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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 15, 1982

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence from Carl Shipley

Carl Shipley recently wrote you a letter expressing concern about reported efforts by federal workers to resist Reagan Administration plans to reduce the size of the federal work force. He enclosed a column from The Washington Times discussing some such efforts, including the AFGE injunction against RIF's at HUD. Shipley suggested modifying executive orders or regulations to respond to the problem. I have drafted a reply agreeing that federal workers should not obstruct Administration policy, noting that our officials are seeing that this does not happen, and advising Shipley of the Government's recent success in overturning the AFGE injunction on HUD RIF's.

Attachment

THE WHITE HOUSE

WASHINGTON

December 15, 1982

Dear Carl:

Thank you for your letter of December 7, 1982, and the accompanying column from The Washington Times. Your letter expressed concern over efforts by federal employees to resist, through delaying tactics and invocation of administrative process, the plans of this Administration to reduce the size of the federal work force.

I quite agree with you that federal employees have an obligation not to obstruct the objectives of the President. Let me assure you that the appropriate officials are taking every legitimate step to ensure that the President's policies -- including those relating to reduction of the federal work force -- are not frustrated by obstructionist tactics. In this regard you may be interested to know that the government recently succeeded in overturning the injunction against reductions in force at the Department of Housing and Urban Development, referred to in the penultimate paragraph of the article attached to your letter.

I appreciate the spirit in which your letter was written, and am grateful for the benefit of your views.

Sincerely,

Orig. signed by FFF

Fred F. Fielding  
Counsel to the President

Carl L. Shipley, Esq.  
Shipley, Smoak & Henry  
Suite 820  
910 - 17th Street, NW  
Washington, D.C. 20006

FFF:JGR:aw 12/15/82

cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

December 15, 1982

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Counsel to the President

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Shipley, Smoak & Henry  
Suite 820  
910 - 17th Street, NW  
Washington, D.C. 20006

FFF:JGR:aw 12/15/82

cc: FFFfielding/JGRoberts/Subj./Chron

ID #

113757

CU

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

PE001

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

Name of Correspondent:

Carl L. Shepley

☐ MI Mail Report

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

(B) \_\_\_\_\_

(C) \_\_\_\_\_

Subject:

Efforts of federal employees to  
disrupt administration's efforts to  
reduce the size of the federal  
work force

## ROUTE TO:

## ACTION

## DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CU Holland		ORIGINATOR	82/12/08			1/1
CU AT18		Referral Note: D	82/12/09			582/12/20
		Referral Note:	1/1			1/1
		Referral Note:	1/1			1/1
		Referral Note:	1/1			1/1
		Referral Note:	1/1			1/1

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C - Comment/Recommendation  
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to be used as Enclosure

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

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Comments:

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LAW OFFICES  
SHIPLEY SMOAK & HENRY

SUITE 820

910 17TH STREET, N. W.

WASHINGTON, D. C. 20006

(202) 775-1330

TELEX:(WUI) 64538 USEXP

113757 *CS*

OF COUNSEL  
E. EDWARD STEPHENS

December 7, 1982

Honorable Fred F. Fielding  
Counsel to the President  
The White House  
Washington, D. C. 20500

Dear Fred:

Efforts of federal employees to instigate concerted action by fellow employees "to disrupt the Reagan Administration's plans to reduce the size of the federal work force by making attempts at cutting back so tedious and confrontational that agencies would be forced to give up," smacks of abuse of the administrative process, which must be wrongful to the same extent that abuse of the judicial process is unlawful, and must be the administrative equivalent of "obstruction of justice," i.e., obstruction of the public business, or a trespass against the public interest, etc.

A federal employee has a contractual obligation to the federal government to perform his tasks and not accept the taxpayers' money and at the same time obstruct the President in his efforts to give the voters what they have demanded -- more efficient government.

Maybe an executive order, or some modification of the present regulations governing federal unions would be very much in order.

Sincerely yours,



Carl L. Shipley

CLS  
h



# BARELY CIVIL

BY TOM DIAZ

## Barnes casts eye on #2 slot in '84

I did Maryland Democratic congressman Mike Barnes wrong a few weeks ago when I described the political basis for the Federal Government Service Task Force, a rump congressional caucus that he dreamed up and sponsors along with some of his left-liberal cronies.



I reported then that the Task Force was jokingly referred to on both sides of the aisle as the "Re-elect Mike Barnes Committee," based on its record as a taxpayer-financed propaganda mill, cranking out alarmist partisan pap for consumption by Barnes' beltway constituency.

Since then I have been informed — from a source who should know — of other facts, which last week's abdication by Crown Prince Teddy make quite timely.

I grossly underestimated Barnes' ambition. I thought Maryland's Mighty Mike was simply flogging the voters of his district, but all along he and his strategists have had their eye on the White House, by way of the number two spot on the 1984 Democratic ticket.

This is where I slap my forehead. Hey, I coulda' had a V-8! It isn't nice to fool Mother Nature, Mikey.

According to my source, the Barnes game plan was as follows. Kennedy and Mondale were the acknowledged lead donkeys in the 1984 Democratic mule marathon. Barnes' people thought there was a possibility that either might toss in the traces and be put on the ticket as the other's vice-presidential candidate. Not good for Barnes.

But, so the strategy went, if Kennedy and Mondale played grudge-match donkey kong all the way to the wire at the Democratic convention, then the feeling between the two would be bitter, and the Democrats would look for a Barnes for second mule on the team. In any case, it was thought, Barnes' early support for Mondale gave him an inside track if Jimmy Carter's former second mule got the nod.

If all this is true, a megadose of political adrenalin must have squirted through Barnes' veins when Crown Prince Teddy laid the royal ermine aside last week.

These facts also throw new light on the close link between Barnes' Task Force and America's favorite left liberal government employee union, the American Federation of Government Employees — champion of abortion-on-demand and bed-mate of the Institute for Policy Studies, a radical left wing "think tank." (The description assumes that left wing radicals think, a dubious proposition at best).

Some political pundits say that Mondale's basic

alarmist partisan pap for consumption by Barnes' beltway constituency.

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Some political pundits say that Mondale's basic strategy is to suck up to Big Labor, and guess what — AFGE President Kenneth Blaylock is also head of the Public Employee Department of the AFL-CIO. The outlines of a well-coordinated national political strategy among closely linked groups — of which the Task Force is one important cog — are beginning to become clear.

Take, for example, a series of lectures sponsored by the Government Accountability Project, a front group of the radical IPS, on Saturday, April 16, 1982. According to minutes made available to me, Task Force Counsel Helen Sandra Fiske spoke at the meeting.

The thrust of Fiske's remarks were that federal employees should unite in activities designed to disrupt the Reagan administration's plans to reduce the size of the federal work force by making attempts at cutting back so tedious and confrontational that agencies would be forced to give up.

Tactics mentioned included pestering agencies with Freedom of Information Act requests, then charging them with improper motives — naturally under the guise of "whistleblowing," that most overrated of sanctimonious acts — and getting the Congress (read the Democrat-controlled House) to give the agency a hard time.

Events at a number of agencies — such as the Department of Housing and Urban Development, where AFGE succeeded in getting a planned RIF enjoined — bear out that these well-coordinated plans have been put into action.

You gotta hand it to Mikey Barnes. He's socking away a lot of credit in the union political bank, courtesy of federal employees. It will be fascinating to see what interest he draws on that capital in 1984.



THE WHITE HOUSE

WASHINGTON

January 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence from H.F. Kimmel  
to the President

H.F. Kimmel of Texas has sent numerous legal-looking documents to the President, asserting several things, most prominently that the Sixteenth Amendment, authorizing taxation without apportionment, is invalid (would that it were so) and that William Howard Taft, who held office during the ratification of the Sixteenth Amendment, was improperly inaugurated President. Taft was born in a state from the Old Northwest Territory, whose constituent elements, according to Kimmel, were improperly admitted as States, and Taft was therefore never a citizen of the United States.

