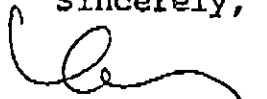
The Honorable James A. Baker
The White House
Page 2

our own business. Given cable's monopoly status, broadcasters see the rate regulation in this bill as relatively mild and the program access provisions as highly pro-competitive and supportive of new technologies.

I hope this helps to explain why hundreds of broadcasters feel so strongly about this legislation and would see a veto as perpetuating a government policy that distorts the marketplace and is anti-competitive.

I hope you will reconsider this important legislation and its overall benefits to the public.

Sincerely,



Laurence A. Tisch

LAT:jt

JAB-07

Mr. Baker, NRN

are you aware of these
statistics?

Also is it true that
the house and senate chaplains
are salaried
at \$115,000.00
and \$300,000.00
per year.?

Ginny's

Good luck
in November

Mrs. Hans Kahl
1103 Brook Park Rd.
Marino - Ohio
43302

Crime in Arkansas up sharply under Clinton

I live in a state where violent crime has increased 95 percent over the past 10 years. Maybe it's because our per-capita spending on police protection ranks exactly 50th in the nation.

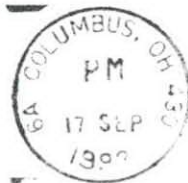
The crime problem in our state really hits home with me. I was a victim of both armed robbery and rape in the past 10 years. Neither criminal was caught.

As a wife, a mother and a taxpayer, I'm concerned about our state and the future of our nation. You see, for the past 10 years, our governor has been Bill Clinton.

Americans need to check out the facts. If they think they would like Clinton to lead America, try living under his leadership in Arkansas.

Patty Roberts
Little Rock, Ark.

MRS. DAN G. HALE
1103 BROOK PARK RD.
MARION, OH. 43302



Mr. James Baker
10 White House
Pennsylvania Ave.
Washington, D. C.

**Johnstown
Corporation**

John E. Sheehan
Chairman, Executive Committee

545 Central Avenue
Johnstown, PA 15902-2697
(814) 535-9030
1-800-458-1505 (except in PA)
FAX: (814) 536-8366

September 25, 1992

FACSIMILE 202-456-2883

The Honorable James A. Baker
Chief of Staff
1600 Pennsylvania Avenue, NW
Washington DC 20500

Attention: Bridgit

Dear Bridgit:

Mr. Sheehan would like the Secretary to see the following letter.

Thank you,



Mary I. Diehl

Enclosure



**Johnstown
Corporation**

545 Central Avenue
Johnstown, PA 15902-2697
(814) 535-9030
1-800-458-1505 (except in PA)
FAX: (814) 536-8366

Shee

John E. Sheehan
Chairman, Executive Committee

July 28, 1992

The Honorable George Bush
The White House
1600 Pennsylvania Avenue
Washington DC 20500

Dear Mr. President:

If you revamp your cabinet now, or in a new term, I suggest that you name Paul Volcker Treasury Secretary. Have OMB report to Volcker, thus making Volcker the Chief Fiscal Officer of the government -- a position which Treasury had until Franklin D. Roosevelt.

Were you to take this step now, direct Volcker to examine the Perot proposed fiscal program and to recommend to the American people how your program might be revised and what must be done to balance the budget and to promote more rapid industrial growth and job creation.

The foregoing step would go a long way toward re-establishing your fiscal policy credibility as well as bringing back into government a giant in international and domestic finance whose stature would create significant opportunities to get a realistic and sound fiscal program enacted by the Congress.

Paul Volcker is of that rare breed of men who prefer public service at the highest level and who, while a nominal Democrat, might well respond favorably to another opportunity to serve his country.

Sincerely,

John E. Sheehan
John E. Sheehan

cc: The Honorable James A. Baker
The Honorable Arlen Specter

bc: The Honorable Paul A. Volcker

Critical News

NEW

POB 155, Murrells Inlet
S. C. 29576
17 September 1992

The Honorable James Baker
The White House
Washington, D. C. 20500

Dear Mr. Baker:

Because we are afraid of Clinton, I want to share a few thoughts with you.

President Bush told us at the beginning of his term that he would be a "kinder and gentler" president and that he wanted to be known as the "education president." So, what has been delivered?

