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**WHORM Subject File Code:** FE002  
(Federal Government: Declaration of Independence and the  
Constitution)  
**Case File Number(s):** 160000-189999  
**Box Number:** 2

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F9002

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) 1 1

Name of Correspondent: Paul M. Walters

☐ MI Mail Report

User Codes: (A) (B) (C)

Subject: Asks "Is Article 1 Section 10 of the U.S.  
Constitution still binding on the States?"

## ROUTE TO:

## ACTION

## DISPOSITION

| Office/Agency (Staff Name) | Action Code    | Tracking Date YY/MM/DD | Type of Response | Code | Completion Date YY/MM/DD |
|----------------------------|----------------|------------------------|------------------|------|--------------------------|
| CUTB11                     | ORIGINATOR     | 83108110 WS            |                  | C    | 83108118 TJ              |
|                            | Referral Note: |                        |                  |      |                          |
| CUTAT18                    | D              | 83108110 WS            |                  | C    | 83108118 TJ              |
|                            | Referral Note: |                        |                  |      |                          |
| CUTFEL                     | S              | 83108118 TH            |                  | A    | 83108118 TJ              |
|                            | Referral Note: |                        |                  |      |                          |
|                            |                | 1 1                    |                  |      | 1 1                      |
|                            | Referral Note: |                        |                  |      |                          |
|                            |                | 1 1                    |                  |      | 1 1                      |
|                            | Referral Note: |                        |                  |      |                          |

## ACTION CODES:

A - Appropriate Action  
C - Comment/Recommendation  
D - Draft Response  
F - Furnish Fact Sheet  
to be used as Enclosure

I - Info Copy Only/No Action Necessary  
R - Direct Reply w/Copy  
S - For Signature  
X - Interim Reply

## DISPOSITION CODES:

A - Answered  
B - Non-Special Referral  
C - Completed  
S - Suspended

## FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer  
Code = "A"  
Completion Date = Date of Outgoing

Comments:

Aug 09 83 David Yergen ltr to  
Paul M. Walters attached

Keep this worksheet attached to the original incoming letter.  
Send all routing updates to Central Reference (Room 75, OEOB).  
Always return completed correspondence record to Central Files.  
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

## RECORDS MANAGEMENT ONLY

### CLASSIFICATION SECTION

No. of Additional Correspondents: \_\_\_\_\_ Media: R Individual Codes: \_\_\_\_\_

Prime Subject Code: FE002 Secondary Subject Codes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### PRESIDENTIAL REPLY

| Code | Date | Comment     | Form         |
|------|------|-------------|--------------|
| C    |      | Time: _____ | P- _____     |
| DSP  |      | Time: _____ | Media: _____ |

#### SIGNATURE CODES:

##### CPn - Presidential Correspondence

- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

##### CLn - First Lady's Correspondence

- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

##### CBn - Presidential & First Lady's Correspondence

- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

#### MEDIA CODES:

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- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study



THE WHITE HOUSE

WASHINGTON

August 18, 1983

Dear Mr. Walters:

Thank you for your letter of August 7, 1983. In that letter you asked whether article 1, section 10 of the United States Constitution was still binding on the states. You indicated that you needed an answer in order to determine the validity of a judgment expressed in "paper dollars."

As an initial matter I must advise you that our office cannot provide legal advice to private parties with respect to particular personal claims or concerns. As a general matter, however, I can advise that article 1, section 10 is binding on the states, although as with any constitutional or statutory provision it must be interpreted in light of judicial precedent. With respect to your concern about the validity of a judgment expressed in "paper dollars," it is significant that Congress, as opposed to any state, has made federal currency legal tender. Courts have ruled that the "legal tender clause" of article 1, section 10 does not bar Congress from taking such action.

Sincerely,

Orig. signed by FFF

Fred F. Fielding  
Counsel to the President

Mr. Paul M. Walters  
1204 Crestwood Drive  
Cleburne, Texas 76031


FFF:JGR:ph 8/18/83  
cc: FFFfielding✓  
JGRoberts  
Subject  
Chron.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 18, 1983

FOR: FRED F. FIELDING  
FROM: JOHN G. ROBERTS   
SUBJECT: Request for Constitutional Opinion

Paul M. Walters of Cleburne, Texas asks: "Is Article 1 Section 10 of the Constitution still binding in the states?" He notes that he needs our opinion to determine the validity of a judgment expressed in "paper dollars," from which I deduce that he is referring to that clause in article 1, section 10 which provides "No State shall... make any Thing but gold and silver Coin a Tender in Payment of Debts..." Walters addressed identical queries to Secretary Dole and Dave Gergen, both of whom referred the letters to us.

The short answer to Mr. Walters' question is yes, of course article 1, section 10 of the Constitution is still binding on the states. With respect to his underlying concern, however, it should be noted that Congress -- not any state -- has made "paper dollars" legal tender, so there is no violation of the "legal tender" clause when a judgment -- even a state judgment -- is expressed in such dollars. By its terms article 1, section 10 does not apply to the federal government.