I recommend no response.

Attachments

ID # 114745 CU

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

FED02☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) 1 / 1 / 1Name of Correspondent: H.F. Kimmel☐ MI Mail Report

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

Subject: Forward on the "subject" the illegal  
Sixteenth (so dubbed) Amendment

## 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>CW Holland</u>	ORIGINATOR	<u>82/12/13</u>			<u>1</u> / <u>1</u> / <u>1</u>
<u>CW AT 18</u>	Referral Note: <u>A</u>	<u>82/12/13</u>			<u>1</u> / <u>1</u> / <u>1</u>
	Referral Note:	<u>1</u> / <u>1</u> / <u>1</u>			<u>1</u> / <u>1</u> / <u>1</u>
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I recommend no response.

Attachments

*Agree  
RMS*

THE WHITE HOUSE

WASHINGTON

January 14, 1983

Dear Mr. Wildermuth:

I am writing in response to your December 13, 1982 letter to the President. In that letter you objected to an editorial which appeared in the New York Times on the Legal Services Corporation nominations, and urged the President to reply in public to the assertions in that editorial.

While we do not accept the charges in the editorial in question any more than you do, I think you will agree that it is not always productive to devote time and resources to responding to the media. There is an old adage that one should never get into a writing contest with people who buy their ink by the barrel. In any event, the President prefers to go about the business of governing the country without being unduly distracted by media barbs, confident that he has the support of thoughtful citizens such as yourself.

Thank you for giving us the benefit of your views.

With best wishes,

Sincerely,

Orig. signed by FFF

Fred F. Fielding  
Counsel to the President

E.F.W. Wildermuth, Esq.  
181-23 Dalny Road  
Jamaica Estates, New York 11432

FFF:JGR:aw 1/14/83

cc: FFFielding  
✓ JGRoberts  
Subj.  
Chron

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181-23 Dalny Road  
Jamaica Estates, New York 11432

FFF:JGR:aw 1/14/83

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Subj.  
Chron



# **WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET**

FG168Roberts☐ **O - OUTGOING**☐ **H - INTERNAL**☐ **I - INCOMING**Date Correspondence  
Received (YY/MM/DD) 1/1Name of Correspondent: E. F. W. Wildermuth☐ **MI Mail Report**

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

Subject: Today's New York Times Editorial  
on the Constitution re: legal services**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>W Holland</u>		<u>ORIGINATOR</u>	<u>83.01.05</u>			<u>1/1</u>
<u>WAT18</u>		Referral Note: <u>D</u>	<u>83.01.06</u>			<u>583.01.16</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>
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*Richard Hansen*

E. F. W. WILDERMUTH  
ATTORNEY AND COUNSELLOR AT LAW

117498

181-23 DALNY ROAD  
JAMAICA ESTATES  
NEW YORK, 11432

AREA CODE 212  
JAMAICA 6-2030

13 December 82

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

Re: Today's New York  
Times Editorial On The Constitution.

Dear Mr. President: PERSONAL & CONFIDENTIAL.

As you know, I've been a voter in the City of New York since 1925, and I write this letter in the public interest to urge that you make public reply to today's NY Times editorial, especially to its first paragraph, which I deem to be downright anti-American. It is as follows:

"Not content with abusing the poor by trying ~~\*\*\*\*\*~~ to gut their legal services program, President Reagan is extending the insult to the United States Senate. His sudden withdrawal of all his nominations for the Legal Services Corporation's board of directors brings chaos to the organization and cynically frustrates the Senate's ability to protect it with its advice and consent power. The maneuver is a gross abuse of the President's authority to make so-called recess appointments."

In essence, if not in words, the Times advocates lawlessness by you and the national government. The US Senate as now composed is utterly impotent to give or withhold its "advice and consent" falsely accredited to it by the NY Times. The US Constitution guarantees to the poor and the rich alike, EQUAL SUFFRAGE TO THE STATES IN THE SENATE. An "elected" US Senate cannot give force and effect to that constitutional guaranty, based upon the letter and spirit of the intent and purpose of the Founding Fathers and the Framers of the Constitution. As you know the Declaration of Independence clearly states that whenever any form of government which derives its just powers from the consent of the governed becomes destructive of certain unalienable rights of the people, it is the right of the people to alter or abolish such government and the President has the power and the duty to give force and effect to the right of the people to the constitutional guaranty to the State of EQUAL SUFFRAGE IN THE SENATE. Accordingly, it was not a gross abuse of the President's authority NOT to make those so-called recess appointments; it was a deliberate and wilful libel by the Times to charge you with bringing chaos to the board of director of the Legal Services Corporation, and with cynically frustrating the an "elected" non-existent ability to protect the Legal Services Corporation with its "advice and consent power." An "elected" Senate has no lawful existence. The Times, without basis in law or fact, in typical anti-American fashion lawlessly charge you with installing recess appointees who aim to cripple the program. This is unadulterated anti-Americanism, which is shocking and appalling beyond words.

hidden

It is clear to me that secret and/anti-Americans are fast at work undermining you and the Office of President of the United States of America, in ever so secretive and devious manners, toward the end that you will resign from office and Vice President BUSH will be permitted to "take over" before 1984, which I fear will result in his declaration that the national security requires the suspension "until further notice" of the 1984 Presidential election.

12/13/82.

I've been a voter in the City of New York since 1925 and I fear that the following warning by PLATO more than 2000 years ago is rapidly reaching a state of achievement by evil and hidden powers:

"The punishment of wise men who refuse to do their part in their government is to live under the government of unwise men."

The evil purposes and intent of the libellous editorial in today's Times slumgullion editorial are self-evident in the concluding paragraph in which it is urged that the RIGHT of the Senate's "constitutional power of advice and consent" will be defended. Only a US Senate chosen by the Legislature of the sovereign States can give force and effect to the constitutional guaranties to those States of EQUAL SUFFRAGE IN THE SENATE...the US Senate is the House of States. Only a Congress composed of the House of Representatives (the voice of the people and a House of States (the equal voice of the sovereign States in the national government) can constitute a ~~lawful~~ lawful US Congress. Thus, the NY Times is guilty of perpetrating a fraud upon the American people when it deigns to "DEFEND" "elected" US Senators, and their "election".

It was not a lawfully constituted US Congress which "created" the Legal Services Corporation in 1974...accordingly, that corporation has no lawful existence because the present UN Senate has never had a lawful existence the adoption of the NULL & VOID 17th Amendment.

Quite obviously, the NY Times has chosen to make believe that the Defender of the Constitution, ~~DANIEL WEBSTER~~, and outstanding American Patriot, never existed, notwithstanding his following description of the US Constitution:

"We may be tossed upon an ocean where we can see no land, nor perhaps the sun or stars. But there is a chart and a compass for us to study, to consult and to obey. That chart is the Constitution."

Perhaps, the Times refuses to stay the charted course, and prefers to thumb its nose at the ~~supreme law of this land~~. In any event, the American people cannot longer tolerate lawlessness such as is advocated editorially today by The Times, which has been known to fail to publish all the news that's fit to print. Its editorial is an INSULT to the US Constitution and to the American people generally and a malicious libel of our President, RONALD REAGAN.

I cannot too strongly urge that you publicly call upon the TIMES for the retraction of its editorial today and that it publicly apologise to the American people for its outrageous insult to the American people and to the supreme law of this land as embodied in the Constitution as adopted on September 17, 1787.

With best wishes to Mrs. REAGAN and yourself for a Merry Christmas and a Happy New Year.

