

**4/6/79 [1]**

Folder Citation: Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 4/6/79 [1]; Container 112

To See Complete Finding Aid:

[http://www.jimmycarterlibrary.gov/library/findingaids/Staff\\_Secretary.pdf](http://www.jimmycarterlibrary.gov/library/findingaids/Staff_Secretary.pdf)

**WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)**

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
telegram	From Prime Minister Callaghan to The President (2 pp.) re: Energy Policy	4/6/79	A

**FILE LOCATION**

Carter Presidential Papers- Staff Offices, Office of the Staff Sec.-Pres. Handwriting File  
 4/6/79 [1] BOX 126

**RESTRICTION CODES**

- (A) Closed by Executive Order 12356 governing access to national security information.
- (B) Closed by statute or by the agency which originated the document.
- (C) Closed in accordance with restrictions contained in the donor's deed of gift.

THE PRESIDENT'S SCHEDULE

Friday - April 6, 1979

---

7:30  
(90 min.) Breakfast with Vice President Walter F. Mondale, Secretaries Cyrus Vance and Harold Brown, Dr. Zbigniew Brzezinski and Mr. Hamilton Jordan.  
The Cabinet Room.

9:00 Dr. Zbigniew Brzezinski - The Oval Office.

9:30 Mr. Frank Moore - The Oval Office.

9:45  
(15 min.) Senator Abraham Ribicoff. (Mr. Frank Moore).  
The Oval Office.

10:30 Mr. Jody Powell - The Oval Office.

11:30  
(5 min.) Ambassador Richard N. Gardner. (Dr. Zbigniew Brzezinski) - The Oval Office.

12:25 Photograph with Ms. Jeannine Patenaude.  
The Oval Office.

1:15  
(30 min.) Meeting with Editors. (Mr. Jody Powell).  
The Cabinet Room.

2:00 Depart South Grounds via Helicopter  
en route Camp David.

9:30 PM

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 4, 1979

TO: PRESIDENT CARTER  
FROM: GRETCHEN POSTON *GP*  
SUBJECT: VOLUNTEERS FROM NATIONAL HEADQUARTERS RECEPTION - APRIL 5, 1979

7:00 PM MRS. CARTER will have a receiving line in the Blue Room for all invited guests.

9:30 PM PRESIDENT CARTER arrives and goes directly to East Room platform for Remarks.

BACKGROUND

The volunteers that worked in the National Volunteer Headquarters in Atlanta are invited to the White House for the first time. They have not been acknowledged previously for all their work.

Most of the group is from Georgia, but also includes those that started as volunteers and are now in Washington either as staff at the White House or in the various agencies.

Willie Delaney organized the volunteers and was Volunteer Coordinator during the campaign, both primary and general.

The group also includes Jan Yam's Conservation Volunteers, and those that worked in Hamilton's office, etc. When a final guest list is ready it will be sent to you.

The reception begins at 6:30 p.m., and will be along the same lines as the Primary receptions (i.e. New Hampshire, Iowa and Florida).

We anticipate some 700 guests at this point.

**Electrostatic Copy Made  
for Preservation Purposes**



9:30 PM

THE WHITE HOUSE  
WASHINGTON

April 5, 1979

MEMORANDUM FOR THE PRESIDENT

FROM: ACHSAH NESMITH

SUBJECT: Talking Points: Reception for National  
Headquarters Volunteers 4/5/79

1. One of the real pleasures of being in the White House is to be able to have the old friends who worked so hard to get us here come by and see us. This house belongs to all Americans, but I think maybe it belongs to you in a special way because you had so much to do with our being here. Anything that happens here, anything we are able to do here, you have a part in. This is the first time I've had a chance to thank all of your together, and I'm glad you could all come.

2. Some of you like Bess Stein and Louis Lefkoff, were with Willie from the beginning, starting in the back room behind Bob Lipshutz's office, moving on to 1776 Peachtree Street, and then to the Colony Square. Bess was there every day, sometimes working 12-16 hours, doing whatever was needed. Louis's specialty, as I recall, was thinking up buttons and bumper stickers.

3. I know many of you still get together, and many of you have helped with trips I've made to Atlanta recently. (They are still well-organized and call themselves the 1980 Club, and often help us with people on the Hill as well.) An army moves on its stomach and a political campaign moves on its volunteers. You did the little things that meant so much, the difficult things that nobody else wanted to do, the routine things and the last minute things and all you ever got for it was the satisfaction of winning. When most of you started not many people would have given you very good odds on even that.

4. And volunteers moved where Willie Delaney led you. She organized the softball games you always won (the staff beat the volunteers in every single game) and the Sunday night dinner so you could try to entice your friends and

Electrostatic Copy Made  
for Preservation Purposes

relatives to come in and work, by making them think it would all be fun. But Willie went even farther than that. She went to jail for me, or maybe it was for her art. Just before the election she painted a sign on the sidewalk urging people to come to the Carter Victory Night at the World Congress Center. I don't know whether the police didn't like her printing or what, but she got arrested, along with five or six of you volunteers. But Willie was the only campaign staffer arrested in the line of duty during the whole campaign. Willie, we're grateful for all you did. (Willie is now at ACTION.)

# # #

RECEPTION.- Thursday, April 5, 1979 at 6:30 p.m.  
(National Headquarters Georgia Volunteers)

SW gate  
IC

Electrostatic Copy Made  
for Preservation Purposes

The President & Mrs. Carter

Abelman, Mr. Perry  
Abrams, Mr. & Mrs. David H. (Sandra)  
Adams, Ms. Mary  
Adler, Ms. Edna  
Albers, Mr. Bill  
Alexander, Ms. Hermi  
Allen, Mr. Grady R.  
Allen, Mr. Italy  
Allen, Mrs. Theda M.  
Ambrose, Ms. Dianne  
Amos, Mr. Eric  
Amos, Mrs. Shirley  
Arnold, Mr. I. B., III  
Arter, Ms. Margot  
Asher, Ms. Jo Ann  
Asher, Mrs. Natalie F.  
Askew, Ms. Cathy  
Askew, Mr. Hulett

Bragg, Mr. & Mrs. Douglas N.  
Brandborg, Mr. Stewart  
Brannon, Mr. Hugh W.  
Brennan, Mr. & Mrs. Joseph T.  
Bricknell, Mrs. Peggy  
Brody, Ms. Robyn  
Brooks, Ms. Alice  
Brown, Ms. Margaret  
Brown, Ms. Mary Pat  
Bryson, Ms. Carolyn  
Buchwald, Ms. Barbara  
Bullard, Mrs. Lillie B.  
Bullard, Mr. Steven  
Bunce, Mr. James  
Burger, Mr. Frederick  
Burnett, Ms. Dora  
Butler, Mr. Dan  
Butler, Ms. Mary  
Byrd, Ms. Linda

Bacas, Ms. Georgia  
Bacheller, Mr. Chet  
Baer, Mr. Ernest  
Baer, Mr. & Mrs. Kurt (Beula)  
Baier, Mrs. Alyse  
Bailey, Mr. & Mrs. Emory J. (Faye)  
Bailey, Ms. Ruby  
Baker, Ms. Linda  
Barge, Mr. & Mrs. Albert  
Barge, Mr. Damon Delaney  
Barge, Mr. Kenneth  
Barge, Mr. Sherman  
Barge, Mr. & Mrs. Stanley (Helen)  
Barge, Miss Yvonne  
Barney, Mr. Michael  
Barwick, Mr. Rick  
Baux, Ms. Lori  
Beck, Ms. Alice  
Beck, Mr. Jay  
Beck, Mr. Joe  
Beck, Ms. Kay  
Becker, Mr. Bernard  
Benefield, Ms. Carol  
Benjamin, Ms. Judy  
Berg, Ms. Karen  
Bergman, Ms. Mary  
Bernal, Ms. Gloria  
Bernath, Mr. Jeff  
Berry, Mr. Vernard  
Birdsall, Mr. Perry  
Birdsey, Ms. Ginger  
Blanchard, Ms. Joan  
Bland, Mr. Robert  
Blevins, Ms. Carolyn  
Blum, Ms. Barbara  
Bobo, Ms. Larkin  
Bolander, Mr. Bo  
Bolien, Ms. Mary G.  
Bolster, Mrs. Rike  
Bond, Ms. Marguerite  
Bondurant, Mrs. Gladys  
Bondurant, Mr. & Mrs. Kelly (Page)  
Bondurant, Ms. Virginia  
Borcher, Mr. Tom  
Bowden, Mr. & Mrs. Thomas (Linda)  
Bowen, Ms. Kimerly  
Bowles, Ms. Jeanne S.