The National Endowment for Arts was allowed to fund the worst sorts of obscenities until public outrage forced the resignation of the director.

The Kurds were encouraged to revolt against Saddam Hussein and then left high and dry without support while Saddam committed all sorts of atrocities against them.

Saddam has flagrantly defied the U.N. and our President makes bellicose speeches.

Our President was infatuated with Gorbachev, poured millions into his coffers and is now showering Yeltsin with money that is in extremely short supply here at home.

He says we must be a "military superpower" yet he ordered a precipitate dismantling of our armed forces and condones a calloused disregard for the welfare of military personnel and retirees.

He has concentrated his energies on his "New World Order" and carried the favor of China while disregarding long-time faithful allies such as Taiwan and South Africa.

He is running around the country, pathetically attempting to counter Clinton's most recent remarks and is more and more becoming what Alexander Haig once called him, a WIMP.

I am almost 75 years old. In our discussions with others of our age group, these are the kinds of things brought up, but not all of them. With Perot once again indicating an interest, his name is mentioned with increasing frequency.

At this point, we are truly worried. There is much more at stake than merely who wins the election. We're not sure the nation can survive four more years.

Sincerely

Frank M. Schneker
Frank M. Schneker

POB 155, Murrells Inlet
S. C. 29576



The Honorable James Baker
The White House
Washington, D. C. 20500



cuts + support women voting
(P. 1112)

NRN

September 18, 1990

Dear Mr. Baker,
Please advise the President
there are many women voting for
Clinton over the anti-free trade
I have doubts in this most recent
critical state (they, too, are conservative)
are trying to send a message. I am
not sending them and I do not under-
stand that they could not see the
lying. I am sure there is more
evidence. Remember, a deal was
struck during the hearings to not bring
it out. Perhaps it should be.
I am sure it is known who
leaked the information. Don't let
these women think. Don't let
it happen, though. The election
ought to be.

Sincerely,
Franklin D. Roosevelt
6054 S. Shawanook Park
West Lake City, Utah
84121

6254 S. Sherandoah Park Dr.
Salt Lake City Utah 84121



#100R 07



James Baker
c/o 1600 Pennsylvania Ave
White House
Washington D.C. 20500

SEPT. 18, 1992

sugg reduction of Fed Govt.

NRN

MR. BAKER;

THIS IS A COPY OF THE LETTER I SENT TO PRESIDENT BUSH.

THE ONLY WAY LEFT TO CAPTURE THE INDEPENDENT VOTE IS TO IMPLEMENT A \$300 BILLION REORGANIZATIONAL REDUCTION OF THE FEDERAL GOVERNMENT; CONSISTING OF 5 DEPARTMENTS.

1. DEPARTMENT OF INTERNATIONAL AFFAIRS. (POLITICAL, ECONOMIC, AND COMMERCIAL). COORDINATED BY A " SUPER-SECRETARY ".
2. DEPARTMENT OF SCIENCE AND TECHNOLOGY.
3. DoD.
4. TREASURY.
5. JUSTICE.

IF YOU AGREE; I WILL BE DELIGHTED TO DO THIS FOR YOU. I DO NOT WANT THIS SCREWED-UP BY YOUR ARMY OF " EXPERTS ".

IF YOU HAD USED MY NUMEROUS IDEAS SENT TO YOU OVER THE LAST FOUR YEARS; WE WOULD NOT HAVE GONE INTO A RECESSION; AND WE WOULD HAVE 100% EMPLOYMENT AT THIS TIME, AS WELL AS HAVING PAID OFF ALMOST HALF OF THE NATIONAL DEBT. THIS IS A BATTLE BETWEEN " EXPERTS " AND CREATIVE GENIUS!

THERE ARE NO POLITICAL OBSTACLES! IF YOU WANT IT DONE, IT WILL BE DONE!

AT AMERICA'S SERVICE,
Walter Pawly
WALTER PAWLY
56 PATTON ST.
SAN FRANCISCO, CA.
94110-5820

WALTER PAWLY

56 PATTON ST.

SAN FRANCISCO, CA.