Respectfully yours,

*E. F. W. Wildermuth*

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 13, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Letter from E.F.W. Wildermuth  
to the President

E.F.W. Wildermuth, Esq., of New York, wrote the President on December 13 to urge him to reply to a New York Times editorial critical of the maneuvering over the Legal Services Corpora-tion nominations. Mr. Wildermuth, a learned octogenerian, seems to be a loyal supporter of the President, although his reason for objecting to the editorial -- that the Senate cannot confirm nominations because the Seventeenth Amendment (direct election of Senators) is invalid -- is a bit far-fetched. Anyone who can quote inspiring passages from Plato and Webster, however, and use a word like "slumgullion," deserves a reply, and I have drafted one for your signature.

Attachment

MISC ✓  
CORRESPONDENCE

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence from John Ford Evans, Jr.  
of O'Connor & Hannan

Mr. Evans wrote you on January 4 inquiring if O'Connor & Hannan could take over the collection of unpaid student loans to government employees from the metropolitan area. Inquiries at the Department of Justice confirmed my belief that the Department does not contract out its litigation responsibilities to private firms in this area or -- with limited exceptions -- in any other area. Agencies often resort to private collection agencies before referring debt matters to Justice, but once litigation is required the matter is handled exclusively by Justice. I have prepared a response to Evans with this information, also noting that Paul McGrath is responsible for litigation in this area should Evans nonetheless want to pursue the matter further.

Attachment



THE WHITE HOUSE

WASHINGTON

January 19, 1983

Dear John:

Thank you for your letter of January 4, 1983, inquiring about the possibility of O'Connor & Hannan taking over the collection of unpaid student loans to government employees. I am advised that the Department of Justice does not contract out its litigation responsibilities in this area. Some federal agencies employ collection agencies in an effort to secure payment of debts prior to resort to litigation, but once litigation is required the matter is handled exclusively by the government's attorneys.

If you are still interested in pursuing the matter further, the best person to contact would be J. Paul McGrath, Assistant Attorney General, Civil Division. Mr. McGrath's division has overall responsibility for the government's debt collection efforts.

Sincerely,

Orig. signed by FFF

Fred F. Fielding  
Counsel to the President

John Ford Evans, Jr., Esq.  
O'Connor & Hannan  
Suite 800  
1919 Pennsylvania Avenue, NW  
Washington, D.C. 20006-3483

FFF:JGR:aw 1/19/83

cc: FFFielding  
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Subj.  
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Sincerely,

Fred F. Fielding  
Counsel to the President

John Ford Evans, Jr., Esq.  
O'Connor & Hannan  
Suite 800  
1919 Pennsylvania Avenue, NW  
Washington, D.C. 20006-3483

FFF:JGR:aw 1/19/83

cc: FFFielding  
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Chron

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

*Roberts*☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) 1 1Name of Correspondent: John Ford Evans, Jr.☐ MI Mail Report

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

Subject: Collections of unpaid student loans  
to government employees

## 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>W Holland</u>	ORIGINATOR	<u>83.01.05</u>			<u>1</u> <u>1</u>
<u>WAT18,</u>	Referral Note:	<u>D 83.01.06</u>		<u>S</u>	<u>83.01.16</u>
	Referral Note:	<u>1</u> <u>1</u>			<u>1</u> <u>1</u>
	Referral Note:	<u>1</u> <u>1</u>			<u>1</u> <u>1</u>
	Referral Note:	<u>1</u> <u>1</u>			<u>1</u> <u>1</u>
	Referral Note:	<u>1</u> <u>1</u>			<u>1</u> <u>1</u>

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I - Info Copy Only/No Action Necessary  
R - Direct Reply w/Copy  
S - For Signature  
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## FOR OUTGOING CORRESPONDENCE:

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

Comments: \_\_\_\_\_

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O'CONNOR & HANNAN  
ATTORNEYS AT LAW

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1919 PENNSYLVANIA AVENUE N. W.  
WASHINGTON, D. C. 20006-3483

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(612) 341-3800

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DENVER, COLORADO 80202-4366  
(303) 573-7737

VELAZQUEZ, 21  
MADRID 1, SPAIN  
431-31-00  
TELEX 23543

JOHN FORD EVANS, JR.

January 4, 1983

117497

The Honorable Fred F. Fielding  
Counsel to the President  
The White House  
Washington, D.C. 20500

Dear Fred:

O'Connor & Hannan would like to be considered to take over collections of unpaid student loans to government employees in the Virginia - Maryland - District of Columbia area. We think we could set up the procedure efficiently and deliver a more expeditious and cost-effective return than government attorneys, and produce a higher success ratio.

Obviously, the economies of scale depend on a large number of defaulted loans. How can this be pursued?

Best regards,

John Ford Evans, Jr.

JFE/epb

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

February 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Keister

Alfred J. Schweppe, an attorney from Seattle, has written enclosing an only mildly clever Seattle Times column on the etymology of the word "keister" and a letter he wrote to the columnist. Schweppe "thought you might want to show the research to the President." I doubt it. Frankly, I've had it up to my keister with newspaper columns about an expression fairly common to those of us reared in the Midwest. I have drafted a reply.

Attachment



THE WHITE HOUSE

WASHINGTON

February 10, 1983

Dear Mr. Schweppe:

Thank you for your recent letter enclosing a copy of the Seattle Times column on the President's use of the word "keister," and a copy of your own letter to the columnist supplementing his observations. It is interesting how familiarity with slang phrases often varies among different parts of our country. In this case, excuse the bad pun, but I suppose it may depend on where one was reared.

Sincerely,

Orig. signed by FFF

Fred F. Fielding  
Counsel to the President

Alfred J. Schweppe, Esq.  
Schweppe, Doolittle, Krug,  
Tausend & Beezer, P.S.  
1600 Peoples National Bank Building  
1415 Fifth Avenue  
Seattle, Washington 98171

FFF:JGR:aw 2/10/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

February 10, 1983

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1600 Peoples National Bank Building  
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FFF:JGR:aw 2/10/83

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Fred F. Fielding  
Counsel to the President

Alfred J. Schweppe, Esq.  
Schweppe, Doolittle, Krug,  
Tausend & Beezer, P.S.  
1600 Peoples National Bank Building  
1415 Fifth Avenue  
Seattle, Washington 98171

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

SP

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) 1/1Name of Correspondent: Reynold J. Schweppe☐ MI Mail Report

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

Subject: Research on the term "Keister"  
(as used by the President) in article by John  
Hammer

## ROUTE TO:

## ACTION

## DISPOSITION

Office/Agency (Staff Name)

Action  
CodeTracking  
Date  
YY/MM/DDType  
of  
Response

Code

Completion  
Date  
YY/MM/DDCU HollandORIGINATOR 83101261/1CU AT 18

Referral Note:

D 8310126S 8310205

Referral Note:

1/11/1

Referral Note:

1/11/1

Referral Note:

1/11/1

Referral Note:

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*Roberts*

SCHWEPPE, DOOLITTLE, KRUG, TAUSEND & BEEZER, P.S.

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FREDRIC C. TAUSEND  
OF COUNSEL

January 18, 1983

121615

*CU*

Mr. Fred F. Fielding  
Counsel to the President  
The White House  
Washington, D.C.


Re: "Keister"

Dear Mr. Fielding:

The President's colorful expression about office leaks - "I have had it up to my keister" - has produced some research by John Hamer of the Seattle Times plus a little of my own. (copies enclosed)

I thought you might want to show the research to the President.

Sincerely,

  
ALFRED J. SCHWEPPE

AJS:MBH

Enclosures



SCHWEPPE, DOOLITTLE, KRUG, TAUSEND & BEEZER, P.S.

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WARREN A. DOOLITTLE  
JOHN N. RUPP  
FREDRIC C. TAUSEND  
OF COUNSEL

January 17, 1983

Mr. John Hamer  
Times Editorial Writer  
Seattle Times  
Seattle, WA 98111

Re: "Had it up to my Keister."