Calcaterra, Ms. Geraldine  
Calcaterra, Ms. Mary Ruth  
Callaway, Ms. Joyce  
Callaway, Mr. Tony  
Campbell, Ms. Hazel  
Campbell, Mrs. Phyllis  
Cannady, Ms. Cynthia  
Canty, Ms. Henrietta  
Carson, Mrs. Hattie  
Carson, Mr. Derrick  
Carter, Ms. Cecilia  
Carter, Mr. John W.  
Carter, Mr. R. Van  
Carter, Mrs. Rosalyn  
Carter, Mr. Sydney  
Cartwright, Mr. & Mrs. Robert (Linda)  
Centofanti, Mr. Louis  
Cernialia, Ms. Darlene  
Chandler, Mr. F. C.  
Cheatham, Mr. Lamar  
Childress, Mrs. Jill  
Christopher, Mrs. Mae  
Christopher, Miss Margaret  
Chung, Mr. Chen-Sheng  
Ciraldo, Ms. Ruth  
Clark, Mr. & Mrs. David D.  
Clark, Mr. John A.  
Clement, Dr. & Mrs. Kirby  
Close, Ms. Gloria  
Cobb, Ms. Gay  
Coggins, Ms. Nancy  
Cohen, Ms. Barbara  
Cohen, Mr. James  
Cohn, Ms. Lenore  
Cole, Mr. Gregory  
Cole, Ms. Jane  
Colvin, Dr. & Mrs. Ernest (Shirley)  
Combs, Mr. William  
Conley, Mr. & Mrs. Leo  
Conley, Ms. Rosalee  
Conlon, Mr. Peter  
Coolick, Ms. Merrie  
Cooper, Mr. Jeffrey  
Coopman, Mr. Rodolfo  
Corder, Mr. & Mrs. Steve (Cindy)  
Costen, Mr. & Mrs. Jack A.

Coyle, Ms. Lorine  
Craig, Ms. Susan  
Crangle, Mr. Chuck  
Crawford, Ms. Ruby  
Crawford, Ms. Ruth  
Crenshaw, Ms. Doris  
Crockford, Ms. Eleanor  
Crouch, Mr. George  
Crumly, Mr. Brian  
Crumly, Mr. Jonathan  
Cumming, Ms. Emily  
Cutts, Ms. Dorothy  
Cuviallo, Ms. Barbara

Dailey, Ms. Doreen  
Dalton, Mr. John  
Dana, Ms. Amilee  
Daniel, Jayde  
Danko, Mr. Bob  
Daoud, Ramdane  
Davis, Mr. & Mrs. Dock  
Davis, Ms. Libby  
Davis, Ms. Sandra  
Davis, Mr. & Mrs. Timothy (Patricia)  
Dean, Ms. Susan  
Deason, Mr. Carswell  
Delaney, Ms. Josephine  
Delaney, Mr. Madison  
Delaney, Ms. Willi  
Derrickson, Mr. Frank L.  
Dewald, Mr. & Mrs. Charles (Greta)  
Dewald, Mr. Joe  
Dewberry, Ms. Ginger  
Diamond, Mr. Richard  
Dillard, Mrs. Lillian S.  
Dilworth, Mr. Lee  
Dilworth, Mr. Robert  
Dineen, Ms. Jill  
Dixon, Ms. Eleanor  
Dodd, Mr. Matt  
Donaldson, Mr. Richard L.  
Donehoo, Ms. Susan  
Dorminey, Mr. David C.  
Dorminey, Ms. Pamela  
Dorsett, Ms. Bernice  
Dowdy, Mrs. Cleona  
Drake, Mr. & Mrs. Ron (Carolyn)  
Drew, K.  
Dugan, Ms. Rebecca  
Dumas, Ms. Ernestine

Fass, Miss Benn  
Ferris, Ms. Kitty  
Ferst, Ms. Sylvia Leigh  
Filley, Ms. Karen D.  
Fishmann, Mr. Stuart  
Fleischmann, Ms. Jan  
Fleischmann, Mr. Scott  
Fleisig, Mr. Howard S.  
Fleshner, Mrs. Mae  
Foreman, Mrs. Blanche  
Foreman, Mr. Jack  
Foxy, Mr. Charles  
Franklin, Ms. Phoebe  
Freeman, Mr. Dwight  
Friedbauer, Ms. Barbara  
Fusilier, Ms. Linda

Gaines, Mr. Michael  
Glabreath, Ms. Evelyn  
Gardner, Mr. Paul V.  
Gelband, Ms. Claire  
Gibbs, Mr. Raymond P.  
Gibson, Ms. Grace C.  
Gillespie, Mr. Hamp  
Gilson, Mr. Jack  
Ginburg, Ms. Matile  
Gingell, Mr. Raymond  
Giracdot, Chris  
Giracdot, Mr. Joseph  
Giracdot, Ms. Sandra  
Glass, Ms. Cornelia  
Glass, Dr. Julia McK.  
Gold, Ms. Susan  
Goldstein, Dr. & Mrs. Marvin C. (Rita)  
Goodrich, Ms. Eileen  
Goodwin, Ms. Connie  
Gordon, Ms. Carolyn  
Gore, Mr. Tim  
Gose, Ms. Roberta  
Gottlieb, Mr. Allen  
Grant, Ms. Evelyn  
Graves, Mr. & Mrs. Charlie  
Greer, Glyndon  
Griffin, Mr. & Mrs. John A. (Anne)  
Griffin, Miss Karin Lynn  
Grimland, Ms. Mona  
Gunderson, Mr. Gary  
Guresky, Ms. Cecilia  
Gutierrez, Ms. Gloria  
Gwen, Ms. Gwendolyn

Eaton, Mr. & Mrs. Henry (Roberta)  
Eaton, Mr. Henry F.  
Edwards, Mr. & Mrs. John  
Edwards, Ms. Renee  
Egan, Ms. Linda  
Egan, Mr. Richard  
Egan, Mr. Roby  
Eisen, Ms. April  
Eizenstat, Mr. & Mrs. Stuart E.  
Elkins, Mrs. Betty  
Elkins, Mr. G. W.  
Emmons, Ms. Carol  
Estes, Ms. Coile  
Evans, Ms. Gloria  
Evans, Ms. Ina  
Ewing, Mr. Sam

Haas, Dr. Steven  
Hagelin, Mr. Carl H., Jr.  
Hager, Mr. Bryan  
Haith, Mr. George  
Hall, Mr. & Mrs. Donald F., Jr. (Beverly)  
Hall, Mr. Lawton  
Hammer, Mrs. Jane  
Hammer, Mr. Philip  
Hampshire, Ms. Diane  
Hannon, Ms. Jane  
Hanula, Ms. Joyce  
Hardy, Pat  
Harmon, Ms. Jane  
Harmon, Ms. Karen  
Harmon, Ms. Kathy  
Harris, Ms. Ann  
Harris, Ms. Janet  
Harris, Mr. & Mrs. Jabe (Evelyn)  
Harris, Ms. Pamela  
Harris, Ms. Rose

Hart, Ms. Beverly  
Hart, Mr. Michael A.  
Hartman, Mr. Michael  
Harvard, Mr. Jerry  
Hawes, Mr. Daryl  
Hein, Ms. Merideth  
Held, Mr. Robert T.  
Henderson, Ms. Donna  
Hendrix, Ms. Rebecca L.  
Hendrix, Ms. Sarah  
Herman, Ms. Alexis  
Herman, Mr. David  
Herndon, Mr. Dale, Jr.  
Herndon, Ms. Elaine  
Herndon, Ms. Linda  
Herron, Ms. Julie  
Hertz, Ms. Patty  
Herzog, Ms. Kay M.  
Hess, Ms. Carol  
Hester, Ms. Lynn  
Heyman, Mrs. Josephine  
Heyman, Ms. Terri  
Hicks, Ms. Perl  
Hill, Mrs. Joy Higgs, Mr. James L.  
Hilton, Ms. Mary N.  
Hinkleman, Mr. Mike  
Hobbs, Mr. Garner  
Hoffman, Mr. Roy  
Holcombe, Mr. Hugh W., Jr.  
Holder, Mr. Gerard  
Holland, Ms. Bettye  
Hollis, Mr. Lance H.  
Holmes, Ms. Lillian  
Hopkins, Dr. & Mrs. Ernest L.  
Horowitz, Ms. Marie  
Hosey, Ms. Mary  
House, Mr. G. Carlton  
House, Ms. Peggy  
Howard, Ms. Catherine B.  
Howard, Ms. Jeannie  
Howell, Mr. & Mrs. Marshall  
Hubbard, Mr. William J., Jr.  
Huddleston, Ms. Mary  
Huddleston, Ms. Sarah  
Hudson, Ms. Betsy  
Hudson, Mr. & Mrs. Joseph Hughes, Claudis  
Hughes, Ms. Linda  
Hughes, Mr. & Mrs. Lotus P. (Audrey)  
Hulme, Ms. Bess  
Hulsey, Ms. Ava  
Hunt, Ms. Faith  
Huntley, Ms. Cristy  
Hutchins, Mr. Rick  
Hutto, Mr. Richard J.

