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001. form	[Personally Identifiable Information] [partial] (1 page)	11/13/1996	b(6)
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COLLECTION:

Clinton Presidential Records
Staff Secretary
Todd Stern
OA/Box Number: 8119

FOLDER TITLE:

Chron Files: Wednesday, November 13, 1996

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rs3337

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 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. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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]
- 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 concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN
11-13-96

Leon

Why didn't
Phil get in?

Can we do
anything about it?

Chron

Phil has seen

THE WHITE HOUSE
WASHINGTON

November 8, 1996

Mr. Millard Fuller
President
Habitat for Humanity International
121 Habitat Street
Americus, Georgia 31709-3498

Dear Millard:

Thank you so much for your thoughtful letter.

I'm glad you had such a memorable time at the Presidential Medal of Freedom ceremony. Your Medal is well deserved, and I was proud to honor your compassionate dedication to solving the housing and community development problems facing our nation.

Although the final version of the Omnibus Appropriations Act did not include the provision that you mentioned in your letter, I support the provision's intent of allowing nonprofit groups to use surplus government property for self-help homeownership. Your insight and recommendations will be valuable as we continue to address this issue.

I'm grateful for your warm words of encouragement.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill", is written in dark ink.



through 2008 etc. 10-11-96
Habitat for Humanity International

Building houses in partnership with God's people in need

96 OCT 9 4 9: 58

September 24, 1996

*He wants assurance on
this bill - staff sec?*

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Ave.
Washington, DC 20500-2000

*Received
9/8 - 200*

Dear Mr. President,

Thank you again for the wonderful event on September 9 when you honored me and the entire Habitat for Humanity organization by granting me the Medal of Freedom. The occasion and the high honor you conferred on me will be a part of my fondest memories for the rest of my life.

I write you today to seek your support once more for Habitat for Humanity. As you dialog with the Congress about the proposed Omnibus Appropriations Bill, I respectfully ask that you support the section which will allow Habitat for Humanity and similar non-profit groups the right to use surplus government property to provide homes for low income persons who otherwise probably could never own a home. Currently, Habitat for Humanity does not legally qualify as a provider for the homeless, since most new Habitat homeowners are not technically homeless. Most are living in sub-standard dwellings. The practical effect, though, is that they are "homeless". Consider this simple example. Linda and I were in Pensacola on September 11 to dedicate our 50,000th house. It was built for Tammy and Michael Harris and their four children. They had been living in a 3-bedroom house with two other families-fourteen people in all. They were not technically "homeless", but, in reality, they were. Those are the kinds of people we are building for. The legislation in question would in no way deny other homeless providers opportunity to use the surplus property, but merely expand the use of the surplus government property to provide needy persons decent places to live.

We have specific examples in various parts of the country where surplus property exists, where homeless groups cannot make use of it, and where Habitat for Humanity affiliates are willing to build Habitat houses to provide homes for those in need. One example of this is in Congressman John Boehner's district in Ohio. As a result of the Habitat affiliate in his district contacting him in regard to surplus property which no homeless group wishes to build and on which Habitat is prepared to build 30 Habitat houses, Congressman Boehner has taken leadership for this language which will accomplish what most persons we have talked to believe is right.

If there are questions about this, your staff might contact Tom Jones, the Managing Director of our Washington Office. He is at 1511 K. Street, NW #605, 202/628-9171.



President William Clinton/09-24-96/Page 2

Your leadership in providing the opportunity to every person to have a decent place to live is an inspiration to us all. I hope you and Hillary will make plans after the election to join us in more Habitat builds!

With great respect and appreciation,

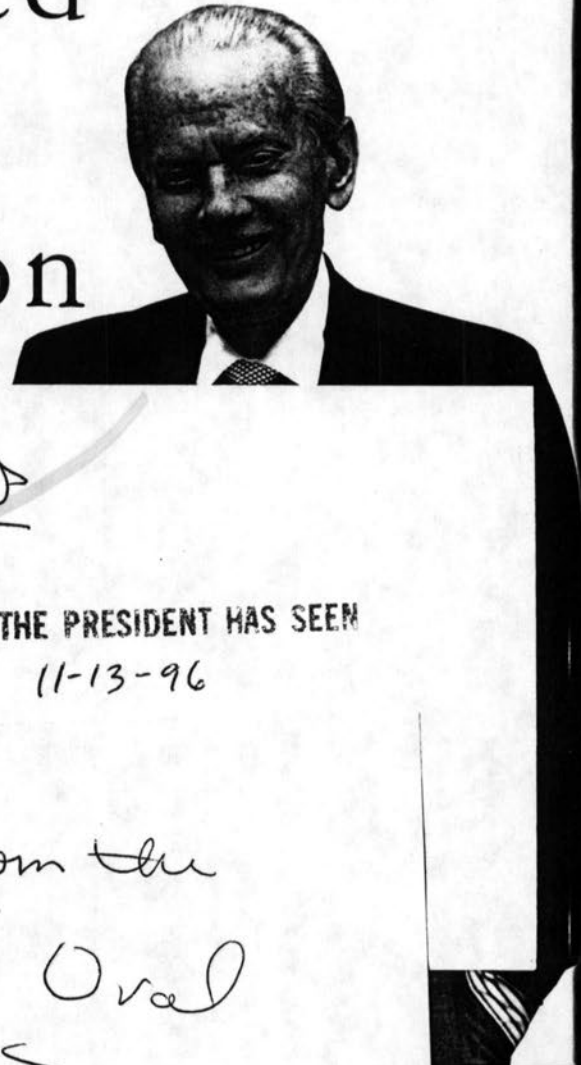
A handwritten signature in cursive script, appearing to read 'Millard Fuller', written in dark ink.

Millard Fuller

MF/slt

cc: David Williams
Tom Jones

Everyone Is Entitled to My Opinion



Back to U.S.

THE PRESIDENT HAS SEEN

11-13-96

From the

Oral

DAVID

Y

*Everyone Is Entitled to
My Opinion*

David Brinkley



ALFRED A. KNOFF

NEW YORK

1996



Heidi Brown

THE PRESIDENT HAS SEEN

11-13-96

CITY OF PHILADELPHIA

OFFICE OF THE MAYOR
ROOM 215 CITY HALL
PHILADELPHIA, PENNSYLVANIA 19107-3295
(215) 686-2181
FAX (215) 686-2170

EDWARD G. RENDELL
MAYOR

November 6, 1996

Hon. William J. Clinton
President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Clinton:

Congratulations on what today's *Philadelphia Daily News* properly labeled "a victory of landslide dimensions." Ever since we first met in 1992, it has been my privilege and pleasure to be a Bill Clinton supporter. As a candidate in 1992, as the President, and as the successful candidate for re-election in 1996, you have made me proud to be one of your strongest supporters and fans.

While there are many pieces to the kind of victory that you and the Vice President were able to roll up, I cannot help but also be proud of the role that the City of Philadelphia has played in your successes. You will recall that, in 1992, you earned 68.6 percent of the vote in Philadelphia and came out of the City with a 301,000-vote plurality, comparable to the plurality generated in Philadelphia for President Kennedy in 1960, with a much larger number of voters.

I am pleased to report to you that Philadelphia smashed its near record-breaking 1992 support of you with its 1996 performance. With almost 99 percent of the vote counted, you have earned a phenomenal 77 percent of the votes in Philadelphia and, thus far, have a phenomenal 322,000-vote plurality, even though 100,000 fewer people voted in Philadelphia in 1996 than in 1992. (By the way, even with the lower number of people voting, we calculate that more than 60 percent of the legitimately registered voters came out to vote yesterday in Philadelphia.) What is even more remarkable about your Philadelphia plurality is that it represents about 80 percent of the total plurality that you received in Pennsylvania.

As I have said repeatedly, you have been a great friend to American cities in general and to Philadelphia in particular. I am enormously pleased that the voters of this City

Hon. William J. Clinton
November 6, 1996
Page 2

recognized your commitment to them and produced a victory of this magnitude. I wish you and the Vice President the best of luck over the next four years and pledge my continuing loyalty and support to your agenda.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed", written in a cursive style.

Edward G. Rendell
Mayor

EGR:gl
L4025.DLC

Dorskinsen
For Reply
1
Dorskinsen
To: T. J. Quinn
TJQ-PR

THE PRESIDENT HAS SEEN

11-13-96

MADISON LECTURE
TO BE DELIVERED AT
NEW YORK UNIVERSITY LAW SCHOOL
OCTOBER 8, 1996*

There are many reasons why I was delighted to receive the invitation from Professor Dorsen, and equally delighted to be here before you tonight. In the first place, I feel that the Law School of New York University has adopted me and made me a part of your academic and intellectual family. Since 1981, I have, with only two exceptions, attended the Appellate Judges Seminar - a joint project of the Law School and the Institute of Judicial Administration - each summer. The first year, when I was a new Circuit Judge, I was a "student," or participant in the Seminar. And in the succeeding years I have been a member of the Seminar Faculty. One of my proudest moments came when Dean Norman Redlich granted me "tenure" as a member of that Faculty. Possibly his action was ultra vires, but happily no one has questioned it. Other incidents in the history of the Seminar stand out - like the time I was stuck in an elevator in Vanderbilt Hall for an hour with the Chief Justice of Texas - fortunately, he was a very entertaining fellow.

You may wonder how an outlander from Arkansas like me managed to get on the Faculty of the Appellate Judges Seminar in the first place. The answer is that the Founding Director of the Seminar,

*By Richard S. Arnold, Chief Judge, United States Court of Appeals for the Eighth Circuit.

Bob Leflar, was a former member of the Supreme Court of Arkansas, a former Dean of the Law School of the University of Arkansas at Fayetteville, and, not incidentally, a member of the Faculty of this Law School. It was Bob who invited me to help teach at the Seminar. So I can attribute my presence here to that same time-honoured practice that has helped so many Arkansans in the past. I refer, of course, to cronyism, one of the values that has made America great.

I also have made many good friends here over the years. I think especially of my law-school classmate, Paul Chévigny, and of Tony Amsterdam, with whom I clerked at the October Term, 1960. I was in awe of Tony then, and have been ever since. Sam Estreicher, now the Director of the Appellate Judges Seminar, has been a kind taskmaster. Both he and Linda Silberman have been steadfast friends in good times and bad. And it's always a pleasure to be with John Sexton. I could go on, and in a way I would like to, but if I named all of the friends I have here, there'd be no time left for James Madison.

The thing that makes me proudest about this occasion, I guess, is that it gets my name on a list that also includes Justice William J. Brennan, Jr. In fact, I believe Justice Brennan is the only person who ever delivered this Lecture twice. I have felt a special kinship for the Madison Lecture ever since I clerked for Justice Brennan in 1960 and 1961. I remember well the time and

effort he lavished on his research for and preparation of the Madison Lecture in 1961. He allowed us law clerks to try our hand at drafting opinions - ones he wasn't especially interested in - but we never got near the Madison Lecture, except to proofread his finished work. Well, that's not literally true. He did let me contribute a footnote about a bill on dual-sovereignty double jeopardy that had been introduced in the Arkansas Legislature, but with that exception the Lecture was all his own work from the ground up. So it gives me a special feeling of pride to stand here in the place, so to speak, where Justice Brennan stood. I know of no judge more worthy of imitation, and I respectfully dedicate this Lecture to him.

The topic I have chosen is "How James Madison Interpreted the Constitution." As I sat down to write, I realized that this title is itself ambiguous. It could refer to the various substantive positions Madison took on constitutional questions throughout his life - whether the Bank of the United States was constitutional, whether Congress could build roads and canals, and the like. Or it could refer to methodology - did Madison believe in "original intent," to use that dread phrase so familiar in modern controversy, was he a textualist, and so forth. I intend the phrase to be understood primarily in the latter sense: what criteria, what sources did Madison use in arriving at his own opinion of the meaning of the Constitution? One of the things you learn very quickly when you begin trying to interpret the

Constitution is that the words themselves are almost never without some ambiguity, so perhaps it is fitting that the title of a lecture on constitutional interpretation should itself be ambiguous - even though I didn't realize it when I first dreamed up the title.

You may also be wondering why anyone cares what James Madison thought about constitutional interpretation. I remember one occasion when a student asked Professor Paul Freund what Thomas Jefferson would think of a certain constitutional question if he were alive today. Professor Freund answered: "If Thomas Jefferson were alive today, he'd be too old to think." The question of the relevance of Madison's views is one you will have to answer for yourselves. My own view is that history is important because it's intrinsically interesting, or, to put it in plain language, history is fun. It may also be of some use in the work we have to do in our own time, and I will suggest why at the end of this talk.

So what about Mr. Madison? Let me begin by reminding you of a few facts about his life and work - facts we all learned at one time or another, but that it helps to recall. James Madison was born in 1751 and died in his 85th year, in 1836. He was often in poor health. In fact, in 1772, at the age of 21, having recently been graduated from the College of New Jersey, now called Princeton, he was sure he would die young. "My sensations for many months past," he wrote to a friend, "have intimated to me not to

expect a long and healthy life."¹ Almost 60 years later, in another letter, he seems almost surprised to be still alive. "Having survived so many of my contemporaries," he said, "I ought not to forget that I may be thought to have outlived myself."² In 1831, when this letter was written, only Madison and Charles Carroll of Carrollton survived of the political leadership of the Revolution, and when Madison died five years later he was the last survivor.

From 1774, when he became a member of the Committee of Safety in Orange County, Virginia, until 1817, when he completed his second term as President of the United States, Madison was almost continuously in public office. He was a member of the Virginia General Assembly, and a passionate defender there of liberty of conscience. He was a Member of Congress both before and after the adoption of the Constitution, most notably in the first four Congresses of the new government, from 1789 to 1798. He drafted the Bill of Rights. He was, with Hamilton and Jay, the author of The Federalist Papers under the pen name "Publius." He was Secretary of State for eight years under President Thomas Jefferson, and in that capacity was the winning party (but what a Pyrrhic victory it was) in the most famous lawsuit in American

¹Madison to William Bradford, Nov. 9, 1772, in William T. Hutchinson et al. eds., I THE PAPERS OF JAMES MADISON 75 (1962 -).

²Madison to the historian Jared Sparks, June 1, 1831, in Gaillard Hunt ed., IX THE WRITINGS OF JAMES MADISON 460 (1900 - 1910).

history, an original action in the Supreme Court styled William Marbury v. James Madison, Secretary of State of the United States.³

And, most importantly for present purposes, Mr. Madison was the prime mover in the drafting and adoption of the Constitution. He was the quintessential Founder. In 1825 he was given the title "Father of the Constitution" by Charles Jared Ingersoll, and it is a title he fully deserved. He was a constitutional and political scholar and logician of the first rank, though not encumbered by membership in the Bar, having studied law only briefly and never practiced. He was the leading intellectual force in the Constitutional Convention at Philadelphia in 1787, and, through his notes of the proceedings, our main source of knowledge about what went on there. And, at the crucial Virginia State Convention of 1788, at which the Constitution was ratified by the narrow margin of 88 to 80, Madison triumphed in debate over none other than that glorious orator of the Revolution, Patrick Henry. Still, in spite of all these achievements and contributions, he was, in company with other leaders of his own and other times, viciously attacked in the press. Madison was, as Ingersoll put it, "[e]xposed to that licentious abuse which leading men in free countries with an unshackled press cannot escape" ⁴

³Marbury v. Madison, 1 Cranch 137 (1803).

⁴I CHARLES JARED INGERSOLL, HISTORICAL SKETCH OF THE SECOND WAR BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN 263 (1845).

So how did the Father of the Constitution go about divining the meaning of his own creation? One would expect that he would appeal, above all, to the desires and intentions of the Framers at Philadelphia, in whose number he enjoyed such pride of place. One can imagine Mr. Madison, in the heat of argument over some point of interpretation, triumphantly carrying the day by quoting from his own notes. To our surprise, perhaps, this is not at all what happened. In fact, Madison ended up almost entirely negating the subjective intention of the delegates at Philadelphia as a consideration of any importance in constitutional interpretation. He was not, however, completely consistent in that respect, and the history of his inconsistency is of some interest.

Madison's first post in the new government was as a member of the House of Representatives from Virginia. He was, that is, a successful politician. When he and the other Representatives and Senators finally assembled in sufficient numbers to make a quorum here in New York, the temporary capital, the Constitution, grand as it was, was just a piece of paper. It had to be brought to life by practice in order to become a living plan of government.⁵ So everything the First Congress did was of constitutional significance, in some sense. That body was "a sort of continuing

⁵For a brilliant description of this process which no student should miss, see STANLEY ELKINS AND ERIC MCKITTRICK, *THE AGE OF FEDERALISM* (1994).

constitutional convention."⁶ Eight Representatives had been delegates to the Philadelphia Convention, in fact, and eleven United States Senators.⁷ One of the first bills introduced was one proposed by Madison to create the Departments of Foreign Affairs, now called State, the Treasury, and War, now part of the Department of Defense. The bill provided, as indeed the Constitution itself did, that the secretaries of these departments would be appointed by the President, by and with the advice and consent of the Senate, but would be removable by the President alone. Ultimately the House agreed with Madison that the removal power was necessarily, under the Constitution, a solely executive attribute, and that has been the prevailing view, more or less, ever since.

In the course of this debate several interesting kinds of arguments were made about how to interpret the Constitution. Elbridge Gerry of Massachusetts, for example, hardly the most stable of characters, declared himself opposed to any sort of interpretation at all! Mr. Gerry was "decidedly against putting any construction whatever" on the Constitution.⁸ He thought that

⁶David P. Currie, *The Constitution in Congress: The First Congress, 1789-1791*, 1-3 (1991) (unpublished manuscript), cited in Kent Greenfield, Original Penumbra: Constitutional Interpretation in the First Year of Congress, 26 CONN. L. REV. 79, 79 n.2 (1993).

⁷See JACK N. RAKOVE, *ORIGINAL MEANINGS* 349 (1996) (hereinafter cited as RAKOVE). Compare Rakove, Mr. Meese, Meet Mr. Madison, *Atlantic Monthly*, December 1986, p. 77.

⁸11 DOCUMENTARY HISTORY 1021.

"all construction" was "dangerous, or unnatural."⁹ The words alone are authoritative. Interpretation serves only to distort. This view, admirable enough in the abstract, breaks down immediately in practice, but it was a well-entrenched part of the intellectual culture of the times. Anglo-American Protestantism, taking its cue from Martin Luther's cry, "Sola Scriptura," took the position that "the only authoritative, and indeed the only safe, interpreter of Scripture was Scripture itself."¹⁰ This view lives on today, whenever anyone says that our true allegiance should be to the Constitution itself, not to anyone's interpretation of it. In this debate Madison argued from the Constitution's text and from what he saw as its overall plan, "spirit," or "intention,"¹¹ though the reference to "intention" seems to refer rather to the theme of the whole document than to what may have been in the mind of its drafters. Madison also argued from practicality, from what he saw as the inconvenient consequences of requiring the consent of Congress or of the Senate for removal of one of the heads of the principal departments, but, in a bow to what we would now call originalism, he explained that such arguments "were intended only to throw light upon what was meant by the compilers of the

⁹Id. at 1022.

¹⁰H. Jefferson Powell, The Original Understanding of Original Intent, 98 HARV. L. REV. 885, 889 (1985); see generally id. at 889-94.

¹¹Greenfield, supra note 5, at 94, citing 10 DOCUMENTARY HISTORY 721-22 (May 23, 1789).

constitution."¹² The term "compilers" is vague, maybe deliberately so. It could mean the Framers at Philadelphia; it could mean the delegates to the State ratifying conventions; it could mean all of the above.

I digress briefly to mention what seems to me the most interesting, even hilarious, aspect of the debate over the removal power, though it did not directly concern Madison himself. I can do no better than quote at length from Jack N. Rakove's brand-new book, Original Meanings:

One noteworthy effort to draw a leading inference from the records of ratification was made, however. After failing to prove that removal required impeachment, William L. Smith insisted that the consent of the Senate was constitutionally required to remove as well as appoint. This opinion was supported by "[a] publication of no inconsiderable eminence, in the class of political writings on the constitution," Smith told the House on June 16. He then read a passage from Federalist 77 affirming that "The consent of [the Senate] would be necessary to displace as well as appoint." But a rude shock awaited Smith. As he wrote to Edward Rutledge, the brother of the framer, shortly thereafter:

the next day [Egbert] Benson [of New York] sent me a note across the House to this effect: that Publius had informed him since the preceding day's debate, that upon mature reflection he had changed his opinion & was now convinced that the President alone should have the power of removal at pleasure; He is a Candidate for the office of Secretary of Finance!