In the famous Legal Tender Case, 110 U.S. 446 (1884), the Supreme Court ruled that although states are denied the power to make anything but gold and silver coin legal tender, it could not be inferred that the Framers also intended to prohibit Congress from doing so. It is not unusual for amateur attorneys to attempt to escape liability or obtain a windfall by citing the legal tender clause, and refusing to be bound to a debt or judgment expressed in dollars. Such efforts have been rebuffed on the ground relied upon in the Legal Tender Case. See, e.g., Rush v. Casco Bank & Trust Co., 348 A. 2d 237 (Maine 1975); Chermack v. Bjornson, 302 Minn. 213, 223 NW. 2d 659, cert. denied, 421 U.S. 914 (1974).

I recommend advising Walters, first and foremost, that we are not in the business of giving legal advice to private parties. We can, however, suggest that while article 1, section 10 is binding on the states, that does not mean a judgment expressed in paper dollars is invalid.

Attachment

THE WHITE HOUSE  
WASHINGTON

Date 8.11.83

Suspense Date \_\_\_\_\_

MEMORANDUM FOR: John

FROM: DIANNA G. HOLLAND

ACTION

- ☐ Approved
- ☐ Please handle/review
- ☐ For your information
- ☐ For your recommendation
- ☐ For the files
- ☐ Please see me
- ☐ Please prepare response for  
\_\_\_\_\_ signature
- ☐ As we discussed
- ☐ Return to me for filing

COMMENT

Please attach to  
loc. # 163469 CV.  
\_\_\_\_\_  
\_\_\_\_\_

TO: *Diana Holland*

FROM: Joan P. Moreci  
Room 128, Ext. 7140

AUG 9 1983

APPROPRIATE ACTION

INFORMATION/FILE

DIRECT REPLY

PREPARE REPLY/FRW

HIGHLIGHT/FRW

CIRCULATE

COMMENTS:

Paul M. Walters  
1204 Crestwood Dr.  
Cleburne , Texas 76031  
(817) 645-6708  
August 7, 1983

Fred Fielding  
Chief Counsel to the President

163469 *CU*

Dear Sir:

I'm attempting to determine the validity of a judgement expressed in paper dollars, and I am in need of an opinion from your office.

Is Article 1 Section 10 of the U.S. Constitution still binding on the states ?

I thank you in advance for your prompt consideration of this matter.

Sincerly yours,

*Paul M. Walters*  
Paul M. Walters



Aug - 9 1983

Paul M. Walters  
1204 Crestwood Dr.  
Cleburne , Texas 76031  
(817) 645-6708  
August 7, 1983

Elizabeth H. Dole  
Assistant to the President  
for Public Liaison

AUG 9 1983

Dear Sir:

I'm attempting to determine the validity of a judgement expressed in paper dollars, and I am in need of an opinion from your office.

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Paul M. Walters

Paul M. Walters  
1204 Crestwood Dr.  
Cleburne , Texas 76031  
(817) 645-6708  
August 7, 1983

David R. Gergen  
Assistant to the President  
and Staff Director

Dear Sir:

I'm attempting to determine the validity of a judgement expressed in paper dollars, and I am in need of an opinion from your office.

Is Article 1 Section 10 of the U.S. Constitution still binding on the states ?

I thank you in advance for your prompt consideration of this matter.

Sincerely yours,

Paul M. Walters  
Paul M. Walters

THE WHITE HOUSE

WASHINGTON

August 9, 1983

Dear Mr. Walters:

I have received your letter of August 7 in which you ask "Is Article 1 Section 10 of the U.S. Constitution still binding on the states?".

Your letter has been forwarded to the Counsel's Office for appropriate action.

Sincerely,



David R. Gergen  
Assistant to the President  
for Communications

Mr. Paul M. Walters  
1204 Crestwood Drive  
Cleburne, Texas 76031

✓ Copy to Fred Fielding's Office for appropriate Action. (with original incoming)



AUG 10 1983

ID # 164554FE002

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD)83 08/17Name of Correspondent: Charles Grassley☐ MI Mail ReportUser Codes: (A) PREES (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Expresses his concern for the loss of the legislative veto, and urges you "to move immediately to implement the suggestion of Congressman Elliott Levitas to convene a Conference on the Sharing of Power between the three branches of government." "Suggests that this occur by October first, because "we must move quickly to correct deficiencies in numerous statutes which now give us restrained authority to many agencies."

ROUTE TO:

ACTION

DISPOSITION

| Office/Agency<br>(Staff Name) | Action<br>Code | Tracking<br>Date<br>YY/MM/DD | Type<br>of<br>Response | Code     | Completion<br>Date<br>YY/MM/DD |
|-------------------------------|----------------|------------------------------|------------------------|----------|--------------------------------|
| <u>LA DUBE</u>                | <u>CW</u>      | <u>83108119</u>              | <u>KD</u>              | <u>A</u> | <u>83109113</u>                |
| <u>✓ 99 DOJ</u>               | <u>D</u>       | <u>83109119</u>              | <u>KT</u>              | <u>C</u> | <u>83109126</u>                |
| <u>LA Dube</u>                | <u>A</u>       | <u>83109123</u>              | <u>KT</u>              | <u>A</u> | <u>83109126</u>                |
|                               |                | <u>1 1</u>                   |                        |          | <u>1 1</u>                     |
|                               |                | <u>1 1</u>                   |                        |          | <u>1 1</u>                     |

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Prime Subject Code: FE 002 . . . . . Secondary Subject Codes: FE 001 . . . . .  
FE 031 . . . . .  
 . . . . .

