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**WHORM Subject File Code:** FE002  
(Federal Government: Declaration of Independence and the  
Constitution)  
**Case File Number(s):** 533400-535999  
**Box Number:** 3

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*Sg.*

533422

ID # \_\_\_\_\_ CU

*FE002*

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

*Ben*

Name of Correspondent: William B. O'Neill

MI Mail Report

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

Subject: Congress should be restricted to its constitutional function

ROUTE TO:	ACTION	DISPOSITION			
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>Cuholt</u>	ORIGINATOR	<u>8/10/02</u>	<u>PY</u>	<u>C</u>	<u>8/12/08</u> <u>PY</u>
<u>crat (34)</u>	Referral Note: <u>D</u>	<u>8/10/06</u>	<u>BS</u>	<u>A</u>	<u>8/12/08</u> <u>PY</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>

**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
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- X - Interim Reply

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- 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: \_\_\_\_\_

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## RECORDS MANAGEMENT ONLY

### CLASSIFICATION SECTION

No. of Additional Correspondents: \_\_\_\_\_ Media: L Individual Codes: 1.161 \_\_\_\_\_

Prime Subject Code: FE 002 Secondary Subject Codes: FE 002:01  
LE  
FG 031

### 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:**

- B - Box/package  
C - Copy  
D - Official document  
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H - Handcarried  
L - Letter  
M - Mailgram  
O - Memo  
P - Photo  
R - Report  
S - Sealed  
T - Telegram  
V - Telephone  
X - Miscellaneous  
Y - Study

THE WHITE HOUSE

WASHINGTON

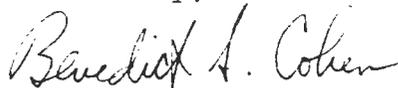
December 8, 1987

Dear Colonel O'Neill:

Thank you for your letter to President Reagan concerning the necessity of a strong executive under our constitutional system of government. As John Adams pointed out in the passage quoted in your letter, firm adherence to the division of powers and responsibilities created under the Constitution 200 years ago is essential for the maintenance of good government; and you can be certain that President Reagan is entirely committed to this principle.

Thank you again for your views.

Sincerely,



Benedict S. Cohen  
Associate Counsel to the President

Colonel William B. O'Neill  
11609 Hunters Green Court  
Reston, Virginia 22091

WILLIAM B. O'NEILL, Colonel, USA (Ret.)  
11609 Hunters Green Court, Reston, Virginia 22091  
Telephone: (703) 860-0782 Cable Address: O'NEILL-WASH DC



Old & Rare Books

23 September 1987

*H.B. Culverhouse*

President Ronald Reagan  
The White House  
Washington, DC

Dear Mr. President:

I believe the following quote, from a copy of John Adams' "Defence of the Constitutions of Government of the United States of America", London: 1787 [First Edition], may be most pertinent at this time in our history, when the Congress appears to be arrogating to itself all authority and power:

"The people in America have now the best opportunity, and the greatest trust, in their hands, that Providence ever committed to so small a number, since the transgression of the first pair: if they betray their trust, their guilt will merit even greater punishment than other nations have suffered, and the indignation of heaven. If there is one certain truth to be collected from the history of all ages, it is this: That the people's rights and liberties, and the democratical mixture in a constitution, can never be preserved without a strong executive, or, in other words, without separating the executive power from the legislative. If the executive power, or any considerable part of it, is left in the hands either of an aristocratical or a democratical assembly, it will corrupt the legislature as necessarily as rust corrupts iron, or as arsenic poisons the human body; and when the legislature is corrupted the people are undone."

[underlining added]

Congress should be restricted to its Constitutional function of legislating; all other "additional duties", such as advising and consenting, are and should be, pro-forma.

With sincere good wishes for your continued health and success, I am,

Faithfully yours,

WILLIAM B. O'NEILL  
Colonel (US Army - Retired)

1987 SEP 32 PM 3:47

**WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET**

*FE002*

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 07/10/05

Name of Correspondent: Dave Hal

MI Mail Report      User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: requests a proclamation from Constitution Week (Sept. 17-23)

ROUTE TO:		ACTION		DISPOSITION	
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>LABAU</u>		<u>CJ</u> ORIGINATOR	<u>07/10/06</u>		<u>C</u> <u>07/10/08</u>
		Referral Note:	/ /		/ /
		Referral Note:	/ /		/ /
		Referral Note:	/ /		/ /
		Referral Note:	/ /		/ /

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- Type of Response = Initials of Signer
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Comments: \_\_\_\_\_

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# RECORDS MANAGEMENT ONLY

## CLASSIFICATION SECTION

No. of Additional Correspondents: \_\_\_\_\_ Media: 2 Individual Codes: 1.240 \_\_\_\_\_

Prime Subject Code: EE002 Secondary Subject Codes: FE009 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## PRESIDENTIAL REPLY

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

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  - 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
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- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

**HOUSE OF REPRESENTATIVES, U.S.**  
WASHINGTON, D.C.

.. *September 29* ....., 19*87* .....

The attached communication is submitted for your consideration, and to ask that the request made therein be complied with, if possible.

If you will advise me of your action in this matter and have the letter returned to me with your reply, I will appreciate it.

Very Truly yours,

*Al Staub* \_\_\_\_\_

M.C.

*NE-2*

District.

Attn. *Jim Bean*

September 17, 1987

583430

Mr. Mel Baub U.S. Congressman  
2nd District of Nebraska  
1019 Longworth Building  
Washington, D.c. 20515

Honorable Mr. Baub:

The Omaha Chapter of the Daughters of American Revolution are very much interested in the activities of the "Constitution", and are happy to see so many people are involved in the celebration of the Bi-Centennial anniversary of the signing of the Constitution.

We would very much like to have a copy of the "Proclamation declaring September 17 through 23 as Constitution Week which is signed by President Reagan. This we would like to add to the memoirs of the D.A.R. in remembrance of this special occasion. Would it be possible to receive a copy? If so, please send to

Mrs. Shirley Haith  
Constitution Week Chairman  
Omaha Chapter NSDAR  
4685 Marcy Street  
Omaha, Nebr. 68106

We thank you for any consideration given to this request.

Sincerely,

*Shirley E. Haith*

Mrs. Shirley Haith  
4685 Marcy Street  
Omaha, Nebr. 68106

sg

ID # 584253 CU

FE002

### WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
  - H - INTERNAL
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- Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Aid Taylor

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: President Reagan should seize the initiative and request the Attorney General to petition the Supreme Court to make rulings regarding the emoluments clause and the separation of powers clause of the Constitution

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>cuhol</u>	ORIGINATOR	<u>87,09,25</u>		<u>87,09,25</u> PY
	Referral Note:			
<u>cuat 26</u>	<u>R</u>	<u>87,09,25</u>		<u>87,09,25</u> PY
	Referral Note:	<u>Sept. 25 87 ccc handled informally</u>		
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			

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

Comments: National Taxpayers Union

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### CLASSIFICATION SECTION

No. of Additional Correspondents: \_\_\_\_\_ Media: L Individual Codes: 4300

Prime Subject Code: FE 0021 Secondary Subject Codes: FE 031 FE 051  
ND 007-05  
LE

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DSP	_____	Time: _____	Media: _____

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 R - Report  
 S - Sealed  
 T - Telegram  
 V - Telephone  
 X - Miscellaneous  
 Y - Study



*answered informally*  
9/25/87  
*[Signature]*

A NONPARTISAN, NONPROFIT ORGANIZATION DEDICATED TO THE PUBLIC INTEREST

325 PENNSYLVANIA AVENUE, SOUTHEAST

WASHINGTON, DISTRICT OF COLUMBIA 20003

TELEPHONE: AREA CODE (202) 543-1300

C. Christopher Cox  
Senior Associate Counsel  
to the President  
The White House  
Washington, DC 20500

584253CU

Dear Mr. Cox:

I'm not picking on President Reagan. I like him. He has a great sense of humor. This issue is not personal or political; it's constitutional. It doesn't matter if a Democratic, Republican or Independent Chief Executive occupies the White House. This problem (violation of Article II, Section 1, Clause 6) should be resolved once and for all.

If George Washington were President today and he was receiving a pension from the State of Virginia, on top of a Presidential salary of \$200,000 a year, I would question the constitutionality of even his accepting State pension "emoluments" while in public office.

It's not enough to be a law-abiding nation. Most importantly, our leaders today (Presidential and Congressional) should clearly be Constitution-abiding. I am concerned that over the past 40 years, we have had a succession of Presidents from both political parties who have ignored, bypassed or circumvented the spirit, intent and wording of the US Constitution. The Korean War of 1950 was a classic example of ignoring the "separation of powers" clause. Over 54,000 Americans were killed in this action without a declaration of war by Congress as prescribed in the Constitution. The Gulf of Tonkin Resolution of 1964 is now recognized by many historians as a unique political deception. It too circumvented the requirement for a Constitutional "declaration of war" by Congress. The resulting Viet Nam war ended up costing over 58,000 American lives.

The War Powers Resolution was passed in order to place some control over undeclared wars. It hasn't worked to date. We are now in a new era of "covert" wars or military action complete with "danger pay" and clandestine operations all over the globe. Taxpayers often have no idea of the costs or risks involved. There is no such thing as a "covert Democracy". This brings us back to the US Constitution.