The candidate was, of course, Hamilton; and Smith probably knew that Madison was the other of the "two gentlemen of great information" who had written as

¹²11 DOCUMENTARY HISTORY 1029 (June 22, 1789).

"Publius." Neither man felt obliged to stand by their joint work. So ended the first effort to use extrinsic evidence taken from the period of the adoption of the Constitution to interpret its meaning.¹³

In my mind's eye I can see Colonel Hamilton, as he was known at the time, quietly approaching Congressman Benson on some side street a few blocks south of here, and solemnly imparting the news that on mature reflection he had changed his published opinion of the year before and now stood foursquare in support of the power of the President, the officer whose favour he now wished to attract. It is hard to think of an intention more original than this.

Let's go forward a couple of years now to 1791, the Third and last Session of the First Congress. The debate this time was over the bill to create the First Bank of the United States, one of the defining issues that split city and country, east and west, north and south, strict constructionists and latitudinarians, over the first half century or so of our history as an independent nation. Madison, in league with that great master of party politics, Thomas Jefferson, opposed the Bank on constitutional grounds. Secretary Hamilton, and, in the end, President Washington, supported it, and they prevailed. Briefly recall what the constitutional debate was about, though it seems passing strange at this remove of time. The Constitution says nothing about banks, or indeed about congressional power to create any kind of corporation. The Bank's

¹³RAKOVE 350.

proponents had to argue in favor of implied powers, powers appropriate to give full effect to other powers granted expressly. In the case of the Bank, two express powers were relied upon, the power

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Article I, Section 8, clause 3, and the power

To coin Money [and] regulate the Value thereof, . . . [,] Article I, Section 8, clause 5. It is not impossible to regulate commerce or coin money or regulate its value without creating a national bank, but, advocates argued, a bank would help. The Bank would fall under another provision, the famous Necessary and Proper Clause, Article I, Section 8, clause 18, granting Congress the power

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Madison's main basis for constitutional opposition to the Bank was his general conviction that the federal government was, and had been intended to be, a government of limited and enumerated powers. If the argument based on the Necessary and Proper Clause were accepted, he thought - and history has largely proved him right -

there would be few limits on the national legislative power. But he also made a more specific appeal to the proceedings at Philadelphia. He himself had proposed that Congress be given a general power to issue charters of incorporation. When the committee of detail did not include such a power in the draft it reported, Madison renewed his motion. It was not successful, and the Constitution as proposed and adopted contained no such express grant of authority. Madison thought this bit of history persuasive, and justified his position as follows:

In controverted cases, the meaning of the parties to the instrument, if to be collected by reasonable inference, is a proper guide. Contemporary and concurrent expositions are a reasonable evidence of the meaning of the parties.

Madison lost this argument, and later, as we shall see, caved in entirely on the question of the constitutionality of the Bank, but the passage is interesting because it takes a rather different approach to constitutional interpretation from the one Madison adopted in later life. Here, by referring to "the meaning of the parties" (emphasis mine) to the Constitution, Madison may be saying that the document is to be construed like a contract. But if the Constitution is a contract, who are the parties? Surely not the Framers. They are more like drafters. The parties are the whole "People of the United States," U.S. CONST. Preamble, or perhaps the (not yet created) federal government on the one hand and the sovereign States on the other, or, perhaps better, the people of

the several States as represented in the ratifying conventions.¹⁴ Indeed, Madison referred to some general passages about limited powers in the ratifying-convention debates. The difficulty is that the delegates to those conventions did not and could not know in any comprehensive way what the deliberations at Philadelphia had been like. The Convention itself was held in secret, Madison's notes, the fullest of any, were not published until 1840, and no notes at all were published until 1821.

The next great constitutional debate in Congress which is relevant for our purposes occurred in 1796. The Senate had ratified the Jay Treaty with Great Britain, negotiated by John Jay while serving concurrently as Minister to Great Britain and Chief Justice of the United States. The text of the Treaty was not made public until it had been ratified. (In fact, all proceedings in the Senate were secret until 1795.) It became instantly controversial. The Republicans, who in general were more pro-French and anti-British than the Federalists, saw a way of making the issue of the Treaty concrete. They tried to assert a sort of constitutional authority of the House of Representatives in treaty-making, and, indeed, if public funds need to be appropriated in order to execute a treaty, the House unquestionably has a

¹⁴This seems to be the view taken by Madison in his Report on the Virginia Resolutions (Jan. 7, 1800), reprinted in 17 PAPERS OF JAMES MADISON 308-09 (U. Press of Va. 1977-92). See generally Wayne D. Moore, Reconciling Interpretive Autonomy: Insights from the Virginia and Kentucky Resolutions, 11 CONST. COMMENT 315, 334 (1994).

legitimate say.

In March 1796 Washington asked the House to appropriate funds to implement the Treaty. The Republicans then introduced a resolution asking the President to provide the House with the executive papers, reflecting the negotiating history, to enable it to place the treaty in its proper light. Does any of this sound familiar? Federalists answered that the treaty should be considered on the basis of its words alone. On March 10 Madison joined the fight on the side of the House. The resolution passed, 62 to 37. Washington replied in a memorandum on March 30. Hamilton had reminded him that the Convention had defeated a motion to involve the House in treaty making. Washington had deposited the Convention Journal with the Department of State. The Journal reflected that a motion to require that treaties be ratified by law had been explicitly rejected. The President refused to deliver the papers, claiming what we would now call executive privilege. Notice that Washington's appeal was not to the debates or anyone's notes of them, but to the Journal, the formal record of proceedings that the Convention had officially approved.

The House continued to pursue the issue. On April 6, 1796, Madison made another speech. He affected to believe that Washington's appeal to the Journal of the Convention was improper, even though he had himself reasoned in much the same way in 1791. He had been stung by criticism from Representative William Vans

Murray of Maryland. During a speech on March 29 Murray urged Madison, as a principal Framers, to give the House the benefit of his recollection of the drafting history.

If the Convention spoke mysterious phrases, and the gentleman helped to utter them, will not the gentleman aid the expounding of the mystery? If the gentleman was the Pythia in the temple, ought he not to explain the ambiguous language of the oracle? To no man's expositions would he listen with more deference.¹⁵

In his response, Madison disclaimed the ability to speak for the intention of the whole body of the Convention. The Framers had disagreed in their opinions. He also had a personal reason to avoid this kind of argument, because he had been criticized for using it during the bank debate of 1791. He then said:

But, after all, whatever veneration might be entertained for the body of men who formed our constitution, the sense of that body could never be regarded as the oracular guide in the expounding the constitution. As the instrument came from them, it was nothing more than the draught of a plan, nothing but a dead letter, until life and validity were breathed into it, by the voice of the people, speaking through the several state conventions. If we were to look therefore, for the meaning of the instrument, beyond the face of the instrument, we must look for it not in the general convention, which proposed, but in the state conventions, which accepted and ratified the constitution.¹⁶

Turning to the evidence, Madison was not able to find in the

¹⁵Quoted in RAKOVE 361.

¹⁶5 ANNALS OF CONG. 776 (1796).

published records of the state conventions much that was useful. Even the Virginia debates, as published, "contained internal evidences in abundance of chasms, and misconceptions of what was said."¹⁷ A better authority, he thought, was amendments proposed by the state constitutions. He speculated that the Framers of those amendments would have favored the construction now advanced by the Republican majority. It was not explained how proposals designed to remedy perceived defects in the Constitution could prevail over the explicit language of the Treaty Clause. It is hard to shake the suspicion - and I hope you will not think me disrespectful for voicing it - that Madison was simply using the arguments he thought best suited to his position of the moment.

The position taken by Madison during the debates over the Jay Treaty in 1796, so far as I can tell, remained his firm opinion for the rest of his life. He never again relied mainly on the subjective intentions of the delegates in Philadelphia, and, in fact, he took care that his notes of the Convention's deliberations not even be published until after his death. But other people's notes began to leak out, and Madison's reaction to this development was interesting. In 1808, when Madison was running for President as, of course, a Jeffersonian Republican, a campaign pamphlet was published in support of his rival, George Clinton, Governor of New York and a strong Anti-Federalist. The pamphlet was edited by Clinton's son-in-law, none other than Edmond Genêt, known to

¹⁷XVI PAPERS OF MADISON 296.

history as Citizen Genêt, the trouble-making Minister of France to the United States who had kicked up so much dust in the 1790's and then settled permanently in America. The pamphlet consisted from quotations from notes of the Convention taken by Robert Yates, a delegate from New York. Yates had been at the Convention for only seven weeks and had not signed the Constitution, but his notes were, at the time, the only first-hand source of the Convention's deliberations available to the public. (The official Journal of the Convention was not printed and published, by order of Congress, until 1819.) The notes portrayed Madison as a strong nationalist.¹⁸ There was, of course, a great deal of truth in this portrayal - Madison had proposed to the Convention, unsuccessfully, to give the federal government a veto over State laws. One can imagine that this publication caused Madison a degree of political embarrassment, but he did not counter the pamphlet by publishing his own notes or even, so far as I have discovered, quoting from them in his own defense. Perhaps he thought such a tactic would be self-serving and unpersuasive.

In any case, the problem recurred in 1821, when Yates's notes were published in full. Yates had died 20 years before. As I have noted, he was a fierce Anti-Federalist and had been at the Convention for only seven of the 16 weeks it was in session. He had, however, become Chief Justice of the highest Court of New

¹⁸See III WILLIAM W. CROSSKEY & WILLIAM JEFFREY, JR., POLITICS AND THE CONSTITUTION IN THE HISTORY OF THE UNITED STATES 403 ().

York, and his account was something to be reckoned with. Madison's friends began urging him to publish his own notes, and, indeed, the fact that he had taken such pains to make them in the first place - he later said the labor involved had endangered his health - and then preserved them for so many years must mean that he considered them of great value. Madison had in fact begun as early as 1780, at the age of 29, to keep and compile various letters, notes, essays, and other papers containing the record of his public life. Still, and even in the face of what he thought to be the distortions of the record made by Yates, he kept his own notes private. Critics, including, Professor Crosskey, might say that Madison needed time to alter his notes to make them fit the states' rights, pro-slavery needs of the Southern politics of the time.¹⁹ I leave that controversy to one side. I will say only that I start, in Madison's case as in that of others, with a presumption of rectitude, and I am not convinced that it has been overcome in this instance.

Let's look at what Madison himself said about the notes at the time. For one thing, he continued to downplay their value as indicators of the meaning of the Constitution. "Whatever might have been the opinions entertained in framing the Constitution," he wrote to his brother-in-law, John G. Jackson, in 1821, "it is the duty of all to support it in its true meaning, as understood by the

¹⁹See id. at 400-09.

nation at the time of its ratification."²⁰ (It is in this same letter that Madison showed his strong conservative, even antiquarian, feelings by inveighing against "constructive innovations,"²¹ or, as we would phrase it today, novel constructions.) The sentiment expressed here can be called "originalist" in the sense that it seemed to regard the Constitution's "true meaning" as having been fixed at the time of ratification. But this view is not a wholly accurate picture of Madison's approach, as we shall see when we examine Madison's concept of "precedent." The important point for now is that Madison consistently downplayed the significance of his own notes. I quote from one more letter:

As a guide in expounding and applying the provisions of the Constitution, the debates and incidental decisions of the Convention can have no authoritative character. However desirable it be that they should be preserved as a gratification to the laudable curiosity felt by every people to trace the origin and progress of their political institutions, . . . the legitimate meaning of the Instrument must be derived from the text itself; or if a key is to be sought elsewhere, it must be, not in the opinions or intentions of the body which planned and proposed the Constitution, but in the sense attached to it by the people in their respective States Conventions, where it received all the authority which it possesses.²²

²⁰Madison to John G. Jackson, Dec. 27, 1821, in III Rives and Fendall eds., LETTERS AND OTHER WRITINGS OF JAMES MADISON 245 (1867).

²¹Ibid.

²²Madison to Thomas Ritchie, Sept. 25, 1821, in id. at 228.

Notice that in this formulation it is not "the nation" in general that is appealed to, surely a concept so amorphous as to be of little practical use, but the more particular group of "the people in their respective State Conventions" But what about those points on which state conventions might disagree? What about the fact that the debates at those conventions were not published in any systematic form until 1836, the year of Madison's death, when Jonathan Elliot's five volumes of Debates on the Federal Constitution came out? It is small wonder, perhaps, that Madison himself consulted only his own recollections of the Virginia Convention of 1788, and then never cited any of the actual debates, not even his own speeches.²³

So one of the reasons Madison did not publish his notes during his lifetime was that the notes would, or at any rate, should be given no authoritative character in resolving issues of constitutional interpretation. It is interesting to speculate about what some of the other reasons might have been. Madison may have had scruples about violating the Convention's rule of secrecy. This would be a reason, perhaps, for withholding publication, if not altogether, at least until all of the delegates had died. On the other hand, all of the delegates except Madison were dead by 1831, and yet he still did not publish the notes. He could have

²³Donald O. Dewey, James Madison Helps Clio Interpret the Constitution, XV THE AMERICAN JOURNAL OF LEGAL HISTORY 41 (1971).

done so at that point and been safe from contradiction by anyone living. He feared the notes might be misused. But every public document is misused by somebody - the privilege of doing so is secured by the First Amendment - and misuse could more readily have been corrected had the author still been living when the notes were published. Madison did think that constitutional debates would become less partisan with the passage of time - he was wrong about that - and that the proceedings of the Founding Period would, over time, become more revered.

Another possible reason has to do with money. Madison may have thought the notes would be worth more after his death. One authority has rejected such a suggestion indignantly. "Anyone who has read Madison's writings and followed his political career

. . . would find it impossible to believe that mercenary motives could influence him in such a case."²⁴ But one does not have to be exactly "mercenary" to be concerned about one's family's material well-being, and the record is clear that Madison was worried about how his wife, born Dolley Payne, would be able to support herself after his death. (Recall Dr. Johnson's famous dictum that "No man but a blockhead ever wrote, except for money.") Mrs. Madison was quite a bit younger than he, and in fact lived for about another 15 years. Madison's will instructed his wife to have the manuscript published. He left detailed instructions about the legacies to be paid out of the revenues anticipated, including

²⁴Id. at 46 n.26.

\$2,000 to the American Colonization Society. (Madison's solution to the issue of slavery, that peculiar and peculiarly evil institution, was to resettle the slaves in Africa - a wholly unworkable idea, not least because most of the slaves did not want to go.)

Unhappily, no commercial publisher willing to undertake the task without a substantial advance from the family could be found. So recourse was had to the buyer of last resort - the government. (The United States had bought Washington's papers.) The family approached Congress with a suggested price of \$100,000. This proved impossibly high. So Mrs. Madison came down, first to \$50,000 and then to \$30,000. The leaders of Congress agreed, but a major hurdle remained, getting Congress to pass a bill. I quote now from Professor McCoy's excellent book, The Age of the Fathers.

Senator Calhoun took the lead in opposing the bill, which he promptly branded unconstitutional. The Register of Debates recorded some of his sentiments:

The question now before the Senate, Mr. C. said, was whether Congress had the power to purchase the copy-right to Mr. Madison's papers, which, in the present state of political feelings, were regarded of little or no value in the money market. Mr. C. regarded it as truly deplorable, that these invaluable papers, which threw a light upon the constitution which had never been shed upon it before, should be deemed of no value by the public, absorbed with party politics and the low love of gain, so that such a work could not be published. But where, Mr. C. asked, was the special power in the constitution for Congress to publish such a work?

Certainly not in the "general welfare" clause, Calhoun maintained, and to make the point he read from Madison's famed Report of 1800, which denied the false interpretation of that notorious clause that supporters of the present bill would need to rely on. Indeed, Calhoun touted the Virginia Report as Madison's greatest constitutional testament and said that Congress would dishonor his name by assenting to an appropriation of money for which the Constitution gave no sanction. "Mr. C. felt that his position in opposition to this resolution was a painful one; but the opinions of Mr. Madison, which were the text book of Mr. C., and of those with whom he acted, demanded that he should not abandon it."²⁵

✓
Could Senator Calhoun have been recalling and repeating the very constitutional theories that Madison once used in opposing the Bank, and, at the very end of his term as President, in vetoing the cherished internal-improvements bill sponsored by none other than Congressman John C. Calhoun? However that may be, Calhoun lost the vote, the bill passed, and Madison's estate got the money.

So we see that most of the time, at least, Madison deprecated not only his own notes, but also anyone else's recollections of the subjective intentions expressed by the Framers at the Convention in Philadelphia. The question why he nevertheless took such care to compile and publish his notes remains, in my mind anyway, without a definite answer. If the notes were of such little value in constitutional interpretation, why make them available to a public that, Madison surely must have known, would use them for that very purpose? If, as we learned in the first year of law school, it is

²⁵McCoy, THE LAST OF THE FATHERS 167-68.

reasonable to infer that one intends the natural and probable consequences of one's acts, we might even say that Madison intended that his notes be used for a purpose he himself disavowed. However that may be, it is clear that he was willing to cite public comments made at the time, either in speeches, as at the state ratifying conventions, or in the newspapers. And the leading instance of such a public comment was, of course, The Federalist. Of this series of anonymous publications, today we would say columns, Madison warned that "it is fair to keep in mind that the authors might be sometimes influenced by the zeal of advocates."²⁶ He seems to have thought highly of The Federalist as a legitimate means of constitutional interpretation, though. In a sketch prepared for Thomas Jefferson on the proposed curriculum for the University of Virginia, Madison described The Federalist as "an Authority to which appeal is habitually made by all & rarely declined or denied by any, as evidence of the general opinion of those who framed & those who accepted the Constitution of the U. States on questions as to its genuine meaning."²⁷ Perhaps it is a mistake to parse a one-time statement, drafted, presumably, for the eyes of Thomas Jefferson only, but I cannot resist pointing out that in this passage, at least, the opinion of those who framed the Constitution (the delegates at Philadelphia) seems to be placed on an equal footing with that of "those who accepted" it. It is,

²⁶Madison to Edward Livingston, April 17, 1824, III LETTERS AND OTHER WRITINGS OF JAMES MADISON 436 (1865).

²⁷Madison to Thomas Jefferson, February 8, 1825, 9 Gaillard Hunt ed., THE WRITINGS OF JAMES MADISON 220 (1900-1910).

however, only the "general" opinion that Madison mentions, so perhaps it would be wrong to cite this passage as evidence that Madison would countenance citing the views of the delegates on any particular issue of constitutional interpretation.

Another important aspect of Madison's approach is his emphasis on the document as a thing in itself, a creation, so to speak, with existence independent of its creators. If I remember my college course in English correctly, this is roughly what modern critics think about poetry. T.S. Eliot can try to help us by writing a commentary explaining what he meant in The Waste Land, but what he meant is not necessarily what the poem means. The poem means what its readers, from time to time, find in it. If we transpose this maxim into the field of construction of legal documents, we might say that a legal document, other, perhaps, than a private contract, means whatever its readers, from time to time, reasonably think it means. Madison, I suspect, would eliminate the phrase "from time to time" from this formulation. He was tremendously cautious about language. He knew that the meaning of words changed over time.²⁸ It was the original meaning, not some "constructive innovation," to which he would look.

²⁸See Madison to Major Henry Lee, June 25, 1824, III MADISON LETTERS 442: "The language of our Constitution is already undergoing interpretations unknown to its founders . . ."; "If the meaning of the text be sought in the changeable meaning of the words composing it, it is evident that the shape and attributes of the government must partake of the changes to which the words and phrases of all living languages are constantly subject."