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| C    | _____ | Time: _____ | P- _____     |
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- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study



September 26, 1983

Dear Senator Grassley:

This is in further response to your letter to the President regarding the aftermath of the Supreme Court's legislative veto decisions.

We enthusiastically share your view that the Legislative and Executive Branches should address the issues created by the legislative veto decisions in a constructive and cooperative way. We applaud Congressman Levitas' initiative in this approach; and the Administration looks forward to productive deliberations with you and other interested Members of Congress on this subject.

As you know, the Administration provided testimony concerning the Supreme Court's legislative veto decisions on July 18, 1983. At that time, Deputy Attorney General Ed Schmults was a witness before the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary of the House of Representatives. The positions which the Administration expressed to Congress through his testimony included our analysis of the Supreme Court decisions and our observations regarding potential future actions to enhance the accountability of government decisionmaking, particularly by "independent" agencies.

We have some reservations, at least at this time, regarding the need for a formal conference or commission to discuss legislative vetoes or the appropriate Executive or Legislative Branch response to the Supreme Court decisions. Since there are so many forms of vetoes connected with so many different substantive laws which are designed to operate in such diverse ways, we are concerned with treating the situation in a manner which may assume that one "solution" or "response" is desirable or even possible. We believe it will be useful to hear from various scholars and commentators in the form of articles and speeches and to otherwise listen to the marketplace of ideas before formalizing any commission or conference structure. A premature and structured forum for attempts to resolve these questions may simply lead to solutions for the sake of solutions before all of the alternatives are analyzed.



Perhaps we should consider the extent to which the Administrative Conference of the United States might be an appropriate forum for the discussion of matters such as this. As you know, that is a permanent agency established by Congress for the purpose of providing a medium through which Federal agencies, assisted by outside experts, can cooperatively study mutual problems, exchange information and develop recommendations on matters of administrative law. The Conference membership includes, in addition to its governmental membership, thirty-six private lawyers, university faculty members and others specially informed in law and government. Of course, Members of Congress would participate fully, as experts or otherwise, in any consideration by the Conference of issues raised by the legislative veto decisions.

We also believe we should be reluctant to support the creation of new entities for the examination of problems which can be as easily considered by existing institutions. Ad hoc committees and commissions, once created, seem to develop perpetual life. Institutions created by the Constitution and staffed by the dedicated people placed in them by the electorate and the President's appointees presumptively ought to be capable of addressing these difficult issues. We would hope that this might be an instance in which we could respond to this important subject without creating another government entity.

Thank you again for sharing with us your thoughts on this important matter; and please do not hesitate to let us know if there is any further information we can provide.

With best wishes,

Sincerely,

Kenneth M. Duberstein  
Assistant to the President

The Honorable Charles E. Grassley  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

KMD:CMF:lm



U.S. Department of Justice  
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

September 20, 1983

Honorable Elliott H. Levitas  
Congress of the United States  
House of Representatives  
2416 Rayburn House Office Building  
Washington, D.C. 20515

Dear Elliott:

The President has asked me to respond to your letter of July 19, 1983 regarding the aftermath of the Supreme Court's legislative veto decisions.

We enthusiastically share your view that the Legislative and Executive Branches should address the issues created by the legislative veto decisions in a constructive and cooperative way. We applaud your initiative in this approach. The Administration looks forward to productive deliberations with you and other interested Members of Congress on this subject.

As you know, the Administration provided testimony concerning the Supreme Court's legislative veto decisions on July 18, 1983. At that time, I was a witness before the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary of the House of Representatives. The positions which the Administration expressed to Congress through my testimony included our analysis of the Supreme Court decisions and our observations regarding potential future actions to enhance the accountability of government decisionmaking, particularly by "independent" agencies. I provided, along with my testimony, a comprehensive inventory of all of the statutes which we had identified which contained legislative veto provisions. I am enclosing herewith a copy of my testimony and our inventory.

cc: John Roberts  
Fred Fielding  
DAG  
Ted Olson  
Jon Rose

We have some reservations, at least at this time, regarding the need for a formal conference or commission to discuss legislative vetoes or the appropriate Executive or Legislative Branch response to the Supreme Court decisions. Since there are so many forms of vetoes connected with so many different substantive laws which are designed to operate in such diverse ways, we are concerned with treating the situation in a manner which may assume that one "solution" or "response" is desirable or even possible. I believe it will be useful to hear from various scholars and commentators in the form of articles and speeches and to otherwise listen to the marketplace of ideas before formalizing any commission or conference structure. A premature and structured forum for attempts to resolve these questions may simply lead to solutions for the sake of solutions before all of the alternatives are analyzed.