94110-5820



MR. JAMES BAKER

CHIEF OF STAFF

WHITE HOUSE

WASHINGTON DC 20500



~~speech~~ sugg. 9-17-92

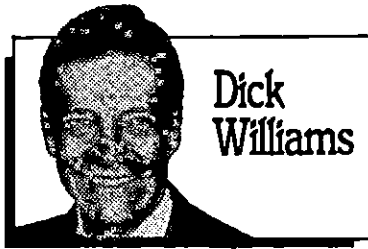
Read this article, NEN
Dick W was stresses my
main concern with George
Bush's speeches,

He makes a good
point but does not
develop it — so — it falls
flat.

A good high school
debating Coach would help
him. (Pound your points)

Bush's speech writers
should know this but don't.

Carl H. Renfroe



Economy is surely family value

With all the scorn President Bush and the Republicans have met for talking about family values, it's little wonder they backed off.

As former drug czar and Education Secretary Bill Bennett put it last week, if the issues can't be discussed factually and seriously, they should be ignored.

Used as a wedge, they are insulting to the mother struggling without a husband.

Still, the facts are that family values are as much an economic issue as they are moral or spiritual.

The president took a whack at the proper connective tissue a week ago but didn't quite get to it.

He tried again in a prime-time interview on NBC, describing the link of family values to discipline, law and order, welfare reform and choice in education.

Most important, he noted that the greatest cause of urban problems is the decline in the family. But there he stopped. Why?

And there lies the continuing unease of conservatives about the president.

Perhaps to some evangelical conservatives the issue now known as family values is about prayer in school, a sanitized popular culture and keeping homosexuality in the closet and mothers at home with the kids.

But as the president has noted, we "cannot return to the days of Ozzie and Harriet." The president added that

lost jobs mean damaged families, but he could have gone so much further.

Mr. Bush is under assault for a dismal economy and the resultant increase of 2.1 million people deemed to be living in poverty — an increase in the poverty rate from 13.2 percent in 1990 to 14.2 percent today.

Yet two-thirds of the increase in the Census Bureau report was directly caused by an increase in the number of families headed by single women.

That startling data went largely unreported and few are willing to link it to the family-values question.

It's instructive to listen to how Mr. Bennett put it at the GOP convention in Houston:

"Young boys and girls who do not grow up with fathers are far more likely to drop out of school, to become promiscuous, to go on welfare, to use drugs and to commit crimes.

In saying this we do not disparage the good, noble efforts of single or divorced mothers; indeed, in saying this we speak to the men of America."

Mr. Bennett went on to call the family "our most important institution, the first, original and best department of health, education and welfare."

Mr. Bush was in metro Atlanta this week to shore up the doughnut counties where the Republican votes live. If he could make the link between family values and the economy more effectively, he could reassure the white-collar voter worried about the future.

Instead of backing away from what is a paramount economic and moral question, the president should be detailing it.

Shoring up the family, giving parents choices in education, child care and health care could eliminate the social pathology that drives the federal deficit — from prisons to AIDS to welfare.

Mr. Clinton links the family only to jobs and seems to disdain the rest. Mr. Bush has the chance to lead the grass roots to a family revolution.

Dick Williams is a Journal editorial writer.



DR CARL G RENFROE
393 GLENN CIR
DECATUR, GA 30030



Mr. James Baker
Bush's Chief of Staff
The White House
Washington, D.C. 20500

Campaign material

Leslie HEITEL

Reg. No. 317 W Lawrence Rd.
Plains A2 85013
September 18 1992

James Baker
Chief of Staff

NKN

Sir: The Republicans are going to lose the election
as a result of members of the Party for 59 years, the
year people are fed up with the Party, the
platform and lack of understanding of some basic
problems:

#1 - The Bush won't loan money as long as the
R/E of O.T.S. regulators, who have destroyed the R/E
treatment business, are sitting in the banks.

#2 - The Alliance with the Reagan Democrats
these "turn of" middle America and 70% of the
Women Vote. - We don't want a Bush man in
the White.

3. The Public (the taxpayers) are fed up with
Anti Programs that encourage the production
of multitudes of street gangs, drug and other illegal
things the welfare. Get a cut off on the number
of kids produced than the R/E & other programs.