Igoe, Ms. Ann  
Ingram, Ms. Donna  
Ivey, Mr. Benny

Jackson, Ms. Carolyn  
Jackson, Ms. Margaret  
Jackson, Mr. Jimmy L.  
Jackson, Ms. Nina Jameson, Mr. William  
Jarvis, Mr. & Mrs. W. Ernest  
Jeansen, Ms. Pat  
Jelkes, Ms. Diane & husband  
Jellinek, Mr. Steve  
Jenkins, Ms. Marcia  
Jenkins, Mr. & Mrs. Wayne (Carolyn)

Johnson, Ms. Alma  
Johnson, Mr. Bruce  
Johnson, Master Bruce  
Johnson, Mr. Ira  
Johnson, Mr. Jeh  
Johnson, Mr. McGuire P.  
Johnson, Mr. Morris  
Johnson, Mrs. Norma  
Johnson, Mrs. Gale P. (Paula)  
Johnson, Ms. Theresa  
Johnston, Ms. Shelley  
Jones, Ms. Mary Allison  
Jones, Ms. Betty J.  
Jones, Ms. Jo  
Jones, Dr. Paul  
Jones, Ms. Sandra  
Jordan, Mr. Hamilton  
Jordan, Ms. Nancy  
Joy, Mrs. Diane M.  
Joy, Mr. William E.  
Joyce, Ms. Patricia

Kallaur, Hon. Walter V.  
Katinsky, Ms. Barbara  
Katz, Mr. Joel B.  
Kehoe, Ms. Madeleine  
Kelly, Ms. Peg  
Kelm, Ms. Marilyn  
Kenna, Mr. & Mrs. John (Judie)  
Kennedy, Mr. Dick  
Kent, Ms. Carole  
Killian, Mr. Buzz  
King, Ms. Mary Louise  
Kinsel, Mr. Sheldon  
Klaffke, Mr. Klemens  
Klein, Ms. Sue  
Klitzkie, Mr. Terry  
Knapp, Ms. Elise  
Kornick, Ms. Joann  
Krause, Mr. William L.  
Kuniansky, Ms. Sonia  
Kyzer, Ms. Susan

Lanier, Mrs. Steve  
Lathan, Ms. Ann  
La Valle, Mr. Arthur  
Lazaris, Ms. Sandy K.  
Lee, Mr. Dan  
Lefkoff, Mr. Adam  
Lefkoff, Mr. Louis  
Leftwich, Ms. Ann  
Lehmberg, Ms. Peggy  
Leonard, Ms. Gwen  
Letts, Mr. William  
Levi, Ms. Gussie  
Liggin, Ms. Anne  
Liggin, Ms. Elizabeth Smith  
Lindsey, Mr. David  
Lines, Mrs. Robert (Sidney)  
Lipshutz, Mr. & Mrs. Robert J.  
Lisgaris, Mr. Nick  
Liss, Mr. Ralph  
Lock, Ms. Kathy  
Lohse, Mr. Bob  
Long, Mr. Al  
Long, Mr. & Mrs. Melvin (Sarah)  
Love, Mr. & Mrs. Ezekiel  
Lowden, Ms. Lisa  
Loyless, Ms. Betsy  
Lutkefedder, Ms. Louise  
Lydon, Mr. Tom

Malone, Mr. Judd  
Malson, Mr. Robert  
Manning, Ms. Adelaide  
Manship, Mr. James  
Marshall, Hon. F. Ray - Secy of Labor  
Martin, Ms. Jo  
Mason, Ms. Denise  
Matthews, Ms. Linda  
Matz, Ms. Ida  
McAdoo, Mrs. Scot  
McAllester, Mrs. Mary  
McAllister, Mr. Richard  
McCall, Ms. Dawn  
McClintock, Mrs. Dwight  
McCullough, Ms. Jean  
McGhee, Mr. Carl  
McKanders, Ms. Yvonne  
McKinney, Mr. & Mrs. Charles  
McKinney, Mrs. Julia  
McKown, Mr. James  
McMullen, Mr. William  
McQueen, Ms. Sara  
McWoods, Ms. Stephanie  
Megaro, Mr. Bill  
Merrill, Ms. Georgianna  
Miller, Ms. Carol A.  
Millman, Mr. Raymond  
Mills, Ms. Betsy  
Mills, Ms. Dorothy  
Mills, Ms. Helen  
Mills, Ms. Helen, Jr.  
Mills, Ms. Mary Ann  
Minor, Ms. Juanita  
Mintz, Mr. & Mrs. Ezra (Elyse)  
Mitchell, Ms. Bunny  
Mitchell, Mr. Clarence, IV  
Mitchell, Ms. Lisa  
Mitchell, Mr. Ron  
Mock, Ms. Lori  
Mollenkamp, Ms. Jane  
Montgomery, Mrs. Gladys  
Moon, Mr. Bobby  
Moore, Ms. Bernice  
Moore, Ms. Kathy  
Morgan, Ms. Thelma W.  
Morgan, Mr. William R.  
Morrison, Mr. Jim & Mrs.  
Moss, Ms. Anne  
Munsche, Mr. & Mrs. Richard C. (Lucille)  
Murray, Mr. & Mrs. William (Johnnie May)

Nadler, Ms. Judi  
Nadler, Ms. Sari  
Nadler, Mr. Scott  
Nance, Mr. Kenneth  
Nelson, Mrs. Donald B.  
Nelson, Ms. Molly  
Neville, Mr. Carlton  
Neville, Mr. David  
Newsome, Ms. Gail  
Newsome, Ms. Mary  
Nikoukary, Mr. Nick  
Nodoin, Ms. Rhoda

Oberg, Mrs. Germaine  
O'Brien, Mr. & Mrs. Edward P. (Eileen)  
Ogren, Mrs. Helen  
Okula, Ms. Marcia  
Oldham, Ms. Virginia  
Oliver, Ms. Janet  
Ostervold, Ms. Mazie

Owen, Mr. Blake  
Owen, Ms. Betty  
Owens, Ms. Mimi H.  
Owens, Mr. William H.

Padgett, Mrs. Dorothy  
Padgett, Ms. Gail  
Paris, Gen. Bill  
Paris, Mr. & Mrs. Joel  
Parks, Mr. Bernard  
Patrick, Mr. & Mrs. David L. (Kay)  
Peel, Ms. Brenda  
Peitso, Ms. Erin  
Peitso, Mr. & Mrs. Gene (Jann)  
Peitso, Ms. Teri  
Penick, Mr. Benson  
Perlmutter, Mr. & Mrs. Robert (Sandra)  
Peters, Mr. T. T.  
Phillips, Ms. Becky  
Pinn, Ms. Stacey  
Piovesan, Ms. Genie  
Plagwitz, Ms. Frances  
Plenty, Mr. G. Richard  
Poliakoff, Ms. Deborah  
Poliakoff, Ms. Marilyn  
Pollard, Kiki  
Posner, Ms. Dorothy  
Powers, Ms. Sallie  
Presmanes, Mr. George  
Prewitt, Mr. Fred  
Putnam, Mr. Ross

Rael, Mr. Samuel C.  
Rafshoon, Ms. Betty  
Rafshoon, Ms. Helen  
Rafshoon, Mr. & Mrs. Scott  
Rainwater, Mr. & Mrs. Archie  
Rapp, Ms. Melinda  
Rawls, Mr. John B.  
Ray, Miss Evelyn  
Ray, Mr. James T.  
Ray, Ms. Jane  
Reece, Mrs. Aura  
Reid, Mr. Calvin  
Reisman, Mr. Bruce  
Reiss, Ms. Ilene  
Reitt, Ms. Marlene  
Reitt, Mrs. Susine  
Renfro, Mr. William  
Rice, Mr. Phillip A.  
Richards, Ms. Willie Mae  
Richardson, Ms. Betty  
Richardson, Ms. Sarah  
Richter, Mr. Sam  
Ricks, Ms. Lois  
Ridge, Ms. Helen G.  
Ridge, Mr. Thomas  
Ripans, Mr. Allan  
Ripans, Ms. Gail  
Roberts, Ms. Anna Jean  
Robinson, Ms. Barbara  
Robinson, Ms. Betty  
Rogers, Mr. & Mrs. Mac E. (Mary Ann)  
Roquemore, Ms. Nancy G.  
Rose, Mrs. Mary  
Rosemore, Ms. Geri  
Rowe, Mr. Jeff  
Rowland, Mr. Robert  
Roy, Ms. Dora  
Rubel, Mr. & Mrs. Herbert J. (Ruth)  
Rush, Ms. Susan  
Russell, Ms. Janice