We see this approach in some comments Madison made when President Andrew Jackson vetoed the renewal of the Second Bank of the United States in 1830. Jackson had cited in his support a veto message that Madison had sent to Congress in 1817. Madison wrote the Secretary of State, Martin Van Buren, that Jackson had misunderstood what he, Madison, had meant. Madison conceded, however, that Jackson might have correctly interpreted the public meaning of the earlier veto message:

On the subject of the discrepancy between the construction put by that Message of the President [Jackson] on the veto of 1817 and the intention of its author, the President will of course consult his own view of the case. For myself, I am aware that the document must speak for itself, and that that intention cannot be substituted for [the intention derived through] the established rules of interpretation.²⁹

In this regard, it was important to Madison to take into account the kind of document that was being construed. The Constitution, he warned, should not be interpreted as if it were "an ordinary statute, and with the strictness almost of a penal one."³⁰ He had taken much the same position in an earlier letter to Judge Spencer Roane of Virginia, a correspondent who probably would have wanted to interpret the Constitution as if it were a penal statute. At that time, Madison pointed out that there was

²⁹Madison to Martin Van Buren, July 5, 1830, IV LETTERS AND OTHER WRITINGS OF JAMES MADISON 89 (1865) (hereinafter cited as MADISON LETTERS).

³⁰Madison to Reynolds Chapman, January 6, 1831, IV MADISON LETTERS 147.

"certainly a reasonable medium between expounding the Constitution with the strictness of a penal law, or other ordinary statute, and expounding it with a laxity which would vary its essential character."³¹ One thinks immediately of Chief Justice Marshall's famous statement that "we must never forget that it is a constitution we are expounding,"³² though Madison agreed with Marshall on little else.

The most distinctive aspect of Madison's approach to constitutional interpretation may be his concept of "precedent." When we use the word, we think instantly of judicial decisions. For many years, and perhaps this is still true, the law schools behaved as if the only law in existence were that contained in the opinions of appellate courts. We knew there were such things as statutes, of course, like the Statute of Uses, for example, but they were to be strictly construed if in derogation of the common law - that is, they were regarded with distrust and were to prevail over judicial opinions only in a clear case. I believe this attitude still obtains when we think of constitutional law. "Law is what judges will do," Holmes said, and he was echoed by Chief Justice Hughes: "The Constitution is what the Supreme Court says it is." There is a sense, no doubt, in which this is true, but when Madison spoke of "precedent" he was not primarily thinking of

³¹Madison to Judge Spencer Roane, September 2, 1819, III MADISON LETTERS 146.

³²McCulloch v. Maryland, 4 Wheaton 316, 406 (1819).

courts. He knew that courts are not the only organs of government that make constitutional law. Congress and the President make constitutional law whenever they enact a statute, in the sense that they necessarily decide that what they are about to do is within the powers granted by the Constitution. Their action, to be sure, can be tested in court at some point down the road, but even courts are often impressed by a settled course of legislation, especially one begun early in the history of the Republic. So Madison did agree, unlike his mentor Jefferson, that the Supreme Court of the United States had "definitive power" to settle constitutional questions.³³

The Madisonian concept of precedent that I'm discussing here is legislative precedent. The acts of the first few congresses, it seemed to him, were important in this regard. "[E]arly, deliberate & continued practice under the Constitution"³⁴ was of importance, though some statutes, apparently, were more equal than others. He complained that Congress would alternate between procrastination and precipitation, often producing a careless rush of legislation at the end of a session. Not much has changed in 180 years, has it? These "midnight precedents . . . ought to have little weight in any case," Madison said.³⁵ So it was not merely any statute

³³Madison to Joseph Cabell, September 7, 1829, IV MADISON LETTERS 47.

³⁴Madison to Martin L. Hurlbert, May 1830, IX Hunt 370-375.

³⁵Madison to Judge Spencer Roane, May 6, 1821, IX Hunt 55-63.

that would establish a practice, but a statute that was enacted only after careful deliberation. This is hardly a bright-line standard, and judges would probably complain that it would be difficult to apply if it were a rule of judicial interpretation, but still it's hard to purge our minds entirely of the fact that some congressional enactments, even ones with far-reaching effect, appear to have received relatively little thought. Madison, in any case, thought that was important.

The most famous instance of Madison's use of the concept of precedent came when he changed his mind with respect to the Bank of the United States. You recall that in 1791, towards the end of the First Congress, Madison had unsuccessfully opposed the bill to create the First Bank. He did so mainly on constitutional grounds. The bank - whether to renew it, and, if so, on what terms and conditions - remained a defining issue in American politics for about the next 50 years. It divided the country. On the one hand, the commercial and financial interests of the North and East thought banks, and specifically a national bank, merely a natural tool of economic progress. On the other hand, the agricultural and frontier interests of the South and West thought of banks, and, probably, intangible property in general, as something sinister. The existence of wealth that cannot be touched, plowed, looked at, and lived on was an idea especially uncongenial to Jefferson and his followers. So, when the First Bank of the United States expired of its own terms in 1811, having been authorized for only

20 years, the country was sharply divided on whether to renew it. A bill to create the Second Bank of the United States failed in the Senate in 1811 by the casting vote of Madison's Vice President, Elbridge Gerry. In 1814, a similar bill passed both houses and was presented to the President. He vetoed the bill, but only on policy grounds. (Later, in 1816, Madison signed a better bill, he said, creating the Second Bank of the United States.) The veto message, and Madison's subsequent comments about it, are most interesting. The President expressly disclaimed the view, so tenaciously advocated by himself 23 years earlier, that the bank was unconstitutional. How to explain this seeming about-face?

The answer lay in the concept of precedent. Madison felt that the country had, so to speak, ratified the validity of the bank. He insisted that his private opinion remained unchanged. If he had not been in public life, if he had been a law teacher, for example, I suppose he would have felt unconstrained by history. But he was a public man, and believed himself obligated to relinquish his private view. The bank had been thoroughly discussed in Congress before it was established (who would know this better than Madison?), and it had operated for 20 years, with annual appropriations confirming its existence and validity each year. Madison thought that

the question of the constitutional authority of the Legislature to establish an incorporated bank [had been] precluded in my judgment by repeated recognitions under varied circumstances of the validity of such an

institution in acts of the legislative, executive, and judicial branches of the Government, accompanied by indications, in different modes, of a concurrence of the general will of the nation.³⁶

The bank had received

the entire acquiescence of all the local authorities, as well as of the nation at large to all of which may be added, a decreasing prospect of any change in the public opinion adverse to the constitutionality of such an institution.³⁷

To veto the bill under these circumstances would be

a defiance of all the obligations derived from a course of precedents amounting to the requisite evidence of the national judgment & intention.³⁸

For the same reasons, when Andrew Jackson later vetoed a bill to extend the bank's existence, Madison disagreed.

Some of Madison's contemporaries suspected that his constitutional conversion was disingenuous. It seems clear that Madison had become convinced of the necessity of the bank as a

³⁶VIII Hunt 327.

³⁷Madison to Charles J. Ingersoll, June 25, 1831, IV RIVES AND FENDALL 183.

³⁸Ibid.

policy matter.³⁹ In addition, we must remember that Madison was a politician. Names like Washington, Jefferson, and Madison come down to us with an almost godlike aura, but they were not gods, they were people, and, what's more, they were people who had to run for office. Well, maybe Washington didn't really have to run for it, but he did have to manage the country after he got in office, and that is certainly a political job. The fact that the country had accepted an institution, that most of the country seemed to want to keep it, and that it appeared to be working well could not fail to weigh with any elected official - especially one who, like Madison, had changed his mind during his first congressional campaign on a subject as important as the necessity of a Bill of Rights. We can sympathize with a remark, referring to the issue of the bank, that was made to Madison late in his life: "It may be proper . . . to remark that your opinion is very strongly relied on on both sides of the question."⁴⁰

Still, I think we have to accept Madison's genuine feeling that his own "abstract opinion of the text"⁴¹ could not prevail against "a construction put on the Constitution by the nation, which, having made it, had the supreme right to declare its

³⁹Dewey, James Madison Helps Clio Interpret the Constitution, XV THE AMERICAN JOURNAL OF LEGAL HISTORY 38, 53 (1971).

⁴⁰H.G. Reynolds to Madison, May 15, 1834, Library of Congress: Madison Papers, Volume 88, cited in Dewey, supra note 39, at 54 n.53.

⁴¹Madison to C.E. Haynes, February 25, 1831, IV MADISON LETTERS 164, 165.

meaning."⁴² "I did not feel myself, as a public man, at liberty to sacrifice all these public considerations to my private opinion."⁴³

It could not but happen, and was foreseen at the birth of the Constitution, that difficulties and differences of opinion might occasionally arise in expounding terms and phrases necessarily used in such a charter . . . and that it might require a regular course of practice to liquidate and settle the meaning of some of them.⁴⁴

Professor Powell has aptly summed the matter up:

[H]owever strongly he might have thought [the Bank] constitutional error when it first appeared, for Madison there could be no return to the unadorned text from interpretations that had received the approbation of the people. The Constitution is a public document, and its interpretation, for Madison, was in the end a public process.⁴⁵

One may be pardoned, I hope, for objecting that concepts like "the approbation of the people" and "the will of the nation" are rather formless. They are what we call today "public opinion." But I am sure Madison did not have in mind daily tracking polls, and there is a distinction between what he was talking about and what now goes by the name of public opinion. Madison was talking

⁴²Madison to Marquis de LaFayette, November 1826, III MADISON LETTERS 538, 542.

⁴³Ibid.

⁴⁴Madison to Judge Spencer Roane, September 2, 1819, III MADISON LETTERS 143, 145.

⁴⁵Powell, The Original Understanding of Original Intent, 98 HARV. L. REV. 885, 941 (1985).

about public opinion, all right, but about opinion manifested and solidified over decades of time. A shift by the general public from one opinion of the Constitution to another would, I believe, have had no influence whatever on Madison, unless the shift had proved itself permanent by remaining unchanged for years and years. This concept is, in a way at least, the opposite of original intent or original meaning of any kind: it appears to contemplate that the meaning of the document can change because of what people think about it years after its drafting and enactment. The idea, if taken literally and pushed to its logical conclusion, is dangerous in the extreme. It could justify almost any sort of excess, any sort of encroachment on the rights of minorities, for example, if enough of the public desired it for a long enough time. That is not the sort of thing, I think, that Madison had in mind.

Let's be clear, too, that Madison's idea of precedent, in the sense of consistent governmental practice, was not simply invented in 1816 for political purposes. Madison had consistently taken this same position. Indeed, in number 37 of The Federalist, he had this to say:

All new laws, though penned with the greatest technical skill, and passed on the fullest and most mature deliberation, are considered as more or less as obscure and equivocal, until their meaning be liquidated and ascertained by a series of particular discussions and adjudications.

This passage contains at least the germ of the Madisonian concept

of precedent, and it was written long before any particular concrete issues of constitutional interpretation had arisen.

I could go on in some length, but you will be relieved to know that I won't. I shall content myself with just a few other references to Madison's position on constitutional questions of the day. One such question, hotly debated, was that of the protective tariff. Madison thought that 40 years of history had settled this question, if indeed it amounted to much in the first place. The First Congress had affirmed the power to enact tariff legislation for the purpose of protecting domestic manufactures, and a continuous course of legislation since that time had confirmed this decision. Madison therefore felt himself compelled to disagree strongly with Calhoun and others who insisted that the power to impose taxes on imports had to be exercised for the purpose of raising revenues only. In articulating his position, Madison again appealed to precedent, in the sense in which I have used that word. "No novel construction however ingeniously devised, or however respectable & patriotic its Patrons, can withstand the weight of such authorities, or the unbroken current of so prolonged and universal a practice."⁴⁶

Madison also vigorously opposed Calhoun on the issue of nullification. Such an idea, Madison thought, was a dangerous innovation, and completely inconsistent with the history of the

⁴⁶Madison to Cabell, September 18, 1828, IX HUNT 333.

1780's. He warned that we must go "back to times & scenes in which I was often an actor, always an observer; & which are too much overlooked in discussing the objects & meaning of our Constitution."⁴⁷ Nullification, Madison thought, would repeal the achievement of 1787. The Constitution should be understood in light of the evils it was designed to cure: commerce and navigation were in disarray, the states were passing retaliatory legislation against each other, and the nation, if it was a nation, was being given no respect abroad. To countenance the possibility of nullification, Madison said, would turn the country into "a mere league of independent sovereigns,"⁴⁸ a concept completely at war with what the nation had decided to do when it ratified the Constitution in the first place.

Less than six years before his death, Madison himself summed up his approach to constitutional interpretation in a letter. The most pertinent considerations, he said, were the following three:

1. The evils & defects for curing which the constitution was for & introduced.
2. The comments prevailing at the time it was adopted.
3. The early, deliberate and continued practice under the constitution, as preferable to constructions adopted on the spur of occasions, and subject to the vicissitudes

⁴⁷Madison to Everett, November 14, 1831, quoted in McCoy 133 n.40.

⁴⁸Madison to Andrew Stevenson, Speaker of the House, May 2, 1827, quoted in McCoy 135 n.45.

of party or personal ascendencies.⁴⁹

This formulation is deeply rooted in history. It does not, to be sure, mention the subjective intentions of the Framers at Philadelphia, or, for that matter, anybody else's subjective intentions. It focuses rather on the objective meaning that the nation must reasonably be understood to have given the words of the Constitution at the time of their adoption. Nor is there much comfort here for those who thought that the Constitution ought to be reinvented for each succeeding generation. Thomas Jefferson had a great deal of sympathy for this view, but Madison was markedly more cautious about new interpretations. He does lay stress on actual governmental practice under the Constitution, but, in his view, the practice must be "early, deliberate and continued."

What can we learn from Madison that is of any use in present-day constitutional decisionmaking? Maybe the answer is nothing. Perhaps the kinds of issues with which Madison dealt are so different that his interpretive criteria cannot easily be transposed into the present generation. Most of the great constitutional questions with which the courts grapple nowadays seems to be related to limitations on the power of government, limitations contained either in the original Bill of Rights or in the great Civil War Amendments. This was not what constitutional

⁴⁹Madison to M.L. Hurlbert, May 1830, IX WRITINGS OF MADISON 372.

argument was mainly about in the first decades of our history. The argument then was about distribution of power between the federal government and the states, specifically whether certain powers asserted by Congress fell within the delegation made by Article I, Section 8. This kind of constitutional question has been largely unmentioned in this country for many years now, with the exception of the celebrated Lopez case,⁵⁰ indicating that there are some limits on the commerce power. Nor did Madison have a great deal of confidence in the courts. The federal judges, after all, had been enthusiastic about enforcing the odious Alien and Sedition Laws of 1798 and 1799, and Madison complained of the Marshall Court that it was not activist enough. By interpreting the Necessary and Proper Clause so broadly, the Marshall Court, he thought, had unleashed upon the public the most dangerous branch, the Legislature, and freed it of meaningful restraint. Congressional approval of the Bank of the United States, for example, seems to have weighed much more heavily in Madison's mind than the fact that the Supreme Court had upheld the Bank. Indeed, when Madison finally announced, in 1814, that he believed, because of the weight of precedent, that the Bank was constitutional, McCulloch v. Maryland had not even been decided.

What would Madison think about the modern debate over "original intent"? He certainly was an advocate for originalism, but in the sense of the original meaning of the document, when

⁵⁰United States v. Lopez, 115 S.Ct. 1624 (1995).

viewed against the times in which it was adopted. The kinds of arguments that this approach makes relevant are quite general. They involve broad inferences from the essential structure of the Constitution, from the evils of the 1780's, and from the nature of a federal government in general. Through it all, in my view, Madison maintained a generally consistent position. Even when, in his 1791 argument against the Bank, he referred to the failure of a certain proposition at the Convention in Philadelphia, it was not what was said in debate that he cited, but simply the action of the Convention in rejecting a proposal to grant Congress a general power to charter corporations. To those who would still charge Madison with inconsistency - during his own lifetime he was said to have been on every side of every issue - I would reply that anyone who has seen public service, especially in more than one branch of government, state and federal, and who has lived as long as Madison did can be made to seem inconsistent in at least some respects. Maybe this is not a bad thing. A person who is completely consistent can justly be accused of having no new thoughts, and, if one is wrong, consistency is hardly a good thing. If Madison did change his view from time to time, we can cite in his favor no less an authority than Cardinal Newman, who remarked that "to improve is to change, and to be perfect is to have changed often."

I can't claim that Madison changed often enough to be perfect, but it does seem to me that he exhibited a healthy sense of practicality in approaching the great constitutional questions that

confronted him. Practicality, after all, is not a bad thing in government. If the government doesn't work, if the Constitution is interpreted in such a way as to make it so rigid as to be completely unable to adapt, government will fail of its essential purpose. Maybe those who construe the Constitution could use a little more practicality, and a little less theory. However that may be, and even if you think Mr. Madison may have bent a little from time to time and fallen into some degree of inconsistency, I would urge that you judge him with some degree of charity and tolerance. You might even go farther, and use some charity and tolerance in judging those who hold office in our own time.

THE PRESIDENT HAS SEEN

11-13-96

✓ **Ron Robinson** sends copy of Richard Arnold's address for James Madison Lectures at New York University on October 8. Count on the biggest-ever victory party in Little Rock.

Ron Robinson

10.24.96

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Ron Robinson
Chairman of the Board
Chief Executive Officer

Good News!!!

On October 8
our good friend
Judge Richard Arnold
delivered the James
Madison Lecture at
New York University.
I thought you'd
like to read his
remarks. Hillary,
count on the
biggest-ever victory
party in Little Rock...
Smiles, Ron

HONORABLE
RICHARD SHEPPARD ARNOLD



Judge Arnold, now chief judge of the U.S. Court of Appeals for the Eighth Circuit, received his B.A. summa cum laude from Yale and his LL.B. magna cum laude from Harvard Law School, where he led his class. After serving as a law clerk to Justice William J. Brennan Jr., he practiced for 13 years in Washington, D.C. and in Arkansas. He then served as legislative assistant to Senator Dale Bumpers, after which he was appointed a U.S. District Judge and then a judge of the U.S. Court of Appeals. He has been chief judge since 1992.

Chief Judge Arnold has been a member of the Board of Trustees of the University of Arkansas, the Overseers' Committee to Visit the Harvard Law School and the Visiting Committee at the Chicago Law School. He is a Fellow of the American Bar Foundation, a member of the Council of the American Law Institute, a member of the Executive Committee of the Judicial Conference of the United States, and the author of many law review articles. In 1992 the University of Arkansas awarded Chief Judge Arnold an honorary doctor of laws.

THE PRESIDENT HAS SEEN
11-13-96

THE JAMES MADISON LECTURES

In order to enhance the appreciation of civil liberty and strengthen the sense of national purpose, New York University School of Law established the James Madison Lectures in 1960. The Law School expresses its gratitude to the late Louis Schweitzer for the love of liberty, equality, and justice that prompted him to endow the lectures.

The first four Madison Lectures were published in the Great Rights (1963), edited by the late Professor Edmond Cahn. Thirteen of the succeeding lectures appear in The Evolving Constitution (1987), edited by Professor Norman Dorsen, director of the Madison Lectures. The lectures are also published in the New York University Law Review.

Funding for the James Madison Lectures has been provided by the Philip Morris Companies and other donors.

The Fall 1996
James Madison Lecture

Tuesday, October 8, 1996
6:00 P.M.

Tishman Auditorium
New York University School of Law

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by

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Little Rock, Arkansas*

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THE NEW YORK TIMES, TUESDAY, AUGUST 29, 1995

Leaky Boats on the Rising Tide

By Steven Rattner

It's time to move on from the debate about whether income distribution in America is becoming more unequal. Countless studies have confirmed the greatest imbalance of earnings in decades. What we need is a partnership between Government and businesses that can attack the problem not by bringing down the rich but by lifting the rest of Americans.

Since 1973, annual earnings of the bottom 10 percent of workers have dropped by 24 percent (after adjustment for inflation), while those of the top 20 percent have increased by 10 percent. As a result, the United States — the great egalitarian society — has the widest income disparity of any modern democratic nation.

And the problem has gotten worse over the last four years, a period during which more than seven million jobs were created and inflation

Steven Rattner is a managing director of Lazard Frères & Company, investment bankers.

and interest rates remained low. The average worker's wage dropped 2.3 percent (in real terms) during the fiscal year that ended March 31.