4. Every agency of the govt is overstaffed
no killing every business that over-regulation
Put a stop to every union & Reg until each
is removed by outside people who are affected

5 - Make a Deal with Bush - no people
will vote "Clinton"

Page 2

James Baker

6 - Put a limit on Govt Spending at the Present Budget. If needed, shift funds for legitimate Programs within the Budget. The Deficit is the cause of our Economic Stagnation.

7 - Find out what the people think. The Present Group of Advisors should be sent to China - get rid of Seaman Brady and other, so-called economists.

We are going to lose Bill Clinton says the Right things; many don't trust him but the average voter does.

The President's Health Plan is the Best
But have never been explained as many
others.

Sincerely
Leslie Hill

LESLIE HEITEL
317 W. LAWRENCE RD
PHOENIX, ARIZ.
85013



WALDEN ST



Mr James Bader
Chief of Staff
The White House
Washington D.C.

Or anyone interested in winning
the election

Sugg morality is the issue / encl article

MRN

Rt. 1
Parker, Kansas 66072
September 18, 1992

Mr. James Baker III
Chief of Staff
The White House
Washington, D.C.

Dear Sir:

Recently I read a statement made by Mr. Bill Clinton which I simply could not let go unchallenged. Enclosed is a copy of my challenge to that statement. It is doubtful that it will be printed in the Kansas City Star where I did mail it.

To me, this election comes down squarely on the issue of morality, right from wrong, and the American conscience needs to be stirred, even disturbed with some terribly logical reasoning on the order of a man like Abraham Lincoln and not be referring to Harry Truman. I could have made this reply much more cutting but felt it would surely not get published if it were.

Because of their immoral stand on abortion and the homosexual communities we have real reason to fear what will become of this nation if we don't take a moral stand and try to please the God who helped this nation in its founding. If God deserts us, heaven help us all! That is not being negative because what the nation needs most of all is to see the God "In Whom We Trust" as Abram Lincoln saw Him.

If even the idea in this article would help the President, you are encouraged to use it. If the article itself can be useful, use it in spoken or printed form as often as possible. I feel that the more people can be caused to read along this line the better the President will be seen, and the better the nation will be served.

A loyal American,

John Ammel
John Ammel

September 14, 1992

Dear Editor:

The governor of Arkansas is quoted in the Kansas City Star of September 9th as saying, "If Abraham Lincoln were alive today, he would be much more likely to be a Democrat than a Republican...he represented the best of the American progressive and conservative tradition." Well! One look at what came out of the Democratic Convention, and at the groups Mr. Clinton is welcoming to his camp plainly shows that this leader and this party at this time are certainly not espousing traditional conservatism! Lincoln would steadfastly refuse to be a part of, let alone the head of, a party which so closely resembles that of Stephen Douglas rather than of A. Lincoln.

Consider that in 1858 the United States was struggling with its conscience over slavery. This was a moral dilemma, an issue of right and wrong. Some historians today say that the Civil War was fought over whether or not a state could secede from the Union, that slavery was not the issue. Maybe so, but slavery nevertheless caused the issue. So Lincoln and Douglas met in a series of debates.

Douglas wanted to do (straddle or sidestep the issue of slavery) what Clinton is trying to do now...straddle or sidestep the issue of abortion, today's moral dilemma. He says that he is not pro-abortion, but he has found a neat way to please those who are by saying he is pro-choice: let the woman decide whether or not to have an abortion. Isn't that something like squatters' rights with slavery? He wants to come off as not in favor of abortion himself but is willing to look the other way while another has it done. Compare this with the issue-straddling Douglas, and Lincoln who came directly to the point.

The two men were debating. Judge Douglas had declared that he didn't care whether slavery was voted up or down. Lincoln replied, "You say that you don't care whether slavery is voted up or down. Now, any man that can say that does not see anything wrong in slavery; but, no man can logically say it who does see wrong in it, 'cause no man can logically say he doesn't care whether wrong is voted up or down." So Lincoln would say to Clinton that he can't have it both ways. If he supports abortion, then he logically sees no wrong in it. If he takes a pro-choice position which allows abortion, which allowance he would make a matter of law, then, he logically ends up supporting the thing that he allows. Otherwise he comes out as a very illogical man.