Over the years, we have been concerned about some members of Congress who have apparently been violating the "separation of powers" clause by accepting military commissions, pay, promotions, benefits and/or military pensions while in Congress. My "Sid Bits" column of Feb/Mar 1981 (copy attached) summarizes this issue. Unfortunately, we still have today some members of Congress holding military commissions. Former Senator Gary Hart being given a Navy commission

(over)

while in Congress was an almost classic example of this legislative malpractice. The Supreme Court should be asked to rule on this once and for all. We've been celebrating the US Constitution for years, it's now about time we started "enforcing" it.

My proposal is that President Reagan should seize the initiative on this issue and request the Attorney General Ed Meese (who himself will soon receive a military retirement pension) to petition the US Supreme Court to make special rulings on both of these apparent violations of the Constitution. The first ruling would involve the "emoluments clause" as concerns the President's State of California pension. Some of our members question the inconsistency on the part of the President in accepting his State of California pension monies while abstaining from collecting his Social Security entitlements. What's the difference? Both pension systems are directly, indirectly or partly funded by federal and/or state taxpayers funds.

The second ruling of the Court should be directed to the "separation of powers" clause and the constitutionality of having members of Congress holding military commissions or ranks while in public office and voting on defense appropriations, budgets, benefits, pay and pensions at the same time. In a Space Age, nuclear, environment, I feel that a Militarized Congress can be a great danger.

These two problems present themselves as a unique opportunity for the President to leave his mark on Constitutional history. Clarification by the Court, in both cases, would do much to make millions of American taxpayers more enlightened and secure behind a US Constitution that is clearly understood by all.

Constitutionally yours.

*Sid Taylor*

SID TAYLOR  
Research Director

25 Sept 1987

Encls.

820-7537

PS: State of California court decisions or gifts from foreign states as cited in your 31 Aug 87 letter are not relevant to President Reagan's pension "emoluments" while he is in the White House. This issue is solely between him and the US Constitution. Only the Supreme Court can resolve it.

As to promoting "fiscal responsibility", I feel that our Taxpayers Liability Index (TLI) now around \$14 trillion should motivate all political leaders, in both parties, and in the White House and Congress to, at least, temporarily abstain from accepting "dual compensation" (government pay plus a government pension) while in public office.

THE WHITE HOUSE

WASHINGTON

August 31, 1987

Dear Mr. Taylor:

Thank you for your letter dated August 28, 1987, acknowledging receipt of our reply to your inquiry concerning retirement benefits to which the President became entitled as the result of his service as Governor of the State of California.

To my earlier response, I might add that the National Taxpayers Union has been a staunch ally in the President's fight against runaway federal spending and deficits. Your Taxpayers' Liability Index is a needed reminder to the Congress that fiscal restraint is badly needed. Based on your own figures, the total debt, financial obligations, fiscal commitments and unfunded liabilities of the U.S. Government will reach \$14 trillion in 1987.

As indicated in our previous correspondence, however, your criticism of the President's receipt of his California retirement benefits is misplaced. The California legislators' retirement system is contributory. According to the decisions of the California courts, the benefits under the State Retirement Systems, including the one of which President Reagan is a member, constitute vested rights. They are not gratuities which the state is free to withdraw. The President became entitled to retirement benefits under that System immediately upon the expiration of his second term as Governor in 1975.

In addition to the information that this office previously provided, you may be interested in the following which buttress the conclusion that Article II, § 1, cl. 6 of the Constitution permits the President's receipt of retirement benefits which were funded by his own contributions and which became vested long before he became President.

During the State Ratification Conventions following the Constitutional Convention, The Federalist No. 73, attributed to Alexander Hamilton, explained that Art. II, § 1, cl. 6 was designed to protect "the independence intended for [the President] by the Constitution," so that neither Congress nor the States could "weaken his fortitude by operating on his necessities, nor corrupt his integrity by appealing to his avarice." Governor Randolph gave a similar explanation of the purposes underlying related Article I, § 9, cl. 8 in the Virginia Ratification Convention. He stated that it had been prompted by the gift of a snuff box by the King of France to Benjamin Franklin, then Ambassador to France. It therefore "was thought proper, in order to exclude corruption in foreign influence to prohibit any one in office from receiving or holding any emoluments from foreign states." Governor Randolph used the term "emolument" in the sense of a present or gift, rather than of compensation for services.

(OVER)

In 1955, the Comptroller General explained that the purpose of Article I, § 9, cl. 8 was to prohibit payments intended to influence, or which have the effect of influencing, the recipient as an officer of the United States.

In 1964, the Department of Justice determined that, in connection with the question whether the estate of President Kennedy was entitled to the Naval retirement pay that had accrued while he was President, Article II, § 1, cl. 6 should be interpreted in the light of its basic purposes and principles--that is, to prevent Congress or any of the States from attempting to influence the President through financial rewards or penalties. It concluded that this constitutional purpose would be:

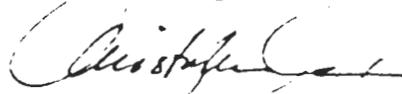
in no wise furthered by interpreting the clause as prohibiting the President from continuing to receive payments to which he was, prior to his taking office, entitled as a matter of law and for which he does not have to perform any services or fulfill any other obligations as a condition precedent to receipt of such payments.

(The estate's claim was denied in any case, however, on the statutory basis that the President had received active duty pay as Command-in-Chief of the Armed Forces and therefore was precluded by 10 U.S.C. § 684 and 38 U.S.C. § 314(c) from receiving retired pay for the same period.)

These are additional reasons that, if Article II, § 1, cl. 6 is to be interpreted consistent with the intent of the Framers and its construction since that time, then this provision of the Constitution cannot be a bar to the receipt by President Reagan of a pension in which he acquired a vested right six years before he became President, for which he no longer has to perform any services, and of which the State of California cannot deprive him.

I hope that this additional information will be of interest to you. I also hope that you and the NTU will keep up the good work that you are doing to promote fiscal responsibility. In this effort, you can be sure that the President is your ally. Perhaps, however, you might consider exercising that instinct for the jugular for which the NTU is so well known, rather than the instinct for the capillary that seems to be reflected in attacking the President's \$29,000 annual California state retirement.

Sincerely,



C. Christopher Cox  
Senior Associate Counsel  
to the President

Mr. Sid Taylor  
Research Director  
National Taxpayers Union  
325 Pennsylvania Avenue, S.E.  
Washington, D.C. 20003

# National Taxpayers Union

A NONPARTISAN, NONPROFIT ORGANIZATION DEDICATED TO THE PUBLIC INTEREST

325 PENNSYLVANIA AVENUE, SOUTHEAST

WASHINGTON, DISTRICT OF COLUMBIA 20003

TELEPHONE AREA CODE (202) 543-1300

C. Christopher Cox  
Senior Associate Counsel  
to the President  
The White House  
Washington, D.C. 20500

Dear Mr. Cox:

Your reply of 23 July does not resolve the issue of the constitutionality of President Reagan accepting his State of California pension monies while in the White House.

I'm sure the President doesn't need to hide behind a dubious definition of the word "emolument" in order to justify his accepting these monies. In the first place, he doesn't need the money. He's a millionaire at least. His presidential salary is \$200,000 a year plus a \$50,000 a year expense account. And, when he retires, his presidential pension alone will be ~~\$200,000~~ a year for life.

*1 \$99,500.*

Our presidents today do not need to accept any government pension monies while they are in the White House. They are more than well paid. However, President Reagan did come half way by not accepting his Social Security retirement pension. For this, we commend him. However, his State of California pension monies clearly violate Article II, Section 1, Clause 6 of the U.S. Constitution. The word "emolument" is used in the Constitution in the same context and meaning as the word "Compensation." In effect, the President is now accepting "dual compensation" or to put it another way "double dipping" from public funds.

In his Oath of Office, the President swore to preserve, protect, and defend the Constitution. Why take a chance? He should clear this up without a second thought. This issue could cast a long shadow over the propriety of his Administration.

This matter is also of ironic concern to thousands of poor, destitute, unemployed or disabled Americans who may not have even one job, one pay check, or one pension income. Washington today has become a notorious and expensive haven for thousands (about 150,000) of double dippers (people who collect both a government pay and a government pension while on the federal payroll). We even have some members of Congress who qualify. At least, the White House should set the example and abstain from this practice.

Bearing on this issue also is the threat of our soaring national debt and deficits. As you may know, each year we (NTU) compile a Taxpayers' Liability Index (TLI). By the end of 1987 we estimate that the TLI - total debt, financial obligations, fiscal commitments and unfunded liabilities) (actuarial and contingent) of the U.S. Government will reach \$14 trillion. This is the all time debt record in the history of our democracy.

We are apparently paying, promoting and pensioning ourselves into national bankruptcy. In this perspective, I fully realize that President Reagan's State of California pension monies (\$29,118 for 1987) are a mere pittance. However, since he has been in office he has apparently collected "unconstitutionally" about \$178,000 to date. These monies should be promptly returned to the state of California not only to eliminate any question of violation of the Constitution but also to demonstrate White House fiscal leadership. It is important to recognize that both state and federal taxpayers directly and indirectly fund all government pay and pension systems today.

Awaiting the President's pleasure -

Taxfully,



SID TAYLOR  
Research Director

28 August 1987

(703) 820-7537

ST/br



PS: In your reply of 23 July, you left out two key words in your quotation or citation from the Constitution. These words were "any other". I assume this was a typographical error. The complete passage reads "and he shall not receive within that Period any other Emolument from the United States or any of them."