No one should doubt the risks of stagnant incomes and greater inequality. Alan Greenspan, the chairman of the Federal Reserve, said recently that the trend toward greater income disparity could be "a major threat to our society." Sustained economic growth can't occur without rising personal incomes to support consumer purchases. Can it be a coincidence that the last great period of income inequality — the 1920's — ended with the Great Depression?

The diminishing standard of living for many breeds resentment over issues like affirmative action and immigration. And conflict also grows between workers and bosses when a chief executive makes 150 times the average worker's salary (up from 35 times in 1974, as reported by Business Week).

With all these social and economic pressures, the current political instability — rampant anti-incumbent sentiment and talk of third parties and independent candidates — can hardly be surprising.

To reduce the income gap, we must do something about its source: the mismatch between the skills of the work force and the jobs that are available. Recent job creation has occurred mostly in the highly skilled, professional and managerial areas; but too

Clinton's plans to help workers are worth trying.

few workers are being prepared for such jobs. And even these jobs are at risk, since corporations are increasingly hiring educated workers overseas who will work for less.

As a result, for all but a highly skilled few, workers simply don't command the leverage they used to, particularly since the companies they work for face stiffer global competition. Thus, although worker productivity has been rising — the key ingredient for increased future in-

comes — the fruits of the recovery have been shoring up the bottom line rather than reaching workers.

Take the case of American Airlines, whose Transport Workers Union agreed this month to trade wage increases for job and pay protection. For the next three years, 27,000 employees, from mechanics to meteorologists, will receive no across-the-board pay increases. For the three years after that, they will receive only minimal increases. In addition, the airline will be able to hire new workers for less-skilled jobs at lower wages.

The same week came the report of the fate of 800 workers in West Virginia, forced to take lower-paying jobs when Maytag closed a vending-machine plant and opened a new, lower-wage factory in South Carolina.

Some workers are beginning to adjust to the new economy. The growing wage disparity and scarcity of good jobs has already encouraged young Americans to pursue more education. But Government also has a role to play in easing the oversupply of workers competing for low-skilled jobs. That means education initiatives that embrace the market.

One such approach would be to offer corporations tax incentives to encourage more training.

Training by employers, however, is not enough; many employers train very narrowly for the job immediately at hand. This can limit a worker's flexibility rather than enhance it. To avoid this pitfall, the Clinton Administration has put forth two creative proposals. First, families making less than \$120,000 a year would be permitted to deduct up to \$10,000 a year for education and training costs. The Administration would also replace some 70 Federal jobs programs with a voucher system that would pay up to \$2,620 a year for up to two years to allow workers the flexibility to get training where the jobs are.

In a period of anti-government backlash, these ideas should be greeted with enthusiasm. But Congressional Republicans have ignored the issue. Indeed, their proposals, essentially huge cuts in everything, would worsen matters. While proposals like the Administration's aren't the only solution, we need to give them a try. It's fine for the rich to get richer. It's not fine for everyone else to get poorer. □

11-13-96
 THE PRESIDENT HAS BEEN
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 NEC
 B

Foreign Policy — the Stealth Issue

THE PRESIDENT HAS SEEN

9-11-13-96

By Michael Mandelbaum

WHEN AND where should the United States use force abroad? There is no more important decision for a president to make, and thus no more critical issue for a presidential campaign. This one, however, has barely addressed it. A report of a bipartisan group of foreign policy experts, which deserves more attention than it has received, does offer a basis for answering this all-important question, which the next president is bound to face.

Campaign PERSPECTIVE

In the first presidential debate, Bill Clinton gave three guidelines for military intervention: When the nation's values are at stake, when American interests are stake and when the United States can make a difference. Unfortunately, this formula is all but useless. Because the national commitment to democracy is universal, American values are at stake everywhere. Because it is the world's most powerful country, the United States can make a difference everywhere.

And since the United States is not going to intervene everywhere, military intervention depends on how American interests are defined. But neither the president nor Bob Dole has offered a plausible definition.

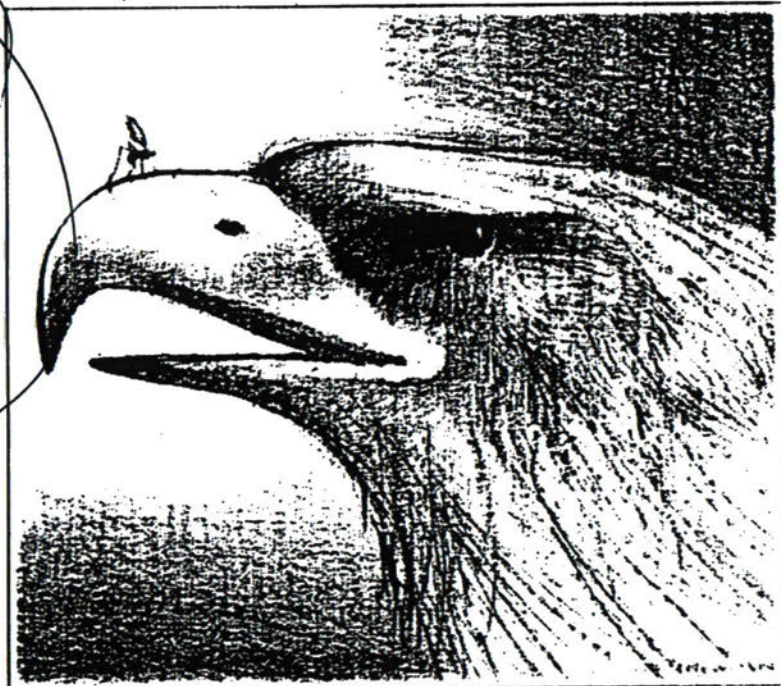
A clear definition is available in the July, 1996,

report on "American National Interests," issued by the Kennedy School of Government at Harvard University, the Nixon Center for Peace and Freedom of Washington and the Rand Corp. in California. Its signatories include three members of the United States Senate: Sam Nunn (D-Ga.), Bob Graham (D-Fla.) and John McCain (R-Ariz.).

What is most useful is the report's premise that some things are more important than others. In foreign policy, as in life, not everything that is desirable is necessary. Not all interests are vital. There are many places where American troops can restore order, relieve suffering and establish justice. The opportunities for performing these good deeds are often painfully visible on television. But American resources are limited.

In foreign policy, as in domestic politics, President John F. Kennedy's axiom is true: To govern is to choose. The report is clear on how choices should be made. It divides American interests into four categories: vital, extremely important, just important and secondary.

It identifies as vital interests the prevention of four developments: nuclear, biological and chemical attacks on the United States; the emergence of a hostile dominant power in Europe or Asia; the emergence of a hostile major power on America's borders or at sea, and catastrophic collapse of the world's trade, financial and energy systems. It adds a fifth: the survival of America's allies.



Newsday Bob Newman



Michael Mandelbaum, a professor at Johns Hopkins University's School of Advanced International Studies, directs the East-West Project of the Council on Foreign Relations.

Admirably straightforward though it is, this list does not provide a foolproof formula for deciding when and where to intervene, as the recent events in Iraq demonstrate. The Clinton administration launched cruise missiles against targets in southern Iraq, not against Saddam Hussein's troops who were attacking Kurds in northern Iraq.

This is because Persian Gulf oil, located near Iraq's southern border, is essential to the industrial democracies while protecting the Kurds is not. But allowing Hussein the uncontested victory he achieved in the north could embolden him to strike

— Continued on Next Page

Too Little About Foreign Policy

— Continued from Preceding Page

southward. Moreover, Washington repeatedly promised to protect the Kurds, and the report identifies the "reputation for adherence to clear U.S. commitments" as essential for safeguarding vital interests.

The report is clear, however, that the places where the Clinton administration has used force most extensively — Bosnia, Somalia and Haiti — are not vital interests. The American public apparently agrees, for it has refused to provide these ventures with the support that has always been available to presidents for the defense of vital American interests. This glaring lack of public support has undercut the administration's goals in each place.

The threat to U.S. interests in Bosnia, Somalia

and Haiti, however, is not the failure to achieve the administration's goals, but rather the possibility that the expenditure of American lives, treasure and political capital on these issues of minor significance will make it far more difficult to respond to challenges abroad that are genuinely important. The story of the boy who cried wolf simply to call attention to himself, and then could not get help when a wolf did attack him, offers a cautionary lesson for post-Cold War American foreign policy.

Even with the collapse of Soviet communism, there are still wolves in the world. A principal task of American foreign policy, and one to which the report makes a more valuable contribution than has the presidential campaign so far, is to be clear about which challenges are wolves, and which are coyotes, dogs and gnats.

Not true

Tony / Sunday

11-13-96

Expansion Means Trouble for NATO

By Michael Mandelbaum

SOME TIME IN 1997, the North Atlantic Alliance is expected to offer NATO membership to some or all of Poland, Hungary, the Czech Republic and Slovakia. This would be a mistake.

The stated reason for expanding NATO is to solidify democracy in the countries that would join. But democracy is not visibly threatened in Central Europe. To the extent that it may be threatened, moreover, the appropriate international organization for dealing with that threat is the European Union, which can help the four countries achieve prosperity, the best antidote to the forces that could subvert democracy there. Furthermore, if NATO membership is a vehicle for reinforcing democracy, then it should be offered to Russia and Ukraine.

The Central Europeans themselves are concerned about Russian military power and geopolitical ambition. But the countries with the greatest cause for concern about Russia — its immediate western neighbors, the former Soviet republics of Ukraine, Estonia, Latvia and Lithuania — are not going to be offered membership. Moreover, Russia is at present far too weak to threaten any country to its west, as the Russian army's disastrous misadventure in Chechnya demonstrates.

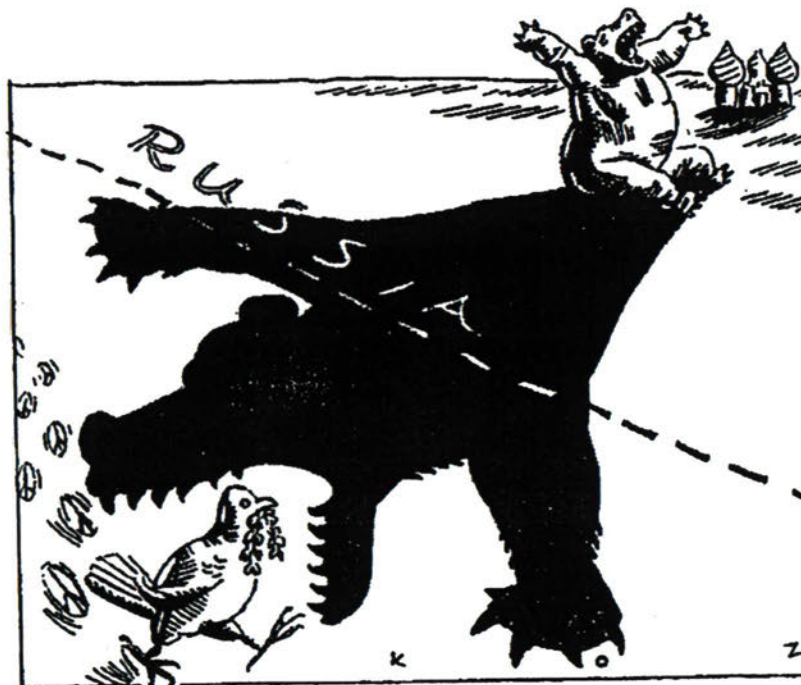
Nor is NATO expansion likely to make Russian foreign policy more peaceful over the long term. Indeed, Russia's democrats are adamant that extending alliance membership to Central Europe will not have a desirable effect within Russia. They assert that it would isolate their country from Europe, strengthen the Russian political forces that favor authoritarian rule at home and neo-imperial policies abroad and, by appearing to threaten Rus-

sia, provide a rallying point for the reconstruction of powerful Russian military forces. Earlier this month, while affirming that NATO would start picking Central and Eastern European countries for membership in the alliance in 1997, Secretary of State Warren Christopher suggested creating a new East-West charter involving NATO and Russia, without, however, saying what that charter would include.

Western proponents of NATO expansion contend that the extension of the Atlantic Alliance to Central Europe is desirable because, in the wake of the Cold War, there is a "security vacuum" between Russia and Germany. But there is no security vacuum in Europe. To the contrary, there is a new, unprecedented and highly promising, albeit still fragile, system of security in place in the wake of the Cold War.

The new order's component parts are the political changes that took place in 1989 and 1991, and the arms limitation agreements negotiated and signed between the end of 1987 and the beginning of 1993, including the all-European Conventional Forces in Europe (CFE) Treaty and the two Strategic Arms Reduction Treaties (START I and II) signed by the United States and Russia.

These accords resemble previous Cold War arms treaties in form, but differ radically in content in two important ways. First, they reshape Europe's military forces according to the principle of "defense dominance," making them more suitable for defense and far less so for attack. Second, they provide for "transparency," so that every country in Europe, as well as the United States and Canada, knows what forces all the others have and how those forces are being deployed and operated.



Martin Kozłowski

This common security order makes all of Europe more secure, at lower cost and risk than ever before since World War II. Perhaps the strongest argument against NATO expansion is that it would risk upsetting the network of understandings, assumptions and agreements on which this new security order rests.

Finally, the eagerness of the countries of Central Europe to join NATO rests partly on a misunderstanding. All desire to be part of "Europe," which they see as a western-sponsored political, economic and cultural community. Europe, in this sense, is seen as the equivalent of a medieval fortress, with the countries of the continent either inside its walls and safe, or outside them and thus isolated and vulnerable. Being inside Europe is thought to require full membership in the continent's two most important international organizations, the European Union and NATO.

That sharp distinction may have been valid dur-

— Continued on Next Page



Michael Mandelbaum, a professor at Johns Hopkins University's School of Advanced International Studies, directs the East-West Project of the Council on Foreign Relations. He also wrote the recently published "The Dawn of Peace in Europe." A longer version of this article appeared in several European newspapers.

Newsday, Tues. Sept. 16 1996

NATO Trouble

— Continued from Preceding Page

ing the Cold War, but it is no longer so. There will, for example, almost certainly come to be different degrees of participation in the European Union. In security affairs, NATO's Partnership for Peace, which offers close association with the alliance without full membership (and which is acceptable to Russia, itself a participant in the program), provides more than adequate guarantees for the security of the countries of Central Europe.

If Russia were to resume an aggressive foreign policy to its west, the countries between Germany and Russia would need additional protection. But there will be many obvious warning signs of the return of the old Russia, and thus ample time to meet the threat it would pose.

In the wake of the Cold War, the countries of Europe have something unprecedented and supremely valuable: a common security order that includes all of them and threatens none. Their common task now is to do everything possible to preserve and strengthen it.

Donny/Sandy

Newsday, Aug. 21, 1996

THE PRESIDENT HAS SEEN

11-13-96

U.S. Can Help China Be 'Soft' on Taiwan

By Michael Mandelbaum

FIVE MONTHS after the worst Sino-American crisis in almost four decades, the March exercises by the Chinese military in the Taiwan Strait that triggered the dispatch of an American naval flotilla to nearby waters to protect Taiwan, China is ready for better relations with the United States. The Clinton administration has already signaled its desire for improvement in a speech by Secretary of State Warren Christopher in May, calling for regular high-level contacts between the two governments.

Conversations with policymakers and academics in Beijing in June made it clear, however, that on the Chinese side there is a prerequisite for such an

improvement: a return, in relations between the two countries, to what Beijing regards as the proper status of Taiwan, which China's prime minister, Li Peng, recently called the "core issue" of Sino-American relations.

This involves American acceptance of the proposition that there is only one China, and that Taiwan thus has no right to formal independence, in exchange for Beijing's assurance that while it insists on the eventual "reunification" of Taiwan with the mainland, this is not an urgent matter and, whenever it occurs, it will take place peacefully.

In Beijing's view it was Washington that violated the status quo by admitting Taiwan's president, Lee Teng-hui, to the United States to receive an honorary degree from his alma mater, Cornell University, in June, 1995 — after Christopher had assured his Chinese counterpart that this would not happen. In so doing, the Chinese believe, the American government lent support to Lee's campaign to gain greater international recognition for Taiwan, the ultimate aim of which, they suspect, is formal Taiwanese independence.

The mainland government saw March's Taiwanese presidential election — the first occasion in

which Chinese people freely elected their chief executive — as part of this campaign. Beijing's missile tests in the straits between Taiwan and the mainland during the week of the election — some landing near Taiwanese ports — was intended to demonstrate their alarm as well as to warn Taiwan against further steps. In the June conversations, the Chinese claimed that the exercises had, in fact, achieved their goal and that as a result Lee Teng-hui is behaving in a more sober, restrained manner.

In response to Beijing's military exercise, however, the United States — rightly — sent two carrier task forces to patrol the waters near Taiwan, bringing the two nuclear powers closer to a military confrontation than at any time in four decades.

Why is Beijing now willing to improve relations with the United States if Washington disavows Taiwanese independence? In the first place, China did not expect to control Taiwan in the foreseeable future, if ever. The island has not been governed from the mainland for a century, since the Japanese conquest of Taiwan in 1895. It has never been governed by the Communists.

— Continued on Next Page



Michael Mandelbaum, a professor at Johns Hopkins University's School of Advanced International Studies, directs the East-West Project of the Council on Foreign Relations.

U.S. Can Aid China on Taiwan

— Continued from Preceding Page —

The cost to Beijing of trying to bring Taiwan under its effective control, moreover, would be prohibitive. It would create instability in East Asia, thus subverting Beijing's overriding goal of maintaining an international environment favorable to China's economic development, which requires foreign participation. It would alarm the other countries of the region, including Japan, which would reassess their policies. This could lead them, perhaps, to increase their military forces, which would be directed against China. And if Beijing actually attempted the militarily difficult task of crossing the Taiwan Strait and assaulting the island, its forces would almost certainly be rebuffed by Taiwan's superior firepower.

Yet a Taiwanese declaration of independence would surely provoke a harsh response from the mainland, leading to an even more serious Sino-American confrontation than the one in March. Because Beijing has claimed the island since the Communist conquest of China in 1949, this would be viewed as an attempt to humiliate the government on the mainland. Moreover in the ongoing struggle to succeed the ailing, 91-year-old Deng Xiaoping as the country's supreme leader, the contenders would seek to outdo one another in oppos-

ing Taiwanese independence. The result would be the hardest of hard lines against Taiwan and any country that supported it.

Absent a formal challenge to the status quo, China can justify deferring the issue on the ground that time works in favor of its goal. Beijing can calculate it will become wealthier and thus more influential

politically and powerful militarily. Its economic ties with Taiwan, already substantial, will grow. It will thus be better able to get its way in political relations with the island.

For Beijing to take control of Taiwan by force would be a moral and strategic disaster for the United States.

But Washington may also calculate, just as plausibly, that time works in favor of the United States: that as China becomes wealthier it will become more liberal politically, thereby making an association with Taiwan both more acceptable to the Taiwanese and less important to the mainland.

By affirming the understanding about Taiwan that Beijing is seeking, Washington would, in effect, be betting on a benign long-term evolution of relations between the two Chinas, which partly depends on the favorable evolution of politics on the mainland. Like all policies that depend for their success on history moving in a particular direction, this is not a sure thing; but it is a bet well worth making.

'For Beijing to take control of Taiwan by force would be a disaster for the United States.'



THE PRESIDENT HAS SEEN

11-13-96

*UP - some interesting thoughts - left
discussed before I leave DC*

[Handwritten initials]

EMBASSY OF THE

UNITED STATES OF AMERICA
Helsinki, November 7, 1996

OFFICE OF THE AMBASSADOR

MEMORANDUM

TO: The Honorable
William J. Clinton
President
United States of America
The White House
Washington, D.C.

FROM: Derek N. Shearer *DNS*
Ambassador
U.S. Embassy
Helsinki, Finland

*From Derek on
reorganization of
State & Commerce*

Dear Mr. President:

Congratulations from your man in Helsinki. The Finnish Government is very pleased with your reelection -- and a nationwide poll found that over 80% of the population would've voted for you if they could. This is, of course, entirely due to your Ambassador's hard labor in the vineyards of public diplomacy.