Lincoln also referred to the basic document of the nation, the Declaration of Independence. He used this document as a basis for his arguments and beliefs. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

The Declaration also gives the purpose for instituted government as being to secure these Rights for the citizens. Happiness! No one was guaranteed happiness, but was to have as much opportunity as possible to pursue it. Liberty! Look to what great measures we go as a people to ensure freedom of religion, speech, and the press. Life! Life? It used not to be a question. Why has it become such a questionable "Right" in this day? After all, it is listed first and must (logically) precede the other two. The Declaration affirms that there is a Creator involved in the creation of all human life, "...all men are created...." Historically, it can be shown that the Creator to whom the Declaration referred, and whose authority it acknowledged, was the God of the Bible. Accordingly, the nation's founders set to work to make a government established upon the principles of right and justice found in that book. (It should be noted that included in the principles necessary for a healthy and strong nation, or community, were ones that governed individual conduct. Whoredom and homosexuality were both expressly forbidden. They bring ruin to a person, a community, and ultimately to a nation. And, alas! if someone should be so self-righteous as to quote, "Let him who is without sin cast the first stone," let it be replied that the author of that statement also said to the sinner that neither did he condemn her, but he also said she was now to repent and sin no more. This act of graciousness on the part of the one was to be followed by change on the part of the other. That is what should be extended to the "gay" community and is what should be expected from them. Was this the policy that was adopted at the Democratic Convention? Or was it an issue that was "straddled."

Scientifically, and proceeding logically, it can be shown that the Creator does not involve Himself directly in the present creation of each person. However, that in no way makes it any less a creation. The Creator created the first man and woman, and after that they reproduced. The Creator "invented" or created the method for such reproduction. He placed within the egg and the sperm the possibility of the making (carrying on of creation) of a new life. Everything that is to be inherited is carried by these two entities. Structure, height, color, nomenclature, gifts, talents, even some basic likes and dislikes, and the organization necessary for all of these are all codified and programmed from the very first moment of conception to determine the entity of the new human being. Life begins then, and it is human life, nor can it be anything else since it comes from humans. Without any pause to consider "viability," the fetus is on its way developing as a man or woman, that being determined from the first by the coding that continually directs its development. As such the Declaration of Independence says they are endowed (something else that accompanies their development) by their Creator (not reproducers) with certain inalienable (not to be denied except if forfeited through criminal self-behavior) Rights. The first of these rights is the right to live. Unborn children should not die. Abortion should.

Lincoln had great respect for life. If he were alive today, he would come right to the point and not allow Clinton's claim that Lincoln would be one of his supporters to go unchallenged.

Judge Douglas declared that, "This doctrine of Lincoln's declaring that men are made equal by the Declaration of Independence and by Divine Providence is a monstrous heresy." He thus denied the stated basis for the founding of his own country. Lincoln came right to the point. He showed that the things with which all men are endowed are the things in which they are created equal...the inalienable Rights, chiefly of Life, and Liberty, and the pursuit of Happiness. This is what was self-evident and he would not deny them!

Of course, what Lincoln would be if he were alive today cannot be answered. It is, however, quite certain that Mr. Clinton was terribly incorrect in his conclusion. What he should have said is, "If Abraham Lincoln were alive today, he would much more likely still be a Republican than today's Democrat...he represented the best of the American progressive and conservative tradition." That would be the most accurate statement that has been said since the Convention.



John Ammel

Parker, Kansas 66072

John Amiel

Rt 1

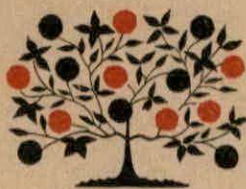
Parker, KS 66072



Please deliver to

Mr. James Baker III
Chief of Staff
The White House
Washington, D.C.

offer to come & give POTUS a
great ride



Grindstone Lake
Hayward, Wisconsin
September 19, 1992

NEW

Dear Mr. Baker,

With Ross Perot now authorized to be on the ballot November 3 for president in all 50 states it seems to me more urgent than ever that President George Bush give all voters a clear and coherent reason for asking them for a vote of confidence. I'm certain the people are willing to let bygones be just that if he'd spell out his program for the New World Order he spoke of following the Gulf War. Ross Perot said last night during his interview with Judy Woodruff on the McNeil/Lehrer News Hour that his chief goal is to force the Democrats and Republicans to articulate a viable plan for the future of our country. I believe that to be a sincere statement.