Sachs, Ms. Helen  
Sanders, Mr. Mark  
Saxon, Ms. Nancy  
Scheinbaum, Ms. Helen  
Scherer, Ms. Lavenia  
Scherer, Mr. Scott  
Schlesinger, Ms. Alexa  
Schlosser, Ms. Ellen B.  
Schreiber, Ms. Carole K.  
Schwartz, Ms. Ann  
Schwartz, Ms. Barbara  
Seidman, Ms. Ricki  
Sellinger, Mr. Steven L.  
Sens, Ms. Barbara  
Sessions, Ms. Emily  
Seybolt, Mr. George C.  
~~Shipley, Mr. Rob~~  
~~Shiver, Ms. Caroline~~  
Shockley, Mr. Charles  
Shuford, Mr. Robert  
Sibley, Ms. Jane  
Siegel, Mr. Dennis  
Simpson, Ms. Linda  
Sims, Mr. T. C.  
Sims, Mr. & Mrs. Wardell  
Singleton, Mr. Lamar J.  
Sinrich, Mr. Richard  
Skinner, Mr. Robert J.  
Small, Mr. Elliott C., Jr.  
Smith, Mrs. Allie  
Smith, Mrs. Carl A. (Jaye)  
Smith, Ms. Dorothy  
Smith, Ms. Elizabeth  
Smith, Ms. J. J.  
Smith, Ms. Laura  
Smith, Ms. Mary  
Smith, Ms. Monica  
Smith, Ms. Muriel Mitchell  
Smith, Hon. & Mrs. P.R. (Erlene)  
Smith, Ms. Peggy  
Smith, Mr. & Mrs. Tyrone (Martha)  
Smouse, Mr. Danny  
Snyders, Mr. Theodore A.  
Somerville, Miss Elizabeth R.  
Sports, Mr. & Mrs. Joe  
Speights, Ms. Debbie McGhee  
Staples, Mr. Barry  
Stamm, Ms. Sarah  
Steele, Mr. & Mrs. Alvin  
Steele, Mr. David A. J.  
Steiger, Mr. Tom E.  
Stein, Ms. Bess  
Stein, Dr. Larry  
Stein, Dr. Marsha  
Steinwedel, Ms. Julie  
~~Stenz, Ms. Lila~~  
Stevens, Mr. & Mrs. Bryan  
Stinson, Mr. John  
Stinson, Ms. Ocenia  
Stolze, Ms. Mary  
Strain, Mr. & Mrs. William L. (Dora)  
Strickland, Mr. William  
Suitt, Ms. Nancy  
Sullivan, Ms. Elizabeth  
Sundel, Mr. Arthur  
Sutin, Mr. Tim  
Suydam, Mr. Thomas R.

Thomas, Mr. & Mrs. Chauncey  
Thomas, Ms. Helen P.  
Thomas, Ms. Rosalind  
Thompson, Mrs. Barbara  
Thompson, Mr. Bolling  
Thompson, Ms. Delia  
Thompson, Ms. Margaret  
Thompson, Mr. Robert  
Todd, Mr. William J.  
Tomme, Ms. Donna  
Toombs, Mrs. Adah  
Torell, Billie  
Tramontano, Ms. Margaret  
Travis, Mr. Steve  
Trewitt, Ms. Beth  
Tribble, Ms. Janet  
Tribble, Ms. Mary Kate  
Trimble, Ms. Anna Elisa  
Trimble, Mr. Benjamin  
Trimble, Ms. Joanne  
Tucker, Mr. & Mrs. Nathaniel (Cynthia)  
Tucker, Mr. Sam  
Turner, Ms. Carol

Smith, Mr. Ivan  
Smith, Mr. J. Don  
Smith, Mr. James L.  
Smith, Mrs. June  
Smith, Ms. Stephanie

Waggoner, Ms. Linda  
Walker, Ms. Julia  
Wall, Mrs. Allethea  
Wallace, Ms. C. Louise  
Walmsley, Ms. Barbara  
Ward, Ms. Sarah Marsha  
Washington, Ms. Gail  
Watson, Ms. Grace  
Watson, Mr. & Mrs. Levi  
Watson, Ms. Paula  
Weil, Miss Susie  
Weiner, Mr. & Mrs. Mark  
Weiner, Ms. Renee  
Weinstein, Ms. Betsy  
Weldon, Mr. & Mrs. A. C. (Nell)  
Westmoreland, Mr. Ronald  
Wetstone, Mr. Gregory  
Wetstone, Ms. Jan  
Wheeler, Mr. & Mrs. C. S.  
White, Ms. Connie  
White, Ms. Stephanie  
Whitlow, Mrs. Arlene  
Widen, Mr. Randy  
Wiggins, Mr. J. Donald  
Williams, Ms. Gay  
Williams, Ms. Janice  
Williams, Ms. Penny  
Williamson, Mrs. Judy  
Wilson, Ms. Andree  
Wilson, Mr. Grey  
Wilson, Ms. Pamela Jean  
Wilson, Ms. Rita  
Winkler, Mr. Maurice  
Wittenstein, Ms. Ruth  
Wise, Mr. Phillip J., Jr.  
Wood, Ms. Matilda K.  
Woodfin, Ms. Christie T.  
Worley, Mr. & Mrs. Howard  
Worthy, Ms. Rita  
Wortman, Mr. Robert C.  
Wright, Ms. Connie

Tassopoulos, Mr. Cary  
Tate, Ms. Betty D.  
Tate, Mr. Dewey E.  
Taylor, Ms. Patricia Lee  
Terrell, Mr. Richard  
Terrell, Mr. Thomas G.

Yamazaki, Mr. Etsuzo  
Yarfitz, Ms. Marcia  
Yarn, Mrs. Jane  
Yopp, Mrs. John  
Yoster, Ms. Nancy  
Young, Ms. Sonja

Zimmerman, Mrs. Harriet  
Zipperman, Ms. Ester  
Zoban, Ms. Linda  
Zupancic, Ms. Bobbie  
Zwiren, Ms. Mary R.  
Zwiren, Dr. Gerald T.

THE WHITE HOUSE  
WASHINGTON

4/6/79

rick--

in president's out-box...  
for file please

thanks--susān .

# Bureaucrats Get Cut-rate Course to Quit Smoking

By Duncan Spencer  
Washington Star Staff Writer

The Department of Health, Education and Welfare, where smoking is already a sure route to downward mobility, is paying tax dollars to a private firm to convince government employees to quit the habit.

A new employees' anti-smoking drive at HEW allows employees of the giant agency to take a total of 16 hours off on "administrative leave" while they are lectured on the evils of the smoking habit by the same commercial firm which cured HEW Secretary Joe Califano of his smoking habit.

Another graduate of the SmokEnders program is John Pinney, Califano's director of the HEW Office on Smoking and Health.

HEW is the only federal agency to have such an arrangement with a pri-

vate firm, according to one HEW official. Many private firms offer the SmokEnders program to their employees, but at a higher cost to the individual.

The SmokEnders program is being offered this month to the 8,000 employees of the Southwest Washington HEW complex.

Thanks to hard bargaining by HEW, employees who take the course pay only \$60, while the man in the street would pay close to \$250 for the same eight-week program.

**UNDER A CONTRACT** between HEW and the firm, the government pays \$65 to SmokEnders for each employee enrolled.

According to an official of SmokEnders, which claims it is the best stop-smoking program in the world,

See SMOKE, A-8

Electrostatic Copy Made  
for Preservation Purposes

THE WHITE HOUSE  
WASHINGTON

I resent this very much.  
Why do I, a non-smoking  
taxpayer, have to pay  
for Joe's staff to "kick  
the habit"?

R.

April 6, 1979

Honorable Brock Adams  
Secretary of Transportation  
Washington, D. C. 20590

Dear Mr. Secretary:

In my letter to you of 16 February, 1979 reporting my preliminary observations on the Conference in Boston on Basic Research Directions for Advanced Automotive Technology, I stated that you will be hearing from me with the final report on the meeting.

The purpose of this letter is to forward that report. The report is a condensation, interpretation and amplification of the principal conclusions and directions which evolved from the Boston meeting. The report commences with an assessment of the opportunities presented to the nation by a program of basic research on automotive technology followed by an outline of a research agenda including the research topics and tasks considered most important for the future evolution of automotive technology. The report concludes with a survey of some of the requirements which are considered important for successful implementation of a program of basic research.

Mr. Secretary, the results of this conference present you and your department with an exceptional opportunity. This opportunity arises from two very significant conclusions:

- (1) The consensus of the conference is a clear and unequivocal yes to your question on whether new automotive technology can be applied to achieve a motor vehicle system with less dependence on imported petroleum than that which has been legislatively mandated by the mid 1980's and at the same time satisfy the demanding requirements of safety and emissions that are believed to be applicable during this period.
- (2) There was near unanimous agreement that the surest first step toward this end is a well conceived and adequately funded program of basic research. And further, it was agreed that a leadership role is acceptable and expected for the federal government.

The report which is forwarded by this letter has as its companion piece the two volume Proceedings for the Conference on Basic Research Directions for Advanced Automotive Technology. The report is a condensation, interpretation and amplification of the proceedings.

**Electrostatic Copy Made  
for Preservation Purposes**

Finally, Mr. Secretary, I would again like to commend you and your staff, especially those at your Transportation Systems Center, for the leadership you are giving the nation in this important area. I am confident that the science and engineering community will respond with effectiveness and enthusiasm to this leadership.

Cordially yours,



Raymond L. Bisplinghoff  
Chairman, Conference on Basic  
Research Directions for Advanced  
Automotive Technology

Enclosures

**REPORT OF THE  
CONFERENCE CHAIRMAN**

**on**

**Basic Research Directions  
for  
Advanced Automotive Technology**

**APRIL 6, 1979**

THE WHITE HOUSE  
WASHINGTON

April 5, 1979

MEMORANDUM FOR THE SECRETARY OF AGRICULTURE

In order to reduce inflation and alleviate shortages of scarce food items such as beef and raisins, I would like for you to review with Alfred Kahn your food purchase plans for the rest of this year and through FY 1980.

