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K. Elsa Salvo
1708 McLeod Ave.
Charleston, SC 29412



Mr. David Gergen
The White House
1600 Pennsylvania Ave
Washington, D.C.

20500-0001

1708 McLeod Ave.
Charleston, S.C. 29412
August 18, 1943

Mr. David Gergen
The White House

Dr. Mr. Gergen,

If President Clinton thinks that he has any enemies, he is the "Number One" on the list. When he first began his presidency, he thought that he had it made - with a Democratic Congress in the majority - he had nothing to do with Republicans. They were left out of any meetings even when they offered to meet with him and be a part in deliberations. They wanted to work with him in an effort which would assure him of success. He did not respond -

Then in Tulsa - at the meetings with the governors, he had a meeting only with Democratic governors. Partisanship is really promoted by the man who blames the Republicans for all of his problems.

It's been said - of all our presidents, Mr. Clinton knows the least about economic principles.

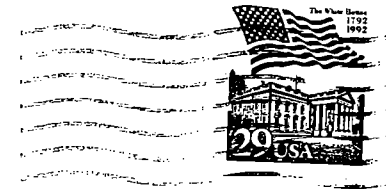
Also, I suggest that if he sends any men into the "undeclared war" he should be the first to go. I served in the last year and a half of World War II as an Army nurse. I can still have "flash backs" - remembering those with limbs blown off, some paralyzed for life, etc.

America. Helen Salvo

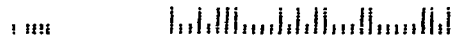
Dr. Manfred B. Tate
506 Orchard Way
Silver Spring, MD 20904



- 6225



David Gergen/Dianna Pierce
Presidential Advisor
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500



506 Orchard Way
Silver Spring, MD 20904
August 17, 1993

David Gergen/Dianna Pierce
Presidential Advisor
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Dianna,

Now Bill Clinton has completely self destructed. His miserable failure to intercede in Bosnia is generally recognized as the most shameful episode in the entire history of the United States. Not only has he overwhelmingly disgraced himself and our vaunted democracy, but he has the blood of 14,000 Bosnians and more than 3000 innocent, helpless children on his hands, staining them beyond belief. His place in history will be alongside of Adolph Hitler. There is a major difference -- Hitler was insane. Bill Clinton has no excuse, because indecision and stupidity won't protect him from nationwide contempt. You have to bear in mind that the USA is the only superpower. The UN is weak and incompetent. The president of the UN is an egotistical bottleneck. England will support us, but we must act immediately. Although we rescued France and England in two world wars, France is completely selfish and decadent. Russia is in political turmoil and won't respond. China doesn't think Serbia is doing anything different than what China would do. Other nations are powerless. The only thing that Clinton can do to partially reclaim some honor is to preemptively order a powerful attack on Serbia, destroy that country, and restore Bosnia to its status before the war. We WWII veterans are outraged at the abject failure of our leaders to do the right thing. Clinton is widely regarded as a draft dodger; and, for him to be the commander in chief of our military services, is galling. He has to take positive action quickly and become the leader of the free world.

Apparently, Warren Christopher is too timorous and has tried to cover up Clinton's disgraceful behavior. He is tarred by the same brush. Christopher hung his stupid face out on TV and stated we have no national interest in Bosnia. In effect, he is saying: "Am I my brother's keeper?" The correct answer is: "Yes, we are all our brothers' keepers." That is the Christian way. Two officials of the State Department have resigned in disgust with Christopher's insipid stand. Jon Western sent Warren a letter of resignation to be effective on August 20. He followed by

on the same issue:

a few days the resignation of Marshall Freeman Harris^{Harris and} 11 other Foreign Service Officers sent a letter to Christopher demanding US intervention in Bosnia. Another officer protested Christopher's suggestion in a congressional hearing that all sides were guilty of genocide. In effect, he informed congress that Bosnia was as guilty as Serbia. We veterans of WWII cannot tolerate such a reprehensible claim. Warren should be censured and fired for this misleading statement. A year ago, George Kenney, another officer of the State Department resigned over Bush's cowardly failure to intercede in the Bosnian crisis. Furthermore, there were numerous newspaper articles and editorials asking our so-called leaders to do the right thing. How could Clinton and Christopher, in view of these circumstances, be so dense and vascillating as to continue to fail to intervene?

It is fortunate for our nation that Colin Powell, Chief of Staff, will withdraw in September. Powell is a non-scientist who failed to grasp the superiority of our military and high-tech weaponry. He is timorous and gave bad advice to Bush and Clinton. He tried to keep George Bush from defending Kuwait. He told Bush to end the Persian Gulf War prematurely. In April 1991, Bush had the highest rating of any president at that point in his term. Thereafter, it plummeted and he lost his reelection bid in 1992. Clinton's rating has been consistently low. We sincerely hope that General Shalikashvili will have enough common sense to perform correctly.

It is very important to observe why there are about a dozen troublespots and wars in the world today. It is ^{partly} our fault. They exist because of our failure to accept our role of leadership. We have the military strength and superior weapons. Why then? It is because our weak leaders are non-scientific. These cowardly milksops don't know how strong we are. Foreign tyrants have found they can twist the tiger's tail with impunity. They watched Saddam Hussein humiliate George Bush repeatedly, and now Bill Clinton, after the US won the Persian Gulf War decisively. We can obliterate any of these brutal despots within a few months, a dozen at a time, and restore peace and decency to the world. Let's do it.