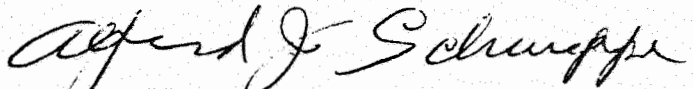
Dear Mr. Hamer:

Your research piece in last Thursday's Times (Jan. 13) on President Reagan's explosion over office leaks - "I have had it up to my keister" - was delightful and informative.

As do you, I suspect that he picked up the word "Keister" in Hollywood.

The Dictionary of American Slang, which I have, defines "keister" as "human posterior" and illustrates with "a swift kick in the keister" from the movie "Born Yesterday." I suspect the President knew that one.

Sincerely,



ALFRED J. SCHWEPPE

AJS:MBH

## QUOTE FOR POSTERITY

# Knowing one's keister from one's elbow

John Hamer/Times editorial writer

**P**RESIDENT Reagan has had it up to WHAT?

His keister, that's what. Up to which he says he's had it with leaks to the press from his White House staff.

But while the president's aides got a loyalty lesson, some Americans needed an anatomy lesson. Lots of people never knew the president had a keister, or couldn't say exactly where it was.

Those who don't know their keister from their elbow shouldn't be ashamed. They're not alone.

Even Times medical reporter Warren King, a longtime student of the body, couldn't define keister. But King was born and reared in the South, a genteel place where if people had keisters, they certainly didn't talk about them.

(Readers of The Times' Tuesday-morning edition, which carried the Associated Press story on the president's remarks, learned in the first paragraph that "keister is slang for buttocks." However, that explanation unfortunately was dropped from later editions.)

A call to the White House press office for an official definition wasn't much help. "I think it means your backside," said a giggling spokeswoman. "It's an old term that just hasn't been



used in awhile. Maybe you should look it up in the dictionary."

However, keister isn't in most dictionaries, including Random House, Oxford, Webster's New Collegiate, or the second edition of Webster's New International. Nor does it appear in the authoritative Dictionary of Slang and Unconventional English.

Keister is in Webster's Third New International, but the first definition is "satchel, suitcase," especially one carried by "an itinerant peddler." Did the president mean to say that he was a traveling salesman who'd had it up to his suitcase?

The American Heritage Dictionary, known for its frank definitions of four-letter words, didn't back away from this one, either. Keister is slang for "the buttocks or anus," it says.

The Pocket Dictionary of American Slang offers a more refined definition: "the human posterior." However, the second definition is "either of the rear pockets in a pair of pants; a pocket." Does that mean the president someday could kill a bill he doesn't like by using a keister veto?

The Pocket (Keister?) Dictionary's third definition is: "a suitcase, valise, satchel, handbag, grip or case, especially a display tray that folds up into a satchel or suitcase (often one containing pitchman wares)." So the next time the president goes on TV with some colorful charts to explain the budget deficit or defense expenditures, he might pull them out of his keister.

The roots of the word are obscure. Webster's Third says "origin unknown." The Pocket Dictionary of Slang, which offers four alternative spellings (keister, keyster, kiester and kister), says it probably comes from the German word "kiste," meaning box or chest.

The American Thesaurus of Slang, which contains 15 separate references to keister in its index, also provides an abundance of synonyms. However, a lot of them, which appear under the category of "female pudendum," aren't suit-

able for a general-circulation newspaper, much less for national quotation by a president.

But the slang thesaurus contains some other fascinating keister terms. A "keister getter" is a luggage thief, a "keister mark" is the thief's victim, a "keister keeper" is a baggage man, and a "keister hack" is a baggage guard. Maybe the Port of Seattle Police, plagued by baggage thefts at Sea-Tac Airport, could hire a few more keister hacks and bust some keister getters' keisters.

The problem is that keister may be simply a bit archaic for the 1980s, now that so many other more graphic words that mean pretty much the same thing are used commonly in everyday speech.

Keister has the ring of another time, another era. A Dictionary of Americanisms on Historical Principles cites a couple of early uses of the word. In 1882, in something called "Peck's Sunshine," the statement appeared: "He . . . picked up his boots and keister and started for the door." Don't try it; you might fall keister over teakettle.

In 1947, The Chicago Daily News wrote: "The little guy in the Kremlin had better pack his keister and get ready for a long trip." That sounds like something Reagan, who was born in Illinois, would say.

But the president probably picked up the word in Hollywood. The Dictionary of Word and Phrase Origins, under keister, says "see pratt fall." That's defined as "a fall on the buttocks in an effort to obtain laughs from an audience," which long has been "a part of the trade talk of show business." It adds that "a commonly heard synonym for 'prat' or 'pratt' in show-business circles is 'keister' (pronounced KEE-ster)."

So Reagan, who used to watch comedians fall on their keisters, has decided to kick a few around the White House in hopes that his staff will get their keisters in gear. Otherwise, he may have to pack his keister for a long trip, because the voters might decide they've had it up to theirs and throw him out on his.

THE WHITE HOUSE

WASHINGTON

February 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*  
SUBJECT: Correspondence from Hugh B.  
Kaufman to Karen Hart

Craig Fuller has transmitted for your information a note and news clips sent by Hugh B. Kaufman to Fuller's Executive Assistant, Karen Hart, a personal acquaintance of Kaufman. The clippings concern the charge that E.P.A. investigated Kaufman in retaliation for his "whistle blowing" efforts. Kaufman asserts that the Administration will be severely embarrassed at the upcoming public hearing before a Labor Department ALJ to examine these charges.

No response is necessary.

PEODI

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) 1/1Name of Correspondent: Hugh B. Kaufman☐ MI Mail Report

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

Subject: Conspiracy by EPA to violate his  
Constitutional rights

## 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>EW/Holland</u>		ORIGINATOR	<u>83.02.02</u>			<u>1/1</u>
<u>EW AT18</u>		Referral Note:	<u>A 83.02.02</u>			<u>1/1</u>
		Referral Note:				<u>1/1</u>
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advise  
FF  
FYI

Roberts

122589 *ll*

KAREN-

Attached are just a smattering of the news clips on my case for your information. As I told you on the phone I am not requesting anything of you or your colleagues. I am merely alerting you to the fact that during the coming months the EPA Assistant Administrator, Rita Lavelle; the head of enforcement and General Counsel, Robert Perry; and the Inspector General, Mathew Novick, will, as a minimum, be severely embarrassed at the public hearing that EPA called for, before an Administrative Law Judge at the Labor Department.

I have documentation and sworn affidavits which show their conspiracy to violate my Constitutional Rights (eg. Domestic Surveillance). Ms. Lavelle has already perjured herself on this matter before Congress last month.

As the theme of this issue coincides with Mrs. Gorsuch's Contempt of Congress citation, I believe things can only get hotter over here.

*Hugh B. Kaufman*  
*1/4/83*

(O) 382-2467

(H) 488-3430

31

THE WHITE HOUSE  
WASHINGTON

January 31, 1983

TO: FRED F. FIELDING

FROM: CRAIG L. FULLER

☒ FYI

☐ Comment

☐ Action

Hugh Kaufman went to college with Karen Hart and sent this to her on an "information" basis. We're sending it on to you for your information.

## WASHINGTON TALK

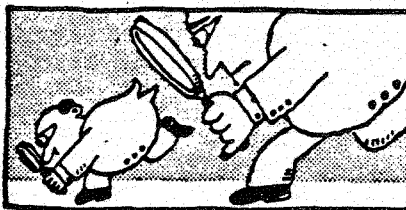
# Briefing

### E.P.A. Check on Critic

For years, Hugh B. Kaufman has been a thorn in the side of his superiors at the Environmental Protection Agency. Mr. Kaufman, a prominent specialist in the area of hazardous waste, has warned in speeches, interviews and Congressional testimony that the Government is doing little or nothing to protect citizens from the dangers of toxic chemicals.