Please report to me by April 12th the reductions you can reasonably make by substituting other equally nutritious foods which are more plentiful and whose prices will be less severely impacted by supply shortages.

*Jimmy Carter*

*cc: Kahn*

THE WHITE HOUSE

WASHINGTON

April 5, 1979

MEMORANDUM FOR THE ADMINISTRATOR OF VETERANS AFFAIRS

In order to reduce inflation and alleviate shortages of scarce food items such as beef and raisins, I would like for you to review with Alfred Kahn your food purchase plans for the rest of this year and through FY 1980.

Please report to me by April 12th the reductions you can reasonably make by substituting other equally nutritious foods which are more plentiful and whose prices will be less severely impacted by supply shortages.

*Jimmy Carter*

*cc: Kahn*

THE WHITE HOUSE

WASHINGTON

April 5, 1979

MEMORANDUM FOR THE SECRETARY OF DEFENSE

In order to reduce inflation and alleviate shortages of scarce food items such as beef and raisins, I would like for you to review with Alfred Kahn your food purchase plans for the rest of this year and through FY 1980.

Please report to me by April 12th the reductions you can reasonably make by substituting other equally nutritious foods which are more plentiful and whose prices will be less severely impacted by supply shortages.

*Jimmy Carter*

*cc: Kahn*

Fri Ros - Speech

telephone calls while at  
camp david

4/7/79-4/8/79

Ros - Glenn

Sat

Ros

Glenn - ass

Ros

9:00 → Cy - Dob - Glenn - any tests are notify

Jody - speech - Glenn

10:30 Sat

↳ Cy - Good only

Sun

H K. accept Shah

Electrostatic Copy Made  
for Preservation Purposes

THE WHITE HOUSE  
WASHINGTON

Foreign Aff

4-5-79

- > Tackman - sa/Pak/At/Tur/PRE/Imm
- > Rhodesia - Comprehensive
- > Korea visit
- > SALT - no answer 7/79?
- > Panama - Mil Officer - cost/rev - Xfer prop
- > U2/Mkiza leaks
- > Patrick Gray / Anagran  
MIE
- > Ribicoff / Kreisky / CPM
- > Strauss
- > Kyprionou ready to meet & Dezhnev
- > Namibia - Ltr to Both
- > Angola - option paper

telephone call with  
dr. denton 4/7/79

4/7/79

Mr. President --

Dr. Denton will be  
calling you around  
9:15 this morning,  
(regular appt)

-- Susan

everything ok.  
8 days until natural  
circulation cooling

**Electrostatic Copy Made  
for Preservation Purposes**

OFFICE OF THE VICE PRESIDENT

WASHINGTON, D.C.

April 6

Mr. President

Brown, Ueland,

and Bergland

have all agreed  
on a 25% beef  
purchase reduction

A stylized handwritten signature consisting of a large, looped 'W' or 'M' shape with a horizontal line extending to the right from the bottom of the loop.

THE WHITE HOUSE  
WASHINGTON

*Oil majors 4-6-79*

*Some watched speech*

*decontrol*

*Conservation*

*new technology*

*Windfall profits tax*

*Need, expect support*

*will fight.*

*Oil Companies -*

*friends & enemies*

**Electrostatic Copy Made  
for Preservation Purposes**



THE WHITE HOUSE  
WASHINGTON

Walter Dean - coal  
 wage / price - esp to oil  
 Reduction in gasoline  
 Palestinians / PLO  
 Pops - how to pay for fuel  
 Perils in Penn.  
 3 mi. Is - safe?  
 Aid to private schools  
 Voluntary prayer -  
 Marcos - naval base - humbly  
 Humble - good idea  
 J

Electrostatic Copy Made  
for Preservation Purposes

THE WHITE HOUSE  
WASHINGTON  
4/6/79

Tim Kraft  
Arnie Miller

The attached was returned in  
the President's outbox today  
and is forwarded to you for  
appropriate handling.

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

4/5/79

Mr. President:

Tim Kraft/Arnie Miller concur.

Rick



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20250

March 27, 1979

de  
JC

TO: The President  
THROUGH: Rick Hutcheson  
SUBJECT: Appointment - General Counsel for the United States Department of Agriculture

Title 5, Section 5315 of the United States Code provides for a General Counsel for the Department of Agriculture.

I wish to recommend that Mr. Daniel Marcus, Deputy General Counsel for the Department of Health, Education and Welfare be nominated to the position of General Counsel, United States Department of Agriculture, Executive Level IV. Mr. Marcus has served with distinction since his appointment as Deputy General Counsel in March 1977. He will fill the position recently vacated by Ms. Sarah R. Weddington.

A full field investigation was conducted by the Office of Personnel Management at the time of his initial appointment. Up-dated security forms, conflict of interest papers, letters of commitment and biographical data will be forwarded soon.

A large, stylized handwritten signature in black ink, appearing to read "Bob Bergland".

BOB BERGLAND  
Secretary

Electrostatic Copy Made  
for Preservation Purposes

## RESUME

NAME: Daniel Marcus

Home Address: 5600 Harwick Road  
Bethesda, Maryland 20016

Office Address: Deputy General Counsel (Office  
of Legal Counsel), Dept. of H.E.W.,  
Hubert H. Humphrey Bldg. - Rm. 706E,  
200 Independence Ave., S.W.  
Washington, D.C. 20201

Telephone: Home: (301) 320-4219  
Office: (202) 245-6733

Age: 38

Marital Status: Married; two children

### PROFESSIONAL EXPERIENCE

March 1977-present: Deputy General Counsel (Office of  
Legal Counsel), Department of Health,  
Education and Welfare

1966-1977: Attorney, Wilmer, Cutler & Pickering  
(Partner, 1973-1977; Associate,  
1966-1972); Member, American Bar  
Association (former Vice-Chairman,  
Food & Drug Committee, Administrative  
Law Section), Federal Communications  
Bar Association, District of Columbia  
Bar, Food and Drug Law Institute  
(Lecturer, 1973, 1975).

1965-1966: Law Clerk to Judge Harold Leventhal,  
U.S. Court of Appeals for the D.C. Circuit

Summer 1964: Research Assistant to Prof. Boris Bittker,  
Yale Law School

Summer 1963: Summer Associate, Kaye, Scholer, Fierman,  
Hays & Handler, New York City

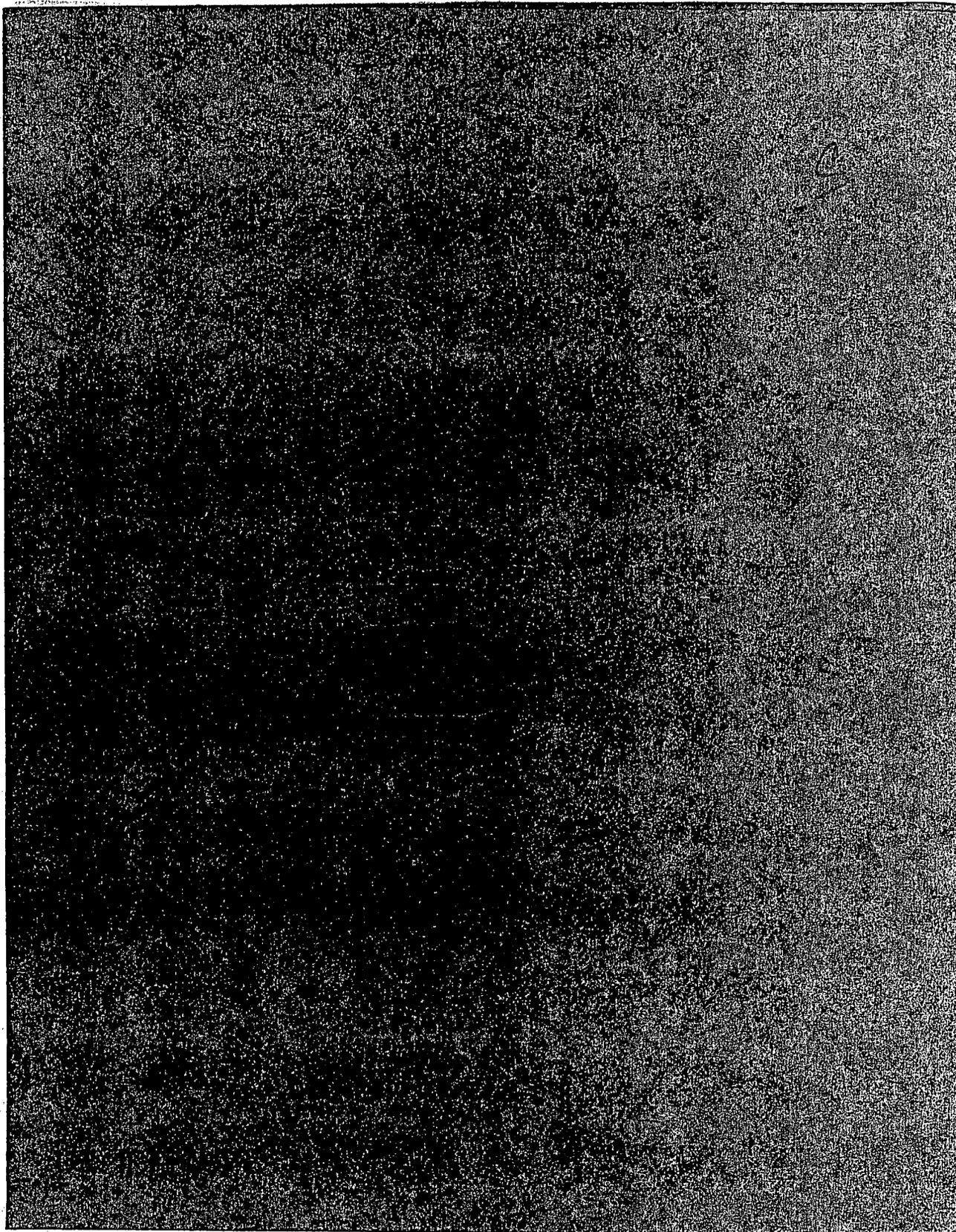
EDUCATION

Law School: Yale Law School, LL.B. 1965; Topics Editor, Yale Law Journal; Member, Order of the Coif, Book and Gavel Society