Congress is holding up progress with petty acts to promote gridlock. Let the USA become the world's strongman, be bold and assertive and LEAD the world to comity.

In my next letter, I will describe some ways that Clinton and Congress can reduce the deficit.

It can be seen that my views and criticisms are harsh. But I look at the stark reality of each situation and judge it on the basis of hard won experience and the wisdom of seasoned age. Before and during high school, I did farm work, held two janitorial jobs, sold magazines, carried newspapers, mowed lawns, picked fruit, and shoveled snow from residential sidewalks.

After graduation from high school in 1935, I worked my way through college. For five summers, I drove a truck as a driver-salesman for a beverage company. For a professor, I graded papers and ran tests in the engineering labs. After graduation, I worked for eight companies including state and federal governments. I worked for a highway department on road construction and bridge design. With the large contractor, Dravo Corporation of Pittsburgh, we designed and built submarine chasers, tank landing craft, and gantry cranes for the U.S. Navy during WWII. As a professor, I taught at six major universities for 26 years while working full time at three world-famous research laboratories. I conducted aeronautical and weapon research and designed guided missiles and naval ordnance. For the past 25 years, I have been president and general partner of a private investment partnership. I have had a highly successful and widely recognized scientific career. I started out as a poor boy with nothing and now I am a millionaire. My experience has been rich, varied, and of long duration. Consequently, I feel highly qualified to make realistic judgments.

Sincerely yours,



Manford B. Tate

MBT:mst
Encl. (1)

PS: Enclosed is a copy of my recent letter to Bob Dole.

MBT

PS2: In addition to the aforementioned activities, I was an amateur athlete in high school and college. I played basketball for eight years, baseball, track, softball, tennis, football, swimming, and soccer. Our high school basketball and track teams won conference (The East Central Missouri Conference) championships in my junior and senior years, 1934 and 1935. Moreover, in 1935, we won the Missouri State

(over)

Championship in track. Our high school was small, 103 students in the four-year school. We had six youths on our team; I threw the discus, put the shot, and ran on the half-mile relay team.

MBT

506 Orchard Way
Silver Spring, MD 20904
August 14, 1993

Hon Robert Dole
United States Senate
Hart Office Building
Washington, DC 20510

Dear Senator:

Re: Disgrace of Senate by
Carol Moseley-Braun

Enclosed is a copy of my letter of July 26 that I sent to Jesse Helms relative to the above subject. Helm's letter describes how Braun disgraced herself and made the Senate appear foolish. Here was the world's leading legislative body and not one senator knew enough about American history to point out to Braun where she was wrong and insulting. By failing to reissue the patent to the United Daughters of the Confederacy (UDC), the Senate egregiously insulted this honorable organization.

I urge you to convince your colleagues to undo their mischief and issue the patent. I said as much to Helms, but I have learned of no suitable action. Perhaps you should talk to Helms about this matter so he can avoid penalties by contributing voters.

I made monetary donations to your presidential and senatorial campaigns and to your CAMPAIGN AMERICA. That won't happen in the future unless the Senate issues this patent to the UDC. Other senators will be penalized in the same way.

Also, enclosed is a copy of a letter to Barbara Mikulski. The subject matter is relevant to your work also.

Very truly yours,

Manford B. Tate
Manford B. Tate

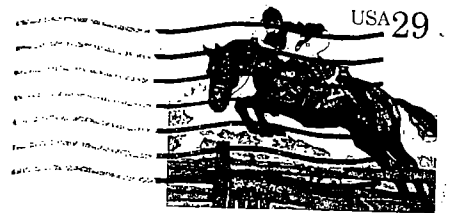
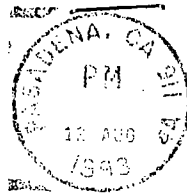
MBT:Mst
Encls. (2)



“As one White House aide put it, she isn’t just in the loop, she is the loop. The only question is when — if ever — Hillary’s unique role will raise the issue of who’s really in charge in the Oval Office.”

NEWSWEEK MAGAZINE

G. White
1506 E. Oak
South Pasadena,
Calif.



The White House
attn: Mr. David Berger
1600 Pennsylvania Ave.
Washington, D.C.

August 9, 1993

Dear Mr. Gergen:

How can a man who spent years
aiding Ronald Reagan become the spin
doctor for Clinton? Do you believe
in nothing? I frequently hear
people give the opinion that you are
a power hungry lickspittle who
cares not what the policy is as
long as you can advance yourself.

I would hate to have to confess
to my grandchildren that I had
played a part in the Clinton debacle.
You should be ashamed, America deserves
better. — go White

ROBERT A MALLOY
53 ARGONNE DR
KENMORE NY 14217



MR. DAVID GERGEN
COUNSELOR TO THE PRESIDENT
THE WHITE HOUSE
1600 PENNSYLVANIA AVE N.W.
WASHINGTON, DC 20500



DEAR MR. GERGEN:

U.N. Ambassador ALBRIGHT should be rebuked for her attempt to muzzle leaders of the U.N. military force on the scene in Bosnia. I give more credence to their views on U.S. proposals than I do to those of President Clinton and Ms. ALBRIGHT.

The Lady would do the President more good if she would muzzle her own State Dept. staff who "leak" her confidential letters onto the pages of the N.Y. Times in a dispicable attempt to discredit and embarrass both Pres. Clinton and Secretary of State Christopher!