Coincidentally, perhaps, the E.P.A. has unleashed investigators to check on Mr. Kaufman's activities, reportedly shadowing him on vacation trips, photographing him and using microphones to monitor conversations.

"Whether this is an effort to muzzle or punish another Federal whistleblower, only Mrs. Gorsuch knows."



Stuart Goldenberg

said Representative James J. Florio, chairman of a House subcommittee that oversees E.P.A. activities, referring to the agency's administrator, Anne M. Gorsuch, "but she owes us an explanation."

Byron Nelson, chief spokesman for the agency, confirmed that the Inspector General's office was investigating Mr. Kaufman, in what he called a "routine" check sparked by a tip from another E.P.A. employee. Mr. Nelson declined to disclose the name of the tipster or to specify the charges, other than to describe them as "payroll-related."

Mr. Kaufman, who was once chief investigator for toxic waste but has been relegated to a nonpolicy job, is unconvinced. "It's harassment," he contends.



## Stalking EPA's Whistle Blower

Maybe it was his charge, made on national television, that state and local officials were turning their backs on environmental dangers. Or maybe it was his comment before a Congressional hearing that if he were a Soviet agent trying to poison the American people, he wouldn't change U.S. hazardous-waste programs "one iota." Whatever the provocation, someone blew the whistle on Hugh Kaufman, a hazardous-waste expert with the Environmental Protection Agency and an outspoken whistle blower himself, and, as a consequence, Kaufman was investigated for "potentially criminal violations." EPA gumshoes trailed him for two days, recorded one of his public appearances and secretly photographed him and his wife as they entered a motel room. "Thank God I'm a monogamous heterosexual," says Kaufman, who contends that his own agency has been harassing him with "secret-police tactics."

News of Kaufman's surveillance comes at a particularly delicate time. EPA Administrator Anne Gorsuch is trying to clean up her image as a dictatorial "Ice Queen" who wants to roll back Federal environmental regulations; just last week, for instance, the EPA announced its long-awaited rules governing hazardous-waste sites and issued a report on Love Canal, proclaiming much of the neighborhood safe for habitation. Now staff members of at least four House subcommittees are looking into the Kaufman matter, and it will almost certainly come up this week when five House subcommittees hold a joint hearing—nicknamed the Gorsuch "roast"—into EPA's actions in the past year. The EPA administrator "owes us



Kaufman: "Secret-police tactics"?

an explanation," says New Jersey Democrat James Florio, who chairs one subcommittee. "Whether this is an effort to muzzle or punish another Federal whistle blower, only Mrs. Gorsuch knows."

Kaufman, 39, who has been with the EPA since 1971 and helped develop its hazardous-waste program, has a record of annoying his superiors. Under the Carter Administration, his open assisting of news reporters so angered Carter officials that they launched an internal investigation. In the early days of the Reagan Administration, Kaufman kept a low profile and managed to remain under Gorsuch, using his own time to assist citizen's groups that were worried about nearby dump sites. Then, immediately after his controversial interview on CBS's "60 Minutes" last April, Kaufman says his workload suddenly increased tenfold and the harassment began.

EPA officials say the investigation was routine and dismiss Kaufman as a media creation. "As usual, Hugh is just trying to get publicity," says EPA spokesman Byron Nelson, who claims that the probe concerns a possible payroll violation involving Kaufman's trip to visit a citizens' group. Kaufman says he informed his superiors of the trip, but mistakenly checked "sick leave" on his time sheet instead of "annual leave"—and corrected it as soon as it was brought to his attention. The whole matter, says one House subcommittee staffer, seems to "elevate checking the wrong box to hitherto unknown heights."

**Erratic?** Two House subcommittees are already looking into seemingly erratic practices by EPA's inspector general, and they have also asked the General Accounting Office to investigate. In one recent case, critics say EPA overreacted in probing a questionable conflict-of-interest charge, while in a potentially more serious case, its report was "seriously deficient." Meanwhile, Kaufman has filed under the Freedom of Information Act for all documents pertaining to him and the investigation. "I want to find out how much this is costing the taxpayers," he says.

The Kaufman investigation was made public just as the agency was beginning to act on the issues that most concern its in-house gadfly. Kaufman disagrees with EPA's declaration last week that its 500 pages of regulations on hazardous-waste sites amount to a national "insurance policy" that will prevent future Love Canals. All landfills eventually leak, says the dump-site expert, and he warns that the new rules will require a large regulatory staff to enforce at a time when the agency is cutting manpower. House subcommittee members will no doubt look into those criticisms this week—if they have time after finding out who is blowing the whistle and whom and why.

MELINDA BECK with MARY HAGER in Washington

## The Sperm-Bank Scandal

When the Repository for Germinal Choice opened its vaults in Escondido, Calif., in 1979, it was proclaimed a sperm bank for geniuses. And last April a 39-year-old suburban Phoenix woman named Joyce Kowalski gave birth to a healthy, 9-pound daughter—the first of the "Nobel Sperm Bank" babies. In an exclusive interview with the National Enquirer (reportedly for \$20,000), her husband, Jack, pledged, "We'll begin training Victoria on computers when she's 3, and we'll teach her words and numbers before she can walk." But last week it turned out that the future wunderkind's parents may themselves be less than ideal: the Kowalskis are convicted Federal felons who lost custody of Mrs. Kowalski's two children from a previous marriage after allegations of child abuse.

Mrs. Kowalski's ex-husband, Eric Naunap-

per, revealed the couple's past to the Chicago Tribune after he saw pictures of the happy family in the Enquirer and decided he didn't want "that little baby . . . to go through what my kids went through." He said the Kowalskis beat his children with a strap, sent his son to school in pajamas wearing a sign proclaiming him a bed wetter and pasted the word "Dummy" on his daughter's forehead. Paul Smith, a spokesman for the sperm bank, conceded that its screening of would-be mothers was less than thorough. "We have to rely on their honesty," he said. After all the Kowalski publicity, Smith says the repository will start asking about the criminal records of women who apply for insemination. Meanwhile the Kowalskis, who were paroled from Federal prison in 1979 after serving one year for a scam that used records of dead children to secure loans and credit cards, are refusing comment and reportedly are negotiating with the National Enquirer for an even higher second fee to tell their side of the story.

Victoria Kowalski with Joyce  
Transworld Feature Syndicate



# EPA Told to Ease Up on Whistleblower

By Cass Peterson  
Washington Post Staff Writer

The Labor Department has accused the Environmental Protection Agency of using "extraordinary" measures to silence a well-known agency whistleblower, and ordered EPA to stop its "adverse actions" against the employe, toxic waste specialist Hugh Kaufman.

EPA has disputed the findings and requested a formal hearing on the case, a move that Kaufman welcomed as an opportunity to air his complaints fully before an administrative law judge.

The Labor Department, in a ruling sent to EPA last week, said it agreed with Kaufman that EPA officials had "singled out" the 10-year EPA veteran for charges, ranging from abusing sick leave to using EPA phones for personal calls. Under an obscure provision included in most major environmental legislation, Labor is responsible for investigating such charges in environmental cases.

In a letter to assistant EPA administrator Rita Lavelle, one of sev-

eral top agency officials named in Kaufman's complaint, the department said it found EPA's actions "extraordinary" and its explanations "implausible."

"Conversely, EPA's actions were found to be an apparent attempt to discredit Mr. Kaufman's expertise and silence the communication of his ideas," the letter stated.

Kaufman has been a vocal critic of agency policies since the Carter administration, when his sharp tongue got him removed from his job as chief investigator of hazardous waste sites. He has testified before Congress, and frequently speaks to citizen and environmental groups on his own time, counseling them on how to mount campaigns to correct environmental problems.

Last summer, EPA sent an investigator to tail Kaufman on one of his speaking trips, after someone in the agency noted he had checked "sick leave" on a form before departing. Kaufman said the investigator took pictures of him entering and leaving a motel room with a woman—a woman who, in fact, was his wife.