College: Brandeis University, B.A., 1962, magna cum laude, with honors in history; Member, Phi Beta Kappa; President, Student Political Education and Action Committee

High School: Woodrow Wilson High School, Long Beach, California

[Note: C]



1. A CONSTITUTIONAL CONVENTION
2. AN AMERICAN-RUSSIAN NAVAL  
DISARMAMENT CONFERENCE
3. JUSTICE DEPARTMENT INVESTI-  
GATION OF POSSIBLE FRAUD IN  
CONNECTION WITH CLAIMS  
AGAINST NAVY SHIPBUILDING  
CONTRACTS
4. RENEGOTIATION BOARD
5. LAWYERS
6. NOTES ON SELECTING A REPLACE-  
MENT FOR THE COMMISSIONER OF  
EDUCATION

1. CONSTITUTIONAL  
CONVENTION

November 8, 1978

## RECOMMENDING THE CALLING OF A CONSTITUTIONAL CONVENTION

Encl: (1) Remarks of Chief Justice Warren E. Burger to the Seminar on Legal History, September 21, 1978

1. Many people in our country doubt if a government fashioned in the 18th century, albeit by farsighted statesmen, can preserve the fundamental liberties of democracy in the complicated industrial society of today. The increasing size and complexity of government, coupled with the continuing concentration of power in Washington, leave many with a sense of frustration and powerlessness. A Constitutional Convention would spark debate on forms and structures of government and would be beneficial in one of two ways: First, it might lead to a new constitution more responsive to our needs and conditions today; second, if our present Constitution is still best for our country in spite of our size and the present complexity of government, this would become apparent and should lead to a lessening of tension.

2. The Constitution should be reviewed periodically, no less than every fifty years. Had the periodic review been incorporated in the original Constitution, our nation might have avoided the Civil War.

3. Enclosure (1) is a copy of the remarks made by Chief Justice Burger in September to the Seminar on Legal History at the National Archives. The Chief Justice suggested that after careful planning, an intensive examination of the Constitution take place between 1985 and 1987. The papers thus produced, he said, could "...serve as a guide to correct whatever flaws we see and to plan for the years ahead." He pointed out that many changes have occurred since the Constitution was written, as we have grown from an agricultural society of three million to a world power.

4. Then he said: "The Constitution was, of course, intended to be a mechanism to allow for the evolution of governmental institutions and constitutional concepts. But we should examine the changes which have occurred over two centuries and ask ourselves whether they are faithful to the spirit and the letter of the Constitution, or whether, with some, we have gone off on the wrong track." His paper admirably elaborates enough changes to make a re-examination of the Constitution appear necessary and proper.

5. While Americans hold the United States Constitution in great respect, they are not adverse to changing the form of their government. Thirty-nine states have held at least one constitutional convention to consider changing their original state constitutions. New Hampshire leads with fifteen such conventions. Eleven states provide for a periodic review of their constitutions. Since World War II, in addition to Alaska and Hawaii which adopted constitutions for the first time, Connecticut, Michigan and Missouri have adopted new constitutions, while Maryland and New York wrote new constitutions which the voters ultimately rejected. All of these are in addition to the numerous constitutional amendments which the various states have adopted.

6. Because of increasing public concern about the complexity and responsiveness of government, it is recommended that you carry Chief Justice Burger's proposal one step further and promote the calling of a Constitutional Convention. You may wish to consider including in the next State of the Union Message a call for a re-examination of the Constitution. If you decide to make such a statement, it is also suggested that you fund a series of studies to be completed in the coming year, and plan further steps to publicize the problem and the need for a Constitutional Convention.

7. As you know, the Constitutional Convention of 1787 deliberated behind closed doors. It is suggested that both the study groups and a Constitutional Convention, if called, should also work in this way. Steps should be taken to insulate the deliberations from the myriad pressure groups that have distorted our legislative process. Historians generally agree that if the Constitutional Convention of 1787 had been open we would never have developed an acceptable Constitution.

Remarks of  
Warren E. Burger  
Chief Justice of the United States  
To The Seminar on Legal History  
The National Archives  
Washington, D.C.  
Thursday, September 21, 1978

Remarks of  
Warren E. Burger  
Chief Justice of the United States  
To The Seminar on Legal History  
The National Archives  
Washington, D.C.  
Thursday, September 21, 1978

HOW LONG CAN WE COPE?

IT MAY SEEM PREMATURE TO BE THINKING ABOUT THE NEXT SIGNIFICANT BICENTENNIAL CELEBRATION IN OUR NATIONAL LIFE, BUT OUR EXPERIENCE WITH THE BICENTENNIAL OF 1976 DEMONSTRATES THE DESIRABILITY FOR LONG ADVANCE PLANNING. IT IS NOT TOO SOON TO TURN OUR MINDS TO THE 200TH ANNIVERSARY OF THE DOCUMENT SIGNED IN PHILADELPHIA ALMOST EXACTLY 191 YEARS AGO. WE TAKE CONSIDERABLE PRIDE, AND I THINK APPROPRIATELY, IN THE FACT THAT WE HAVE FUNCTIONED AS A NATION UNDER THIS ONE WRITTEN CONSTITUTION FOR NEARLY TWO CENTURIES. NO OTHER NATION CAN MATCH THAT.

THE EVENTS OF THE PAST 40 YEARS HAVE BROUGHT HOME TO US VERY FORCEFULLY THAT FREEDOM IS FRAGILE. THIS IS PARTICULARLY TRUE OF THE FREEDOM OF OUR OPEN SOCIETY WHERE WE NOT ONLY PERMIT, BUT AT TIMES ALMOST SEEM TO INVITE ATTACKS, BECAUSE OF OUR COMMITMENT TO FLEXIBILITY AND CHANGE AND OUR DEDICATION TO THE VALUES PROTECTED BY THE FIRST AMENDMENT. ERIC HOFFER, WITH HIS UNCOMPLICATED LOGIC AND SIMPLICITY OF STYLE, HAS EXPRESSED HIS DEEP CONCERN THAT OUR SYSTEM OF GOVERNMENT AND OUR FREE SOCIETY MAY BE MORE FRAGILE IN MANY RESPECTS THAN OTHER SOCIETIES, AND HE HAS SUGGESTED THAT "THE SOCIAL BODY" IS PERHAPS MORE VULNERABLE AND FRAGILE THAN THE HUMAN BODY.<sup>1/</sup>

IT HAS BEEN AN ARTICLE OF FAITH WITH US THAT THE ARTIFICIAL AND MANIPULATED SYSTEMS OF AUTHORITARIAN REGIMES, NO MATTER HOW STRONG THEY SEEM FOR A TIME, DO NOT POSSESS THE POWERS OF RESTORATION OR RECUPERATION POSSESSED BY OUR KIND OF GOVERNMENT. IT IS WITHIN THE MEMORY OF ALL OF US THAT A GREAT MANY PEOPLE IN THE 1930'S, AND EVEN LATER, ACCEPTED HITLER'S BOAST THAT HE WAS CREATING A "1,000 YEAR REICH." THEY REMEMBERED, TOO, THAT EVEN BEFORE HITLER, AS WELL AS IN MORE RECENT TIMES, OTHER PEOPLE SAW SOVIET COMMUNISM AS "THE WAVE OF THE FUTURE." IT WAS LINCOLN STEFFENS WHO SAID AFTER A VISIT TO RUSSIA THAT HE HAD "BEEN OVER INTO THE FUTURE AND IT WORKS."<sup>2/</sup>

---

1/ Letter from Eric Hoffer to Warren E. Burger dated March 21, 1969.

2/ Lincoln Steffens, The Autobiography of Lincoln Steffens, (New York: Harcourt, Brace & Co., 1931), p. 799.