Perhaps we should consider the extent to which the Administrative Conference of the United States might be an appropriate forum for the discussion of matters such as this. As you know, that is a permanent agency established by Congress for the purpose of providing a medium through which federal agencies, assisted by outside experts, can cooperatively study mutual problems, exchange information and develop recommendations on matters of administrative law. The Conference membership includes, in addition to its governmental membership, thirty-six private lawyers, university faculty members and others specially informed in law and government. Of course, Members of Congress would participate fully, as experts or otherwise, in any consideration by the Conference of issues raised by the legislative veto decisions.

I believe we should be reluctant to support the creation of new entities for the examination of problems which can be as easily considered by existing institutions. Ad hoc committees and commissions, once created, seem to develop perpetual life. Institutions created by the Constitution and staffed by the dedicated people placed in them by the electorate and the President's appointees presumptively ought to be capable of addressing these difficult issues. I would hope that this might be an instance in which we could respond to this important subject without creating another government entity.

Please let me know if you wish to discuss this  
in greater detail.

With best regards,

A handwritten signature in black ink, appearing to read 'E. Schmults', written over the typed name.

Edward C. Schmults  
Deputy Attorney General

Enclosures

cc: Honorable Thomas P. O'Neill, Jr.  
The Speaker

Honorable Howard Baker  
Senate Majority Leader





Office of the  
Assistant Attorney General

*Washington, D.C. 20530*

9/20/83

Sally Kelley --

In lieu of a draft response from us in order to respond to the attached inquiry from Sen. Grassley, here is a copy of the responses delivered to Cong. Levitas today on the subject of legislative veto. You can either send it as is to Levitas or use it as the basis of an original response to Grassley.

Ann Collins

T H E   W H I T E   H O U S E   O F F I C E

REFERRAL

SEPTEMBER 19, 1983

TO: DEPARTMENT OF JUSTICE  
ATTN: BOB MCCONNELL

ACTION REQUESTED:  
DRAFT REPLY FOR SIGNATURE OF WHITE HOUSE STAFF MEMBER

DESCRIPTION OF INCOMING:

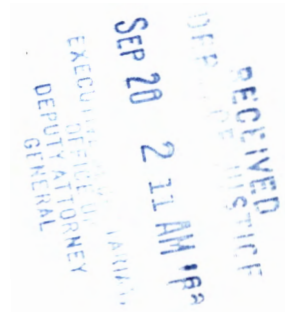
ID: 164554  
MEDIA: LETTER, DATED AUGUST 17, 1983  
TO: PRESIDENT REAGAN  
FROM: THE HONORABLE CHUCK GRASSLEY  
UNITED STATES SENATE  
WASHINGTON DC 20510

SUBJECT: EXPRESSES HIS CONCERN FOR THE LOSS OF THE  
LEGISLATIVE VETO, AND URGES YOU "TO MOVE  
IMMEDIATELY TO IMPLEMENT THE SUGGESTION OF  
CONGRESSMAN ELLIOTT LEVITAS TO CONVENE A  
CONFERENCE ON THE SHARING OF POWER BETWEEN  
THE THREE BRANCHES OF GOVERNMENT." SUGGESTS  
THAT THIS OCCUR BY OCTOBER FIRST, BECAUSE "WE  
MUST MOVE QUICKLY TO CORRECT DEFICIENCIES IN  
NUMEROUS STATUTES WHICH NOW GIVE UNRESTRAINED  
AUTHORITY TO MANY AGENCIES."

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN  
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE  
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE  
(OR DRAFT) TO:  
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE

SALLY KELLEY  
DIRECTOR OF AGENCY LIAISON  
PRESIDENTIAL CORRESPONDENCE



September 13, 1983

Dear Senator Grassley:

The President asked me to thank you for your letter supporting Congressman Elliott Levitas' suggestion for convening a Conference on Power Sharing to address the Supreme Court decision on the legislative veto.

We very much appreciate your thoughts and concerns on this important issue. You may be assured that your comments are being carefully studied by the appropriate advisers, and we will be certain to keep you apprised of any developments in this regard.

With best wishes,

Sincerely,

Kenneth M. Duberstein  
Assistant to the President

The Honorable Charles E. Grassley  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

KMD:CMP:dp-9KDMN

cc: w/copy of inc, Bob McConnell, Office of Legislative  
Affairs, Dept. of Justice, Wash DC 20530 - for DRAFT  
response

# United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, D.C. 20510

STROM THURMOND, S.C., CHAIRMAN

CHARLES McC. MATHIAS, JR., MD.  
PAUL LAXALT, NEV.  
ORRIN G. HATCH, UTAH  
ROBERT DOLE, KANS.  
ALAN K. SIMPSON, WYO.  
JOHN P. EAST, N.C.  
CHARLES E. GRASSLEY, IOWA  
JEREMIAH DENTON, ALA.  
ARLEN SPECTER, PA.