# SIDBITS

OBSERVATIONS ON THE WASHINGTON SCENE BY SID TAYLOR

## Our Militarized Congress

One of the Abscam defendants recently testified that he was not aware that a briefcase he picked up contained a \$50,000 pay-off for his "influence" on legislative matters in the U.S. Congress.

Unfortunately, this is not new. Some members of Congress with military reserve officer commissions have been receiving the equivalent of \$50,000 "pension pay-off" briefcases delivered by the Pentagon for the past 20 years. Back in the 1960's, it was common practice for the Pentagon to award military officer reserve commissions to newly elected members of Congress. In one instance, two newly elected Congressmen (a former peace-time Army Private and a hardship discharged former Navy enlisted man) were made instant Captains and put in the 9999th Air Force Reserve Squadron (Capitol Hill unit), then headed by Senator/General Barry Goldwater. Even then Congressman Gerald R. Ford, a World War II Navy Lieutenant-Commander (inactive, non-participating Reservist status) was offered a two-rank promotion jump to full Captain by the Navy while in Congress. Ford's commendable answer was "No, thanks."

This so-called Pentagon Payola finally got back to the voter/taxpayers and many of these "instant officers" or "artificial soldiers," as one Senator dubbed them, were never re-elected to the halls of Congress.

This occurred back in the heyday of the "military-industrial-complex" when about 175 members of Congress held military reserve officer commissions. Senator Barry Goldwater and Senator Strom Thurmond (both promoted from Lt. Col. to Major Generals over the years) had their own military reserve units on Capitol Hill. Even LBJ was a reserve Navy commander. In 1964, we even had a Supreme Court Justice sitting on the bench who was a reserve Air Force Colonel. When the conflict of interest became apparent, he promptly resigned his military commission.

Trafficking in military reserve commissions as a Pentagon device to influence members of Congress was finally curtailed or discouraged by the end of the Viet Nam War. However, some members of Congress are still getting pay, promotions, or pension benefits from the Pentagon. This is all disguised as a kind of patriotic gesture. In reality, the taxpayer is still footing the bill for "double-vesting" and "double-dipping" from government pension funds by some members of the U.S. Congress.

Senator John Tower, for example, prides himself on being the only "enlisted man" in the U.S. Congress. Several years

ago, he was promoted by the Pentagon to the rank of Chief Boatswain's Mate in the U.S. Navy. At last report, Chief Tower is on "Active stand-by—without pay" status in the Navy reserve. Apparently, as Chairman of the Armed Services Committee, he is ready, willing and able to "ship out" at the first call of trouble in the Middle East or elsewhere on the fantail of a destroyer or aircraft carrier. Unfortunately, Senator Tower's claim to fame as the only "enlisted" member of Congress has been overtaken by a newcomer. Congressman John P. Hammerschmidt back in 1977 enlisted as a Master Sergeant in the U.S. Air Force while serving in Congress. As a former Air Force Major, Congressman Hammerschmidt was allowed to enlist at age 55 apparently in order to insure his 20 year military pension benefits. We taxpayers know that our "volunteer" military enlistment rate is low but recruiting 55-year-old members of Congress is not our idea of a solution.

What's really going on? The name of the game for some members of Congress is *military pension benefits*. Military reserve status gives some Senators or Congressmen a "double-vesting" advantage by acquiring pension time in *two* federal pension systems (Congressional and military retirement) at one time. This suggests a Pentagon scam to "influence" members of Congress into voting favorably on defense spending or military legislation. We now have about 53 members of Congress holding military reserve commissions, plus about 600 key staff members or other employees of Congress with military reserve status.

For any member of Congress to receive military pay, promotions, or pension benefits while in public office, in our opinion, is unethical and costly. This pay/pension windfall invites conflict of interest, self enrichment, and raises a question of unconstitutionality (violation of the separation of powers doctrine—holding two federal offices at one time).

The Supreme Court almost corrected this problem in a 1974 decision (6 to 3 vote) except for a legal technicality that the plaintiffs had no standing as citizens or taxpayers. (Docket No. 72-1188). With a \$1 trillion five-year military spending plan now in the offing, the Supreme Court should take a second look. The danger of a militarized Congress to civilian control of our American system of government should now be apparent.

*Sid Taylor is the research director for NTU and has been a conscientious "waste-watcher" in Washington for the past 30 years.*

## JACK ANDERSON

# Double-Dipping While Elderly Just Scrape By

The millions of ordinary Americans on Social Security are severely limited in what they can earn without forfeiting part of their pensions. The bigger their earnings, the smaller their Social Security checks.

The privileged people in the federal government are bound by the same Social Security rule. But where other pensions are concerned, anything goes.

The double-dipping starts right at the top. President Reagan draws a \$22,444 annual pension from California as well as his presidential salary and expenses of \$250,000 a year.

It took a special ruling by Reagan's friend, Attorney General William French Smith, to get around the Constitution, which states that a president "shall not receive . . . any other emolument from the United States or any of them" in office.

Emolument is a 50-cent word for payment, salary or other compensation, but the Justice Department ruled that Reagan's state pension isn't actually an emolument. The explanation is that Reagan kicked in for his pension during the eight years he was governor.

This must puzzle Social Security pensioners, most of whom paid into the trust fund for a lot longer than eight years, get a lot less than \$22,444 a year in benefits—and stand to lose much of what they do get if they earn more than \$6,000 a year, let alone \$250,000.

Defense Secretary Caspar W. Weinberger also draws a pension from California—\$5,708 a year—in addition to his \$60,000 federal salary. Last year, Weinberger also received \$93,583 from his old employer, Bechtel Group Inc., as "compensation for past services."

Ambassador-at-large Vernon Walters, a former Army general, is entitled to \$60,000 a year in salary, and reported an additional military pension: \$44,101 in 1980 and \$57,904 in 1981.

The real ice-cream parlor for double-dippers is Congress. An official of the National Taxpayers Union told my associate John Dillon that 56 members of the House and Senate receive dual compensation.

One the champs is Sen. Strom Thurmond (R-S.C.). A former governor, he draws a state pension of \$6,965 a year. As a retired general in the Army reserve, he also gets a \$12,668 pension, plus his Senate salary of \$60,000 plus expenses. Other senators who get military retirement include Barry Goldwater (R-Ariz.), who says he donates his pension check to charity, Robert T. Stafford (R-Vt.), and Howard W. Cannon (D-Nev.).

**Mr. Controversy:** One of the most controversial members of Congress is freshman Sen. Orrin G. Hatch (R-Utah). In his first term, he has tromped on a few toes.

Despite his independent streak and low seniority, he has managed to become a powerful member of the Senate leadership. A skillful tactician who knows when to compromise, Hatch has many adversaries but few enemies. He gets along well, for example, with Sen. Edward M. Kennedy (D-Mass.), though their views are often poles apart.

Hatch worked his way through school as a construction worker, and still holds a union card—to the irritation of organized-labor chieftains, who are among his favorite targets. When the late George Meany told him labor was going to spend \$4 million to beat him, Hatch replied cheerily: "Wonderful! If you spend \$4 million in Utah, it will double our gross product."

The 48-year-old Mormon bishop sometimes reaps the unjust reward of the well-meaning compromise-seeker. "He's the only senator I know who can get both sides of an issue angry with him," Kennedy once said. The comment referred to Hatch's proposed constitutional amendment that would take abortion out of the courts and leave it up to Congress and state legislatures. The amendment drew fire from both sides of the abortion issue.

sg

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

FEDD2  
plor

- O - OUTGOING
- H - INTERNAL
- I - INCOMING  
Date Correspondence Received (YY/MM/DD) \_\_\_\_\_

Name of Correspondent: Paul Robert Resnick

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: sends correspondence regarding "A Declaration in Defense of the Constitution of the U. S. and the Law (39 U.S. Code 1002)"

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code Tracking Date YY/MM/DD	Type of Response Code Completion Date YY/MM/DD
<u>Cuhall</u>	<u>ORIGINATOR</u> <u>88,03,24</u>	<u>@88,04,27</u>
<u>cust 27</u>	<u>88,03,28</u>	<u>@88,04,27</u>
	<u>Referral Note: Apr 27 88 ACR memo to Honnie Hed tun</u>	
	<u>1 1</u>	<u>1 1</u>
	<u>Referral Note:</u>	
	<u>1 1</u>	<u>1 1</u>
	<u>Referral Note:</u>	
	<u>1 1</u>	<u>1 1</u>
	<u>Referral Note:</u>	

- 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
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  - X - Interim Reply
- DISPOSITION CODES:**
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  - 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: Continuing Correspondence

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: L Individual Codes: 4000 \_\_\_\_\_

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  
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 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

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

THE WHITE HOUSE

WASHINGTON

April 27, 1988

MEMORANDUM FOR LONNIE HEDLUND  
OFFICE OF THE EXECUTIVE SECRETARIAT  
DEPARTMENT OF JUSTICE

FROM: ALAN CHARLES RAUL   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Paul Robert Resnick -- Sends Correspondence  
Regarding "A Declaration in Defense of the  
Constitution of the U.S. and the Law  
(39 U.S. Code 1002)

Attached are materials in connection with the above-referenced matter received at the White House. We have previously referred materials from Mr. Resnick to the Department.

Please handle this matter in any manner you deem appropriate.

Thank you for your assistance.

Attachment

March 21st, 1988

closeout #

Dear Mr. Jay B. Stevens,

52-4970-26

It appears that you should be counsel  
to the United States.

Constructively you are in "Kings Bunker" matters  
You like myself have inherited this dilemma.

I do not want to allow this to continue.