Because staff changes seem to be moving apace and since I won't get to see you for at least a few weeks, I wanted to pass on a few ideas about Commerce and State, as well as campaign reform, which you might find useful.

In appointing new people to State and to Commerce, you might want to ask the new secretaries to commit themselves to organizational reform of each department. By so doing and announcing the fact when you announce the appointments -- you can get out in front of the Congress in two areas where you were previously criticized.

+ State. Announcing a commitment to reorganizing State and related agencies such as AID and USIS might "soften up" Senator Helms. At the very least, you and the new Secretary should seize the initiative on State reorganization either by announcing a short term bipartisan commission of wise men to come up with a reorganization plan or simply by saying that the new Secretary is committed to rethinking the organization and operation of the foreign policy agencies as part of building that new bridge to the 21st Century.

From first hand experience, I can tell you that such rethinking and reorganization is badly needed.

+ Commerce. I think that it would be both good politics and good government to downsize severely the Department -- to really reinvent it by spinning off pieces such as the Census Bureau, Weather Bureau, and Oceanographic Agency as independent entities, abolishing some sections outright, and creating a new, lean and mean Department of Trade and Industry, complete with a professional trade corps. USTR might well be talked into it. There has been bipartisan support for this kind of reorganization in the past, but it has never had White House support.

+ Campaign Finance Reform and Voter Turnout. I know that Senator McCain and others have reasonable proposals which you might support. My suggestion is that you link your support for reform to mechanisms to increase voter turnout. As you know, turnout in this election was 50% of eligible voters, one of the lowest in the century. You should say that this is a disgrace and commit to supporting more measures like motor voter to increase registration. There are a lot of ideas. Perhaps, it would be best to appoint a Presidential Commission on Voter Participation with all of the leading experts on voting, and ask for a set of proposals for reform within 6 months. You could make this a bipartisan effort with a leading Republican as chair of the commission

The three initiatives above all require bi-partisan support and demonstrate that you're acting in a cooperative manner -- but with you in the lead, out in front on these issues -- preferably sooner than later.

VP
we need to
discuss -
PK

THE PRESIDENT HAS SEEN

11-13-96

Reinvention Heroes: **Incumbents to Keep or Promote**

Commerce

Patent and Trademark Commissioner Bruce Lehman has been a strong advocate for the Vice President's PBO (performance-based organization) initiative.

Defense

Undersecretary (Acquisition) Paul Kaminski gets it; he may be the only one of the whole senior OSD team who does (in addition to Perry). Reinvention has flourished in his area: acquisition reform (with stellar work from Colleen Preston), just-in-time inventory control, and elimination of military specifications.

EPA

Region I Administrator John DeVillers, is a terrific reinventor. He has listened to the President's message on creating partnerships for the environment, and has produced enough progress in his region to back up the claims of reform the President made in the State of the Union.

FEMA

Administrator James Lee Witt is a rego superstar. He turned his highly visible agency from one even Democrats hated to one even Republicans praise. He should get a bigger job.

GSA

Administrator Dave Barram understands the theory, and there are some signs that he's trying to make it happen. GSA headquarters people seem to like and respect him. He was ineffective at Commerce, may do better at GSA, especially if he gets some reinforcements. This is a key rego job because GSA manages government-wide offices, communications, and other support.

Labor

OSHA Administrator Joe Dear is one of our rego superstars. He has changed OSHA from the agency business despises to one that they praise, while improving worker safety. He considers OSHA only half-reinvented, and wants to stay to finish the job.

NASA

Administrator Dan Goldin is one of our best--empowering workers, innovating, saving NASA's most important missions and raising quality while slashing spending.

OMB

Deputy Director, Management, John Koskinen, is one of reinvention's strongest and most effective supporters. He could handle a bigger job.

OFPP Administrator Steve Kelman has led the Administration's procurement reform effort. He is all reinventor: cutting red tape, introducing common sense, and constantly listening to front-line employees to get and implement their best ideas about reform.

Treasury

Customs Commissioner George Weise affects everyone who enters the US at a legal entry point, and every importer. He's sped up passenger clearance and honest imports while cutting drug smuggling. He is one of our top heroes, and Customs is one of our brightest successes.

Veterans Affairs

Deputy Secretary Hershel Gober gets it and promotes reinvention in VA. He could reinvent a Department as Secretary.

Undersecretary for Veterans Health Ken Kizer has made a good start to reinvent the VA hospital system--a safety net for 10 million vets.



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(501) 521-1066
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Leon
Can we give
them more
mon? - I think
we should
be

THE PRESIDENT HAS SEEN

11-13-96

November 11, 1996

To: President Clinton
From: Diane Blair
Re: CPB Appropriations

As you requested Saturday evening, here is a brief memo on CPB's funding status.

CPB requested \$325 million for FY 2000 (we are two-year forward-funded). OMB recommended \$248 million, a number which undercuts us in negotiations with Congress and almost guarantees severe cuts. While we hope Congress will not be so overtly hostile to CPB as it was this past session, it certainly could be; and we are not authorized in FY 2000. Further, as I mentioned to you, probable Senate Commerce Committee Chairman John McCain is highly unlikely to move legislation that will help us.

CPB is the only program to take three years worth of rescissions beginning in 1994, totalling almost \$100 million. Our \$325 million request barely keeps the federal contribution at its 1990 rate, adjusted for inflation.

CPB has been conscientiously reinventing itself, becoming much more efficient; but the federal contribution remains crucial to:

-- Maintain high quality national programming, programs like The Civil War and the recent "TR, the Story of Theodore Roosevelt," which are very expensive;

-- Continue our unique contributions to school readiness, educational children's programs, adult literacy, and other educational efforts;

-- Protect service to rural and underserved audiences including minority groups and the visually and hearing impaired.

In fact, there are few of our endeavors which do not directly track your agenda. I would be glad to supply more information or discuss these figures further with whomever you designate.

Your offer of assistance is deeply appreciated.

Diane

Healey / M. P. / D. S. / L. / G. - F. - P. -

THE PRESIDENT HAS SEEN

11-13-96

COMMENTARY / ANALY

SECTION

M

SUNDAY

NOVEMBER 10, 1996

LA Times

OPIN

► REALIGNMENT

Creating a New Political Map

By Sidney Blumenthal

WASHINGTON

Suddenly, the future of American politics appears in sharp relief, and it is literally nothing less than a map. If this map, like a transparency, were laid over a yellowing, antique one from 100 years ago, the patterns would fit almost exactly. Nearly all the same states would be on one side or the other. The important difference is that the states that voted Republican in 1896 virtually all voted Democratic in 1996, while the Democratic states of a century ago have shifted to Republican.

The Republican base, the states Bob Dole won, form a large "L." One stripe runs downward from the Canadian to the Mexican border, across the Great Plains and the Rocky Mountains, from Montana to Texas; a lateral stripe stretches across the Deep South, extending to Virginia. It was on this base that the pre-Franklin D. Roosevelt Democrats maintained a fiercely competitive but minority status for decades.

The new Democratic base is the old coalition on which GOP supremacy rested from the Civil War to the New Deal. President Bill Clinton's victory has embraced the Northeast, the Midwest, the Pacific Coast and four Southern states, including the prize of Florida. If any region is solid, it is the Solid Northeast.

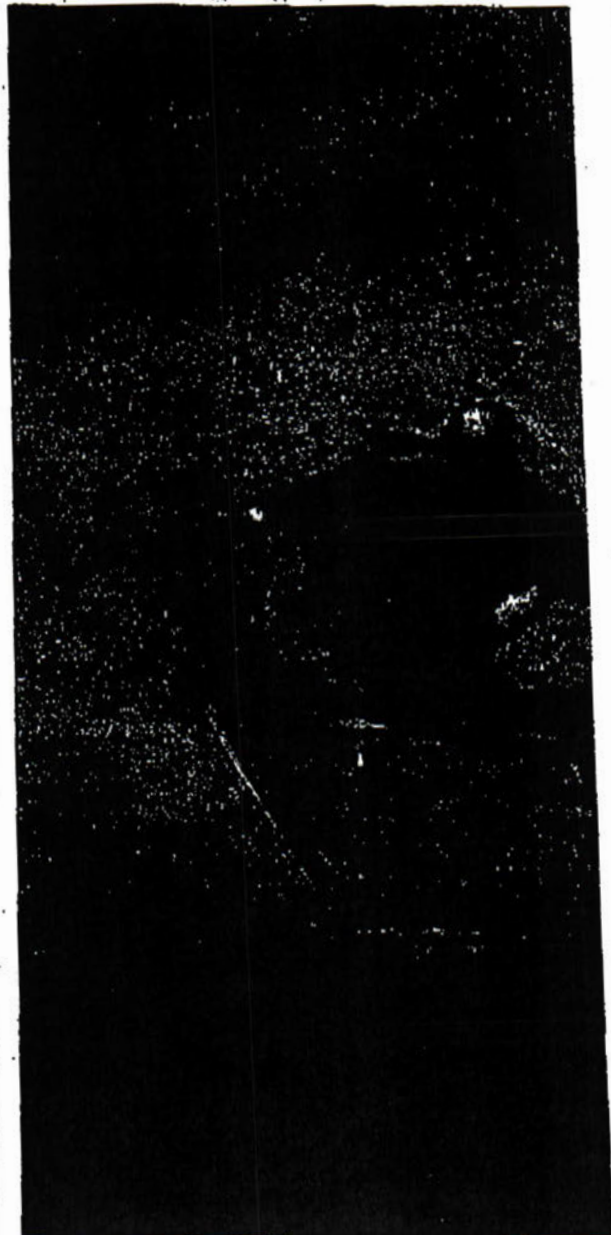
As a consequence of these splits, more than the government is divided, with the Congress in the hands of the GOP and the White House in the

Please see MAP, M6.

Sidney Blumenthal is a staff writer at the New Yorker magazine. His most recent book is, "Pledging Allegiance: The Last Campaign of the Cold War" (HarperCollins).

► POLITICAL TACTICS

Heading the



(The true power of the Republican coalition rests in the hands of the... and us...) *Republican (Coles are...)* *P. 62* *united* *activist* *mentalists*

Continued from M1

hands of the Democrats. The country is also distinctly divided by region, gender, race and religion. Out of the Tuesday's election, one uniform realignment has not emerged, putting one party in commanding control. Instead, a number of realignments have become pronounced.

There is not one national consensus, one majority, but two. It can be seen, for example, in the gender gap, with women favoring Clinton by 16 points over men. This election was not a case of ambivalent ticket-splitting, with the same people strategically deciding to support Clinton and House Speaker Newt Gingrich (R-Ga.). Only one voter in seven split tickets between Clinton and congressional Republicans. The country is divided—but the citizens are not schizophrenic.

Two evenly balanced parties have not come out of the election. It would be pleasing, for the sake of symmetry, if this were so, but it is not. Returns suggest that the Democratic Party, the Northern party, has emerged as the dominant presidential party and the Republican Party, the Southern-centered party, has become the congressional party. These are not the same things.

The flat national percentages for Clinton—49%—and for Dole—41%—do not go far to explain precisely who in the country the presidential parties lined up for whom. Clinton carried a majority of the voters in 21 states, many of them big ones. His margins tended to dwarf Dole: 34 points in Massachusetts, 28 points in New York, 17 points in Illinois, 13 points in California. Dole won only seven states by a majority, all small Western states, except for South Carolina.

The Republican hold over its part of the government, moreover, may be uneasy, especially in the House of Representatives. In fact, most of the gains of the GOP in the Senate, and the losses of the Republicans in the House, are directly traceable to North-South polarization.

In the Senate, the Republicans gained in absolute numbers by winning in Arkansas and Alabama. At the same time, GOP efforts to upset Democrats in three Northern states by using the word "liberal" as an epithet failed abysmally.

The race for the House also reflected the regional split. According to the latest count, the Democrats have picked up 22 seats, 19 from the Northeast, Midwest and Pacific Coast. In Massachusetts, both GOP congressmen were defeated; there is now not a single Republican in the delegation. Meanwhile, the Republicans offset these losses with 13 pickups, 11 of them concentrated in the South and border states.

The departure of Dole of Kansas removes the past from the current picture. He was the last of a Midwestern breed who had so long been in the leadership of the congressional Republicans. It is hardly happenstance that his successor as Senate majority leader, Trent Lott, is from Mississippi; this transition parallels the one in the House, in which Robert H. Michel, the old Republican of Illinois, gave way to Gingrich of Georgia.

congressional leadership. In the beginning, in the 1960s, the Republicans' Southern strategy was intended to exploit turmoil around the end of segregation as a way to break apart the Democratic Solid South. The fulfillment of the Southern strategy was supposed to augment the Republican position in the North—not undermine it.

The rule of 1996 may be that the more entrenched the GOP becomes as a congressional party, the more difficult it will be for a Republican to be elected president. The central element in the Republican coalition is now the right-wing South. It is post-Dixiecrat in its avoidance of obvious racial appeals—though, when in political trouble, stalwarts like Sen. Jesse Helms of North Carolina invariably play the race card. A summary description of the GOP position is a catalog of certain regional views: hostility to the federal government; a belief in states' rights, nativism, and an antipathy to multiculturalism. According to exit polls, the archetypal GOP voter is not only a pessimistic, white, male gun owner, but also an evangelical Protestant suspicious of the liberalism of mainline Protestants. Within the GOP, these sentiments are organized by the religious right, a fixture that becomes more deeply embedded in the party structure with each election. Catholics and women are the largest constituencies repelled by the transmutation of the Republicans into a party where religion and politics are equated.

Tensions inside the congressional Republican Party have not been lessened by the election, but heightened. Southern

have an easy time forging coalitions on the basis of states' rights. But the more this grouping dominates, the more vulnerable become the Northern moderates. They must either break with their party leadership on issue after issue, or face extinction in a relentless Northern realignment. For Clinton, the possibilities of progress in his second term can be located in such fissures of the congressional Republican Party.

Today, the most enduring and seminal figure in that party may be Sen. Strom Thurmond (R-S.C.), reelected to the Senate at age 93. He was a delegate to the Democratic National Convention that nominated Roosevelt, was elected governor of South Carolina, historically the most conservative Southern state, and ran on a segregationist platform as the Dixiecrat candidate for president in 1948. He was elected to the Senate, switched to the GOP and early personified the Southern strategy.

When Richard M. Nixon made the deal with Thurmond at the 1968 Republican convention that decisively won him the nomination, he was trying to create a national basis for a Republican presidency—not turn the party over to the Southerners. But all the Republican presidents of recent past—Nixon, Ronald Reagan and George Bush—are gone from the political stage. Dole, too, has lost. And there is not a single, prominent politician who obviously assumes the mantle of the Republican presidential party. Surrounded in the bastion of a GOP Senate by generations of his successors, Thurmond takes his stand as the great forerunner.

Freshmen

Continued from M2

weaknesses to overcome. Like Frederick K. Heineman of North Carolina, defeated by David Price in a rematch of the 1994 campaign. Surely, a comment Heineman made to reporters in 1995 about his \$133,600 House salary making him "lower middle class" reflected an insensitivity to the realities of his constituents' lives that came back to haunt him.

The stars of the freshman class, those on the ramparts pushing for budget cuts, were not defeated. Rep. Sam Brownback of Kansas weathered a challenge from moderates in his own party to win Dole's Senate seat. Rep. Mark W. Neumann of Wisconsin, perhaps the most self-righteous budget cutter of the class, managed to withstand a strong opponent and labor onslaught.

Now that they're about to graduate to sophomore status, can we expect more of the same?

During this year's races, the freshmen asked voters to let them finish the job they started two years ago. It seems certain the one thing that will continue to unify them is their mission to reduce government spending and balance the budget.

Perhaps the most striking thing about these congressional elections is the closeness of the margin of victory for so many—the most notable example being Rep. Jon D. Fox of Pennsylvania, who appears to have won reelection by just 10 votes. That kind of margin reflects a divided electorate—and one that says it wants Democrats and Republicans to work together. The last Congress did not deal with entitlements but the next one must. And the effort will have to be bipartisan.

The freshmen also failed to deal with campaign-finance reform. But the bruising many took at the hands of the labor unions through independent expenditures has raised their interest. They may just revisit the issue of campaign-finance reform early in the 105th Congress.

They are a little older, a little wiser and a lot more politically savvy. And while they may have derided the way Congress does its business when they arrived, they grudgingly learned respect for the power of the system's checks and balances.

What they produced was not a revolution but an evolution in thinking. They changed the way Americans think about the role of government; what it can and cannot do for people. That may be the longest lasting contribution of the freshman class of 1994.

République Française

Ministère de la Culture

3, rue de Valois, 75042 Paris Cedex 01 - Téléphone : (1) 40 15 80 00

Le Ministre

'96 NOV 13 PM2:23

Mister President,

I wish to congratulate you for your re-election at the head of the United States.

As the first Democrat President to be re-elected since President Franklin Roosevelt, you are the leader of modern America, anxious to reduce inequalities and concerned with preserving liberties. To me, as for many people in the world, this represents a great satisfaction..

Yours faithfully,

Ph. Douste-Blazy

Philippe DOUSTE-BLAZY

To Douste-Blazy for Reply?

Yes

✓

No

honey - HRC did
a piece for "Elle"
magazine and
these were delivered
with letters to
her. Do with them
!! HRC



Boulogne, November 8 th, 1996

Le Président-Directeur Général

The President
Mr Bill CLINTON
White House
1600 Pennsylvania avenue
WASHINGTON DC 20500

'96 NOV 13 PM2:23

Dear Mr President,

I would like to take this opportunity to congratulate you on your great success at the polls and your consequent re-election.

I would also like to wish you all the best in your second term and I am sure it will be as bright as your first.

I am very much looking forward to meeting your wife on the 11th of November in Paris. We are extremely pleased and proud to welcome her on TF1.

Sincerely yours.

Patrick LE LAY

To Dorskind for Reply?

yes



No

THE PRESIDENT HAS SEEN
11-13-96

① cc his letter
to Leon / VP

showed in given
mon \$?

cc Rebecca / Alexander / etc

② شد اعلان
to come by Oval
for a representation

cc: Leon / VP / Scheduling

THE WHITE HOUSE
WASHINGTON

November 12, 1996

Mr. Geoffrey Cowan
Director
Voice of America
330 Independence Avenue, S.W.
Washington, D.C. 20547

Dear ~~Geoffrey~~ ^{Gus}:

I have received your letter of October 24, 1996, and as requested, I accept your resignation. I want to thank you for your dedicated efforts as Director of Voice of America. Your commitment and energy will be sincerely missed.

You can be extremely proud of your work at the Voice of America. By broadcasting vital information to millions of people around the world, the Voice of America has brought hope and understanding to the farthest corners of our planet. From aiding the transition to democracy in Haiti to saving thousands of lives in Central Africa, you and your staff have helped to make the world a safer, brighter place. I commend you for your many accomplishments, and on behalf of all who have benefited from your service, I thank you for a job well done.

As you undertake the responsibilities of your new position as Dean of the Annenberg School for Communication at the University of Southern California, I am confident that your talents and insights will again serve you well. I am proud to have had you on my team, and Hillary joins me in sending best wishes for every future happiness and success.

Sincerely,

Bill Clinton

You did a fine job - Thanks

October 24, 1996

96 OCT 25 AID : 42

The President
The White House

Dear Mr. President:

As you may know, I plan to leave the Voice of America in a few weeks to become Dean of the Annenberg School for Communication at the University of Southern California. I will be commuting to Washington on weekends, since Aileen hopes to continue her work with crime victims at the Department of Justice, and Mandy wants to finish her eighth grade year at Georgetown Day School.

Serving you, your Administration and the country has been a singular honor. By broadcasting to the world in 52 languages with an audience of almost 100 million regular listeners, VOA remains a beacon of hope, an indispensable lifeline of news and information, and an irreplaceable means of explaining American policy. Unfortunately, our role has been diminished by Congressional cuts for FY 97.