Labor investigators said they found "no previous indication" that Kaufman misused sick leave, and his explanation that he had mistakenly checked the sick leave box "is credible." The department ordered EPA to remove any reference to "inappropriate behavior" from Kaufman's personnel files and redo his last performance appraisal.

An EPA spokesman said, "The agency feels that the ruling was wrong on the facts of the law, and it has every expectation of overturning the ruling."

Kaufman, who claims to have hundreds of pages of documentation for his charges, says he is eager for the hearing.

Kaufman said an administrative law hearing, which resembles a court trial, offers him the chance to subpoena agency officials included in his complaint, including administrator Anne-M. Gorsuch and inspector general Matthew Novick.

"It was their call—no executive privilege," he said, "They've got to answer to the world about how they operate."

# E.P.A. AIDE ACCUSED OF OUSTER ATTEMPT

## Affidavit Says She Prompted Inquiry on Whistle Blower to Bring His Dismissal

Special to The New York Times

WASHINGTON, Dec. 16.—The assistant administrator of the Environmental Protection Agency asked the agency's inspector general to investigate a whistle blower who worked for her because she wanted to dismiss him, according to an affidavit made available today.

Richard M. Campbell, who recently resigned as assistant inspector general of the agency, said that last winter the assistant administrator, Rita M. Lavelle, told him and Matthew Novick, the agency's inspector general, that she "wished to fire" Hugh B. Kauffman, an official in the hazardous waste division of the E.P.A. Mr. Kauffman had long been an outspoken critic of the agency's hazardous waste policies and of the officials who administered those policies.

Earlier this year the agency did investigate Mr. Kauffman's activities. The Labor Department, which administers a law that protects Federal employees from harassment, found that the investigation was unjustified and was designed to discredit him.

Mr. Campbell's affidavit was made public by Representative James H. Scheuer, Democrat of Brooklyn, at a hearing of the House Science Committee's Natural Resources Subcommittee, of which he is chairman.

### Denies Making Statement

Miss Lavelle, who testified under oath, said she could not answer questions about whether she had ordered an investigation of Mr. Kauffman or wanted him dismissed because the agency was appealing the Labor Department's finding. However, of the allegation that she expressed the wish to dismiss him, she said, "As a senior manager I would never make such an outrageous statement."

Mr. Scheuer said to Miss Lavelle, "You and others in the E.P.A. are bent on destroying E.P.A.'s core of middle level employees who are dedicated to carrying out the hazardous waste program."

Miss Lavelle replied that Mr. Scheuer was alleging conduct by her that was not supported by the facts.

"I do not believe in harassment," she said.

Today's hearing was called to question the agency on its recently promulgated rules for the disposal of hazardous wastes in landfills. Miss Lavelle said that the new rules would insure the "regulatory protection of human health and the environment from inadequate hazardous waste management practices dealing with land disposal."

# The New York Times

Founded in 1861

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## The Superfund Turned Upside Down

To judge by Anne Gorsuch's actions, you'd never guess that hazardous waste dumps are a national problem. The Environmental Protection Agency's administrator recently published a list of the country's 418 worst abandoned dump sites, to be cleaned up under the Superfund law. But the list was produced a year and half late. It cited a minuscule fraction of the 14,000 or so hazardous dumps that may exist. And given the E.P.A.'s equivocal record of cleaning up the sites, the listing is no guarantee of future action.

Set up in 1980 by a levy on the chemical industry, the Superfund gives E.P.A. the authority to compel dumpers to clean up abandoned hazardous waste sites. It also provides E.P.A. with funds to do so if necessary, billing the polluters up to three times the cleanup cost. So far E.P.A. has cleaned up only five sites, yet Mrs. Gorsuch sees no need to reauthorize the Superfund when it expires in 1985.

Even at the five sites it claims to have cleared, the agency has so far done little more than scratch the surface. At the Seymour site in Indiana, where total cleanup costs are estimated at \$23 million, the E.P.A. let some major dumpers pay a mere \$8 million to remove surface trash; in return they received a guarantee of immunity from charges for the waste underneath.

Price's Pit is a notorious New Jersey dump whose pollutants have already reached the aquifer that supplies Atlantic City's drinking water. Rita Lavelle, the E.P.A. official responsible for the

Superfund, explains that E.P.A. hasn't cleaned up the site because it's not an imminent hazard: none of the pollutants, she says, have yet been actually detected in the drinking water.

It is not lack of money that impedes serious action. Of the \$452 million that has accumulated in the Superfund, the E.P.A. has spent only \$88 million. It has refused to set up a health effects registry, as required by law; so there is no adequate way to investigate such worrisome portents as the recently alleged coincidence between toxic dump sites and increased cancer rates in New Jersey.

The agency has gone out of its way to harass an employee, Hugh Kaufman, who has been publicly critical of its slowness in regulating toxic waste; it even appealed a Department of Labor recommendation that it desist from harassing Mr. Kaufman.

The intent of the Superfund is that if the dumpers don't clean up hazardous sites themselves, the E.P.A. will. Representative James Florio of New Jersey, author of the law, now complains that it has been "just turned upside down."

A large majority of his colleagues evidently agree; they recently voted to cite Mrs. Gorsuch for contempt of Congress. The immediate cause was her refusal to hand over documents about E.P.A.'s cleanup enforcement efforts. The underlying reason for the House's unprecedented action is its belief that her agency is simply uninterested in doing anything about the country's myriad Love Canals, except to claim success and let them fester.



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## RITA LAVELLE, A TOP SUPERFUNDER WITH STRONG CONNECTIONS:

Meet Rita Lavelle. At 34, she's the hard-driving Assistant Administrator for Solid Waste and Emergency Response at EPA. That puts her in charge of the expensive Superfund program and makes her a key figure in the national environmental program.

She is also a lady with some very, very strong political connections. She has worked for, and been a friend of, Presidential Counselor Ed Meese for more than a decade. That gives her enormous political clout, a direct link to the Oval Office, right?

"Wrong," she said in an interview. "The only clout I have is what I earn by doing my job well and effectively. I owe a great deal in my life to Ed Meese, but that means nothing whatever if I don't produce in my job. Political clout, if that's the proper term—and I'm not sure that it is—can help only if you're regarded as efficient. That's my only objective."

By all accounts of her associates, she has plunged into the task of mastering the technicalities of the hazardous waste regulations with a dedication and energy which has earned her their respect, even if they don't always agree with her. The same could be said of her relations with Congress, and vice versa. She told us that Rep. James Florio (D-N.J.) knows the Superfund legislation, which he helped author, backwards and forwards. Nevertheless, she disagrees with some provisions of H.R. 6307, the RCRA reauthorization, which she contends would tie her hands and reduce the agency's flexibility in a number of important areas.

Only recently, she wrote to Florio to object to the proposed revision to reduce the small quantity generator exclusion level. The proposed amendment would require EPA to reduce the small quantity generator exclusion level from 1,000 to 100 kilograms per month within 18 months. At the same time, EPA would be required to issue standards for generators between these levels.

Miss Lavelle sees Superfund and the RCRA programs as more representative of the nation's environmental problems than perhaps any single categorical area. In the solid waste and emergency response areas, you see the confluence of many other environmental programs in a multi-media setting.

Although she likes the job, she did not intend to apply for it. She had been working in the communications field for Aerojet-General in California after several years in the administration of Governor Reagan, and came to Washington to protest what she considered the erroneous inclusion of Aerojet in the targeted list of 115 hazardous waste sites.