I address the Law of My Country:

Respectfully,

Walter J. Bennett

W. J. Bennett

51 52:03

Paul Robert Resnick, Jr.  
4144 Arnold Avenue  
Lower Burrell, PA 15068

December 30th instant, 1987

James C. Wright, Jr.  
Speaker of the House of Representatives  
Congress of the United States  
1236 Longworth Bldg.  
Washington, D.C. 20515

A DECLARATION IN DEFENSE OF THE CONSTITUTION OF THE UNITED  
STATES AND THE LAW (39. U.S. CODE 1002)

Dear Mr. Congressman Wright,

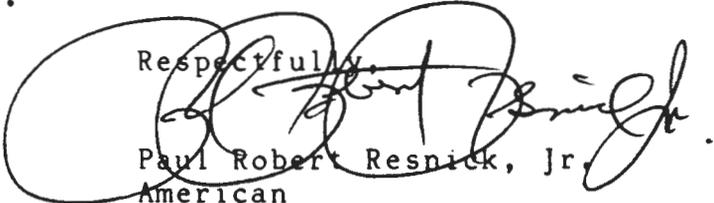
In this year of the celebration of the Bicentennial of the Constitution of the United States, I have demonstrated to you and other members of the Administration that the Constitution has been perverted and made inoperable for "We The People".

As of this date, you, as the Speaker of the House of my Government, have not recognized my Petition of Redress In Defense of the Constitution and insult my Petition by supporting H.R. 3400 D 242-3; R 63-109, which I consider to be a direct attempt to politically undermine my Petition of Redress (and The Law-39 U.S. Code 1002).

I cite, William Marbury vs James Madison, 5 U.S. Reports, Page 60; "No Act of Legislature confers so extra ordinary a privilage, nor can it derive countenance from the Doctrines of the Common Law". Page 61 5 U.S. Reports; "But when a specific duty is assigned by law the individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the Laws of his Country for a remedy".

History will attest to the accuracy of my contentions, in the years to come. Sadly, you and this Administration will come to be known as the perpetrators of the collapse of the American way of life, as we know it, and your actions serve as manure in the destruction of the Constitution of the United States.

Respectfully,

  
Paul Robert Resnick, Jr.  
American

cc: File  
: Certification and Notification



Paul Robert Resnick, Jr.  
4144 Arnold Ave.  
Lower Burrell, Pa 15068

November 6th instant, 1987

Christopher Joseph Dattola  
Box 36  
Springdale, Pa 15144

LAW and FACT

Dear Mr. Dattola:

Thank you for taking to heart the suggestions I made regarding the " Declaration for Praecipe " in redress dated November 3rd instant, 1987 which we finalized and agreed upon October 31, 1987.

The caption " Declaration for Praecipe ".  
The date " November 3rd instant, ".  
The singular " Counselor ".  
The " American Eagle ".  
The caption " 16 Points for the Restoration of Individual Rights AT COMMON LAW ".  
The addition of Presidents Abraham Lincoln, James A. Garfield, William Mc Kinley, and John F. Kennedy. ( Abolished ).  
The addition of #16. Offenses Against the Law of Nations. ( Abolished )

If you will recall the eve of October 31st instant, 1987. Mr. Moser, Mr. Linkenheimer, Mr. Donaldson and myself, agreed to, and signed an original rough draft " Declaration for Praecipe ".

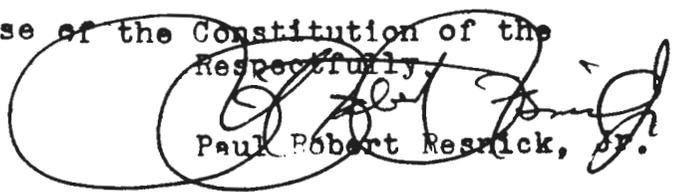
On Monday, November 2, 1987 you demanded from me the rough draft to to which you agreed to and applied your signature as original. At that time you " destroyed " and " disposed " of my copy of the " original rough draft, DECLARATION FOR PRAECIPE ".

In this effort of preparation I gave of my Life, my Time, and my Spirit.

Since my copy of the original rough draft is not in my possession and my name obviated from the " DECLARATION FOR PRAECIPE " dated November 3rd instant, 1987 that this "is not" a true and correct copy of the " ORIGINAL ".

I support your effort. In Defense of the Constitution of the United States. I remain.

Respectfully,

  
Paul Robert Resnick, Jr.

cc; File  
Messrs. Moser, Linkenheimer, and Donaldson  
via U.S. Mail

Paul Robert Resnick, Jr.  
4144 Arnold Ave.  
Lower Burrell, Pa. 15068

October 16th instant, 1987

Ronald Wilson Reagan  
Chief Magistrate  
United States of Corporate America  
The White House  
Washington, D. C. 20500

#### A DECLARATION

In Defense of the Constitution of the United States and the reinstatement of individual rights guaranteed to "We the People" under the Supreme Law of the Land.

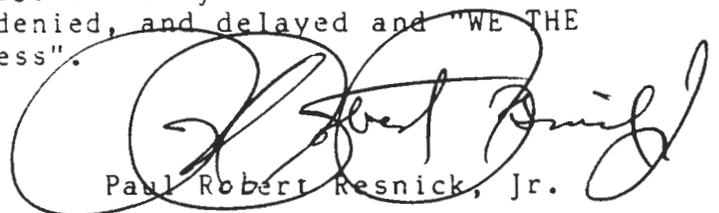
The information which I provided in redress represents a twenty four (24) year investigatorial process which drained from me a time, a life, a spirit, and a family sacrifice no common man should endeavor if his government's Constitution is operable.

With the recent supreme court nomination, I can only conclude that you represent a DE FACTO GOVERNMENT (King's Bench Matters) and that your actions are in COLOR OF OFFICE, and since I have proven to you that the Constitution is "inoperable" you are acting in COLOR OF LAW, acting as a President, and not "taking care that the Laws be faithfully executed" as outlined in the Supreme Law of the Land the Constitution of the United States which I redress as GOVERNMENT DE JURE and has been perverted and inoperable.

It is clear that each time a President tries to uphold his oath of office and restore Law and Order he is "assassinated".

Under the Constitution of the United States (which I have sworn to uphold) "any citizen can suggest a Constitutional amendment"; I hereby suggest that an amendment be provided to repeal June 22, 1870 (16 Stat. 162; 28 U.S.C. 501, 503,) and September 16, 1938 (308 U.S. 645; Cong. Rec. vol. 83, pt. 1, p. 13, Exec. Comm. 905; H. Doc. 460, 75 Cong.), and restore the COMMON LAW COURTS in every township and borough in these United States.

By Act of 1554, 1 Ph. and M. 13. I hold you in RECOGNIZANCE for Justice is being bought, sold, denied, and delayed and "WE THE PEOPLE" are without "due process".



Paul Robert Resnick, Jr.

cc: James C. Wright, Jr.  
Certification of Notification

# IN PENNSYLVANIA

DEPT OF JUSTICE (RENTAL)

JUNE 22, 1870 16 STAT 162 28 U.S.C. 501, 503 UNCONSTITUTIONAL

**KING'S BENCH MATTERS**

PA. RULES OF CIVIL PROCEDURE.

**Rule 3309. Applications for Extraordinary Relief**

NOTICE TO -----  
"WE THE PEOPLE"

**Rule 3302. Seal of the Supreme Court**

The seal of the Supreme Court shall be in the following form:

The "KING'S BENCH" is back ---

It has been renamed the -----

"SUPREME COURT OF PENNSYLVANIA"

(1722) This Court was abolished by the -----

"DECLARATION OF INDEPENDENCE"

In Congress, on July 4th, 1776...



SEPT 16, 1938  
Treason.  
ANOUSKE

JANUARY 1st, 1874 PA. CONSTITUTION REWRITTEN - 1875 ADOPTED BY ALL STATES THROUGH THE RECONSTRUCTION ACT.

You have the "RIGHT" to Petition the Government for the redress of grievances!!!!

Send your petition to Mr. James C. Wright, Speaker of the House, 1236 Longworth Building Washington D.C. 20515.

Demand in your petition that this fraud be stoped and those who are guilty of treason be removed from office.

Many of our countrymen are being held hostage by this illegitimate court, not to mention the millions of dollars the Bar Association and Courts have extorted by threats of violence from --- "WE THE PEOPLE" ---

## THE KING'S MEN

### ARE BACK

AND SEIZING THE U.S. POSTAL SERVICE

*FEO02*

*Dg*

**WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING
- H - INTERNAL
- I - INCOMING  
Date Correspondence Received (YY/MM/DD) 1 1

*Alan*

Name of Correspondent: Paul Robert Resnik, Jr.

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Declaration in defense of the Constitution and the re-institution of individual rights guaranteed to "We the People under the Supreme Law of the Land"

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code Tracking Date YY/MM/DD	Type of Response Code Completion Date YY/MM/DD
<u>enhol</u>	ORIGINATOR <u>87 10 23</u> <i>WJS</i>	<u>C 88 01 29</u> <i>PT</i>
<u>cuat 27</u>	Referral Note: <u>ALD 87 10 26</u> <i>WJS</i>	<u>C 88 01 29</u> <i>PT</i>
<u>cuat 29</u>	Referral Note: <u>S 88 01 29</u>	<u>C 88 01 29</u> <i>PT</i>
	Referral Note: <u>Jan 29 88 9188 memo to Randy Levine and Ray Shaddick</u>	<u>1 1 1 1</u>
	Referral Note: _____	<u>1 1</u>
	Referral Note: _____	<u>1 1</u>

**ACTION CODES:**

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- C - Comment/Recommendation
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- R - Direct Reply w/Copy
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**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: see ID 467129cu *WJS*

Refer to DOJ Secret Service *HY*

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: L Individual Codes: 4000 \_\_\_\_\_

Prime Subject Code: FE 001 Secondary Subject Codes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### PRESIDENTIAL REPLY

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

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  - n - 4 - Dutch
  - n - 5 - Ron Reagan
  - n - 6 - Ronald
  - n - 7 - Ronnie
  
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  - n - 3 - Mrs. Ronald Reagan
  
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- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

January 29, 1988

MEMORANDUM FOR RANDY L. LEVINE  
ASSOCIATE DEPUTY ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

FROM: JAY B. STEPHENS  
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Paul R. Resnick, Jr.