SURELY THE EVENTS OF THE LAST 40 OR MORE YEARS IN WORLD HISTORY UNDERSCORE THE IMPORTANCE OF BOTH THE PHILOSOPHY OF FREEDOM AND THE MECHANISMS AND PRACTICES WE HAVE SET UP TO INSURE A CONTINUANCE OF FREEDOM.

WE ARE SURELY COMMITTED TO A SIGNIFICANT CELEBRATION OF THE CREATION OF OUR CONSTITUTIONAL SYSTEM UNDER THE CONSTITUTION, WHICH IN 200 YEARS TOOK US FROM THREE MILLION STRUGGLING PIONEERS INTO A GREAT WORLD POWER, AND INDIVIDUAL INITIATIVE WAS THE SECRET OF THIS SUCCESS. IT IS, THEREFORE, NOT TOO EARLY TO BEGIN THINKING AND PLANNING TO BE SURE THAT WHAT WE DO WILL BE AN APPROPRIATE RECOGNITION OF THE IMPORTANCE OF THE EVENT AND TO SERVE AS A GUIDE TO CORRECT WHATEVER FLAWS WE SEE AND TO PLAN FOR THE YEARS AHEAD.

I SUBMIT THAT AN APPROPRIATE WAY TO DO THIS WILL BE TO REEXAMINE EACH OF THE THREE MAJOR ARTICLES OF OUR ORGANIC LAW AND COMPARE THE FUNCTIONS AS THEY HAVE BEEN PERFORMED IN RECENT TIMES WITH THE FUNCTIONS CONTEMPLATED IN 1787 BY THE MEN AT PHILADELPHIA. THE CONSTITUTION WAS, OF COURSE, INTENDED TO BE A MECHANISM TO ALLOW FOR THE EVOLUTION OF GOVERNMENTAL INSTITUTIONS AND CONSTITUTIONAL CONCEPTS. BUT WE SHOULD EXAMINE THE CHANGES WHICH HAVE OCCURRED OVER TWO CENTURIES AND ASK OURSELVES WHETHER THEY ARE FAITHFUL TO THE SPIRIT AND THE LETTER OF THE CONSTITUTION, OR WHETHER, WITH SOME, WE HAVE GONE OFF ON THE WRONG TRACK.

THIS UNDERTAKING IS TOO SERIOUS, TOO BROAD IN SCOPE AND TOO IMPORTANT TO BE ACCOMPLISHED WITHIN ONE YEAR. I SUGGEST FOR YOUR CONSIDERATION, AND TO THOSE WITH SIMILAR INTERESTS, THAT WE SET ASIDE, NOT ONE YEAR OR EVEN TWO YEARS, BUT THREE YEARS FOR THIS ENTERPRISE. ALTHOUGH THE SEQUENCE NEED NOT BE RIGID, I WOULD SUGGEST THAT IN 1985 WE DEVOTE OURSELVES TO AN EXAMINATION OF ARTICLE I; IN 1986, WE SHOULD ADDRESS THE POWERS DELEGATED BY ARTICLE II; IN 1987, WE SHOULD ADDRESS ARTICLE III. LET ME BRIEFLY SUGGEST A FEW OF THE DIFFERENCES BETWEEN THE EXPECTATIONS OF THE FRAMERS AND PRESENT-DAY PRACTICES, BEARING IN MIND MARSHALL'S STATEMENT THAT THE CONSTITUTION WAS "INTENDED TO ENDURE FOR AGES TO COME, AND CONSEQUENTLY, TO BE ADAPTED TO THE VARIOUS CRISES IN HUMAN AFFAIRS."

#### ARTICLE I

UNDER ARTICLE I, ALL LEGISLATIVE POWERS WERE VESTED IN THE CONGRESS OF THE UNITED STATES, OR AS JEFFERSON SAID, "THE GREAT COUNCIL OF THE NATION." IT DOES NOT REQUIRE THE SKILLS OF HISTORIANS OR POLITICAL SCIENTISTS TO OBSERVE THAT CONGRESS IN 1978 IS A VERY DIFFERENT INSTITUTION FROM WHAT WAS CONTEMPLATED IN 1787. BUT WE MUST DO MORE THAN STUDY HOW THE CONGRESS OF TODAY IS DIFFERENT; WE SHOULD PROCEED TO ASSESS WHETHER THE CONGRESS IS FUNCTIONING ACCORDING TO THE SPIRIT OF THE FOUNDING FATHERS, EVEN AS WE RECOGNIZE THAT CHANGES WERE INEVITABLE WITH CHANGING TIMES AND NEW PROBLEMS.

WHAT ARE THE KIND OF CHANGES THAT OUGHT TO BE LOOKED AT? SURELY, THE GROWTH FACTOR IS ONE. THE HOUSE OF REPRESENTATIVES HAS GROWN FROM 45 TO 435; THE SENATE FROM 26 TO 100. IN THE ORIGINAL CONTEMPLATION, MEMBERSHIP IN THE CONGRESS WAS NOT TO BE A FULL-TIME OCCUPATION. THE FRAMERS ANTICIPATED PART-TIME PUBLIC SERVICE OF THE LEADING CITIZENS OF EACH STATE. THEY WERE TO COME TO PHILADELPHIA (AND LATER TO WASHINGTON) FOR ONLY A FEW MONTHS OUT OF THE YEAR AND SPEND THE REMAINING SEVEN OR EIGHT MONTHS BACK HOME ON A FARM OR AT A LAW PRACTICE OR LUMBER MILL. NOW, IT IS A FULL-TIME PROFESSION -- AND NECESSARILY SO -- GIVEN WHAT WE ASK OF THEM.

OBVIOUSLY MEMBERS OF THE CONGRESS CANNOT BE EXPECTED TO FUNCTION TODAY AS THEY DID IN THE TIME OF CLAY, CALHOUN AND WEBSTER WHEN THERE WERE NO TYPEWRITERS, NO COMPUTERS, AND WHEN BOTH COMMUNICATION AND TRAVEL WERE VERY DIFFERENT FROM THE PRESENT DAY. BUT SOME OF THE CHANGES WHICH WE NOW OBSERVE IN THE FUNCTIONING OF THE CONGRESS ARE SO FUNDAMENTAL THAT THEY CAN PROFITABLY BE REEXAMINED IN LIGHT OF ORIGINAL EXPECTATIONS ABOUT THE FUNCTIONING OF THE LEGISLATIVE BRANCH. FOR AT LEAST THE FIRST 100 YEARS, EACH MEMBER OF CONGRESS COULD DO ALL HIS OWN HOMEWORK VERY LARGELY AS MEMBERS OF THE BRITISH HOUSE OF COMMONS STILL DO. EACH DILIGENT MEMBER OF CONGRESS COULD READILY READ EVERY BILL PROPOSED AND UNDERSTAND WHAT WAS BEING PRESENTED. MEMBERS OF CONGRESS ARE NOW TORN BETWEEN THEIR MOUNTING OBLIGATIONS TO ASSIST INDIVIDUAL CONSTITUENTS IN THEIR DEALINGS WITH THE BUREAUCRACY -- TO RESPOND TO MAIL -- AND THE DEMANDS OF THE NUMEROUS SUBCOMMITTEES AND COMMITTEES UPON WHICH THEY SERVE. THE MAIL IS INCREASED -- PERHAPS -- BY NEW WORD PROCESSING EQUIPMENT AVAILABLE TO INTEREST GROUPS, WITH ONE SET OF WORD PROCESSING MACHINES COMMUNICATING WITH ANOTHER MACHINE. ADDED TO ALL THIS IS THE CONSTANT NEED TO MEND POLITICAL FENCES -- WHICH, OF COURSE, IS DEMOCRACY AT WORK.

THESE CROSS-PRESSURES, THE IMMENSE INCREASE IN THE VOLUME OF LEGISLATIVE BUSINESS AND THE NEED TO MATCH THE SIZE AND SPECIALIZED CAPABILITIES OF THE EXECUTIVE BRANCH EXPERTS ACCOUNTS IN LARGE MEASURE FOR THE ENORMOUS EXPANSION OF CONGRESSIONAL STAFFS. INDEED, SOME SAY THAT CONGRESS IS NOW NOT 535 PERSONS BUT RATHER 535 PLUS THOUSANDS OF STAFF MEMBERS IN THE HOUSE AND SENATE. THE CONGRESSIONAL QUARTERLY WEEKLY REPORT TELLS US THAT CURRENTLY THE CONGRESSIONAL STAFFS AGGREGATE ABOUT 16,500.<sup>3/</sup> THE INCREASE IN THE SIZE OF STAFFS SEEMS TO HAVE INDUCED SOME PROLIFERATION OF THE NUMBER OF LOBBYISTS -- OR PERHAPS IT WAS THE OTHER WAY AROUND. THE NUMBER OF CORPORATIONS MAINTAINING OFFICES IN WASHINGTON HAS GROWN IN 15 YEARS FROM ABOUT 50 TO 300. MORE THAN 16,000 TRADE ASSOCIATIONS AND LABOR UNIONS HAVE OFFICES IN THIS CAPITAL.