August 21, 1993

neg

The Honorable Lee H. Hamilton, Chairman
Committee on Foreign Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Hamilton:

Your considerate response of August 6, 1993 reinforced my impression that you are sincerely interested in stopping the fighting and bringing peace to the former Yugoslavia. I, too, believe those should be the goals of U.S. Policy, and that we must act in concert with other nations.

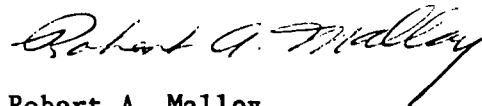
But, somewhere between your expression of such laudable goals, and your recitation of numerous efforts and actions to achieve them, you somehow managed to transform them into a one-sided policy of punishing only Serbs. Why are you seemingly not interested in stopping the fighting by the Croats and the Muslims? Your suggestion that the U.S. warn Croatia of possible sanctions unless it eases military pressure against Muslims, which the U.N. has already done to no avail, will not stop Croat aggression against Serbs or Muslim aggression against both Croats or Serbs.

Do you deny that both Muslim and Croat forces have been on a murderous rampage of ethnic cleansing in central and western Bosnia-Herzegovina throughout most of this year? There has been a conspicuous and awkward silence on this subject by both you and President Clinton. This strange silence, coupled with U.S. proposals of violent military intervention against only Serbs, suggests that, behind the facade of altruistic goals, lies the true U.S. purpose which is to punish Serbs.

You mention that you have strongly supported "... all efforts to keep up international pressure ... on the Serbs and all other recalcitrant parties ...". I respectfully challenge you to name just one such effort that has been directed against Muslim aggression.

The high level of frustration in the Congress and the country regarding the war in Bosnia, alluded to in your letter, is due to the contradiction between our stated goals of stopping the fighting and bringing peace to the region, and U.S. proposals to arm the Muslims and bomb only Serbs. The rest of the non-Arab world, including the U.N. forces on the ground in Bosnia, see this contradiction with great clarity. Why is it that neither you nor President Clinton seem able to understand this?

Yours truly,



Robert A. Malloy
53 Argonne Drive
Kenmore, New York 14217
(716) 873-9587

cc: Various, with Enclosure of Chairman Hamilton's Letter

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(VACANCY)

MICHAEL H. VAN DUSEN
CHIEF OF STAFF

One Hundred Third Congress
Congress of the United States
Committee on Foreign Affairs
House of Representatives
Washington, DC 20515

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EDWARD R. ROYCE, CALIFORNIA

RICHARD J. GARON
REPUBLICAN CHIEF OF STAFF

August 6, 1993

Mr. Robert Malloy
53 Argonne Drive
Kenmore, NY 14217

Dear Mr. Malloy:

Thank you for contacting me concerning the crisis in the former Yugoslavia. I appreciated receiving your views.

A real humanitarian tragedy is taking place today in former Yugoslavia. Bosnia is drifting toward catastrophe. Despite the achievement of nearly all of their military objectives, the Bosnian Serbs continue to defy the international community and pursue the strangulation of the city of Sarajevo with some 320,000 inhabitants. It is difficult for the United States to remain passive in the face of this situation.

Since the start of this conflict, I have supported U.S. and international efforts to try to stop the fighting, contain the conflict, and bring humanitarian relief to the peoples of the region. I have strongly supported all efforts to keep up international pressure through political, economic and military means on the Serbs and all other recalcitrant parties to reach a peaceful settlement in Bosnia.

Some people have called for imposition of U.S. troops in Bosnia. I continue to believe that it is not in the interest of the United States to send combat troops to fight an ethnic war in the former Yugoslavia.

It is critical that the U.S. act in concert with its allies to try to address the tragic situation in Bosnia. In the past, differences between the U.S. and our allies have blocked effective and assertive international responses to this conflict. This is no longer the case. Today, the U.S. and its allies are prepared to take military action to help implement United Nations mandates to deliver humanitarian assistance in Bosnia. Thirty-six U.S. aircraft now stand ready to participate when called upon by the United Nations in a NATO air support operation to protect UN troops guarding the six safe areas and humanitarian convoys in Bosnia. I support this development.

(OVER)

August 6, 1993

At the same time, the U.S. must continue to aggressively pursue a negotiated settlement in Bosnia. The UN-EC talks in Geneva are at a critical stage. These talks will not succeed unless the U.S. supports them fully. The U.S. should not participate in any effort to force a settlement on any party.

The U.S. must also work to isolate Serbia as a pariah state. The Serbs must understand that theirs will remain a pariah state and suffer political, economic and financial sanctions until they cease their aggression, lift the siege of Sarajevo and other cities, cooperate with relief efforts, permit the return of refugees and implement any withdrawals under a peace settlement. The United States should also state that Croatia may face sanctions unless the Croats ease their military pressure on the Muslims.

There is a high level of frustration in the Congress, and the country as a whole, regarding the war in Bosnia. This war has been a particularly intractable and painful one. There are no easy solutions to the problems presented by the dissolution of the former Yugoslavia. The level of hatred and resentment between the parties involved in this conflict is difficult to imagine. Any peaceful settlement of this crisis will take years to implement and will be fraught with pitfalls. I continue to believe that the international community has an important role to play in bringing peace to this war-torn region. In the final analysis, any peace settlement will require a diplomatic agreement between the parties themselves. All of our efforts must keep this goal in view.