JOSEPH R. BIDEN, JR., DEL.  
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VINTON DeVANE LIDE, CHIEF COUNSEL AND STAFF DIRECTOR  
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SHIRLEY J. FANNING, CHIEF CLERK  
MARK H. GITENSTEIN, MINORITY CHIEF COUNSEL

SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE  
AND PROCEDURE

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

PAUL LAXALT, NEV. HOWELL HEFLIN, ALA.  
ARLEN SPECTER, PA. MAX BAUCUS, MONT.  
JOHN MAXWELL, CHIEF COUNSEL AND STAFF DIRECTOR

August 17, 1983

164554

The Honorable Ronald Reagan  
The White House  
1600 Pennsylvania Avenue N.W.  
Washington, D.C. 20500

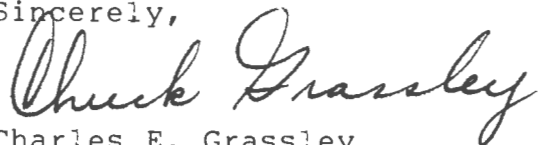
Dear Mr. President:

As Chairman of the Senate Judiciary Subcommittee on Administrative Practice and Procedure, I am writing to express my concern for the loss of the legislative veto. The Court's decision, which I strongly disagree with, could lead to serious disruption and confrontation within our government and force the Congress to reclaim much of its delegated power in ways more restrictive than either of us would like.

To this end, I urge you to move immediately to implement the suggestion of Congressman Elliott Levitas to convene a Conference on the Sharing of Power between the three branches of government. Such a dialogue could be most useful in exploring the possibilities for amicable solutions to the problems this ruling has created. This should occur by October first at the latest, because we must move quickly to correct the deficiencies in numerous statutes which now give unrestrained authority to many agencies.

The oversight of discretionary power for rulemaking is but one aspect of regulatory reform, a concept you have strongly endorsed in the past. A free and open discussion of the entire regulatory process would result in more understanding as well as better control over law-making by unelected bureaucrats. We may be able to turn this unfortunate decision into a stepping stone to better government for this nation.

Sincerely,



Charles E. Grassley  
United States Senator

CEG/vc



166607PI  
FECC2  
FI 054

The Prospects For A Constitutional Convention

In late May, Missouri became the thirty-second state to call for a constitutional convention to draft a balanced budget amendment to the U.S. Constitution. If two additional states pass similar resolutions, the Congress will be required to convene an unprecedented constitutional convention to accomplish what the Congress itself has been unwilling to do through legislative process.

Bills to constitutionally control federal spending surface perennially in Congress. Characteristically they never move beyond committee. With your support, Senate version S.J. Res. 58 calling for Constitutional restraints on federal spending and taxation, passed the full Senate last session with the necessary two-thirds majority. Companion legislation, H.R. Res. 350, nearly passed the House before becoming bogged down in partisan bickering which led to its defeat on the House floor.

Similar legislation was reintroduced this session by Congressmen Conable and Jenkins (H.J. Res. 243) and Senators Thurmond, Hatch, and DeConcini (S.J. Res. 5). The legislation has approximately 100 cosponsors in the House and 40 cosponsors in the Senate.

The impetus for controlling federal spending in the coming months, however, is instead likely to focus on the state legislatures and the prospect that affirmative votes in as few as two additional states will oblige the Congress to call a convention. Kentucky, California, and Washington are the states most likely to act next. Under present rules, a constitutional convention would not be restricted to considering only the agenda for which it was convened, but could range to other issues. However, legislation presently being considered in the Senate would restrict to a single subject the agenda of a convention. This procedural reform would alleviate concern that a convention could get "out of hand".

Endorsement by thirty four states is necessary to require the Congress to call a constitutional convention to draft restrictions on federal spending and taxation. If Congress fails to pass a balanced budget-tax limitation amendment this year, it may be faced with the prospect of a constitutional convention as early as 1984.

THE WHITE HOUSE  
WASHINGTON

178851

1220

FE002

October 7, 1983

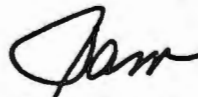
Dear Senator Percy:

This is to acknowledge and thank you for your letter regarding the the Union League Club of Chicago's interest in the celebration of the Bicentennial of the Constitution.

In order to ensure expeditious review of this interest, I have forwarded your letter to the appropriate member of the President's staff. You may be assured that it will be given prompt and careful consideration.

With kindest regards,

Sincerely,



Pamela J. Turner  
Deputy Assistant to the President  
for Legislative Affairs (Senate)

The Honorable Charles Percy  
United States Senate  
Washington, D.C. 20510

cc: Presidential Personnel  
Central Files

PJT:MSW:msw

## United States Senate

October 4, 1983

Ms. Pamela J. Turner  
Deputy Assistant to the  
President  
Office of Legislative Affairs  
The White House  
Washington, D.C. 20500

Dear Ms. Turner:

Enclosed please find a letter my office has received from Frank Whittaker, Director of Public Affairs, Union League Club of Chicago regarding their interest in the celebration of the bicentennial of the Constitution in 1987.

I would appreciate any information you might be able to provide Mr. Whittaker and the Union League Club regarding this matter.

Sincerely,



Charles H. Percy  
United States Senator

CHP/eg  
Enclosures

Please Reply To: Office of Senator Percy  
230 South Dearborn St.  
Room 3892  
Chicago, Illinois 60604

UNION LEAGUE CLUB OF CHICAGO

65 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604

OFFICE OF THE  
PUBLIC AFFAIRS COMMITTEE

September 30, 1983

TELEPHONE  
(312) 427-7800

Mr. Ronald C. Rudolph  
230 S. Dearborn Street  
Room 3892  
Chicago, IL 60604

Dear Ron:

It was good to have the chance to visit last week. I hope we can do it more often.