During the past three years, VOA has been an invaluable instrument in the transition to democracy in Haiti (where our Creole Service is a vital news source for more than 30 percent of the population), and Bosnia (where VOA is the region's dominant independent source of information thanks to our Bosnian, Croatian, and Serbian Services). In Central Africa, where it has been so difficult to prevent massive bloodshed, Human Rights Watch/Africa reports that VOA has saved countless lives since the messages of hate radio have been countered by our French, Swahili, English, Kirundi, and Kinyarwanda Services. When American cruise missiles struck Iraq last month, Saddam Hussein blacked out all news of America's purposes; but, as NPR's Michael Schuster reported, almost everyone in the country knew the truth by listening to VOA's Arabic Service. VOA is the most important source of information and inspiration about human rights in Burma, where we broadcast Aung San Suu Kyi's weekly messages; in Tibet, where the Dalai Lama calls us the people's "vital medicine;" and in China, where we are the leading international source of news about the world and about China. You will recall that the First Lady's speech in Beijing was ignored by China's own media; but VOA carried her words to a huge audience in English and in Mandarin.

These three years have also been filled with innovation and (dare I say it) reinvention. After a tortuous process, we consolidated many key components of VOA and RFE/RL. In the post-Cold War era, we shifted some resources away from Europe and the former Soviet Union, and toward East Asia, the Middle East, and Africa. Using the newest (as well as older) technologies, we launched call-in

shows in 12 languages (one wonderful program featured the First Lady), and created an Internet site that features audio news updates in 18 VOA languages. With your help, we began a simulcast radio/TV show to China on DBS (which is almost impossible to jam). We found private sources of financing -- the Disney Channel to produce *This I Believe* with Charles Kuralt; the Capital Group, to launch a series of live radio dramas starring such actors as Richard Dreyfuss and Marsha Mason; and the Carnegie Corporation, for VOA programs on conflict resolution. During the next month or two, we expect to be able to announce a private partner for at least one of our programming services.

But there is a limit to how far reinvention can take us. The most recent cuts in our budget will make it almost impossible for VOA to continue to perform its crucial role in the years ahead. Since 1992, we have cut VOA's staff by more than 25 percent, and we have reduced our direct broadcasts from 1080 to 660 hours per week. Since 1994, the budget for international broadcasting has been cut by 31 percent -- a far sharper decline than that absorbed by other parts of the international account, and a much deeper reduction than you asked for in your budget requests. We are currently developing options to eliminate as many as 15 language services. In an era in which information and ideas are more important than ever, I believe that it would be wise for the Administration to seek to restore some of the funds that have been lost.

I will always be proud of what you and your Administration have accomplished during your Presidency, and of the service that I have been privileged to perform as Director of VOA. I hope that I will be able to find further ways to help the Administration in my new role as dean of one of the country's leading schools of communication and journalism.

With the greatest respect and gratitude.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and curves, identifying Geoffrey Cowan.

Geoffrey Cowan
Director



Accommodating Ideas

Stm Su

The Honorable William J. Clinton
The President of the United States
The Executive Office of the President
Nancy Hernreich,
Deputy Assistant to the President
C/O Office of Appointments and Scheduling
1600 Pennsylvania Avenue N.W.
Washington, DC. 20500

'96 NOV 13 PM2:16

November 8, 1996

Dear Mr. President,

As one of the Sign Language Interpreters who interprets for you and works with your advance team in the coordination of interpreter services across these great United States, I would like to offer my heartfelt congratulations on your administrations' spectacular re-election. There is no doubt in my mind that the high visibility of the interpreters who worked along side of you, the First Lady, as well as Vice President Gore played a significant role in getting out the vote. The fact that many Sign Language Interpreters volunteered their time all over the country should not go without recognition.

Keeping in mind the sheer numbers of Sign Language Interpreters who diligently work on your behalf, I would like to put forth a bold proposal. As the Chair of the Registry of Interpreters for the Deaf 1997 National Convention, I humbly request the honor of your presence for the purpose of addressing our membership during the week of August 5th through the 9th in Long Beach California at the Hyatt Hotel. The theme of our Convention is one which I am sure you can relate, "Celebrating the Profession; RID in the 21st Century".

The Registry of Interpreters of the Deaf is the only national professional association of Sign Language Interpreters representing more than 20,000 professionals across this nation. In congress with your administration, it is our goal to build the bridge that 28 Million people who are Deaf and/or Hard of Hearing will cross into the 21st Century. As we have assisted you along your path, we hope that you will come to talk with us in an atmosphere of celebration and support.

Sincerely,

Kate Nelson

Kate Nelson
Director of Interpreting Services
Region V Representative to the Board of Directors
for the national Registry of Interpreters for the Deaf

11-13-96

Send to ~~President~~ for
reply - scheduling

[Signature]

[Signature]

C



THE WHITE HOUSE

WASHINGTON

November 12, 1996

Dear Billy

I was so glad to receive
your letter and to know you are
finishing your mission — I hope
you are enjoying your island
retreat — I need one just now!

I am grateful for your
prayers and your friendship and
I do hope to see you before long,
Hilary and I send our love to
Ruth.

Sincerely

Bill

CE

St. John's

11/16/96

BILLY GRAHAM
MONTECAT, NORTH CAROLINA 28757

November 8, 1996

28757

Dear Bill,

Congratulations on your overwhelming victory. Ruth and I were praying that God's choice would be made, and I believe He has answered prayer.

I am certain that during the next four years you will be calling on God many times, and He will hear and answer as He did during the election.

Sometime during the Christmas holidays or in the New Year I may have a chance to come by and have a prayer of thanksgiving with you. I have a great affection for you, and promise to pray for you daily that God will give you supernatural wisdom as you take not only national but international leadership.

I am away on an island finishing my memoirs that will be published next April. Your birthday greeting caught up with me here, and I really appreciate your thoughtfulness.

Give my warmest greetings and congratulations to Hillary and Chelsea.

As ever, your friend,



The President
The White House
Washington, DC 20500

Fax: (202)456-6703

COVER SHEET

Fax to: Secretary to the President

From: Stephanie Wills, Secretary to Billy Graham

Date: 11/11/96

With the volume of mail you all must be receiving at the moment, we thought it safer to send this by fax instead of by mail or telegram.



'96 NOV 12 AM 11:22

STATE OF ARKANSAS
MIKE HUCKABEE
GOVERNOR

October 31, 1996

Mr. President

In keeping
with our recent
discussions

M. f

Mr. Thomas F. McLarty III
Counselor to the President
The White House
Washington, D. C. 20500

Dear Mack:

Thank you so much for your letter expressing appreciation for our recent visit at the Governor's Mansion. We were delighted to have you there.

Mack, you continue to be the gracious gentleman you have always been, and I want you to know that I do want us to work together for the betterment of Arkansas. That's one thing we definitely have in common - our love for this great state!

If the President and his family would like to come by the Mansion while in Little Rock (to see Zeke's grave, for nostalgia, etc.), we would be more than happy to have them. We would even vacate the premises to give them some well-deserved privacy.

Janet and I send our very best wishes to Donna Kay.

11-13-96

Sincerely yours,

Mike Huckabee

Maurcen-
Lewis
Nancy asked if you would
respond to this: "Thanks for your
offer of coming by the Gair's
Mansion"

THE WHITE HOUSE
WASHINGTON

Nov 13, 1796

✓
Leon -

We just received this in my
office. I have not forwarded it
to the President, but thought you
should see it.

Phil Caplan

cc: ✓
Erskine

cc: Julie
Dorland

NATIONAL
RAINBOW
COALITION

Rec'd
11/13/96
JAH

'96 NOV 13 AM 11:14



DATE 11-11-96
TO Allen's Herman for President Clinton
FAX # 202-456-2983
FROM Terri Harris
PHONE # 202-728-1180 X18
OF PAGES (INCLUDING COVER PAGE): 3

TERRI HARRIS—Office of the President

NATIONAL, 1700 K Street, NW, Suite 800, Washington, DC 20006, (202) 728-1180 Phone, (202) 785-23

NATIONAL **RAINBOW** COALITION

November 11, 1996

President William J. Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

Now that the campaign has come to an end, as you know, I have traveled many miles, devoting the energies of my organization, in the pursuit of the victory that we all shared and I want to affirm to you again, my deep congratulations in that regard.

However, I have since sought to meet with you in order to discuss matters that are of urgent concern to the various constituencies with which I have intense interaction, and my requests have thus far been denied.

Therefore, understanding that your own staff and close advisers have, of necessity, been at work making decisions on issues affecting the transition of your administration, we feel that some of those decisions deserve a wider set of views and thus a sounder basis of agreement and legitimacy before they become final. This is urgent inasmuch as it has been publicly expressed that in your first administration decisions, for example, on cabinet appointments were made so that the result would "look like America" but decisions on cabinet appointments in the second administration would be made on "competence." Since we know that such terminology has often been used as code words which often have racial connotation, this view has begun to engender serious concern with respect to the overall posture of your new administration.

In that regard, I would like to have the opportunity to express my own view to you directly on issues such as:

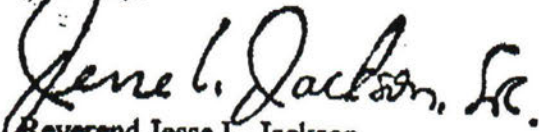
- A. The make-up of the transition team;
- B. Recommendations for Cabinet and sub-Cabinet appointments;
- C. Issues that I discovered in the course of campaigning that citizens believe should be addressed;
- D. The role Republicans will play in the new administration whom we campaigned against vs. the role loyal Democrats might play;

Reverend Jesse L. Jackson, President and Founder
Angela Jordan Davis, Chair, Board of Directors

Francisco L. Borges, Treasurer
The Honorable Salima Siler Marriott, Secretary

I very much understand that you are now besieged with many matters generated from various quarters from the media to the opposition party. However, I strongly believe that those of us who spent so much of our own capital in support of this effort, in many places where it was difficult to do, and in a way which contributed to the substantial victory our party has won for four more year, should now be respectfully included in the dialogue about the composition and future of this administration in its second term.

Sincerely,

A handwritten signature in cursive script that reads "Jesse L. Jackson, Sr." The signature is written in dark ink and is positioned above the printed name.

Reverend Jesse L. Jackson

President

Rainbow/PUSH Action Network

'96 NOV 12 PM1:25

12 November 1996

MEMORANDUM TO THE PRESIDENT

CC: Leon Panetta
Evelyn Lieberman
Maggie Williams
Ron & Leon
From: Harold Ickes *HS*
Re: Inaugural Committee

For Review

Leon has indicated that the White House would like to announce the top level of the Inaugural Committee tomorrow (Wednesday). Originally we had discussed Terry McAuliffe and Ann Jordan as the "working" co-chairs. As a result of our several discussions over the past days, there is a need to add additional co-chairs, including Beth Dozoretz, someone representing organized labor, an Hispanic, and, as Maggie has suggested, someone recognizable from Arkansas. Undoubtedly there are others that should be added.

It is, therefore, my suggestion that there be 2 tiers at the top level of the Presidential Inaugural Committee '97 in order to accommodate the needs of inclusiveness as well as the need to have responsibility reside with only a couple of people. Rather than have 5 or 6 (or perhaps even more) Co-Chairs, I suggest 2 co-chairs: Terry McAuliffe and Ann Jordan, as we discussed in Little Rock.

Inclusiveness would be met by a group of Vice Chairs which might include:

- Beth Dozoretz
- Organized labor
- Hispanic
- Richard Mayes
- Gordon Giffin (rec. by Peter Knight)
- Jonathan Tisch (rec. by Peter Knight)
- Stan Schuman
- Carol Pensky (WLF)
- Alan Leventhal (Boston)
- Chicago (?)
- California (?)
- Texas (?)
- Miami (?)

- Jim Harmon

Executive directors: When we met in Little Rock on election day it was generally agreed that Steve Ricchetti and Debra Wilhite would make a good co-executive director team. Since then, I have learned that Steve Ricchetti simply is not in a position to take on this additional function. (As you know, he took virtually full time off to work on the Convention and then did the debate preparation for Senator Mitchell.)

I suggest, therefore, that Craig Smith and Debra Wilhite be named the co-executive directors. Although they both have similar strengths and skills, as well as weaknesses, given the other people that will be involved in the Inaugural, I think it is more than manageable. They both have proven themselves as able managers.

Finance: Dan Dutko is apparently very interested in becoming the finance chair of the Inaugural (there is also Jim Harmon who I think would do it if asked, although he would probably want to be an honorary co-chair as well). Terry is very high on Mr. Dutko.

In addition, I suggest David Mercer, who has worked at the DNC for a number of years in connection with finance, especially in connection with expanding the base of minority donors, and Ari Swiller as the finance co-directors working with Mr. Dutko.

Press spokesman: Joe Lockhardt did an outstanding job during the campaign, and I recommend him as the lead press spokesman for the Inaugural. I would put someone like Stacy Beck under him to handle the organizational and managerial aspects.

Producers: We may want to announce that Harry Thomason will be responsible for the overall production of the Inaugural events and that Gary Smith will be retained to produce the Gala.

Once we come to closure on the top structure and names, I suggest that we announce the co-chairs and the honorary co-chairs and perhaps the executive directors tomorrow.

Additional honorary vice chairs can always be added as needed without disrupting the working organizational structure of the operation.

Let's discuss this afternoon (Tuesday) at your earliest convenience.

'96 NOV 12 PM8:19

12 November 1996

MEMORANDUM TO

THE PRESIDENT
VICE PRESIDENT

CC

LEON PANETTA
EVELYN LIEBERMAN
MAGGIE WILLIAMS
RON KLAIN
ERSKINE BOWLES

FROM

HAROLD ICKES 

RE

Inaugural Committee

Henry Cisneros suggested that Ed Romero (New Mexico) be included as one of the vice chairs of the inaugural committee. Since we are announcing this group (in formation) tomorrow (Wednesday), please let me know your reaction as early in the morning as possible.



Buddy McKay
Lt Gov, Florida
Lawton Chiles
Gov, Florida

cc Kozel
B. McKay
H. Chiles
Sample
Kozel
L. Chiles
APD
(checked for
TDS)

THE WHITE HOUSE
WASHINGTON

November 8, 1996

Ms. Bonnie L. Kozel
3392 Timberwood Circle
Naples, Florida 34105

Dear Bonnie:

Thank you so much for your letter. Hillary and I have been deeply touched by the expressions of support and encouragement we have received from people who care about the future of our country, and we're glad you took the time to write.

Your experience is an inspiring one, and I am glad you have a strong support system to help you raise your family through difficult times. I have long believed that government must work in partnership with people -- providing opportunity, encouraging responsibility, and strengthening families for the future.

My Administration is doing everything we can to bring about the changes that Americans want and need -- real changes that will guarantee our country a more secure, more prosperous future. As we continue to work to ensure greater opportunity for hardworking families like yours, I appreciate your insights and encourage your continued involvement. You can be proud of your accomplishments.

Sincerely,

Bill Clinton

Your letter was
wonderful - Thanks

September 7, 1996

President & Mrs. Clinton
The White house
1600 Pennsylvania Avenue
Washington, D.C.

Dear Mr. President and Mrs. Clinton:

In this day and age of complainers, I thought you might like to read a letter from someone who thinks well of you. I am so pleased with your performance as president and first lady. It has renewed my patriotism and I am so proud of our country (with the exception of the republican shenanigans in congress).

I am a single mother, 48 years old, and have been raising my children (all by myself for the past seven years), of two teenagers. I have always been interested in politics, since my first husband's brother ran for and won for state representative. I must tell you that not since John Kennedy have I loved a president as much as you. I feel terrible when you are the subject of personal attacks, and want you to know that even though they called Ronald Reagan the "Teflon President", you have dealt with the slings and arrows of the attacks in such a way as to deflect the bullets. You make me proud and inspire me when you walk with your heads held high and take the better road than your attackers.

I am much better off personally since you became president. When Reagan was president, I was a paralegal for the Collier County State Attorney's office, making \$5.00 per hour. I was over-educated and unable to support my children. If it were not for my parents, I would have become a homeless statistic. Now I am the administrator of a children's dental clinic, I make a living wage (for Florida-which is another story), and I am doing better. I still feel trapped as a single mother-and Mrs. Clinton- if it were not for my village, I really shudder to think what would have happened to me and my children. Their father lost his job after we divorced seven years ago, and has not worked since. My parents helped me financially, my friends helped me emotionally, and we all became a "team". If I did not have my "village", I think I would have gone under for sure.

I am pleased with your "family values" campaign. However, I would like you to make it clear to the republicans and the rest of the world, that "families" come in all shapes and sizes. My family is fatherless, and husbandless-but we are a family just the same. I wish that you would address the struggle that single mothers face. I am doing fine, but my friends are barely making it. And, your insurance plan was a great thing for single mothers. I have so many friends, including myself, who don't go to the doctor because we can't afford it, and we either have huge

deductibles (mine is \$500.00), or no insurance. My children are covered under champus through their father-otherwise they would have NO insurance.

I struggle along in a job just to get by, and dream about all my education and potential that is wasted. I have so much to offer the world, but I feel because of my position as a single mother, and all of my responsibilities, I can't afford to take a risk and try something else (like start my own business, etc.), because I have 2 children who solely depend on me. I never even have time to myself while my children visit their father for a weekend, or a day-since he moved to another state and lives with his mother. My children have not seen their father for seven years, which makes me so sad for them. I work 10 to 12 hours a day and sometimes I have to go to the office on the weekends, so our time together is very precious. In spite of it all, my children are honor students, straight A's and never in trouble. They are polite and funny and terrific kids. But they have little chance of going to college, unless they get scholarships. My son will be turning 16 in a year, and there is no way I can afford to get him a car, much less pay for auto insurance.

I know you will win the election. I am certain of that. I stand behind and support any decision you make, because for the first time since Kennedy, I feel we have a president who has the country's best interests always at heart. I know you will protect the old, the poor, the people who need help, and I am proud and grateful for that. I have tried to live my life in that manner, and it has been alright (As my son would say, "good, but not great"). Please keep up the good work, and when you have people attacking you and calling you names and accusing you of things you did not do, remember me and the people like me when you go to bed at night. Start each day thinking of me, and the people like me who support you, and back you all the way. Thank you for being such an inspiration to me and my children. I didn't give up hope because of you! Thank you and God Bless you. You have made me proud to be an American once again.

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie L. Kozel", written in a cursive style.

Bonnie L. Kozel
3392 Timberwood Circle
Naples, FL 34105
(941)262-4062

blk

BALDEV K. DEVGAN, M.D., F.A.C.S., F.R.C.S.

Board Certified

American Board of Otolaryngology & Head & Neck Surgery

Fellow of the American College of Surgeons

Fellow of Royal College of Surgeons of Edinburgh

Ear, Nose & Throat Specialist

Otolaryngology & Related Allergy

Facial Plastic Surgery • Head & Neck Surgery

11735 Washington Blvd., Suite 101

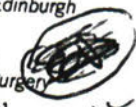
Los Angeles, CA 90066-5917

Day & Night (310) 390-9829

Children & Adults By Appointment

Fax: (310) 391-1290

Surgeon
General



See me
Nuts!!

11-12-96



UNIVERSITY FOR PEACE



CREATED BY U.N. GENERAL ASSEMBLY, RES /35/55, DEC 5, 1980

6 November 1996

To President William Clinton
The White House
1600 Pennsylvania Avenue
Washington DC 2500-2000

'96 NOV 12 PM4:37

Dear Mr. President,

To the millions of good wishes you are receiving from the hearts of multitudes, may I add those of the Chancellor of the first Peace University on this planet created by the United Nations in beautiful, peaceful, demilitarized Costa Rica. Having listened to several of your speeches, as an elder of world affairs in the United Nations, I do not hesitate to say that you can become one of the greatest Presidents ever in the history of your country, and greatest statesman in the history of the world. You possess all the qualities required and you have the hearts of the people beating for you.

Since you will be the President of the major power on this Earth as we enter into a new century and millennium, I pray fervently that like Abraham Lincoln, Jefferson, George Washington and Franklin Roosevelt you will enter history as the architect, the bridges-builder of new world structures inspired and built around the shining example of the United States. May you be the father of a new miracle in Philadelphia by convening in that city some of the best minds of your country and from around the world to draft the Charter of a second generation United Nations and even more daringly, as the times require, a proper World Constitution for this beautiful planet and its genial human family. A man can become great only through the causes he serves. And in our time the greatest causes are the peace and happiness of all humanity and the preservation of our miraculous planet Earth. A great avenue of fame lies out there in the vastness and magnificence of a new awakening of our heavenly Earth and of its global human family.