Once again, I appreciated hearing from you on this issue.

With best regards,

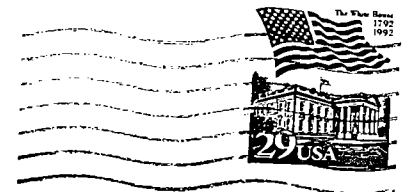
Sincerely,

A handwritten signature in black ink, appearing to be 'LH', written over the word 'Sincerely,'.

Lee H. Hamilton
Chairman

LHH/kw

M/M H.W. Stockton
Rt. 1 Box 562-K
Sylva, NC 28779



DAVID FURMAN
TO THE WHITE HOUSE
WASHINGTON, D.C., 20500

Very mean

Herald W. Stockton
Rt. 1, Box 562-K
Sylva, NC 28779
August 18, 1993

David Gurgan
%The White House
Washington, DC 20500

Dear Mr. Gurgan,

To say I am disappointed in you changing sides is an understatement. If you had gone to support a worthwhile cause, I could accept that. But you are trying to sell an individual whose lack of integrity is damaging the image of the highest office in the land. It appears that he thinks he can con his way through the next four years the way he conned his way into the presidency. But he can't! If you recall, over 57% of the voters did not want him to be where he is, and if he had told the truth, even more would have voted against him. His poor showing after the speech pushing the tax bill was not due to presentation or writing. It was because people do not want what he is selling, and they see through his misrepresentation.

Let me cite one less obvious example of how pervasive this gap is between words and actions. Now that the bill has passed, I find that while Federal retirees must "sacrifice" (which I expected and do not object to), it seems that Military Federal Retirees make 85% of the sacrifice and Civilian Federal retirees make only 15%. In the past, I thought all Federal Retirees got the same COLAs at the same time. Now it appears that civilian retirees get a total of 9 months COLA delay over three years, while the military retirees get a total of 39 months over five years. Why not the same for all Federal retirees? There are more civilian retirees than military - giving them the same 39 months of delay would do a lot more to reduce the deficit.

I have tried to understand the logic behind this obvious "discrimination" among Federal retirees. What galls the most is when he keeps using the words "Fair" and "Fairness." This type of differential treatment is not, and you know it. Of course, there is one possible explanation. Mr. Clinton may have already written off the military because of his "Gays in the Military" activities and his draft record. Civilian employees, on the other hand are already a larger group, and tend to increase under a tax and spend type of administration, so giving them a "light tap" to say they are being hit also, but not really hurting much might retain or gain votes later. But that would be politics - not fairness. I doubt he will clean up his act, but can't you get him to quit adding insult to injury by talking about "fairness." We are not that dumb!

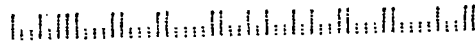
Sincerely yours,

Herald W. Stockton

Mr KINLET
Box 436
CUTCHOGUE N.Y.
11935



DAVID GERGEN
THE WHITE HOUSE
WASHINGTON
D.C.



RECREATING CAMELOT

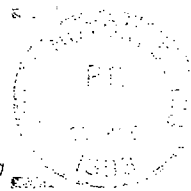
THE PICTURE ON PG 1 OF N.Y. TIMES
THIS WEEK SHOWING THE LYING DRAFT
DODGER AND THE LYING MURDERER OF A
YOUNG WOMAN ON CHAPPAQUICK, WAS PATHETIQUE.
WAS BOB MCNAMARA ON BOARD WITH THE
OTHER "BEAUTIFUL PEOPLE" - ? DID HE SAY
MR. PRESIDENT / WAS WRONG ABOUT VIETNAM YOU
WERE RIGHT TO DODGE THE DRAFT AND PROTEST
IN MOSCOW & LONDON. ?

WHEN I WATCHED YOU ON MCNEIL AS A COUNTERPART
TO MARK SHIELDS - IT NEVER OCCURRED TO ME THAT
YOU WERE SAILING UNDER FALSE COLORS AND THAT YOU
WERE AS UNPRINCIPALLED AS THE LYING WOMANIZER
WHOSE /IMAGE YOU ARE TRYING TO POLISH - /T
WILL NEVER WORK! YOU DESERVE EACH OTHER

H. G. MCKINLEY
Box 436
CUTCHOGUE N.Y.
11935

D Sherwood
607 Hessville Rd
Lincoln University
PA 19352

DAVID GERGEN
Presidential Advisor
WHITE HOUSE
WASHINGTON
DC



09/13/93 PM WILM DE 198 21

Dear Mr. Gergen

As the president's principal "spin doctor" and advisor I must tell you how totally offended I was by the refusal of the President to attend the recent Boy Scout jamboree in the grounds of Scouting's avowed stance against homosexuality. Presidential visits to jamborees are long standing and highly anticipated traditional highlights of the jamboree.

Whether he agrees ~~to~~ ^{with} Scouting's position on homosexuality or not he is ^{ing} failing to recognize and appreciate the great influence that Scouting has had (and ^{continued to have}) on millions of American Boys and men (myself included!).

This position is particularly offensive in light of the fact that he has no problem meeting with the Pope (even though there are clear ^{policy} ~~policy~~ ^{policy} divisions ^{on} with the Catholic Church not only ^{on} ~~on~~ homosexuality, but ^{on} birth control and abortion as well.)