As I mentioned, the Club is intensely interested in the celebration of the bicentennial of the Constitution in 1987. On this subject, I am attaching copies of letters written two years ago and one written a couple of weeks ago to Dave Gergen at the White House. We have never received replies on any of them.

We also are very interested in the legislation establishing the Bicentennial Commission which Suzanne told me has been passed by both houses of the Congress. (PL 98-101)

Any information or help you can give me will be much appreciated.

Sincerely,



Frank M. Whittaker  
Director  
Public Affairs

FMW/pas  
att (4)

UNION LEAGUE CLUB OF CHICAGO  
65 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604

OFFICE OF THE  
PUBLIC AFFAIRS COMMITTEE

TELEPHONE  
(312) 427-7800

September 6, 1983

Mr. David R. Gergen  
Assistant to the President  
The White House  
Washington, D.C. 20505

Dear Mr. Gergen:

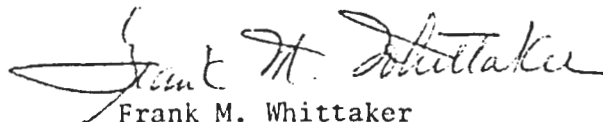
On April 6, 1981, former President Gerald R. Ford, an honorary member of the Union League Club of Chicago, wrote to you regarding our idea that there should be a national observance of the bicentennial of the U. S. Constitution. I am enclosing copies of letters sent by President Ford and a copy of my letter to President Ford for your reference.

I understand that a bill authorizing the creation of a Constitutional Bicentennial Commission has been passed by the Congress and is now on President Reagan's desk. We certainly hope he will sign it and plans and programs to reacquaint our citizens with the history and meaning of this great document can get under way.

Having seen nothing in the papers, I would appreciate very much any information you can give me about the congressional bill, the Commission, etc. We very much would like to be a part of it and support it in any way.

Thanks for your help.

Sincerely,



Frank M. Whittaker  
Director  
Public Affairs

FMW/pas  
encls





GERALD R. FORD

April 6, 1981

Dear Frank:

Your letter of March 25th was in the large accumulation of mail on my desk when we returned from a month-long trip overseas.

Your idea of a national observance of the Bicentennial of the Constitution sounds great. I have forwarded a copy of your letter to David Gergen, Assistant to the President, and asked him to furnish you with the information you requested. A copy of my letter to Mr. Gergen is enclosed.

Warmest best wishes,

A handwritten signature in cursive script that reads "Gerald R. Ford".

Mr. Frank M. Whittaker  
Director, Public Affairs  
Union League Club of Chicago  
65 West Jackson Boulevard  
Chicago, Illinois 60604



GERALD R. FORD

April 6, 1981

Dear Dave:

Enclosed, a letter from Frank M. Whittaker of the Union League Club of Chicago, requesting information on how to proceed in planning a national observance of the bicentennial of the Constitution in 1987.

I would be most grateful if you could give Mr. Whittaker the answers to his questions.

Warmest best wishes,

Mr. David R. Gergen  
Assistant to the President  
The White House  
Washington, D. C. 20505

UNION LEAGUE CLUB OF CHICAGO

65 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604

OFFICE OF THE  
PUBLIC AFFAIRS COMMITTEE

March 25, 1981

TELEPHONE  
(312) 427-7800

The Honorable Gerald R. Ford  
P.O. Box 927  
Rancho Mirage, California 92270

Dear Mr. President:

One of the nice things about my work is being able to call upon Club members for advice and counsel. I'll take advantage of that fact and take the liberty of asking your help on a new program we have in mind.

As you know, the Club has a strong commitment to loyalty to and support for the Federal Government. In discussing ways in which we can express this commitment, we came upon the idea of working toward a national observance of the bicentennial of the Constitution in 1987. Several questions arise:

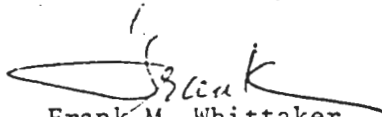
- Did the 1976 Bicentennial Commission's authority extend beyond that date? If so, where would we get in touch with them?
- If this is to be a new venture, how do we go about getting it started? Does the President appoint a Commission?

I have taken the proposal to our Public Affairs Committee and to the Club's Board of Directors and they are very enthusiastic. We believe it can be a very educational event, helping all of our people understand better the thoughts and ideas that were in the minds of the Founding Fathers.

Any ideas or suggestions you can give us on how to proceed will be most helpful and greatly appreciated.

Hoping to see you at the Club before too much longer, I am,

Yours sincerely,



Frank M. Whittaker  
Director  
Public Affairs

FMW/pas

BO 185700PD  
FECG

THE WHITE HOUSE  
WASHINGTON

February 6, 1984

FOR: JACK A. SVAHN  
FROM: MICHAEL M. UHLMANN  
SUBJECT: Constitutional Convention

Here are some preliminary responses to your your questions concerning a Constitutional Convention.