Attached are materials in connection with the above-referenced matter received at the White House. We have previously forwarded materials to you in this matter.

Please handle this matter in any manner you deem appropriate. We have advised Secret Service of this communication.

Thank you for your assistance.

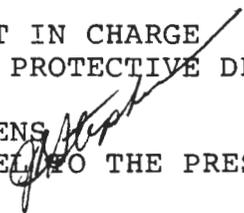
Attachment

THE WHITE HOUSE

WASHINGTON

January 29, 1988

MEMORANDUM FOR RAY SHADDICK  
SPECIAL AGENT IN CHARGE  
PRESIDENTIAL PROTECTIVE DETAIL

FROM: JAY B. STEPHENS   
DEPUTY COUNSEL TO THE PRESIDENT

RE: Paul R. Resnick, Jr.

Attached are materials in connection with the above-referenced matter received at the White House.

Please handle this matter in any manner you deem appropriate. We have forwarded a copy of this correspondence to the Department of Justice.

Thank you for your assistance.

Attachment

THE WHITE HOUSE

WASHINGTON

January 28, 1988

MEMORANDUM FOR JAY B. STEPHENS

FROM: ALAN CHARLES RAUL *ACR*

SUBJECT: Paul R. Resnick, Jr.

Attached for your review and signature is a memorandum referring the above-referenced matter to Justice and to the Secret Service.

Attachment

*m.c. - both.  
redo TX  
gb.*



5/

**PAUL ROBERT RESNICK, JR.**  
PRESIDENTIAL CONGRESSIONAL CONSTITUTIONAL  
COUNSELOR AT COMMON LAW  
(IN REDRESS)

226-0561

201910CA

Paul Robert Resnick, Jr.  
4144 Arnold Ave.  
Lower Burrell, Pa. 15068

October 16th instant, 1987

Ronald Wilson Reagan  
Chief Magistrate  
United States of Corporate America  
The White House  
Washington, D. C. 20500

*ME Disinformed*

A DECLARATION

In Defense of the Constitution of the United States and the reinstatement of individual rights guaranteed to " We the People" under the Supreme Law of the Land.

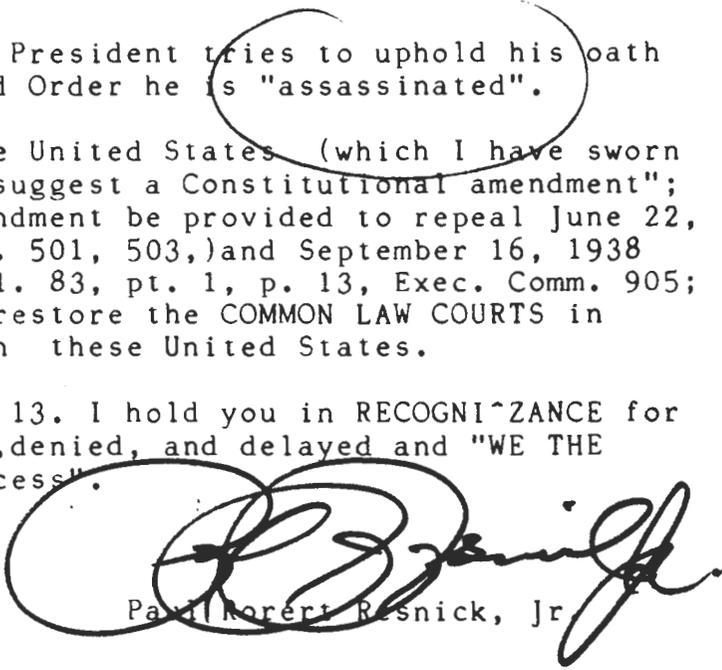
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By Act of 1554, 1 Ph. and M. 13. I hold you in RECOGNIZANCE for Justice is being bought, sold, denied, and delayed and "WE THE PEOPLE" are without "due process".

  
Paul Robert Resnick, Jr.

cc: James C. Wright, Jr.  
Certification of Notification

# Special prosecutors target corruption

Apparently the Reagan administration has had enough of special prosecutors getting in the way of activities. Now the Justice Department, headed by Attorney General Edwin Meese, has gone to court to oppose the law creating special prosecutors, passed by Congress after Watergate and the resignation of President Richard Nixon.

Meese himself is a target of special prosecutors. So are a number of other Reagan political allies and aides.

The special prosecutor law is being used to probe Iran-contra figure Oliver North and top Reagan officials.

Lawrence Walsh, the special prosecutor in the Iran-contra probe, who is expected to announce indictments shortly, said he will go to court to defend the law. His probe would not be affected by a court decision on special prosecutors, but future investigations would be.

The administration earlier had endorsed special prosecutors, but lately has been lobbying with Congress to repeal the law. The court action by the Justice Department was only the latest move by the Reagan White House to kill the law.

Fred Wertheimer, president of the citizens group Common Cause, said: "The Reagan administration's so-

called interest in tough and effective law enforcement apparently disappears when the administration's political personal friends are involved."

That's true, and it is exactly the reason why we need special prosecutors: investigators who are not tied to an administration or to Congress.

No political or governmental figure going to investigate himself. Nor is a department of government going to investigate itself to the satisfaction of American public.

We need an independent prosecutor to handle these matters, just as we did Watergate and now in the Iran-contra scandal. It's the best way to get at truth and uproot corruption in government.

Challenging the law in addition to Justice Department of Meese are No and ex-Reagan aide Michael Deaver and Lyn Nofziger, another former Reagan aide, have been charged under the special prosecutor law. North is likely to be charged, too. Li wonder they don't like the law.

Which is all the more reason for us keep the law that created special prosecutors. You never know when we need it.

Like right now.

## Justice's resignation sought

The conservative Washington Legal Foundation called Thursday for the resignation of Supreme Court Justice Thurgood Marshall because of his criticism of the U.S. Constitution. Citing the document's treatment of blacks and women, Marshall said Wednesday the government's establishment was "detached from the start." Foundation counsel Daniel Poppe said the speech reflects a "deep bitterness and bias that renders him unfit to interpret constitutional issues." Marshall had no comment.



UPI  
MARSHALL: Criticized Constitution

# Study: Corporations, family won't mix

By John Machacek

Gannett News Service

WASHINGTON — U.S. workers will find it harder to balance job and family duties as businesses become leaner and meaner in a drive to be competitive, predicts a new study on family life.

"The changing workplace is evolving along lines detrimental to family life," says the study issued by Family Service America, a nationwide net-

work of social agencies that tries to strengthen families.

Corporate goals are shifting rapidly from making goods and creating jobs to maximizing profits and resisting takeovers and mergers in an era of fierce foreign competition and government deregulation, the study said.

The study by R. Morton Darrow, a former insurance industry executive who analyzes economic and social trends, forecasts employee layoffs, plant closings, transfers of jobs over-

seas and middle-management layoffs.

"Competitiveness, lean and mean, and downsizing have become the new terms of success," the study said. "What were once sources of corporate pride — high wages, community programs and so forth — are now frequently viewed as economically wasteful programs that must be reduced or eliminated."

Generally, the new competitiveness will translate into stress caused by work overload, lack of control over

one's job and unsympathetic supervisors and colleagues, the study said.

Darrow said a 1980 poll taken for the White House Conference on the Family found 26 percent rating business and industry as unfavorable forces on family life. He believes that percentage would be much higher today.

"Among those hurt the most are women workers, especially those in 'untraditional families' involving single parents, dual careers, cohabitants and homosexuals," the study said.

## region

### Rep. Murphy faces ethics charges

WASHINGTON (AP) — The House ethics committee has given Rep. Austin Murphy, D-Pa., three weeks to respond to allegations of misusing public funds and voting privileges. The Committee on Standards of Official Conduct said Wednesday that its "statement of alleged violations" means committee members had "reason to believe" Murphy violated House rules or the code of official conduct for House members. The statement sets in motion a process to determine whether the committee will recommend sanctions against the southwestern Pennsylvania Democrat. The six-count statement charged that twice in 1978 and once in 1982 Murphy violated House rules by allowing votes to be cast in his name while he was absent. Murphy also was charged with diverting government property, including furniture, photocopy services, supplies and long-distance telephone service, from his congressional district office in Charleroi for use by his local law firm.