I must confess to never being a Clinton fan. I saw through his Charlatan's pose of being "a new democrat" while his real agenda was clearly as left wing, big govt., neo marxist ^{imperialist} - socialist as any traditional democrat ever was.

But the hypocrisy of meeting with the Pope while snubbing one of the finest, most positive institutions in America today (the

Boy Scouts) was just too much for me to
bear,

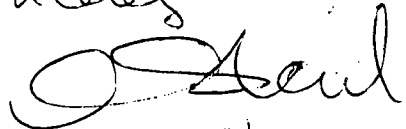
It seems that you more than have
your work cut out for you with this guy.
From my part, I take solace in the fact
that he will be "One and Done"! I feel

confident that my fellow Americans will remember
the lies and misrepresentations made by running the
campaign to secure his election (middle class tax cut,
balance the budget? etc, etc, etc), and send him
packing in 1996 and you back to being a "Talking
Head" on PBS! The bible says

AS YE SOW, SO SHALL YE
REAP!!

(EAGLE SCOUT)

Sincerely



David J Shemwood MD
607 Hess Mill Rd
Lincoln University
PA 19352

CLINTON GORE / GONE IN FOUR !!!

THOMAS D. LECOQ

19647 Monteano Lane

Yorba Linda, CA 92686



Mr. David Cergen
C/o The White House
Washington DC 20500

THOMAS D. LECOQ

19647 Monteano Lane Yorba Linda, Calif. 92686 (714) 970-9103

August 25, 1993

Mr. David Gergen
C/O The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Gergen:

I am appalled by the administrations's economic actions. These ideas about how the economy works are completely out of sync with reality. People aren't going to borrow to grow in weak economic times. And, you are taxing the heck out of the very people who would even consider borrowing. They would be fools to borrow when you are about to levy an additional 8 percent payroll tax for health care.

My consulting business has been harmed because the professionals I serve are waiting for your next hit. They won't buy or even listen to a presentation anymore. I'm so disgusted with the administration's silly notions that I am working to bring about the defeat of Dianne Feinstein so that there will be a few more Republicans to block you.

Really, do you actually believe that P.R. junk Mr. Clinton keeps spouting on television?

Nearly every credible business-oriented economist is saying they don't understand this economic policy. They recommend other courses of action. They demonstrate through historical example and economic modeling that you are in error. Even your own estimate of new revenue from the tax bill has been cut by a third. We are in danger of joining the rest of the world in a recession, yet onward marches Mr. Clinton.

Next comes a mandated medical insurance program. But it's all right because we'll pay a "premium," not a tax. If you don't pay a premium, your policy is canceled. If you don't pay a tax, the government confiscates your belongings and puts you in jail. The test of this will be what happens if I cannot pay your new "premium"?

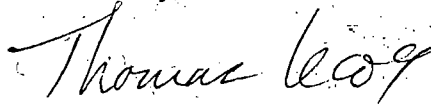
Calling a tax a premium is a lie. No wonder critics so easily discredit the President.

I'm not interested in a reply letter filled with your latest spin on these issues. I just want to see responsible policy and a stop to this destructive course of action.

Or, keep going this way and become yet another 1-term democrat presidency.

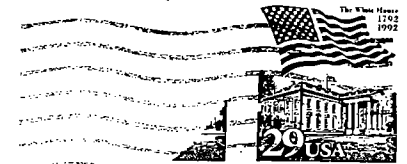
I am sorry, Mr. Gergen, that some lackey will read this instead of you. Your being insulated from this kind of letter is probably the cause of the President's shrinking popularity, and of the loss of consumer and business confidence that will drive us right into another deep recession.

Sincerely,



Thomas D. Lecoq

David L. Stumpf
109 Ivywood Dr.
Stafford, VA 22554



MR. DAVID GERGEN C/O
WHITE HOUSE
WASHINGTON DC

109 Ivywood Dr
Stafford VA 22554

23 August 1993

Mr. David Gergen
C/O White House
Washington DC

SUBJECT: UNCONSTITUTIONAL RETROACTIVE TAXES

Dear Dave Gergen,

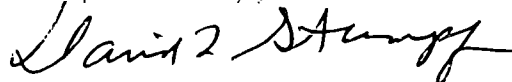
I last wrote to you when you were with the Reagan administration. My parents, brother, and I believed his administration did a very fine job, defeated socialism overseas without firing a shot, and that the citizenry prospered as it should have under this relatively free enterprise system. My concern then was high interest rates. I am now writing for the purpose of expressing my concern about the recent tax bill's apparent unconstitutionality and its possible effects on a personalized basis. Also, I cannot understand how we can so handily defeat socialism internationally yet march towards it here. I am enclosing recent articles by Business Week and the Wall Street Journal that express my concerns about the tax bill and its effects. Please review them.

Are you familiar with the tax bill and how it will effect the elderly and retired? Specifically, I would like to know how it will effect the incomes, estates, trusts, gift giving, inheritance that may involve your mother, mine, and all of the elderly folks at the Forest of Duke, other retirement communities, and nursing homes. Retroactivity would seem to destroy the rights of everyone involved.

I think it is shameful and unconscionable how the current administration and Congress are overtaxing the elderly to deprive them of their hard earned funds from investments and social security. They worked hard over the past years for far less money than people receive nowadays, invested it at a greater risk since they had less money to invest, and now the administration is going to fleece them by retroactivity.