You ask, first, whether the President ought to sign or enforce the petition calling for a constitutional convention initiative. I think it would be the most unfortunate for the President to do or say anything that calls for a constitutional convention without first having a specific agenda in mind, a detailed program for executing that agenda at the convention, and more or less absolute control over the rules and delegates. The first condition can be met, although I am sure you will get an argument about what the agenda should or should not include. The next two conditions are, as you will see below, almost impossible to guarantee.

Second, you ask what the Constitution says about calling a convention. Article V of the Constitution provides in relevant part as follows:

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the Several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of Several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress...."

You will note that the Article is silent on the question of whether and to what extent Congress may regulate the terms and conditions under which a convention shall operate.

You ask, next, whether there is any case law on the subject. The short and simple answer is, not much. On the two really critical questions -- whether a state can rescind a convention call previously entered, and whether Congress can establish the rules for a convention (including the issue of whether the convention can be confined to a single subject) -- the sparse case law is of no help at all.

You ask whether there is any statutory law on the subject, and the answer is, to the best of my knowledge, no. From time to time, certain members of Congress get exercised about the lack of implementing procedures for a convention. A bill proposing procedures for the calling of a convention has twice passed the Senate in recent years, but attracted no interest in the House. The constitutional validity of such legislation is itself open to question, and in any event, it is well to bear in mind that in the only precedent we have, the Constitutional Convention went merrily about the business of writing a new constitution -- even though the resolution of the Continental Congress which called it into being gave it no such authority.

In short, there is no definitive answer to your question on how a constitutional convention would operate. Of one thing you can be sure: each and every contentious aspect of a convention, both substantive and procedural, will be challenged in the courts -- with what result, it is impossible to say.

This should be sufficient to get you through a preliminary conversation on the subject. But if serious thought is being given to involving the President in a call for a constitutional convention, I would strongly urge that it be done only after the most exhaustive legal analysis in the form of an opinion of the Attorney General. The issue is too grave in its consequences for anything less than that.



#185700 PD  
[Signature]

THE WHITE HOUSE  
WASHINGTON  
February 1, 1984

185700 PD  
FECC2  
STO 25  
MC  
DD

MEMORANDUM FOR ROGER B. PORTER

FROM:

JACK SVAHN [Signature]

SUBJECT:

Constitutional Conventions

Roger, we're going to do some research on constitutional conventions. Several questions have arisen including one as to whether or not the President ought to sign the petition calling for a constitutional convention initiative that is on the ballot in California. Let's have the lawyers, I guess Uhlmann, answer several questions about that. First, what does the constitution say about calling a convention? What kind of case law is there on it? Is there any statutory law on it? Second, what is the effect of a state trying to rescind a resolution calling for a constitutional convention? Third, how would a constitutional convention operate? Who would set the rules, how would it be set up, what are the procedures, how could you set the agenda, could it be limited to a single issue?

You might have Uhlmann check with Lew Uhler and Ron Zumbran on that matter.

THE WHITE HOUSE  
WASHINGTON

RO

185700TD  
F E C C 2

February 1, 1984

MEMORANDUM FOR MICHAEL M. UHLMANN

FROM: ROGER B. PORTER *RBP*  
SUBJECT: Constitutional Conventions

There is considerable interest, at the highest levels, on the question of a Constitutional Convention. Among other things, the President has been asked to sign the petition calling for a constitutional convention initiative in California. Jack Svahn has asked several questions in the attached memorandum and has told me that this project needs a high priority and to be completed as soon as possible.

If it is not possible to have this research completed by close of business on Friday, February 3, please let me know.

Thank you very much.

Attachment

THE WHITE HOUSE

WASHINGTON

February 1, 1984

MEMORANDUM FOR ROGER B. PORTER

FROM:

JACK SVAHN 

SUBJECT:

Constitutional Conventions

Roger, we're going to do some research on constitutional conventions. Several questions have arisen including one as to whether or not the President ought to sign the petition calling for a constitutional convention initiative that is on the ballot in California. Let's have the lawyers, I guess Uhlmann, answer several questions about that. First, what does the constitution say about calling a convention? What kind of case law is there on it? Is there any statutory law on it? Second, what is the effect of a state trying to rescind a resolution calling for a constitutional convention? Third, how would a constitutional convention operate? Who would set the rules, how would it be set up, what are the procedures, how could you set the agenda, could it be limited to a single issue?

You might have Uhlmann check with Lew Uhler and Ron Zumbran on that matter.