CERTIFICATION OF NOTIFICATION

cc; President Ronald Wilson Reagan  
Postmaster General Preston Randolph Tisch  
U.S. Senator Orrin G. Hatch  
U.S. Senator Edward M. Kennedy  
U.S. Senator Daniel Patrick Moynihan  
U.S. Senator Christopher J. Dodd  
U.S. Senator Bob Dole  
U.S. Senator Alan Cranston  
U.S. Senator Daniel Inouye  
U.S. Senator David Boren  
U.S. Senator Arlen Specter  
U. S. Senator William Cohen  
U.S. Representative Henry B. Gonzales  
U.S. Representative Doug Walgren  
Dr. Daniln Boorstin / Dr. James Billington  
Supreme Court Justice William Rehnquist  
Chief Postal Inspector Wheatthorn GMF Pgh. Pa  
U.S. Marshal Herbert M Rutherford )))  
Secretary of State Geoge Shultz  
Secretary of the Treasury James Baker  
Chairman of the Joint Chiefs of Staff William Crowe, Jr.  
Postmaster GMF Pgh, Pa. Donald P. Fischer  
Secretary of the Navy James Webb  
CIA Director William Webster  
Secretary of Defense Caspar Wienberger

# **16 VALID REASONS TO REDRESS FOR THE REINSTITUTION OF INDIVIDUAL RIGHTS.**

- 1. ABRAHAM LINCOLN - ASSASSINATED**
- 2. JAMES A. GARFIELD - ASSASSINATED**
- 3. WILLIAM MCKINLEY - ASSASSINATED**
- 4. JOHN F. KENNEDY - ASSASSINATED**
- 5. ARTICLE III SECTION 3 OF THE UNITED STATES CONSTITUTION - ABOLISHED**
- 6. COMMON LAW COURTS - ABOLISHED**
- 7. ADJECTIVE COMMON LAW - ABOLISHED**
- 8. COURT OF NISI PRIUS PENNSYLVANIA  
ABOLISHED**

# **16 VALID REASONS TO REDRESS FOR THE REINSTITUTION OF INDIVIDUAL RIGHTS.**

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- 6. COMMON LAW COURTS - ABOLISHED**
- 7. ADJECTIVE COMMON LAW - ABOLISHED**
- 8. COURT OF NISI PRIUS PENNSYLVANIA ABOLISHED**
- 9. PROCEDURAL DUE PROCESS (AT COMMON LAW) ABOLISHED**
- 10. BILL OF RIGHTS - ABOLISHED**
- 11. WRIT OF HABEAS CORPUS - ABOLISHED**
- 12. WRIT OF SCIRE FACIAS - ABOLISHED**
- 13. WRIT OF MANDAMUS - ABOLISHED**
- 14. CHARTER OF LIBERTIES - ABOLISHED**
- 15. USAGE AND CUSTOMS - ABOLISHED**
- 16. OFFENSES AGAINST THE LAW OF NATIONS**

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/6/88 ACTION/CONCURRENCE/COMMENT DUE BY: 2:00 1/7/88

SUBJECT: OP-ED ON THE 22nd AMENDMENT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GRISCOM	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HOBBS	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	HOOLEY	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KING	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<span style="background-color: black; color: black;">██████████</span> POWELL	<input type="checkbox"/>	<input type="checkbox"/>	RISQUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CRIBB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
DONATELLI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

Please provide your comments/recommendations directly to Marion Blakey's office with an info copy to my office by 2:00 Thursday, January 7. Thank you.

**RESPONSE:**

# WHITE HOUSE STAFFING MEMORANDUM

Received SS

1988 JAN 11 AM 7:00



DATE: 1/6/88 ACTION/CONCURRENCE/COMMENT DUE BY: 2:00 1/7/88

SUBJECT: OP-ED ON THE 22nd AMENDMENT

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GRISCOM	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HOBBS	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	HOOLEY	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	KING	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<del>██████████</del> POWELL	<input type="checkbox"/>	<input type="checkbox"/>	RISQUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CRIBB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
DONATELLI	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide your comments/recommendations directly to Marion Blakey's office with an info copy to my office by 2:00 Thursday, January 7. Thank you.

RESPONSE:

*Cancel  
JMD*

Rhett Dawson  
Ext. 2702

### WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING  
Date Correspondence Received (YY/MM/DD) 1/1



Name of Correspondent: Rhett B. Dawson

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Op-ed on the 22<sup>nd</sup> Amendment

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>cuhan</u>	ORIGINATOR	<u>8810/106</u>	<u>C</u>	<u>88, 01, 07</u> RO
	Referral Note:	<u>JBS signature</u>		
<u>cuat 28</u>	<u>D</u>	<u>8810/106</u>	<u>C</u>	<u>8810/107</u> RO
	Referral Note:	<u>Jan 7 88 JBS memo to Marion Blakey</u>		
<u>cuat 29</u>	<u>S</u>	<u>8810/107</u>	<u>C</u>	<u>88, 01, 07</u> RO
	Referral Note:	<u>Jan 7 88 JBS memo to Marion Blakey</u>		
		<u>1/1</u>		<u>1/1</u>
	Referral Note:			
		<u>1/1</u>		<u>1/1</u>
	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: Reply directly to Marion Blakey with an info copy to Rhett Dawson

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: \_\_\_\_\_ Individual Codes: \_\_\_\_\_

Prime Subject Code: \_\_\_\_\_ 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:**

- B - Box/package**
- C - Copy**
- D - Official document**
- G - Message**
- H - Handcarried**
- L - Letter**
- M - Mailgram**
- O - Memo**
- P - Photo**
- R - Report**
- S - Sealed**
- T - Telegram**
- V - Telephone**
- X - Miscellaneous**
- Y - Study**

THE WHITE HOUSE

WASHINGTON

January 7, 1988

MEMORANDUM FOR MARION BLAKEY  
SPECIAL ASSISTANT TO THE PRESIDENT AND  
DIRECTOR OF PUBLIC AFFAIRS

FROM: JAY B. STEPHENS *J. Stephens*  
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Op-Ed on the 22nd Amendment

Counsel's Office has reviewed the above-referenced op-ed and we have noted our comments and concerns directly on the attached draft.

Attachment

cc:Rhett B. Dawson

THE WHITE HOUSE

WASHINGTON

January 7, 1988

MEMORANDUM FOR JAY B. STEPHENS

FROM:

ROBERT M. KRUGER 

SUBJECT:

Op-Ed on the 22nd Amendment

Marion Blakey has requested our comments on the attached op-ed piece calling for repeal of the 22nd Amendment. The piece was prepared in response to a request by the Scripps-Howard newspaper chain for an op-ed reflecting the President's position. It is to be signed by a member of the White House senior staff and is expected to receive wide circulation.

The op-ed argues, as the President has previously, that the 22nd amendment infringes upon a core principle of democracy -- the right of the people to freely select their leaders. As indicated on the draft, I have some difficulty with the assertion in the last paragraph on page three that history suggests that repeal of the 22nd Amendment is inevitable. I am unaware of any historical precedents to support this assertion -- the example of George Washington's decision to step down after two terms seems to have little or nothing to do with the likelihood of repeal. I am also confused by the point of the final paragraph on page four. That paragraph suggests that the 22nd Amendment represents a lack of trust in the judgement of the American people. The problem with this argument, of course, is that the American people passed the 22nd Amendment -- any lack of trust is an exercise of their good judgement.

These comments are incorporated on the attached memorandum to Marion Blakey for your review and signature.

Attachment

*M.C. / Nancy  
Blasey  
JBS*

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/6/88 ACTION/CONCURRENCE/COMMENT DUE BY: 2:00 1/7/88

SUBJECT: OP-ED ON THE 22nd AMENDMENT

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GRISCOM	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HOBBS	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	HOOLEY	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KING	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<span style="background-color: black; color: black;">██████████</span> POWELL	<input type="checkbox"/>	<input type="checkbox"/>	RISQUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CRIBB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input type="checkbox"/>	<input checked="" type="checkbox"/> P		<input type="checkbox"/>	<input type="checkbox"/>
DONATELLI	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

Please provide your comments/recommendations directly to Marion Blakey's office with an info copy to my office by 2:00 Thursday, January 7. Thank you.

**RESPONSE:**

DRAFT:RODOTA:1/6/88

2 pm

REPEAL THE 22nd AMENDMENT

Political parties are generally called to task for their failures, but in looking back I believe Republicans could have done without one of their successes. The 22nd Amendment, placing a constitutional limit on the number of years a President can serve, should be repealed.

The 22nd Amendment was the work of men and women with honorable intentions. At the end of World War II, many were shocked to learn that Franklin Delano Roosevelt was gravely ill when elected to a fourth term in 1944. They genuinely believed a two-term limit was in the best interest of the Nation, but the potential costs of the 22nd Amendment appear to be far in excess of any perceived gain.

President Reagan expects upon leaving office to begin a national movement to repeal the 22nd Amendment. He supports repeal of the two-term limit -- not for himself, but for his successors. And I believe President Reagan and other opponents of the 22nd Amendment will eventually be successful, because reason and history are on their side.

Throughout the 200-year history of our government, amendments to the Constitution have generally expanded the rights of individuals, especially the right to vote. For example, the 19th amendment extended suffrage to women; the 26th, to Americans between the ages of 18 and 21.

The 22nd Amendment is unique. It actually restricts the fundamental right of our citizens to choose a President. And as the historian Henry Steele Commager wrote some years ago: "Imposing a restriction on the freedom to repeatedly elect a president is to violate the essential principle of democracy -- that people have a right to exercise a free and untrammelled ballot...."

Fate is not kind-hearted or consistent. Cataclysmic events do not correspond perfectly with the American election cycle. FDR's second term ended as Hitler, Mussolini, and Tojo were imposing their will on innocent people of Europe and Asia; reluctantly, Roosevelt accepted the nomination for a third term.