What is the administration going to do in future years to destroy both our parents estates and those we and trying to build for our children and their educations? Is it going to try to tax the ownership of unsold real estate, investments, trusts, annuities, insurance policies, deposits, bonds and other assets at present values quarterly and annually? Indeed, the power to tax is clearly this administration's power to destroy us. I would appreciate your views on this since both the Gergens and Stumpfs are personally impacted. Thank you. Good luck in your new job.

Respectfully,



2 Encl

David L. Stumpf

Tax Bill: Retroactive, Unconstitutional...

By STEPHEN C. GLAZIER

As this page went to press, the new budget bill was heading toward passage by Congress. Yet the bill contains provisions that are unconstitutional because they are retroactive. These retroactive provisions need to be debated and corrected. If they are not, and the bill becomes law, we can expect taxpayer litigation to overturn the provisions.

Specifically, the bill contains tax provisions that would raise income tax rates and certain estate tax rates retroactively to Jan. 1 of this year. Yet Article I, Section 9, Clause 3 of the Constitution says that "no ... ex post facto law shall be passed." The Founders' purpose here was to ensure that laws are general and prospective, rather than specific and retroactive.

Specific, retroactive laws tend to look more like judgments and penalties from juries than like legislation in the national interest. Retroactive laws also would allow a new party taking power after an election to, in effect, legislate history—to undo the past of its opponents. Indeed, the current budget has the flavor of a partisan effort by a new party in the White House to "repeal the decade of greed," i.e., punish the taxpayer for 10 years of economic growth during Republican administrations.

Same Old Constitution

The nation's courts have long wrestled with the issue of retroactivity. An 1878 Supreme Court case, *Burgess v. Salmon*, looked at taxes specifically. In that case, a tax increase on tobacco sales was signed into law on the afternoon of March 3, 1875. The court refused to apply the increase to a sale that took place on the morning of that March 3, saying that the (retroactive) imposition of the increase on a sale that took place before the president put pen to paper would subject the taxpayer to a "criminal punishment or penalty [in the amount of the increase]" that would be an ex post facto law. The court went on to say that if the case had been brought by the government as a criminal indictment for violating the tax law, then it would be even more clearly an ex post facto problem.

The Constitution hasn't changed on

this issue, but the courts and Congress unfortunately have. In this century, with the invention of income tax and the growth of government intrusiveness, the courts have tended to limit the ex post facto concept mostly to the area of criminal law. Particularly in the case of income taxes, some retroactivity has been allowed. This budget bill's retroactive income and estate taxes, however, go beyond even these new stretched rules.

The more modern cases have allowed some retroactive tax increases but limited them by requiring specific prior notice to the taxpayer. (This is a simple application of the Constitution's procedural due process protection). Specifically, these cases tend to look at the notice of the pro-

Washington's incumbents might take a look at the draft of the new Russian constitution, which states that "laws introducing new taxes ... are not retroactive."

posed change that the taxpayer received. If the Senate or House had bills in debate detailing the tax increase by a given date, then, it is argued, the taxpayer still had enough notice to plan his affairs.

But even such stretching of the retroactivity rules has not to date applied to transfer taxes, such as estate taxes. In a 1927 case, *Nichols v. Coolidge*, the Supreme Court struck down a retroactive estate tax. The court said that such a law "is arbitrary, capricious and amounts to confiscation" and therefore violates the Constitution. In *Untermeyer v. Anderson*, a 1928 case, the Supreme Court struck down a retroactive gift tax. Both taxes were found to be unconstitutional violations of due process. The idea is that no one can properly plan his affairs if actions today can be affected somehow by future law.

Of course, any person who wrote his will in January 1993 planned according to current law. If that person died before August, he could not possibly change his will to accommodate the new law. One practical effect of the current estate tax proposal is that certain wills drafted before August—wills for people who have died

this year—may fail to allocate the inheritance among the deceased's children equally—despite the intent of the deceased—because of Congress's attempt at law by surprise. Shirley Peterson, a former commissioner of internal revenue, documented this recently in the New York Times.

In this century, Congress has not succeeded in passing a retroactive estate tax increase. This despite efforts such as those struck down in *Nichols*. Yet this year, Congress is even proposing to tax the dead retroactively.

Under this century's precedents, income tax increases (as opposed to estate tax increases) may have some retroactivity, but not as much as this bill's authors

desire. In the 1981 case *U.S. v. Darusmont*, the Supreme Court upheld retroactive 1976 increases in the minimum tax and discussed notice requirements. But in that case, the court found that the taxpayer had notice because the specific changes were found in Senate and House reports that appeared prior to the date the law went into effect.

Discussing the same notice test in 1984 (*PBGC v. Gray & Co.*), the Supreme Court upheld a retroactive pension law on employers. The retroactive law was designed to prevent employers from taking advantage of lengthy legislative processes and withdrawing from covered pension plans while Congress debated the change. But both the cases set a modern limit to retroactivity for income-tax increases. That limit is the date that the specific increase was first proposed in Congress.