For merely another six weeks George Bush is the president, and I think there is something he can do that would obviate

the need for any further debate, win the vote of parents, senior citizens, women, "Baby Boomers", independent voters, Perot supporters, and even Ross Perot himself! You need a miracle, and I have one in my jacket - written down and ready to take off!

And yes it scares me silly, like jumping off the Brooklyn Bridge. I don't know whether you are familiar with Dr. Martin E. Marty, a Senior Editor for The Christian Century and his inciteful M.E.M.O.s in that Ecumenical Weekly? In the latest, September 9-16, 1992 issue, he hit the nail on the head with his discussion of "Waving Eternally" in which he quotes the poem "Leavetaking" by Greg Delanty. I wouldn't be normal if I were not afraid of taking the drastic step I'm proposing in my brief (about 30 minute) talk for George Bush to address to the nation's children. It's like beginning "your first real journey alone" - away from home and all that's familiar.

The only reason I can go ahead is
the echo of the words of Our Lord,
"fear not!" That and the memory of
darling American Indian children,
some of whom it was my privilege to
know and love.

Please let me know soon whether
you want me to come to Washington to
tell you in private, and strict confidence,
just what I have in mind.

Sincerely yours,

Joanna Rovelstad *

phone: (715) 634-3384

cc Dr. Martin Marty

Charles Deegan, Jr., Am. Indian Consultant

P.S. We plan to stay here in our old log
cabin until October 26 when we'll be
heading on down to our residence in
Key Largo, Florida.

* Author, "Homespun Yarn" & "Turtle Talk", 81981

Mrs. Joanna C. Rovelstad
Rt. 2 Box 2421
Hayward, WI 54843



ALWAYS USE
ZIP CODE



Mr. James Baker III, Chief of Staff
The White House
Washington, D.C. 20500

Personal & Confidential

The New York Times

WASHINGTON BUREAU
1627 I STREET, N.W.
WASHINGTON, D.C. 20006
(202) 862-0300

9/25 - we told him
JAB prohibited from
doing what he
suggests. He's going
to write LSE

September 23, 1992 at State.

Mr. James A. Baker 3d
Chief of Staff
The White House
Washington, D.C.

Dear Jim,

I am working on a biography of Senator Edward Kennedy, and I wrote the enclosed letter to you a few weeks ago. A colleague was trying to get it to you directly at about the time you were leaving the State Department, and it may have gone astray.

Despite your new set of substantial responsibilities, is there anything you can do to help?

Sincerely,



Adam Clymer

The New York Times

WASHINGTON BUREAU
1627 I STREET, N.W.
WASHINGTON, D.C. 20006
(202) 862-0300

August 11, 1992

Mr. James A. Baker 3d
Secretary of State
The State Department
Washington, D.C.

Dear Mr. Secretary:

I am at work on a biography of Senator Edward Kennedy, and I want to ask for your help in getting access to State Department records that might ordinarily be considered too recent for public access -- as much information as possible on Kennedy's visits to the Soviet Union and his meetings with Mikhail Gorbachev in 1986 and 1990. There must have been a considerable amount of cable traffic on both occasions, concerning arms control in the first case and the Baltics in the second, and other matters as well. It is my impression that Senator Kennedy was helpful to the Reagan Administration on the first occasion and to President Bush on the second. I would like to get as much hard information as I can.

I am going through normal channels for earlier department documents concerning his activities in the sixties and seventies, especially trips to Vietnam and the Soviet Union. But it might be many years before events of 1986 and 1990 are, in the normal run of things, considered appropriate for release. Of course I don't know what may be in the records, and what it might be appropriate to withhold. But they do concern relations with a nation that no longer exists and bear on singular successes of American foreign policy. My interest, of course, is that they may illuminate the career of an important American politician in areas generally unknown to the public. With material on these visits my interviewing on the subject would be more informed.

I expect that it will take me at least four years to finish the book. It is the first serious political biography of the leading liberal of a conservative age, and I'm trying to make it as thorough and authoritative as I can. Senator Kennedy is cooperating on the book, but it is in no sense an authorized biography over which he has any right of approval.

Sincerely,

Adam Clymer