May God rejoice at your election and bless
you with His help and prayers,

Robert Muller
Robert Muller
Former UN Assistant Secretary
General, candidate for
Secretary General of the UN

" Si vis pacem, para pacem "

PHONES: 249-1072 - 249-1512 - 249-1511, P.O.BOX. 138 Ciudad Colón, Costa Rica, C.A. Fax: 249-1929

11/12/96

Phil

from CUA

to Desks/for reply

coord
with
MSC

S

SEE THE WORLD WITH GLOBAL EYES.
LOVE THE WORLD WITH A GLOBAL HEART.
UNDERSTAND THE WORLD WITH A GLOBAL MIND.
MERGE WITH THE WORLD THROUGH A GLOBAL SPIRIT.



Robert Muller



BEL
n
formation
area)

Barbara A. Gaughen
Media 21 Global PR
7456 Evergreen Drive
Santa Barbara, CA 93117 USA

*Dr. Robert Muller - University of Peace
Costa Rica -*



UNIVERSIDAD PARA LA PAZ
UNIVERSITY FOR PEACE



CREATED BY U.N. GENERAL ASSEMBLY, RES. / 35 / 55, DEC 5, 1960

6 November 1996

My programme and intentions if I am
elected Secretary General
of the United Nations

by Robert MULLER

former UN Assistant Secretary General
Chancellor of the UN University for Peace
in Costa Rica

In my letter to all 187 Permanent Representatives of the member countries of the United Nations I have given my reasons why I felt it to be my duty as a global citizen and life-long servant of the United Nations to offer my candidacy to the position of Secretary General of the United Nations.

There is ample background information about my life, philosophy and experience in the 14 books, almost all of them devoted to the United Nations, which I have written over my 45 years of service to the world community. Of most direct relevancy to my candidacy is the legacy of my thoughts contained in my Testament to the United Nations. Of relevancy to my views on the future are the two books The Birth of a Global Civilization and Safe Passage into the 21st Century, co-authored with Ambassador Douglas Roche of Canada.

Given the momentous importance of the position of UN Secretary General for the future of humanity and of the Earth, I consider that the above is not sufficient. The world merits that each candidate should outline with full honesty and purity what he or she would consider doing if elected. I therefore outline here my plans and intentions :

1. I would address myself every morning, over UN Radio and TV, to all the peoples of the world in a programme "Good morning World", giving them good news, hope and advice on how they can contribute to a better world;

2. I would request the UN General Assembly to consider a item on its agenda entitled Preparation and Celebration of the

" Si vis pacem, para pacem "

Tels.: 249-1072 - 249-1512 - 249-1511, Apartado. 138 Ciudad Colón, Costa Rica, C.A. Fax: 249-1929

Year 2000 and our entry into the 21st century and third millennium. I would widely disseminate my Dream 2000 already available in seven languages, and make all my books written over the years, which contain my ideas and proposals for a peaceful and better world, available to all heads of states and heads of Missions to the United Nations.

3. I would publish and distribute my first 500 ideas of the 2000 ideas I am writing for the year 2000.

4. I would offer to address all Parliaments of the world in person or via television, since the Charter of the United Nations starts with the words : We, the Peoples. I would wish foremost to address the Congress of the country which is the birthplace, inspiration and main contributor to the United Nations, the United States.

5. I would urge the United States to convene a meeting of the world's best minds in Philadelphia to perform a new miracle in that city by proposing to the world a second generation United Nations or even the first World Constitution in human history.

6. I would arrange for the installation between my office and bedroom on the 38th floor of the United Nations, of an instantaneous voice and visual communications system, day and night, with all heads of states of the planet, in order to consult immediately on any impending crisis or conflict, to prevent troubles and conflicts and to solve all existing ones.

7. I would request the early installation on the empty 39th floor of the UN of a World Peace Room, at least as sophisticated and well equipped as the War Room of NATO, to monitor world events and take earliest action on potential outbreaks of conflicts and violence.

8. I have always admired the provisions of the UN Charter which created the Military Staff Committee of the Security Council, consisting of the heads of armies of the five Permanent Members of the Council. Its tasks were : 1. to propose a bold, common world security system ; 2. thereafter, to proceed to the disarmament of the planet. This was admirable, pure logic, but was cut short of implementation by the cold war. Now that the cold war is over, I would recommend that the Military Staff Committee be pressed to accomplish the tasks intended for it.

9. I would recommend that the Security Council should meet frequently away from UN headquarters in areas of trouble and conflict, closer to the people.

10. Regarding the world population explosion, I would recommend:
1. that the Population Division and the joint UN Development/UN Fund for Population Activities be forthwith upgraded into a World Population Agency, a full specialized agency of the UN;
 2. that this agency be given vast resources to obtain urgently a stable world population;
 3. that the Agency establish a World Population Aid Programme to distribute freely and massively condoms and birth controls and proper information on their use;
 4. that each government should create a Population Ministry with the urgent task to obtain a rapid stabilization of the population of each country;
 5. that the new Agency offer its services to help countries achieve a consensus on what proper level the stable population should be.
- 11.1 would arrange for the yearly publication of a ^{UN} state of the world report and ask that the same be done by all 32 UN specialized agencies and world programmes in their respective fields. Thus, governments, the media and the public would receive comprehensive year after year diagnoses of the world condition.
- 12.1 would make sure that UN language be simplified and made more understandable to the vast public of this planet.
13. I would revive my UN Marshall Plan for aid to the poor countries in the form of a world revolving fund giving low-interest or no interest loans, reimbursable over long periods of time. The UN Development Programme which arose from that plan remains insufficient to fulfill the immense tasks to be accomplished for the poor of this world.
14. I would upgrade my World Peace Plan 2010 written in 1991. Some of its ideas and dreams were fulfilled, others were not. Many more are needed. What the great German author Goethe said applies fully to the community of nations :
- Whatever you can do or dream you can begin it.
 ↑
 Boldness has genius, power and magic in it.
15. I would solicit dreams and ideas from all peoples of the world.

Robert Ruller

My Dream 2000

by Robert Muller, Chancellor of the University for Peace

I Dream . . .

That on 1 January 2000
The whole world will stand still
In prayer, awe and gratitude
For our beautiful, heavenly Earth
And for the miracle of human life.

I Dream . . .

That young and old, rich and poor,
Black and white,
Peoples from North and South,
From East and West,
From all beliefs and cultures
Will join their hands, minds and hearts
In an unprecedented, universal
Bimillennium Celebration of Life.

I Dream . . .

That the year 2000
Will be declared World Year of Thanksgiving
By the United Nations.

I Dream . . .

That during the year 2000
Innumerable celebrations and events
Will take place all over the globe
To gauge the long road covered by humanity
To study our mistakes
And to plan the feats
Still to be accomplished
For the full flowering of the human race
In peace, justice and happiness.

I Dream . . .

That the few remaining years
To the Bimillennium
Be devoted by all humans, nations and institutions
To unparalleled thinking, action,
Inspiration, elevation,
Determination and love
To solve our remaining problems
And to achieve
A peaceful, united human family on Earth.

I Dream . . .

That the third millennium
Will be declared
And made
Humanity's First Millennium of Peace.



Robert Muller

The Birth of a Global Civilization

With proposals for a new political system for
Planet Earth



Robert Muller

**Chancellor
University for Peace**

THE BIRTH OF A GLOBAL CIVILIZATION

With proposals for a new
political system for Planet Earth

by
Robert Muller



WORLD HAPPINESS AND COOPERATION
P.O. Box 1153
Anacortes, WA 98221
U.S.A.



Copy for
Pres. Clinton

'96 NOV 12 PM4:34

FOR IMMEDIATE RELEASE

CONTACT: Sylvia Guberman
582 Nichols Avenue
Stratford, CT 06497
(203) 375-2506

GUBERMAN PRAISES DEMOCRATS' EFFORTS

Sylvia Guberman, Stratford's chief Town-wide coordinator of the local effort to re-elect President Bill Clinton, said she is "proud" of the effort the United Democrats of Stratford made during the recent presidential election.

"Members of UDS coordinated their 'action plans' and worked together long and hard hours to help re-elect Bill Clinton", Mrs. Guberman said. "And the 'proof is in the pudding,'" Guberman continued, referring to President Clinton's victories in both Stratford and Connecticut.

"Before Sylvia Guberman got involved, the local presidential campaign was practically non-existent", pointed out the campaign's publicity director, Ronald Langdon. "Thanks to her, the President was victorious in Stratford", he added.

Guberman was appointed in June to head the local campaign effort by United Democrats of Stratford President and Town Councilman, Raymond Voccola.

"Sylvia has always been a strong supporter of President Clinton", Voccola said, "So she was the ideal person to put in charge of the Stratford campaign".

more

" 12 96
from oval etc
Phil.
To Deskina for Reply?
a Stacy Forster?
— yes — no

S

Guberman announced recently that she and her staff would concentrate much of their campaign activities in the area of absentee ballots. Their effort resulted in over 1,200 absentee ballots being cast in this year's election.

Mrs. Guberman said she was "satisfied" with the absentee ballot count, but "intends to increase that number next time".

"It's very important that every Stratfordite gets an opportunity to vote", Guberman said. "And we took a giant step toward that end this year".

Guberman has known and has been a personal friend of President Clinton for over 20 years. Therefore, she commented, it was "absolutely critical" for the campaign to attract volunteer "workers". "Supposed 'strategists' are a 'dime-a-dozen' in political campaigns", Guberman noted. "The difficult part of these campaigns is getting people who will actually work and not just sit around talking about what needs to be done".

"Overall, I'm very pleased with our effort and, of course, the result it generated", Mrs. Guberman concluded. "The United Democrats of Stratford has shown, once again, that we are truly 'working' Democrats".

END

D.
Councilman Raymond Voccalo
also Pres. United Democrats of Stratford
595 Light Street
Stratford, Conn. 06487



00:04 11/09/96 ISS#2 431 WGMF,DC 20066

President William J. Clinton
White House
1600 Pennsylvania Ave.
Washington, D.C.
20006

attention
Ms. Betty Curry





Department of External Affairs

Director of Development
John McCaffrey

'96 NOV 12 PM4:35

7 November 1996

President William Jefferson Clinton
The White House
Washington D.C. 20500

Dear Mr. President:

Many of us who had been privileged to have been part of your visit to Northern Ireland exactly one year ago gathered in the Europa to watch your re-election victory. There was a tremendous sense of pride in that room as state after state returned for the Clinton/Gore ticket. And because of the time difference, we were still following your path to victory at 4 a.m. GMT!

You will receive thousands of messages of congratulations from all across America, and indeed from across the world. Among those, Mr. President, there will be quite a few from Belfast and Derry, cities upon which you and Mrs. Clinton left an indelible impression last November 30.

Know how very proud we are of your success, and know that our prayers and best wishes go with you and the First Lady and Chelsea at this exciting and challenging time. We need your influence and goodwill in this part of the world now more than ever before, and many of us are prepared to redouble our efforts to work for peace if we know that the President is redoubling his.

Congratulations and God bless.

Sincerely,

JOHN McCAFFREY
Director of Development
University of Ulster

Advancing Knowledge through Teaching, Learning and Research

Newtownabbey County Antrim BT37 0QB Northern Ireland Telephone: Belfast (01232) 368132 Fax: (01232) 368232
Campuses: Belfast, Coleraine, Jordanstown, Magee College

11.12.96
Ph: 1.
TE Per kind for Reply
✓ yes — no
S. Coord with MSC

11-12-96

November 04, 1996

Bill Clinton, President
White House
1600 Pennsylvania Avenue
Washington D.C.

The President needs
to be sure that
God follows up
to death —

Dear Mr. President:

My name is Jeff Tack. I'm 27 years old and served in the Gulf War as a medic. I am married with two daughters, ages four and eight years old. I was healthy and happy before going to the Gulf. Now I have been diagnosed with ALS - amyotrophic lateral sclerosis (Lou Gherig's disease) and given two to five years at most to live. No one knows what causes this, but the main hypothesis is exposure to toxic chemicals. It is very rare in someone my age, but I myself have found several other soldiers with this devastating disease. All of us are in our 20s and 30s. When I returned from the Gulf War I was sick with nausea, vomiting, fever and diarrhea. When I went to the doctor I was told it was flu symptoms. I now know it was a reaction to the chemical exposure. During the Gulf War I was a medic and came out of the war with a new commitment to medicine. I started college hoping to become a physician assistant. But, all this was cut short with this diagnosis.

One and one half years ago I went to the National Institute of Health, none of the doctors there would even entertain the idea that I was exposed to toxic chemicals or that any of my symptoms could be as a complication of taking the PB tablets and then exposure to these chemicals. We went there with hope that they would at least consider such findings, knowing I was not the only serviceman to have this problem. Now looking back I wonder if they were just told to ignore these symptoms as possibly related to chemical toxins.

I am now wheelchair bound. My children shave me, comb my hair and feed me as my arms are too weak and the muscles too wasted away to do for myself. We Americans trusted our President, our Commander in Chief, General Schwarzenkoff, General Colen Powell, and the Pentagon, only to be lied to by all.

I lived through the war only now to be dying from friendly fire. Is there anyone out there who cares???? Instead of wasting our time, money and resources on this continual cover-up of the exposure, can we help the soldiers (and their families) who are already sick with this toxin???? We have known for a long time that there really was an exposure and we need HELP!!!! We need to be spending time, money and resources on research to try to save our lives. A lot of time has already been lost, and some of us do not have much time left. We need committed help. We need to adequately fund the National Institute of Health and other research institutions, encouraging them to focus on the Gulf War illnesses, instead of continually denying that we are sick when we are, in all actuality, dying.

Please respond. We need to know that someone is listening.

Sincerely,

Jeff Tack

Jeffrey Tack
Retired Army Sargent
3478 Greentree Road
Lexington, KY 40517
(606) 273-3375
E-Mail - TACKR@AWO.COM

11-12-96 Phil
To Don Skind Agency Liaison
to handle?
yes — no
coord with
new office at
NSC. Want to see draft
by Nov 19 5



From the Vice-Chancellor
Professor Sir Trevor Smith

President William Clinton, DLitt (Ulster)
The White House
WASHINGTON DC

'96 NOV 12 PM4:46

Our Ref: VC/120.1.1.1

11 November 1996

Dear Mr President

I write on behalf of the University to congratulate you on your re-election as President of the United States.

It is almost a year ago that you came to Northern Ireland and reached across both communities in a spectacular way. As I said when I presented you with your Honorary Doctorate in the Derry Guildhall you had energised us all. Although since then progress towards peace has been somewhat chequered, American influence and your personal commitment are much appreciated and remain vital ingredients to a successful and lasting outcome as I emphasised in my recent letter to *The Boston Globe*.

I send to you and the First Lady greetings and best wishes for a successful second term.

Yours sincerely

TREVOR SMITH

Advancing Knowledge through Teaching, Learning and Research

University House Coleraine County Londonderry BT52 1SA Northern Ireland
Telephone: Coleraine (01265) 324329 or 324349 Fax: (01265) 324901 E-mail: t.s.smith@ulst.ac.uk
Campuses: Belfast, Coleraine, Jordanstown, Magee College

11.12.96

Ph.1

- from OUAL ofc.
- TC Donstund for reply?

yes — no

Coord
with
MSC

S.

FACSIMILE COVER SHEET

FROM:

JOHN McCaffrey
DIRECTOR OF DEVELOPMENT
THE UNIVERSITY OF ULSTER
NORTHERN IRELAND

OUR FACSIMILE:

+44 1232 368232

TELEPHONE:

+44 01232 368132/368350

FOR THE ATTENTION OF:

MRS. BETTY CURIE
OFFICE OF THE PRESIDENT
THE WHITE HOUSE, WASHINGTON D.C.

MESSAGE:

Dear Mrs. Curie,

The President of the University has asked me to forward this facsimile letter to the President.

Many thanks.

Sincerely,

John McCaffrey

John McCaffrey

DATE: 11/12/96

NUMBER OF PAGES INCL. COVER PAGE: 2

THE WHITE HOUSE
WASHINGTON

DATE: November 12, 1996

NOTE FOR: The Honorable Buddy McKay

The President has reviewed the attached, and it is forwarded to you
for your:

Information ☒

Action ☐

Thank you.

Staff Secretary
(x6-2702)

cc:

cc Bonebrake
L. Childs

Ms. Bonnie L. Kozel
3392 Timberwood Circle
Naples, Florida 34105

Thank you so much for your letter. Hillary and I have been deeply touched by the expressions of support and encouragement we have received from people who care about the future of our country, and we're glad you took the time to write.

Your experience is an inspiring one, and I am glad you have a strong support system to help you raise your family through difficult times. I have long believed that government must work in partnership with people -- providing opportunity, encouraging responsibility, and strengthening families for the future.

My Administration is doing everything we can to bring about the changes that Americans want and need -- real changes that will guarantee our country a more secure, more prosperous future. As we continue to work to ensure greater opportunity for hardworking families like yours, I appreciate your insights and encourage your continued involvement. You can be proud of your accomplishments.

Sincerely,

Trin Hunter

Your letter was
wonderful - Thanks

September 7, 1996

President & Mrs. Clinton
The White house
1600 Pennsylvania Avenue
Washington, D.C.

Dear Mr. President and Mrs. Clinton:

In this day and age of complainers, I thought you might like to read a letter from someone who thinks well of you. I am so pleased with your performance as president and first lady. It has renewed my patriotism and I am so proud of our country (with the exception of the republican shenanigans in congress).

I am a single mother, 48 years old, and have been raising my children (all by myself for the past seven years), of two teenagers. I have always been interested in politics, since my first husband's brother ran for and won for state representative. I must tell you that not since John Kennedy have I loved a president as much as you. I feel terrible when you are the subject of personal attacks, and want you to know that even though they called Ronald Reagan the "Teflon President", you have dealt with the slings and arrows of the attacks in such a way as to deflect the bullets. You make me proud and inspire me when you walk with your heads held high and take the better road than your attackers.

I am much better off personally since you became president. When Reagan was president, I was a paralegal for the Collier County State Attorney's office, making \$5.00 per hour. I was over-educated and unable to support my children. If it were not for my parents, I would have become a homeless statistic. Now I am the administrator of a children's dental clinic, I make a living wage (for Florida-which is another story), and I am doing better. I still feel trapped as a single mother-and Mrs. Clinton- if it were not for my village, I really shudder to think what would have happened to me and my children. Their father lost his job after we divorced seven years ago, and has not worked since. My parents helped me financially, my friends helped me emotionally, and we all became a "team". If I did not have my "village", I think I would have gone under for sure.

I am pleased with your "family values" campaign. However, I would like you to make it clear to the republicans and the rest of the world, that "families" come in all shapes and sizes. My family is fatherless, and husbandless-but we are a family just the same. I wish that you would address the struggle that single mothers face. I am doing fine, but my friends are barely making it. And, your insurance plan was a great thing for single mothers. I have so many friends, including myself, who don't go to the doctor because we can't afford it, and we either have huge

deductibles (mine is \$500.00), or no insurance. My children are covered under champus through their father-otherwise they would have NO insurance.

I struggle along in a job just to get by, and dream about all my education and potential that is wasted. I have so much to offer the world, but I feel because of my position as a single mother, and all of my responsibilities, I can't afford to take a risk and try something else (like start my own business, etc.), because I have 2 children who solely depend on me. I never even have time to myself while my children visit their father for a weekend, or a day-since he moved to another state and lives with his mother. My children have not seen their father for seven years, which makes me so sad for them. I work 10 to 12 hours a day and sometimes I have to go to the office on the weekends, so our time together is very precious. In spite of it all, my children are honor students, straight A's and never in trouble. They are polite and funny and terrific kids. But they have little chance of going to college, unless they get scholarships. My son will be turning 16 in a year, and there is no way I can afford to get him a car, much less pay for auto insurance.