She said she went from office to office in EPA and found that nobody was in a clear position to give her the answers she sought. Finally, she was asked by some EPA officials why she didn't apply for the job

## ARTICLES.

## ■ SUPERFUND AS SUPERFLOP

The E.P.A.'s Stall  
On Toxic Wastes

BOB DROGIN

As the head of the Environmental Protection Agency's high-priority program to clean up the nation's hazardous waste dumps, Rita M. Lavelle is in a position to know who created the thousands of befouled sites that fester like ulcers on the landscape. "You're basically dealing with illiterate workers who don't care to read," Lavelle said in a recent interview. "It's not usually the president of a company who says, 'Go hide that drum.' It's usually a worker who doesn't care, who violates company policies."

With that attitude at the top, it's not difficult to understand why Lavelle's program—known as the "Superfund," a \$1.6 billion Congressional program financed largely by industry for a five-year cleanup of the nation's 400 worst dumps—is a superflop.

Under the Superfund law—the Comprehensive Environmental Response, Compensation and Liability Act—the E.P.A. can force companies to clean up their own dumps. If a company is unwilling or unable, the E.P.A. can use the fund to pay for the job and then sue for up to three times the cost. The agency can authorize both emergency and long-term cleanups.

"The name of the game is to get sites cleaned up," Lavelle said in the interview. "I think we've got a heck of a track record." Indeed they do, and it is depressing. Although Lavelle said that "eight, I think, or eleven" Superfund sites have been finished, only four out of the 160 so far named to a Superfund priority list have been fully cleaned. Long-term remedial efforts are under way at only nineteen others. The E.P.A. has spent no money on three toxic waste sites in California and Michigan that are either owned or were partially created by subsidiaries of Aerojet-General, Lavelle's former employer.

Only one Superfund lawsuit has been filed. The E.P.A. has spent just \$74 million of the \$265 million that Congress has so far made available. The General Accounting Office is investigating to see why no office to coordinate toxic waste health studies has been established, as the Superfund law requires.

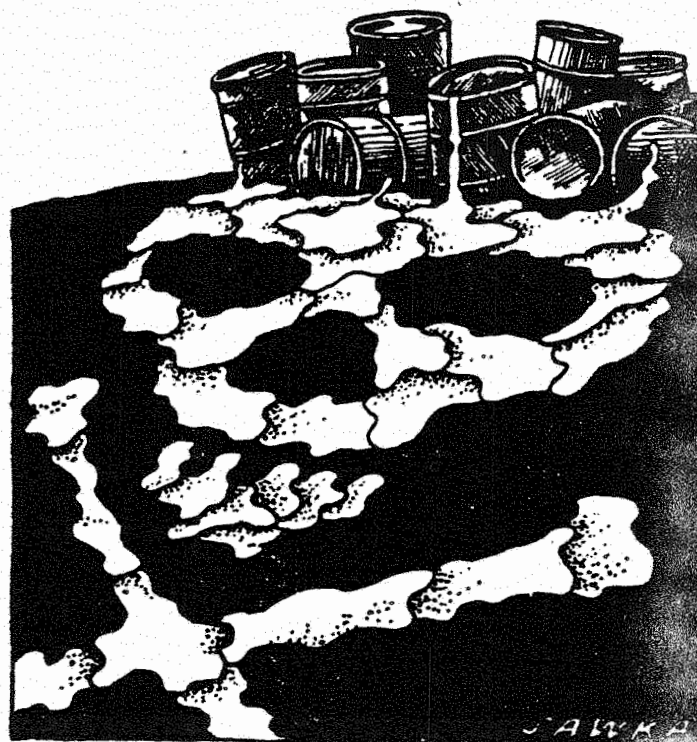
"The Superfund administration hasn't done anything of consequence," complains Representative James Florio of New Jersey, a key sponsor of the law and the chairman of the House Subcommittee on Commerce, Transportation and Tourism, which oversees its implementation. "They've

held three different press conferences in my state obligating the same money." Others in Washington complain of confusion and red tape. "It takes forty-nine signatures to get money just to start feasibility studies," says Hugh Kaufman, an E.P.A. hazardous site control officer who has been critical of agency policies. "There's more red tape in Superfund than in any program in the agency's history."

Lavelle rejects such criticism. She says that detailed studies are required at most sites before work can even start and that the agency is moving as quickly as possible to begin long-term cleanups. She points out that the E.P.A. has spent \$26.7 million on emergency cleanups at eighty-one sites, including sixteen on the Superfund priority list. "With these emergency actions, there are no imminent hazards at this point," she told me, holding up her left hand as if taking an oath. "I can state that there's no threat right now to humans" at these 160 sites.

Florio, among many others, disagrees. "She just has a different idea of what is a hazard compared to what the statute spells out," he says angrily. "They're sort of working from a body-count theory of danger. If we have people keeling over, then there's an immediate danger."

Lavelle said her goal is to convince polluters to clean up toxic waste sites themselves, not to force them into court. "We are using more than a litigative approach," she explained. Earl Voss, her press aide, nonetheless hastened to add that the agency has filed eighty-two enforcement actions, including sixty-three lawsuits. The latter figure is misleading. All but one of the suits were filed under the 1976 Resource Conservation and Recovery Act, the 1972 Clean Water Act and other laws. "Only one lawsuit has been filed



DRAWINGS BY JAN SAWKA

Bob Drogin is a reporter for The Philadelphia Inquirer.



under Superfund," says Pete Rosenberg, an E.P.A. waste programs enforcement officer.

Lavelle told me most companies cooperate in cleaning up Superfund sites. "We are able to go to industry, talk across the table and reach a mutually agreed-upon solution," she said. Voss happily pulled out a file card to show that companies have contributed \$82 million for cleanups at eighty-two sites. Those figures are also misleading. Most of the settlements were not arranged under Superfund. Only \$10.7 million has been paid by industries for cleanups at ten Superfund sites, Rosenberg says. And only \$110,000 has been recovered for the fund in the courts.

Most of the \$74 million the Superfund has spent in the last two years has been for research, salaries and overhead—not cleanups. Lavelle had repeatedly pledged that the agency would sign contracts to spend the full \$265 million Congress appropriated so no money would revert to the Treasury. It didn't work out that way, however; by September 30, the last day of the fiscal year, the agency had signed contracts for only \$202 million, more than a fourth of which was obligated in the last month.

This sluggish activity isn't surprising, considering Lavelle's background. Before joining the E.P.A. she was director of communications for the Aerojet Liquid Rocket Company, an Aerojet-General subsidiary in Sacramento, California. Before that she held a similar job at the Cordova Chemical Company, another Aerojet-General subsidiary. She also worked in 1969 as a press aide for Ronald Reagan, then Governor of California, and became friends with Ed Meese, now Reagan's key White House aide.

Lavelle first visited the E.P.A. in October 1981 to find out why Aerojet's plant in Rancho Cordova, California, was listed as one of the worst Superfund sites. E.P.A. Administrator Anne Gorsuch hired her to run the program instead. "If anything, my experience at Aerojet has been a definite plus in running this job," Lavelle said. "It was an excellent training ground for this job. Aerojet, I think, was an exemplary company."

Exemplary, perhaps, but in a peculiar way. Of Aerojet's three Superfund sites, the most dangerous is in Rancho Cordova, a Sacramento suburb where Cordova Chemical dumped large quantities of rocket propellant, herbicides, solvents and other hazardous wastes beginning in 1953, according to state and Federal officials. The state closed at least nineteen wells in the area in 1979 and 1980 after tests

showed high levels of trichloroethylene, or TCE, a suspected carcinogen. The state found the company in violation of its water-discharge permit and has sued to force a cleanup. The case is pending. Aerojet spokesman Tom Sprague said Cordova has begun a pilot project to remove the TCE, but he declined to answer questions about the lawsuit. "We're in the process of clearing up ourselves," Sprague said. "We're doing what we feel is right."

The E.P.A. has also identified Aerojet as one of about 190 companies that dumped 32 million gallons of acid waste into the Stringfellow Quarry in Riverside, California, polluting a large aquifer. California has asked the agency for \$6.1 million to clean that up.