On Jan. 1, the taxpayer had no such specific notice of the tax increases that the president and Congress are currently proposing. Indeed, on that date most Americans were still waiting for the famous middle-class tax cut. Not until Feb. 17 did the president give his "tim-

Florio" speech making it clear that he was going to raise taxes. Looking at the precedents, even that is not enough to provide specific notice. The effective notice could not have happened until April 8, when the language of the budget was actually proposed. This tax-by-surprise leaves the taxpayer in a tight spot. We have been living within a budget and spending money from paycheck to paycheck, based on our take home pay with a certain rate of withholding. Now Congress contemplates telling us that we have spent too much money and next April we must find the extra cash to pay extra taxes that we did not know about.

Congressional Research

Congress's own in-house law firm, the Congressional Research Service, has even supported this analysis of the notice requirement. In a 1986 report to support the retroactive tax increases of that year, CRS lays out the notice test for due process but argues that the 1986 increases passed muster because their effective date, although retroactive, was after the increases were first proposed in writing in Congress. But the current budget bill fails this test described by Congress's own lawyers. Clearly, this Congress doesn't care who says what about the Constitution when it comes to taking more of our money.

It is impossible to predict reliably the outcome of any case that might go before the Supreme Court. The larger issue here, though, is not economic or legal—it is political. This type of unconstitutional legislation is the norm that will continue until the current majority of Congress is removed. Self-satisfied incumbents in Washington might like to take a look at the current draft of the new Russian constitution. That document's own Article 57 states that "laws introducing new taxes ... are not retroactive." It seems that, in this instance, Boris Yeltsin may have more respect for the U.S. Constitution than the majority of our own House of Representatives.

Mr. Glazier is a lawyer in Washington,

CLINTON'S BUDGET ISN'T JUST BAD —IT'S UNCONSTITUTIONAL

BY PAUL CRAIG ROBERTS



The tax hike will slow the economy, thus wiping out any deficit reduction. Even more worrisome is the retroactive increase, which the Constitution explicitly forbids

Clinton's deficit-reduction plan mounts no attack on federal spending or the government's growing indebtedness, but its retroactive features do assault the U.S. Constitution and legal precedent. Paradoxically, the retroactivity amounts to a tacit concession by Clinton of the validity of the supply-side principle that a rise in marginal tax rates discourages economic activity and hence fails to produce additional revenues.

Misinformation is rife about the deficit reduction in Clinton's plan. In a cover story on the plan's squeaky passage, *Time* proclaimed the end of the Reagan era of soaring deficits. The facts are quite different. The House Budget Committee estimates that the plan will add \$1.1 trillion to the national debt during 1994-98, with deficits averaging \$220 billion a year. In contrast, Reagan's deficits during 1981-88 averaged \$167 billion.

Moreover, the House Budget Committee estimates are likely to prove optimistic, because they assume higher real economic growth (2.8% in 1993, 3% in 1994, and 2.9% in 1995) than the economy can produce under the higher tax burdens. The Clinton Administration has already cut its real growth forecast for 1993 to 2.1% from 3.1%, adding \$108 billion to its deficit estimate for the 1993-98 period. If this one-percentage-point slowdown were to extend over the period, the cumulative deficit would rise by \$347 billion, more than wiping out the deficit reduction expected from the tax increase.

SLOW ZONE. Both economic theory and empirical evidence predict that Clinton's tax hike will slow the economy. The only question is: How much? Evidence published in scholarly journals suggests that Clinton's tax increase will reduce real economic growth in future years by one-third of a percentage point, adding \$114 billion to the budget deficit during 1994-98.

Altogether, this slowdown in growth would push the deficit estimate up by \$222 billion, essentially wiping out the expected revenues from the tax hike. But the final outcome could be much worse. According to the Internal Revenue Service's *Statistics of Income*, 66% of the approximately 850,000 personal income tax returns that report adjusted gross income of \$200,000 or more are filings from small businesses reflecting partnership and S Corporation income. This income is produced by 60-hour workweeks and determines whether a business buys another delivery truck or hires another employee. Hence, Clinton's 33% increase in marginal tax rates on "the rich" is aimed at the small businesses that create most of the new jobs.

Deficit reduction will get no help from "spending cuts" either. The so-called cuts are but promised reductions in the rate of growth in new spending. Moreover, the bulk of the cuts are not scheduled to take effect until after 1996. The same approach failed for Bush in 1990 and for Reagan in 1982 (Tax Equity & Fiscal Responsibility Act) and again in 1984 (Deficit Reduction Act), and it is pointless to repeat the same mistake a fourth time in a decade. Not even politicians' memories are that short.

But the real significance of Clinton's plan has nothing to do with deficit reduction. It lies in another direction entirely, in its attempt to establish new precedents for retroactive law. Article I, Section 9 of the U.S. Constitution explicitly forbids retroactive law. The Supreme Court has permitted some retroactive taxation but has never permitted retroactivity beyond the date that specific tax changes are first proposed in Congress. Clinton's new taxes were first proposed on Apr. 8, 1993, and the Jan. 1, 1993, effective date on Clinton's tax increase violates legal precedent.

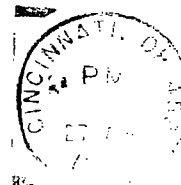
DEATH AND TAXES. Moreover, there is no precedent for Clinton's retroactive estate taxes. It is a violation of due process, as well as unseemly, to reach beyond the grave. Retroactive estate taxes strike at the heart of one's right to bequeath property. Obviously, testators cannot confidently plan their affairs if the guiding laws can be overturned after death. This grasping retroactivity, together with the broken 1986 tax reform covenant that closed tax loopholes in exchange for lower rates, bodes ill for the future certainty of U.S. tax law. Certainty, as is well known, depresses saving and investment.