Today the 22nd Amendment could bar from office a two-term President in the midst of a national or international crisis, no matter how strongly the people supported his reelection. That is one reason Sam Rayburn, the late Speaker of the House of Representatives, opposed the 22nd Amendment. "I do not know," he said at the time, "and neither do you know, whether a time may

come when one man may be the individual to carry on in an hour of great strain and stress -- and danger."

A clear effect of the 22nd Amendment has been a transfer of power and authority from the executive branch to the legislature. The Constitution places no limits on the length of time a Senator or Representative may serve in Congress. The 22nd Amendment therefore gives Congressmen alone the opportunity to acquire tenure and build experience. And in the past two decades, Congress has taken advantage of its members' "permanence" by thwarting successive Presidents who sought to rein-in federal spending.

What history?

How is this relevant, how does it support or assertion that history suggests repeal is inevitable?

History suggests repeal of the 22nd Amendment is inevitable. I recognize that proponents of the two-term limit rarely march into rhetorical battle without invoking the spirit of George Washington, who stepped down after only two terms and said he hoped to set an example for his predecessors. But Washington, our first president in the Age of Kings, not the Age of Television. He sought to prevent the establishment of a monarchy in an age when democracy was an experiment and most Americans did not have the right to vote for a President at all. In its third century, America is not at risk of creating a monarchy.

But Washington, our first president in the Age of Kings, not the Age of Television. He served as

The lesson Washington imparted is that the Presidency should change hands in an orderly manner, in accordance with the wishes of the electorate. That lesson today argues for repeal of the 22nd Amendment.

? { For <sup>the first</sup> 160 years, the American people were <sup>of our history</sup> <sup>unconditionally</sup> trusted to select a President. It is time to trust the people again.

# # #

EP

FEDD2

*DC*

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/6/88 ACTION/CONCURRENCE/COMMENT DUE BY: 2:00 1/7/88

SUBJECT: OP-ED ON THE 22nd AMENDMENT

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GRISCOM	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HOBBS	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	HOOLEY	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KING	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> POWELL	<input type="checkbox"/>	<input type="checkbox"/>	RISQUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CRIBB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
DONATELLI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

Please provide your comments/recommendations directly to Marion Blakey's office with an info copy to my office by 2:00 Thursday, January 7. Thank you.

**RESPONSE:**

EP

OK w/ed: 1/9

53626350

THE WHITE HOUSE  
WASHINGTON

Received SS FE002  
1988 JAN -8 PM 1:07

January 8, 1988

WVS

MEMORANDUM FOR RHETT B. DAWSON

FROM: MARION C. BLAKEY *MCB*

SUBJECT: Draft Op-Ed on the 22nd Amendment

Attached for clearance is an Op-Ed on the 22nd Amendment, for signature by Frank Donatelli. Frank has approved the attached version, and we have received comments from all White House and agency reviewers. *Comments*

Due to the tight deadline Scripps-Howard is facing, please let me know as soon as this is cleared. The editors need the attached this afternoon.

Thank you.

January 8, 1988

REPEAL THE 22nd AMENDMENT

by Frank J. Donatelli

Political parties are generally called to task for their failures, but in looking back I believe Republicans could have done without one of their successes. The 22nd Amendment, placing a constitutional limit on the number of years a President can serve, should be repealed.

The 22nd Amendment was the work of men and women with honorable intentions. At the end of World War II, many were shocked to learn that Franklin Delano Roosevelt was gravely ill when elected to a fourth term in 1944. They genuinely believed a two-term limit was desirable, but the potential costs of the 22nd Amendment appear to be far in excess of any perceived gain.

President Reagan expects upon leaving office to raise the issue of repealing the 22nd Amendment. He supports repeal of the two-term limit -- not for himself, but for his successors. And I believe President Reagan and other opponents of the 22nd Amendment will eventually be successful, because reason and history are on their side.

---

Mr. Donatelli is Assistant to the President for Political and Intergovernmental Affairs

Throughout the 200-year history of our government, amendments to the Constitution have generally expanded the rights of individuals, especially the right to vote. For example, the 19th amendment extended suffrage to women; the 26th, to Americans between the ages of 18 and 21.

The 22nd Amendment is unique. It actually restricts the fundamental right of our citizens to choose a President. And as the historian Henry Steele Commager wrote some years ago: "Imposing a restriction on the freedom to repeatedly elect a president is to violate the essential principle of democracy -- that people have a right to exercise a free and untrammelled ballot...."

Fate is not kind-hearted or consistent. Cataclysmic events do not correspond perfectly with the American election cycle. FDR's second term ended as Hitler, Mussolini, and Tojo were imposing their will on innocent people of Europe and Asia; reluctantly, Roosevelt accepted the nomination for a third term.

Today the 22nd Amendment could bar from office a two-term President in the midst of a national or international crisis, no matter how strongly the people supported his reelection. That is one reason Sam Rayburn, the late Speaker of the House of Representatives, opposed the 22nd Amendment. "I do not know," he said at the time, "and neither do you know, whether a time may

come when one man may be the individual to carry on in an hour of great strain and stress -- and danger."

A clear effect of the 22nd Amendment has been a transfer of power and authority from the executive branch to the legislature. The Constitution places no limits on the length of time a Senator or Representative may serve in Congress. The 22nd Amendment therefore gives Congressmen alone the opportunity to acquire seniority and build extensive bases of power and influence.

The public interest demands an executive and a legislature that are responsive to the people. One unintended consequence of the 22nd Amendment is that the voters do not have an opportunity to express -- through the ballot box -- their views of a second-term Administration. Conversely, a second-term President has no opportunity to take his case directly to the people and secure a mandate for a specific agenda. Many pollsters and pundits have tried, but there is no substitute for an election when it comes to expressing an opinion about a political party.

History suggests repeal of the 22nd Amendment is inevitable. I recognize that proponents of the two-term limit rarely march into rhetorical battle without invoking the spirit of George Washington, who stepped down after only two terms and said he hoped to set an example for his predecessors. But Washington was our first president in the Age of Kings, ~~not the Age of Television~~. He sought to prevent the establishment of a monarchy

in an age when democracy was an experiment and most Americans did not have the right to vote for a President at all. In its third century, America is not at risk of creating a monarchy.

The lesson Washington imparted is that the Presidency should change hands in an orderly manner, in accordance with the wishes of the electorate. That lesson today argues for repeal of the 22nd Amendment.

For the first 160 years of our history, the American people unconditionally were trusted to select a President. It is time to trust the people again.

# # #

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/6/88 ACTION/CONCURRENCE/COMMENT DUE BY: 2:00 1/7/88

SUBJECT: OP-ED ON THE 22nd AMENDMENT

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GRISCOM <i>See comm.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HOBBS	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	HOOLEY	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KING	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANGE <i>OK</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<del>██████████</del> POWELL	<input type="checkbox"/>	<input type="checkbox"/>	RISQUE <i>see comm.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CRIBB <i>see note</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE <i>see changes</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Blakey</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DONATELLI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide your comments/recommendations directly to Marion Blakey's office with an info copy to my office by 2:00 Thursday, January 7. Thank you.

RESPONSE:

THE WHITE HOUSE

WASHINGTON

January 6, 1988

Received SS  
1988 JAN -6 PM 3:10

MEMORANDUM FOR RHETT B. DAWSON

FROM:

MARION C. BLAKEY *MCB*

SUBJECT:

Draft Op-Ed on the 22nd Amendment

The editors of Scripps-Howard Newspapers have asked for an Op-Ed in support of the President's position on the 22nd Amendment. Due to the tight deadline we are facing, I would appreciate receiving comments on the attached no later than 2:00 p.m. Thursday, January 7.

When this has completed the staffing process, it will be signed by a senior White House official and placed in a number of Scripps-Howard newspapers across the country.

Thank you.

DRAFT:RODOTA:1/6/88

2 pm

REPEAL THE 22nd AMENDMENT

Political parties are generally called to task for their failures, but in looking back I believe Republicans could have done without one of their successes. The 22nd Amendment, placing a constitutional limit on the number of years a President can serve, should be repealed.

The 22nd Amendment was the work of men and women with honorable intentions. At the end of World War II, many were shocked to learn that Franklin Delano Roosevelt was gravely ill when elected to a fourth term in 1944. They genuinely believed a two-term limit was in the best interest of the Nation, but the potential costs of the 22nd Amendment appear to be far in excess of any perceived gain.

President Reagan expects upon leaving office to begin a national movement to repeal the 22nd Amendment. He supports repeal of the two-term limit -- not for himself, but for his successors. And I believe President Reagan and other opponents of the 22nd Amendment will eventually be successful, because reason and history are on their side.

Throughout the 200-year history of our government, amendments to the Constitution have generally expanded the rights of individuals, especially the right to vote. For example, the 19th amendment extended suffrage to women; the 26th, to Americans between the ages of 18 and 21.

The 22nd Amendment is unique. It actually restricts the fundamental right of our citizens to choose a President. And as the historian Henry Steele Commager wrote some years ago: "Imposing a restriction on the freedom to repeatedly elect a president is to violate the essential principle of democracy -- that people have a right to exercise a free and untrammelled ballot...."

Fate is not kind-hearted or consistent. Cataclysmic events do not correspond perfectly with the American election cycle. FDR's second term ended as Hitler, Mussolini, and Tojo were imposing their will on innocent people of Europe and Asia; reluctantly, Roosevelt accepted the nomination for a third term.