I know you will win the election. I am certain of that. I stand behind and support any decision you make, because for the first time since Kennedy, I feel we have a president who has the country's best interests always at heart. I know you will protect the old, the poor, the people who need help, and I am proud and grateful for that. I have tried to live my life in that manner, and it has been alright (As my son would say, "good, but not great"). Please keep up the good work, and when you have people attacking you and calling you names and accusing you of things you did not do, remember me and the people like me when you go to bed at night. Start each day thinking of me, and the people like me who support you, and back you all the way. Thank you for being such an inspiration to me and my children. I didn't give up hope because of you! Thank you and God Bless you. You have made me proud to be an American once again.

Sincerely,



Bonnie L. Kozel
3392 Timberwood Circle
Naples, FL 34105
(941)262-4062

blk

THE WHITE HOUSE
WASHINGTON

DATE: November 12, 1996

NOTE FOR: The Honorable Lawton Chiles 

The President has reviewed the attached, and it is forwarded to you
for your:

Information ☒

Action ☐

Thank you.

Staff Secretary
(x6-2702)

cc:

THE WHITE HOUSE
WASHINGTON

November 8, 1996

Ms. Bonnie L. Kozel
3392 Timberwood Circle
Naples, Florida 34105

Dear Bonnie:

Thank you so much for your letter. Hillary and I have been deeply touched by the expressions of support and encouragement we have received from people who care about the future of our country, and we're glad you took the time to write.

Your experience is an inspiring one, and I am glad you have a strong support system to help you raise your family through difficult times. I have long believed that government must work in partnership with people -- providing opportunity, encouraging responsibility, and strengthening families for the future.

My Administration is doing everything we can to bring about the changes that Americans want and need -- real changes that will guarantee our country a more secure, more prosperous future. As we continue to work to ensure greater opportunity for hardworking families like yours, I appreciate your insights and encourage your continued involvement. You can be proud of your accomplishments.

Sincerely,

Bill Clinton

Your letter was
wonderful - Thanks

For
Bonnie
Kozel

Sample
Kozel
letter
APD
(written for)

September 7, 1996

President & Mrs. Clinton
The White house
1600 Pennsylvania Avenue
Washington, D.C.

Dear Mr. President and Mrs. Clinton:

In this day and age of complainers, I thought you might like to read a letter from someone who thinks well of you. I am so pleased with your performance as president and first lady. It has renewed my patriotism and I am so proud of our country (with the exception of the republican shenanigans in congress).

I am a single mother, 48 years old, and have been raising my children (all by myself for the past seven years), of two teenagers. I have always been interested in politics, since my first husband's brother ran for and won for state representative. I must tell you that not since John Kennedy have I loved a president as much as you. I feel terrible when you are the subject of personal attacks, and want you to know that even though they called Ronald Reagan the "Teflon President", you have dealt with the slings and arrows of the attacks in such a way as to deflect the bullets. You make me proud and inspire me when you walk with your heads held high and take the better road than your attackers.

I am much better off personally since you became president. When Reagan was president, I was a paralegal for the Collier County State Attorney's office, making \$5.00 per hour. I was over-educated and unable to support my children. If it were not for my parents, I would have become a homeless statistic. Now I am the administrator of a children's dental clinic, I make a living wage (for Florida-which is another story), and I am doing better. I still feel trapped as a single mother-and Mrs. Clinton- if it were not for my village, I really shudder to think what would have happened to me and my children. Their father lost his job after we divorced seven years ago, and has not worked since. My parents helped me financially, my friends helped me emotionally, and we all became a "team". If I did not have my "village", I think I would have gone under for sure.

I am pleased with your "family values" campaign. However, I would like you to make it clear to the republicans and the rest of the world, that "families" come in all shapes and sizes. My family is fatherless, and husbandless-but we are a family just the same. I wish that you would address the struggle that single mothers face. I am doing fine, but my friends are barely making it. And, your insurance plan was a great thing for single mothers. I have so many friends, including myself, who don't go to the doctor because we can't afford it, and we either have huge

deductibles (mine is \$500.00), or no insurance. My children are covered under champus through their father-otherwise they would have NO insurance.

I struggle along in a job just to get by, and dream about all my education and potential that is wasted. I have so much to offer the world, but I feel because of my position as a single mother, and all of my responsibilities, I can't afford to take a risk and try something else (like start my own business, etc.), because I have 2 children who solely depend on me. I never even have time to myself while my children visit their father for a weekend, or a day-since he moved to another state and lives with his mother. My children have not seen their father for seven years, which makes me so sad for them. I work 10 to 12 hours a day and sometimes I have to go to the office on the weekends, so our time together is very precious. In spite of it all, my children are honor students, straight A's and never in trouble. They are polite and funny and terrific kids. But they have little chance of going to college, unless they get scholarships. My son will be turning 16 in a year, and there is no way I can afford to get him a car, much less pay for auto insurance.

I know you will win the election. I am certain of that. I stand behind and support any decision you make, because for the first time since Kennedy, I feel we have a president who has the country's best interests always at heart. I know you will protect the old, the poor, the people who need help, and I am proud and grateful for that. I have tried to live my life in that manner, and it has been alright (As my son would say, "good, but not great"). Please keep up the good work, and when you have people attacking you and calling you names and accusing you of things you did not do, remember me and the people like me when you go to bed at night. Start each day thinking of me, and the people like me who support you, and back you all the way. Thank you for being such an inspiration to me and my children. I didn't give up hope because of you! Thank you and God Bless you. You have made me proud to be an American once again.

Sincerely,



Bonnie L. Kozel
3392 Timberwood Circle
Naples, FL 34105
(941)262-4062

blk

Stephen S. Rosenfeld

When Intervention Gets the Green Light

The keenest analysis I have seen of what happened when the Cold War ended is Bryan Hehir's new Woodrow Wilson Center paper on the uses of force in the new time. A Catholic priest and practiced student of Washington policymaking, he now teaches at Harvard's Divinity School and is associated with its Center for International Affairs as well.

Through the Cold War, he argues, the consuming political and moral question was necessarily the great-power nuclear equation. But then, as the Soviet nuclear threat ebbed, it became the question of intervention. Not that intervention was unknown in the Cold War. But it was restrained by a mutual requirement for prudence and by the well-digested principles of order by which Europe had rescued itself from a condition of seemingly permanent war at Westphalia in 1648.

You remember the Peace of Westphalia, from freshman year? The key elements of the then-new world order it knit up were: the sovereignty of states, the principle of nonintervention and the separation of religion and politics. Or, to paraphrase: draw national lines, respect those lines, keep the dynamite of religion out of politics.

This "Westphalian bargain," suggests Hehir, "always was a fragile moral choice in which one reduced interstate conflict by pledging all states to an absolute norm of nonintervention. That fragile bargain is coming unraveled." Challenges to state sovereignty date to the founding of the United Nations, the rise of human rights claims and much else. The clean separation of religion and politics long ago dissolved in Latin America, the Middle East and elsewhere.

Intervention? In the Cold War the question was how to restrain intervention, lest it prompt escalation to

the nuclear level. Now, with that nuclear threat shrunk by the demise of Soviet power, the question has become whether states may actually have a duty to intervene. There is still a lingering—and wise—presumption against intervention. But a presumption can be overridden by exceptions.

Father Hehir brings to political issues an ethical perspective that is deeply imbedded in our society and not just in his church. He would go beyond the already-existing exception in international law that permits intervention in the event of genocide. He writes: "In the face of 'ethnic cleansing' and in the face of other circumstances where the chance of escalation to global war is significantly minimized, there may be a higher obligation to intervene."

At the same time, he would build some checks and balances into decisions on intervention. Taking as a model George Bush's conduct of the gulf war, he would restrict the authority to intervene so that the intervening powers—or power: one might suffice—must first acquire multilateral approval, as Bush did at the United Nations. He also would establish "means tests"—"very tough" standards—before giving an intervention a green light.

Hehir concludes: "Perhaps the best way to deal with an eroding Westphalian order is to simply take it down a step—from absolute sovereignty and absolute non-intervention to a position of relative sovereignty and relative non-intervention. Call it the new Westphalian bargain."

I don't know that the "new Westphalian bargain" is going to become the buzzword of the late '90s. But it does seem to me that Hehir makes uncommon sense about the complexities of post-Cold War political evolution. His ideas provide no easy blueprint to the daily decisions, but they do offer something more valuable—a sturdy context in which to make these choices.

As always for the United States, the basic choice is whether to exchange some part of the flexibility and power of initiative that its single-superpower status bestows, for the constraints and comforts of consensus and company on the major issues. We see this choice posed now by the situation in Iraq, where President Clinton is weighing whether and how to further intervene for purposes that he values but that are not fully shared by American allies.

I think there is a powerful case for, if you will, the new Westphalian bargain—an approach that commends respect for states and interventions for cause, with limits on both. It fits the varied and fluid global circumstances in which the United States operates as a great power. It offers a framework in which the rich American tradition of idealism and ethical content in foreign policy can be married to the uses of power.

THE PRESIDENT HAS SEEN

11-13-96

Thy (Gundy)
futurist
Bo

THE PRESIDENT HAS SEEN
11-13-96



✓

*Director
United States Secret Service*

11-13-96

Phil -
Should we send to Dorakind
for reply?

Yes ☒

No ☐

**DEPARTMENT OF THE TREASURY
UNITED STATES SECRET SERVICE**

OFFICE OF THE DIRECTOR
1800 G ST. N.W. ROOM 800
WASHINGTON, D.C. 20223

OFFICIAL BUSINESS

The President
The White House
Washington, D.C. 20500

Dear Mr. President,

On behalf of the men and women of the U.S. Secret Service, I offer our congratulations on your successful campaign. I also want to thank you for recognizing the efforts of the Secret Service in your remarks on the night of the election. Your words were greatly appreciated by all of us.

You have our very best wishes as you begin your second term in office.

Sincerely,
E. Gay

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. form	[Personally Identifiable Information] [partial] (1 page)	11/13/1996	b(6)

COLLECTION:

Clinton Presidential Records
Staff Secretary
Todd Stern
OA/Box Number: 8119

FOLDER TITLE:

Chron Files: Wednesday, November 13, 1996

2019-0774-S
rs3337

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 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. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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]
- 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 concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE
CHANGE IN EMPLOYEE STATUS

Name: Curtis Janet F.
Last First Middle Initial

SSN: (b)(6)

☒ The Appropriate Box (s)

☐ Reassignment within the White House Office
(complete all data below on the new position)

☐ Change in the Title
(enter position title below)

☐ Change in Salary
(enter salary below)

☒ Change work Schedule 2:30 - 11:00 p.m.
(circle new schedule below)

☐ Extension of Temporary Appointment
(enter new ending date below)

☐ Change in Category
(Permanent/Temporary circle one)(enter new ending date below)

☐ Other: _____

Department: Correspondence
Presidential Support

Requested By: Eileen Upperman

Position Title: _____

Salary: _____

Proposed Date of Change: 11/11/96

Ending Date, (If Applicable) _____

Work Schedule (circle one):

Full Time
2:30 - 11:00 p.m.

Part Time

Intermittent

APPROVALS

SIGN
HERE



Philip A. Told Stern
Assistant to the President
11-13-96
Date

Office of Management and Administration

Date

Upon approval or disapproval, return to:

Eileen Upperman

62

6-2304

Name

Room

Ext.

'96 NOV 13 AM 11:49

THE WHITE HOUSE
WASHINGTON

November 13, 1996

MEMORANDUM FOR TODD STERN

FROM: JIM DORSKIND 
SUBJECT: JAN CURTIS HOURS CHANGE

As you may remember, Wendy Showers, one of the staff in Presidential Support, switched recently from the night to the day shift. In order to cover the evenings better, we would like to modify Jan Curtis' hours so that she will work a later swing shift. The attached paperwork will accomplish this change.

Please sign and date where indicated and return the personnel form to my office. Of course, if you have any questions, please let me know. Thanks.

THE WHITE HOUSE
WASHINGTON

November 13, 1996

Mr. ✓ President: THE PRESIDENT HAS SEEN
11-13-96

We are having a response prepared
for the attached resignation
letter from Shirley Chater.

SC:VP
Phil Caplan
by for a previous letter
Shirley Chater -

SS
1 cc
R.C
NP



THE PRESIDENT HAS SEEN

11-13-96

SOCIAL SECURITY

Office of the Commissioner

November 5, 1996

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Over the past three years I have had the distinct honor and privilege of serving you and our country as the Commissioner of Social Security. It has been a truly exceptional and rewarding experience. Because of family reasons, however, I intend to resign as Commissioner of Social Security effective January 31, 1997.

As you know, during my tenure here, I lost my husband, but I also have been rewarded recently with two grandchildren. My children and grandchildren live on the West Coast, making regular visits impossible. Whatever the future brings for me, I trust it will provide more time for me to spend with family members, occasions that I have sorely missed.

As I leave, I would like to offer one observation. The Social Security Administration became a separate, independent agency on March 31, 1995 as a result of legislation you signed in August of 1994. Included in that legislation was a provision that established a six-year term for the Commissioner of Social Security. In my opinion, this six-year term has politicized the office because the possibility exists that a Commissioner would serve at least part of his or her term under different Presidents. I believe it to be in the best interests of the President, this nation and the Social Security Administration that the term of office be established at four years concurrent with the President's term.

Again, it has been an honor to serve you during this transition period to the new independent Social Security Administration. It is our nation's most important domestic program, and it is staffed by 65,000 of the finest employees the federal government has to offer. Together, we have accomplished a great deal, and you should be proud of how far we have come.

You have my best wishes and support in the years ahead.

Sincerely,

Shirley S. Chater
Commissioner of
Social Security



**Social Security Administration:
Major Accomplishments Under
Commissioner Shirley S. Chater**

1993-1997

Social Security Administration:

Major accomplishments under Shirley S. Chater, 1993-1997

The Social Security Administration (SSA), with more than 1,600 sites across the country, administers one of the largest and most complex of federal government programs. Social Security provides social insurance coverage to more than 142 million workers and their families. The program pays retirement benefits to more than 30 million Americans, disability benefits to about 6 million disabled workers and their families, and survivors benefits to more than 7 million family members of deceased workers. SSA also administers the Supplemental Security Income (SSI) program, which provides benefits to approximately 6.5 million people who are aged, blind or disabled and who have little or no resources.

Last year the Social Security and SSI programs paid a total of more than \$380 billion in benefits to the American people. Under the leadership of Commissioner Shirley S. Chater, SSA has realized the following significant accomplishments in the administration of both of these programs.

Leadership

- Managed SSA's transition from the Department of Health and Human Services to an independent agency; transition characterized as "seamless" and among best ever by the General Accounting Office
- Represents agency at President's Cabinet meetings—first Commissioner of Social Security to regularly do so
- Chairs interagency Customer Service Workgroup for President's Management Council
- Serves as a member of the Social Security and Medicare Boards of Trustees
- Secured significant increases in Congressional funding for agency's administrative budget, representing more than a 33 percent increase over four years
- Established as agency's priority goals 1) world-class customer service delivery, 2) enhanced public confidence in Social Security, and 3) creation of a supportive work environment for employees
- Created first agency Business Plan to guide agency priorities and business processes
- Established Accountability Report to track financial and productivity measurements; Accountability Report recognized as a model document by the Office of Management and Budget
- Established agency performance reporting standards years in advance of requirements under Government Performance and Results Act
- Instituted process to strengthen agency's policy office
- Signed strongest partnership agreement with unions in agency history

World-Class Customer Service

SSA is dedicated to providing world-class service to all of the people it serves. Commissioner Chater has defined world-class service as that which is equal or superior to service provided anywhere in the public or private sectors. The following agency achievements support that goal:

- Achieved initial payment accuracy rates for Social Security programs of 95 percent or above
- Earned highest customer service ratings of either "good" or "very good" from over 74 percent of respondents for employee knowledge, skills, courtesy, waiting times and overall service
- Developed and posted customer service standards in SSA's 1,300 field offices across the country
- Provided service to 9 of 10 customers within 10 minutes of appointment in 1996
- Received highest overall rating for 800 number phone service among public and private service organizations renowned for service (rating by Dalbar and Associates, an independent financial services firm)
- Improved responsiveness of agency's 800 number service by increasing the percentage of callers reaching an SSA representative within 5 minutes, on all but the busiest days, from 73 percent in FY 1995 to 83 percent in FY 1996
- Led effort to redesign disability determination process to improve both the timeliness and accuracy of disability decisions
- Cut average processing times for disability cases for 3 consecutive years
- Increased the number of disability hearings from 357,000 in FY 1992 to 577,000 in FY 1996
- Streamlined the disability decision drafting process, reducing backlogs from 47,000 in FY 1995 to 11,000 during FY 1996
- Conducted more than 500,000 case reviews during FY 1996 to ensure continuing eligibility for current disability program beneficiaries—the largest number of such case reviews in more than 10 years
- Cut average processing time in half for Social Security number requests
- Piloted "one-stop service," making it possible for individuals to apply for assistance from several government agencies/programs with a single interview
- Piloted joint SSI outreach program to homeless veterans with Department of Veterans Affairs
- Strengthened outreach/information efforts to working women and divorced women
- Created agency Internet site; nearly 400,000 people have visited the site during FY 1996, and the number grows at a rate of 20 percent a month

Enhancing Public Confidence

Public confidence in—and support of—Social Security are critical factors in maintaining the efficacy of the program. While support for the program remains high, confidence is declining. SSA is working to enhance public confidence in Social Security. Under Commissioner Chater, SSA has:

- Issued nearly 11 million first-time Social Security benefit estimate statements to eligible individuals age 60 or older in 1995; in 1996, statements were sent to people age 57-59; and beginning in 1999, every worker age 25 and older will receive a statement each year
- Developed educational program on Social Security for the American public, including national and local speaking engagements, meetings with editorial boards, and local radio and television appearances
- Inaugurated national public information campaign specifically on the survivors and disability programs; public service announcements received \$4 million worth of donated broadcast time
- Produced and distributed more than 15,000 "Teacher's Kits" to secondary school teachers to explain basic facts/philosophy of Social Security; Teacher's Kits have been widely praised by educators
- Provided research and analysis to quadrennial advisory council studying long-term financing
- Provided technical support to Congress on Social Security solvency issues, disability program reform, and other issues
- Established a national task force on prevention of fraud and abuse
- Implemented plan which will double the number of agency investigators fighting fraud
- Established agency's first fraud hotline
- Obtained agreements with 3,500 State and local jail systems across the country to stop payment of benefits to prisoners
- Tightened qualifications for more than 6 million Social Security and SSI program representative payees, i.e., volunteers who manage benefit payments for individuals unable to manage their own finances
- Implemented new law prohibiting misleading advertising that uses either Social Security emblems or words that imply official sanction
- Maintained low administrative costs for agency—less than 1 percent of trust fund income

Supportive Work Environment

In order to deliver world-class service to its customers, the agency must have a professional, dedicated workforce. To meet this goal, Commissioner Chater has:

- Achieved SSA's highest-ever representation of minorities and women in management positions
- Received lowest number of Equal Employment Opportunity complaints since 1992
- Reduced the number of unfair labor practice charges filed in the agency, resulting in average annual savings of \$7 million
- Met regularly with advisory boards representing viewpoints of agency minorities, women and employees with disabilities
- Held first agencywide diversity conference for employees
- Increased hiring of bilingual employees from 1/3 to 1/2 of all new hires in last two years to better serve SSA's growing, non-English speaking populations
- Held agency's first national security conference to toughen measures to protect both employees and public following Oklahoma City tragedy
- Committed \$1.1 billion over 5 years toward increased computerization of agency offices in order to make employees more efficient and productive in serving the public
- Instituted "interactive distance learning" for employees, an intra-agency television classroom that provides simultaneous training to various worksites across the country and reduces agency training costs
- Instituted new, direct employee communications practices, i.e., electronic broadcasts from Commissioner to employees on important issues

"Our pledge is to fulfill our responsibilities to the working men and women who look to Social Security to help safeguard their financial future. This is our pledge as an agency—and it is my commitment as Commissioner."

Shirley S. Chater
Commissioner of Social Security