Clinton and the Democrats have learned their supply-side lessons all too well. Just as supply-siders predicted, previous efforts to reduce deficits by raising tax rates succeeded only in reducing economic activity, thus enlarging the budget deficit. By making his tax increase retroactive, Clinton is able to apply higher rates to income that is already earned, thus avoiding the disincentive effects that stymie prospective measures for raising revenue.

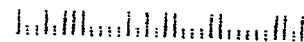
Clinton's tax increase, for which only Democrats voted, may be challenged and overturned in the courts. If not, a dangerous new precedent will have been established. Clinton's next deficit-reduction plan can be made retroactive two years, and after that a government desperate for revenues can use retroactive tax laws to confiscate wealth. Clinton's tax increase won't reduce any deficit, but it may signal the end of our Constitutional protection against ex post facto laws.

PAUL CRAIG ROBERTS IS CHAIRMAN OF THE INSTITUTE FOR POLITICAL ECONOMY IN WASHINGTON

John T Donnelly
8687 Mockingbird Ln
Cincinnati OH 45231



Mr. David Gergen
The White House
Washington, D.C. 20500



Dear Mr. Gersen -
I welcome a reply from you... especially about Cincinnati, Ohio 45231
Barbara-Pose College, ~~Great~~ John Glenn
August 26, 1993

550 Main St. - Room 10407
Cincinnati, Ohio 45202

Dear Senator Glenn:

many thanks for your reply to my letter(s) opposing the appointment of Dr. Joycelyn Elders. Thanks, too, for your statement in the August 5, 1993, Congressional Record.

I join in expressing admiration for those qualities that enabled Dr. Elders to achieve her status today.

However, in spite of your list of her honors, as one of your constituents, I take most serious exception to your support. Perhaps it is what you have left unsaid that needs to be reconsidered by yourself and by the entire Senate:

In highlight, just a few from the different types of significant barriers that legitimately should keep Dr. Elders from being appointed Surgeon General are: a glaring lack of prudence in knowingly permitting the distribution of defective condoms to teens; the actual failure of programs she instituted in Arkansas when the incidence of pregnancies and transmission of sexually originated disease increased upon implementation of her programs; questionable personal financial enhancement not only double-dipping, but even triple-dipping from the public trough at one time; her abrasive, in-your-face, confrontational style; her bigotry and insensitivity against specific religious groups; her espousal of a touchy-feely sexual exploration program from kindergarten onward, without hint of self-restraint and regard of traditional Jewish-Christian values.

These are a few of the legitimate objections raised during hearings by Senator Edward Kennedy's Committee. These -- and all others aired then -- together with the enclosed article from the July 17, 1993 Cincinnati Enquirer need to be reconsidered carefully. I look forward to your reply, and others to whom I am sending this letter.

Sincerely,
John T. Donnelly

8/26/93

I ask you: "Are we going to allow this type of blatant disregard for civility, this type of reprehensible attempt at intimidation to scuttle responsible discussion over an individual's merits or lack of merits for appointment to a high office in America the land of the free?"

I welcome

“ We served notice to the U.S. Senate that we will tear down their doors if they mess with Dr. Joycelyn Elders.”

— Rep. Barbara-Rose Collins, D-Mich.

a reply from you.

John T. Donnelly
8687 Mockingbird Rd
Cincinnati, Ohio 45231

Cincinnati Enquirer

July 12, 1993

White House campaigns to win Elders confirmation

Senators probe role with bank

The Associated Press
WASHINGTON — The White House told its allies Friday that it solidly supports the nomination of Dr. Joycelyn Elders to be surgeon general. Next week it plans a publicity campaign to win over others.
Elders' confirmation hearing is on hold while a Senate committee looks into her role as a member an Arkansas bank's board of directors. Elders and other former board members were sued by the bank, which alleged they mismanaged the institution.
"Everything . . . we're trying to do out of the White House is to very much show 100% support for Dr. Elders in both substance and form," said communications director Mark Gearan.
Support for Elders is a sensitive subject because of President Clinton's decision in the spring to drop Lani Guinier as his choice to head

the Justice Department's Civil Rights Division. Both women are black.
Speaking to the National Black Women's Health Project conference in Detroit on Friday, Rep. Barbara-Rose Collins, D-Mich., said several women members of Congress have talked to senators about Elders' confirmation.
"We served notice to the U.S. Senate that we will tear down their doors if they mess with Dr. Joycelyn Elders," Collins said. "We are not going to take it. This woman is

dedicated, educated, qualified and those Neanderthals are trying to take over.
But Rep. Kweisi Mfume, D-Md., chairman of the Congressional Black Caucus, said he had no problem with the way the Clinton administration was handling the Elders nomination.
"We believe in salvation of a soul," Mfume told reporters. "We believe that the White House has been saved."
On Friday afternoon, administration aides briefed groups such as the NAACP and others supporting Elders "to reaffirm to them our strong support of Dr. Elders," said Avis LaVelle, spokeswoman for the Department of Health and Human Services.
LaVelle said the administration was planning public events next week to show support for the nominee.
Elders, Arkansas' state health director, has been criticized for her outspoken views on abortion, birth control and sex education.

A beautiful example of name-calling. Does this speech truly represent the intellectual calibre of some members in the House?