The third Aerojet Superfund site is in Muskegon, Michigan. In 1978, Lavelle helped Cordova obtain permits to manufacture chemicals on a site that had been polluted by the Ott-Story Chemical Company, which had gone bankrupt. State officials say the Ott-Story wastes, which have poisoned a nearby aquifer and threaten part of Lake Michigan, may cost \$40 million to clean up.

Lavelle, 35, is a short, stocky woman with light blond hair, bright red fingernails and an easy smile. She has a pleasant laugh. But she is not the kind of person who takes criticism lightly. Ask Hugh Kaufman, the E.P.A.'s most vocal in-house critic.

Documents Kaufman obtained under the Freedom of Information Act show that Lavelle asked E.P.A. Inspector General Matthew Novick to investigate him last April, shortly after Kaufman had testified before Florio's subcommittee about the sabotage of Superfund. Lavelle "wants to fire him," one E.P.A. investigator wrote in his notes. Another, Rick Walsh, trailed Kaufman for two days during a visit on his own time to a citizens' group in Meadville, Pennsylvania, and photographed him at the meeting and entering a hotel with "an attractive brunette." Kaufman says the woman was his wife, Elana, and he intends to sue. "They're very paranoid," he says. "They spend more time worrying about me than hazardous waste."

Lavelle denies she wants to fire Kaufman. The inspector general's office refuses to comment. But the E.P.A. is clearly nervous about the publicity and access to its files. On August 27, James J. Conn Jr., divisional inspector general of the E.P.A.'s mid-Atlantic region, wrote a memorandum entitled "Talking Paper on How and When to Purge Divisional Case Files of Material Which Could Prove Embarrassing if Released Under an FOIA or Congressional Request." As soon as a case is completed, "we have to start thinking about what to get rid of before an FOIA request catches us with our pants down," Conn wrote. "We can no longer tuck materials in our desks and private workpaper files and hope to exempt them from disclosure."

Lavelle told me she has made mistakes, but "no critical ones," since taking office eight months ago. "I took this job because I wanted to show what good management can do to solve a problem," she said. "The results are coming in and will continue to come in." No doubt. So far, however, they are more frightening than encouraging. □

## FRONT PAGE AWARD

The 1982 Front Page Awards, issued annually by the Newswomen's Club of New York, have just been announced. We are pleased to report that the award in the magazine category for best "criticism or column" was won by Literary Editor Katha Pollitt for her lead review of Eileen Simpson's *Poets in Their Youth* in our June 19 issue.

THE WHITE HOUSE

WASHINGTON

February 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Pablo Cabrera

Pablo Cabrera, more popularly known at the Eastern Correctional Facility in Napanoch, New York, as #76-A-1468, has sent Michael Deaver a copy of a letter he addressed to Jack Gillespie, at the American Embassy in the Dominican Republic. Cabrera is serving twenty years for manslaughter, and wants to return to his Dominican Republic homeland. His letter relates his hatred of the United States.

While it is understandable that Cabrera may want to return home rather than serve his sentence, 8 U.S.C. § 1252(h) provides that "[a]n alien sentenced to imprisonment shall not be deported until such imprisonment has been terminated by the release of the alien from confinement." I do not think any response or referral is necessary.

ID # 121612 CUJL003

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) 1 / 1 / 1Name of Correspondent: Pablo Cabrera☐ MI Mail ReportUser Codes: (A) \_\_\_\_\_ (B) addressed to Jack F. Gillespie (C) \_\_\_\_\_Subject: Letter sent to Mike Weaver re:  
his incarceration

## 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>W Holland</u>	ORIGINATOR	<u>83, 01/26</u>			<u>1</u> / <u>1</u> / <u>1</u>
<u>WATIS</u>	Referral Note: <u>A</u>	<u>83, 01/26</u>			<u>1</u> / <u>1</u> / <u>1</u>
	Referral Note:	<u>1</u> / <u>1</u> / <u>1</u>			<u>1</u> / <u>1</u> / <u>1</u>
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## 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

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A - Answered  
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FOR YOUR INFORMATION

121612 *cu*

Mr. Pablo Cabrera  
Eastern Correctional Facility  
76-A-1468  
Box 338  
Napanoch, New York 12458

January 17, 1983

Mr. Jack F. Gillespie  
American Consul  
Embassy of the United States  
of American Consular Sections  
In the Dominican Republic

Mr. Jack F. Gillespie:

I am compelled to address this correspondence to you and your office concerning a matter of important to me. First and foremost there maybe an adverse effect to this correspondence and it is for that reason that this correspondence may not ever get to you. But, nevertheless I write you to speak out about injustice. Yes, injustices that I have been subjected to in this "Hell called America".

Presently, I am incarcerated at the Eastern Correctional Facility serving a sentence of twenty (20) years to life for an alleged crime of manslaughter. Such crime was never proven beyond a reason doubt nor was I ever actually seen by any of the witnesses. Nevertheless, I was found guilty of a charge I never committed. I am completely innocent of the charge and shall always take the position of my innocence in that I did nothing wrong.

I am sure that you shall do as many other have done, "and turn a deaf ear" to my call of innocence. However, I have not written you to speak of innocence nor guilt, but of outstanding injustices that have been placed on me from my entrance into this country.

For the last seventeen (17) years I have been in America attempting to live up to the standards of "The Land of the Free", however I must say to you that this land is nothing more than the land of "Continual Confusion", and the Land of "the rich get richer and the poor remain poorer", This country has taught me to distrust, dislike, and hate your fellow man.

It was not until I really became in touch with God (Jesus Christ our Lord) that I was able to see, hear, and speak differently and learn to love. Maybe if America and the goverment therein believed in God they would be able to understand and see with clear vision. As the Bible says, "A man who



looks through his own eyes is a blind man". Surely this country is looking through the eyes of Hypocrisy.

This Country and the government therein states one thing and does another. Surely they lie, now I understand what the Indians meant by the white man has a folk tongue. Because he professes his love for others, and his desire to see justice done while he pushes for injustice.

This same country rapes other countries clean and says to the Public that it is for the Good of the country. Liers, Hypocrites, and disbelievers that what this country is built off of.

As I sit here in this Hell, I think of all great men that had to come through this incarceration, and in the final hour they all had to come to face the reality, that there is no force greater than God. Even you in your position will have to face God on the day of Judgment. There will be no positions with God.

While under this injustice I have been able to stand over this hell and confusion, and work for God teaching the Word of God, learning the Word of God, obtaining a degree in Theology (Bible Study), and working towards my B.A. In addition, I teach a Bible Study course here in the facility, and work with the General Population in the way of pushing the Word of God. I have been in the Facility and Departmental Newspapers for my fine work. Only to be shown that hypocritical sign of this system again, by their denial to permit us to hold services for Spanish choir, harrasment by departmental personnel, and continual setbacks. Again they lie, again they show the true hypocrites that they are.

I ask you what does one do? I desire nothing more than to leave this country never to retrun back. To come back to this land would be like Lot's wife who turned back to Sodom and Gomorrah and became a pillar of salt. This land is far worst than Sodom and Gomorrah. In that land they had no principles and that was based on that they had no knowledge. But this country and government has knowledge of what they are doing and they still do not have any principles.

I address this correspondence to you and your department in that I desire to leave this land of confusion and painful hell. I need the support of your office to assist in my plight to return to my homeland (Dominican Republic) not tomorrow, not next month, but today immediately. I ask that you consider the facts herein-stated and by doing so give your support and assistance in making the nightmare of being in this land a reality by assisting in my deportation back to my country.

All that you can do concerning this matter will be deeply appreciated. Thanking you in advance for your time in this matter, and I pray you don't just place this letter in a folder for later review in that the time is now.

I remain....

Respectfully Yours,

*Pablo Cabrera*

Pablo Cabrera, Relator