Today the 22nd Amendment could bar from office a two-term President in the midst of a national or international crisis, no matter how strongly the people supported his reelection. That is one reason Sam Rayburn, the late Speaker of the House of Representatives, opposed the 22nd Amendment. "I do not know," he said at the time, "and neither do you know, whether a time may

come when one man may be the individual to carry on in an hour of great strain and stress -- and danger."

A clear effect of the 22nd Amendment has been a transfer of power and authority from the executive branch to the legislature. The Constitution places no limits on the length of time a Senator or Representative may serve in Congress. The 22nd Amendment therefore gives Congressmen alone the opportunity to acquire tenure and build experience. And in the past two decades, Congress has taken advantage of its members' "permanence" by thwarting successive Presidents who sought to rein-in federal spending.

History suggests repeal of the 22nd Amendment is inevitable. I recognize that proponents of the two-term limit rarely march into rhetorical battle without invoking the spirit of George Washington, who stepped down after only two terms and said he hoped to set an example for his predecessors. But Washington our first president in the Age of Kings, not the Age of Television. He sought to prevent the establishment of a monarchy in an age when democracy was an experiment and most Americans did not have the right to vote for a President at all. In its third century, America is not at risk of creating a monarchy.

The lesson Washington imparted is that the Presidency should change hands in an orderly manner, in accordance with the wishes of the electorate. That lesson today argues for repeal of the 22nd Amendment.

For 160 years, the American people were trusted to select a President. It is time to trust the people again.

# # #

# WHITE HOUSE STAFFING MEMORANDUM

Received SS

DATE: 1/6/88 ACTION/CONCURRENCE/COMMENT DUE BY: 2:00 1/7/88 AM ID: 22

SUBJECT: OP-ED ON THE 22nd AMENDMENT

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GRISCOM	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HOBBS	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	HOOLEY	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KING	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> POWELL	<input type="checkbox"/>	<input type="checkbox"/>	RISQUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CRIBB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
DONATELLI	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide your comments/recommendations directly to Marion Blakey's office with an info copy to my office by 2:00 Thursday, January 7. Thank you.

RESPONSE:

*see suggested changes / JD*

DRAFT:RODOTA:1/6/88

2 pm

REPEAL THE 22nd AMENDMENT

Political parties are generally called to task for their failures, but in looking back I believe Republicans could have done without one of their successes. The 22nd Amendment, placing a constitutional limit on the number of years a President can serve, should be repealed.

The 22nd Amendment was the work of men and women with honorable intentions. At the end of World War II, many were shocked to learn that Franklin Delano Roosevelt was gravely ill when elected to a fourth term in 1944. They genuinely believed a two-term limit was in the best interest of the Nation, but the potential costs of the 22nd Amendment appear to be far in excess of any perceived gain.

President Reagan expects upon leaving office to ~~begin a national~~ *raise the issue of repealing* ~~movement to repeal~~ the 22nd Amendment. He supports repeal of the two-term limit -- not for himself, but for his successors. And I believe President Reagan and other opponents of the 22nd Amendment will eventually be successful, because reason and history are on their side.

Throughout the 200-year history of our government, amendments to the Constitution have generally expanded the rights of individuals, especially the right to vote. For example, the 19th amendment extended suffrage to women; the 26th, to Americans between the ages of 18 and 21.

The 22nd Amendment is unique. It actually restricts the fundamental right of our citizens to choose a President. And as the historian Henry Steele Commager wrote some years ago: "Imposing a restriction on the freedom to repeatedly elect a president is to violate the essential principle of democracy -- that people have a right to exercise a free and untrammelled ballot...."

Fate is not kind-hearted or consistent. Cataclysmic events do not correspond perfectly with the American election cycle. FDR's second term ended as Hitler, Mussolini, and Tojo were imposing their will on innocent people of Europe and Asia; reluctantly, Roosevelt accepted the nomination for a third term.

Today the 22nd Amendment could bar from office a two-term President in the midst of a national or international crisis, no matter how strongly the people supported his reelection. That is one reason Sam Rayburn, the late Speaker of the House of Representatives, opposed the 22nd Amendment. "I do not know," he said at the time, "and neither do you know, whether a time may

come when one man may be the individual to carry on in an hour of great strain and stress -- and danger."

A clear effect of the 22nd Amendment has been a transfer of power and authority from the executive branch to the legislature. The Constitution places no limits on the length of time a Senator or Representative may serve in Congress. The 22nd Amendment therefore gives Congressmen alone the opportunity to acquire ~~tenure~~ <sup>seniority</sup> and build ~~experience.~~ <sup>extensive base of power & influence.</sup> And in the past two decades, ~~Congress has taken advantage of its members' "permanence" by thwarting successive Presidents who sought to rein in federal spending.~~

History suggests repeal of the 22nd Amendment is inevitable. I recognize that proponents of the two-term limit rarely march into rhetorical battle without invoking the spirit of George Washington, who stepped down after only two terms and said he hoped to set an example for his predecessors. But Washington our first president in the Age of Kings, not the Age of Television. He sought to prevent the establishment of a monarchy in an age when democracy was an experiment and most Americans did not have the right to vote for a President at all. In its third century, America is not at risk of creating a monarchy.

The lesson Washington imparted is that the Presidency should change hands in an orderly manner, in accordance with the wishes of the electorate. That lesson today argues for repeal of the 22nd Amendment.

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# # #

THE WHITE HOUSE  
WASHINGTON

January 7, 1988

Received SS  
1988 JAN -7 PM 4:30

MEMORANDUM FOR MARION BLAKEY  
SPECIAL ASSISTANT TO THE PRESIDENT AND  
DIRECTOR OF PUBLIC AFFAIRS

FROM: JAY B. STEPHENS *J. Stephens*  
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Op-Ed on the 22nd Amendment

Counsel's Office has reviewed the above-referenced op-ed and we have noted our comments and concerns directly on the attached draft.

Attachment

cc:Rhett B. Dawson ✓

DRAFT:RODOTA:1/6/88

2 pm

REPEAL THE 22nd AMENDMENT

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not story?

how is this relevant?  
how does it support or assertion  
that history suggests  
repeal is inevitable?

But Washington, our first president in the Age of Kings, not the Age of Television. stevedes

The lesson Washington imparted is that the Presidency should change hands in an orderly manner, in accordance with the wishes of the electorate. That lesson today argues for repeal of the 22nd Amendment.

? { For <sup>the first</sup> 160 years, the American people were <sup>of our history</sup> trusted to select a <sup>unconditionally</sup> President. It is time to trust the people again.

# # #

THE WHITE HOUSE

WASHINGTON

January 7, 1988

MEMORANDUM FOR MARION BLAKEY  
SPECIAL ASSISTANT TO THE PRESIDENT AND  
DIRECTOR OF PUBLIC AFFAIRS

FROM: JAY B. STEPHENS  
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Op-Ed on the 22nd Amendment

Counsel's office has reviewed the above-referenced op-ed and, as indicated on the draft, has some difficulty with the assertion in the last paragraph on page three that history suggests that repeal of the 22nd Amendment is inevitable. We are unaware of any historical precedents to support this assertion -- the example of George Washington's decision to step down after two terms seems to have little or nothing to do with the likelihood of repeal. We are also confused by the point of the final paragraph on page four. That paragraph suggests that the 22nd Amendment represents a lack of trust in the judgement of the American people. The problem with this argument, of course, is that the American people passed the 22nd Amendment -- any lack of trust is an exercise of their judgement.

Attachment

cc: Rhett B. Dawson

**WHITE HOUSE STAFFING MEMORANDUM**

Received SS  
1988 JAN -7 PM 5:12

DATE: 1/6/88 ACTION/CONCURRENCE/COMMENT DUE BY: 2:00 1/7/88

SUBJECT: OP-ED ON THE 22nd AMENDMENT

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GRISCOM	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HOBBS	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	HOOLEY	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KING	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<span style="background-color: black; color: black;">██████████</span> POWELL	<input type="checkbox"/>	<input type="checkbox"/>	RISQUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CRIBB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input type="checkbox"/>	<input checked="" type="checkbox"/> P SS	_____	<input type="checkbox"/>	<input type="checkbox"/>
DONATELLI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

Please provide your comments/recommendations directly to Marion Blakey's office with an info copy to my office by 2:00 Thursday, January 7. Thank you.

*(Handwritten signature)*

**RESPONSE:**

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/6/88

ACTION/CONCURRENCE/COMMENT DUE BY:

Received SS  
2:00 1/7/88  
1988 JAN -7 PM 6:16

SUBJECT: OP-ED ON THE 22nd AMENDMENT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GRISCOM	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HOBBS	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	HOOLEY	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KING	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<span style="background-color: black; color: black;">██████████</span> POWELL	<input type="checkbox"/>	<input type="checkbox"/>	RISQUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CRIBE <span style="font-size: 2em;">→</span>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
DONATELLI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

Please provide your comments/recommendations directly to Marion Blakey's office with an info copy to my office by 2:00 Thursday, January 7. Thank you.

**RESPONSE:**

I understand that the President has made some comments favoring repeal of the 22nd Amendment. Given that this is a matter of major significance I think that we should ask for the Attorney General's personal views on this.

*Ker*



DRAFT:RODOTA:1/6/88

2 pm

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Throughout the 200-year history of our government, amendments to the Constitution have generally expanded the rights of individuals, especially the right to vote. For example, the 19th amendment extended suffrage to women; the 26th, to Americans between the ages of 18 and 21.

Justice wants this deleted. These are civil rights v. questions of form and scope of govt.



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# # #