ID: 185970 CORRESPONDENCE TRACKING WORKSHEET  
INCOMING CORRESPONDENCE DATE 831214 RECEIVED DATE 831216  
(PREFIX) (FIRST) (LAST)

PAGE D01

(SUFFIX)

THE HONORABLE LARRY E. CRAIG  
TITLE:

1 (15977)  
1212

ORGANIZATION: U. S. HOUSE OF REPRESENTATIVES

STREET:

CITY: WASHINGTON

STATE: DC ZIP: 20515

COUNTRY:

SUBJECT: WRITES REGARDING THE BALANCED BUDGET  
AMENDMENT AND STEPS HE WILL TAKE TO BRING IT  
BACK TO LIFE

AGY/OFF ACTION CODE TRACKING DATE  
LAOGLE ORG 831216

me A 840/100

STAFF NAME PRESIDENT REAGAN  
COMMENTS:

MEDIA: L OPID: GF TYPE: IBA

CODES: REPORT INDIV: 1240

USER:

99 omb D 8/11/83  
Mike Henderson

January 10, 1984

Dear Larry:

Thank you for your December 14 letter advising the President of your interest in forming a bipartisan group in the House to assist national organizations in passing the call for a constitutional convention for a Balanced Budget Amendment.

We appreciate your informing us of your efforts in this regard, and will be sharing your letter with the appropriate Administration advisers. You may be assured that your comments will be thoroughly reviewed and considered.

With best wishes,

Sincerely,

M. B. Oglesby, Jr.  
Assistant to the President

The Honorable Larry E. Craig  
House of Representatives  
Washington, D.C. 20515

MBO:CMF:KRJ:efr 1MBOA

cc: w/copy of inc to Mike Hudson - for DRAFT response

WH RECORDS MANAGEMENT HAS RETAINED ORIGINAL



37  
110  
LARRY E. CRAIG  
1ST DISTRICT, IDAHO



COMMITTEE ON INTERIOR  
AND INSULAR AFFAIRS

SUBCOMMITTEES:  
PUBLIC LANDS AND NATIONAL PARKS  
MINES, FOREST MANAGEMENT AND  
BONNEVILLE POWER ADMINISTRATION  
ENERGY AND ENVIRONMENT

COMMITTEE ON  
GOVERNMENT OPERATIONS

SUBCOMMITTEES:  
INTERGOVERNMENTAL RELATIONS AND  
HUMAN RESOURCES  
ENVIRONMENT, ENERGY AND NATURAL  
RESOURCES

SELECT COMMITTEE ON AGING

185970  
**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

December 14, 1983

WASHINGTON OFFICE:  
1318 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-6611

DISTRICT OFFICES:  
304 NORTH 8TH, ROOM 134  
P.O. BOX 1406  
BOISE, IDAHO 83701  
(208) 334-9046

903 D STREET  
LEWISTON, IDAHO 83501  
(208) 743-0792

101 NORTH 4TH  
COEUR D'ALENE, IDAHO 83814  
(208) 667-6130

Ronald Reagan  
The White House  
Washington, D. C. 20500

Dear Mr. President:

In your recent message to the National Federation of Republican Women, you made reference to the fact that the push for the Balanced Budget Amendment is not a dead issue. I want you to know of an effort I am organizing to bring it back to life.

It is clear that the vote in the House last year was not an expression of the people as a whole. Indeed, at its lowest point the Balanced Budget Amendment enjoys the support of well over 60% of the American public. What has become obvious is that the Congress must be forced into passage of this necessary constitutional limit on Federal spending and taxing.

I have been meeting with the National Tax Limitation Committee, The National Taxpayers Union and the Chamber of Commerce of the United States in order to formulate a bi-partisan group of U.S. Congressmen and women to assist these national organizations in passing the call for the Constitutional Convention for the Balanced Budget Amendment. This dedicated group of Members will serve as a national resource willing to go anywhere, testify before legislative committees or hold rallies in support of passage of the call that would indeed force this Congress to act.

Thirty-two of the necessary thirty four states have already passed such a resolution. Only two more are required to make it a reality. These groups, along with a number of others, have spearheaded the effort to this point and are now targeting six of the remaining states. Of those remaining, nine have passed the call through at least one House of their legislature. Four have passed resolutions in support of the concept but have failed to go as far as calling for the convention itself. I believe this active group, nick-named the "swat team," can be an important tool in getting the attention these drives need in those six targeted states to push this matter over the top. We are very close.

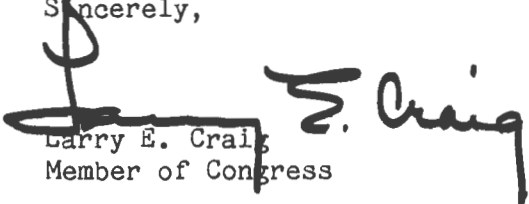
It is unfortunate that we must go outside the system to accomplish this goal. Even so, the Constitution clearly provided this avenue for such situations. During the coming months, we will travel alone or in groups to these targeted states, hopefully at the invitation of a Member or an organization of that state, carrying the message

Ronald Reagan  
Page 2  
December 14, 1983

that Congress cannot and will not bring Federal deficits under control by itself.

Frankly, I do not think it will ever come to a convention. Instead, history has shown that Congress will act before that happens. But, it must be done one way or the other and I truly believe the people will sense the immediacy where their leaders have not. Your support of our effort would be an invaluable tool to our success. Many Members have already agreed to get involved. I wanted you to be aware of this effort and, hopefully, to lend your assistance in spirit if not in full action. This could truly be an historical movement from the American people for their own future.

Sincerely,



Larry E. Craig  
Member of Congress

LEC/gsc