---

3/ The Congressional Quarterly Weekly Report, Feb. 11, 1978.

BUT THE CENTRAL FOCUS IN REEXAMINATION OF THE OPERATIONS UNDER ARTICLE I ARE THE NEW PROBLEMS WHICH HAVE ADDED TO THE BURDENS OF THE CONGRESS. OBSERVERS SAY THAT FLOOR DEBATE NO LONGER OCCUPIES THE ROLE IT DID IN TIMES PAST. MEMBERS OF CONGRESS TEND TO BECOME SPECIALISTS -- CONCENTRATING ON THE WORK OF THEIR OWN COMMITTEES -- RATHER THAN THE GENERALISTS OF AN EARLIER DAY. A LARGE PART OF THE WORK OF CONGRESSIONAL STAFFS IS DEVOTED TO "SERVICING" CONSTITUENTS ENTIRELY APART FROM THE LEGISLATIVE PROCESS ITSELF. THIS MAY BE AN APPROPRIATE PART OF THE DEMOCRATIC ETHOS, BUT IT IS SURELY SOME DISTANCE FROM WHAT THE AUTHORS OF THE CONSTITUTION INTENDED. THIS IS NOT SAID CRITICALLY BUT RATHER AS THE REALITY OF PRESENT DAY LIFE. INDEED MY REFLECTIONS ON THIS SUBJECT REST ON WHAT MEMBERS OF CONGRESS HAVE SAID -- PUBLICLY AND PRIVATELY.

A WELL-INFORMED AND HIGHLY SOPHISTICATED JOURNALIST, ELIZABETH DREW, RECENTLY DESCRIBED THE DILEMMA OF MEMBERS OF CONGRESS ATTEMPTING TO COPE WITH THE FLOOD OF BILLS SUBMITTED AND THE LESSER BUT STILL OVERWHELMING FLOOD OF PROPOSALS EMERGING FROM COMMITTEES.<sup>4/</sup> MANY MEMBERS OF CONGRESS HAVE STATED THAT IT IS ALMOST IMPOSSIBLE FOR ANY MEMBER TO READ ALL THE PROPOSED LEGISLATION. SOME CRITICS SUGGEST THAT THE INCREASE IN STAFFS HAS LED DIRECTLY TO THIS INCREASE IN THE NUMBER AND LENGTH OF PROPOSED BILLS AND COMMITTEE REPORTS. I DO NOT KNOW. BUT IT IS POSSIBLE THAT A SENATOR WITH A STAFF OF 50 OR 60 OR 70 PERSONS MAY HAVE MORE BURDENS THAN BENEFITS GIVEN THE INEXORABLE WORKINGS OF PARKINSON'S LAW. I DO OBSERVE THAT RATHER THAN HAVING THEIR WORKLOAD LESSENERED, CONGRESSMEN SEEM TO FIND THEMSELVES OVERWHELMED AND MANY ARE RETIRING PREMATURELY. WE ALSO SEE WHAT PERHAPS IS ANOTHER RESULT OF CURRENT OPERATIONS, AND THAT IS A LEGISLATIVE PRODUCT WHERE, ALL TOO OFTEN, THE MEANING AND INTENT OF CONGRESS ARE BLURRED AND THE ENTIRE POLICY ISSUE WINDS UP IN THE COURTS FOR RESOLUTION.<sup>5/</sup> AND OFTEN THE COURTS HAVE GREAT DIFFICULTY DISCERNING THE TRUE INTENT OF CONGRESS.

THE PURPOSE OF THESE OBSERVATIONS IS NEITHER TO CHALLENGE NOR TO CRITICIZE THE PROCESS. IT IS SIMPLY TO POINT OUT THE WORLD OF DIFFERENCE BETWEEN FUNCTIONS CONTEMPLATED IN 1787 AND THE REALITY OF 1978. A FULL YEAR IS NEEDED TO MAKE A CONCENTRATED ANALYSIS BY POLITICAL SCIENTISTS, HISTORIANS, AND OTHER SPECIALISTS -- AND MEMBERS OF CONGRESS -- TO STIMULATE A SERIOUS NATIONAL DISCUSSION. SUCH AN ANALYSIS CAN BE MADE IN A MORE ORDERLY AND RATIONAL WAY IF THE DISCUSSION OF ONE BRANCH

---

4/ Elizabeth Drew, "A Tendency to Legislate", The New Yorker, June 26, 1978, pp. 80-86.

5/ See Carl McGowan, "Congress and the Courts", 62 American Bar Association Journal, pp. 1588-1590 (Dec. 1970); and see TVA v. Hill, 98 S. Ct. 2279 (1978); SEC v. Sloan, 98 S. Ct. 1702 (1978).

IS CONDUCTED ENTIRELY INDEPENDENT OF DISCUSSION OF THE OTHER TWO BRANCHES. IT IS, THEREFORE, DESIRABLE TO SET ASIDE THE YEAR 1985 FOR COMPREHENSIVE REEXAMINATION OF THE ARTICLE I FUNCTIONS.

## ARTICLE II

THE OPERATIONS OF THE EXECUTIVE BRANCH, LIKE THOSE OF THE CONGRESS, HAVE ALSO UNDERGONE DRAMATIC EVOLUTION AND CHANGE. IN 1789 THERE WAS ONLY A HANDFUL OF "EXECUTIVES" IN THE EXECUTIVE BRANCH ALONG WITH CUSTOMS COLLECTORS AND POSTMASTERS.<sup>6/</sup> THE TOTAL BUDGET OF THE FEDERAL GOVERNMENT IN DOLLARS WAS SMALLER BY FAR AT THE BEGINNING THAN THAT OF A MODEST SIZED CITY -- COLORADO SPRINGS -- FOR EXAMPLE.<sup>7/</sup> COMMUNICATION BETWEEN THE FIRST EXECUTIVE AND THE LEGISLATIVE BRANCH WAS CASUAL AND INFORMAL.<sup>8/</sup>

ALTHOUGH THE MEMBERS OF THE FIRST SUPREME COURT WISELY RESISTED PRESIDENT WASHINGTON'S REQUEST FOR ADVISORY OPINIONS AND DECLINED TO PERFORM OTHER FUNCTIONS WHICH THEY DEEMED TO BE EXECUTIVE IN NATURE, THERE IS LITTLE DOUBT THAT CHIEF JUSTICE JAY GAVE ADVICE TO WASHINGTON OVER THE DINNER TABLE AND EVEN IN WRITING. THE PRESIDENT HAD NO PROFESSIONAL STAFF FOR HIMSELF. HIS CLOSE ADVISORS ALSO INCLUDED THE CABINET SECRETARIES AND THE VICE PRESIDENT.

ALTHOUGH THE EXECUTIVE BRANCH GREW GREATLY FROM 1789 TO THE FIRST WORLD WAR, OUR WARTIME PRESIDENT, WOODROW WILSON, PECKED AWAY AT HIS HAMMOND TYPEWRITER, TURNING OUT SPEECHES AND MESSAGES TO CONGRESS -- AND AN OUTLINE OF THE LEAGUE OF NATIONS.

PRESIDENT HOOVER HAD THREE OR FOUR STAFF AIDES, THEN CALLED "SECRETARIES", WHO ASSISTED HIM WITH HIS PROBLEMS, INCLUDING ONE FORMER CONGRESSMAN WHO PRESUMABLY HANDLED LEGISLATIVE RELATIONS. FRANKLIN ROOSEVELT, AS A CANDIDATE, ATTACKED HOOVER FOR HIS EXCESSIVELY LARGE STAFF. YET, AS WE KNOW, THE GREAT EXPANSION OF THE WHITE HOUSE STAFF BEGAN UNDER PRESIDENT FRANKLIN ROOSEVELT AS THE WHOLE EXECUTIVE BRANCH BURGEONED TO MEET THE EMERGENCIES CREATED BY THE WORLD-WIDE DEPRESSION.

---

6/ See Leonard White, The Federalists (Toronto: Collier, MacMillan, 1948).

7/ The expenditures of the federal government were 5.1 million dollars in 1792. The expenditures of Colorado Springs in 1977 were 53.7 million dollars.

8/ James S. Young, The Washington Community (New York: Columbia University Press, 1966).

THUS ONE MATTER TO BE REFLECTED UPON IN 1986 IS THE IMPLICATIONS OF THE SIZE OF THE EXECUTIVE BRANCH. ANOTHER QUESTION DESERVING ANALYSIS IS WHAT WE NOW UNDERSTAND FROM THE PROVISION OF ARTICLE II STATING THAT THE EXECUTIVE POWER SHALL BE VESTED IN THE PRESIDENT. TODAY EXECUTIVE POWER IS ACTUALLY IN THE HANDS OF A FEW THOUSAND OF NEARLY THREE MILLION CIVILIAN EMPLOYEES OF THE EXECUTIVE BRANCH. THERE ARE 150,000 EMPLOYEES IN THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE ALONE -- MORE THAN THE STANDING ARMY OF THE COUNTRY IN EARLY PARTS OF THIS CENTURY.

THERE ARE OTHER CHANGES. FOR NEARLY A HALF CENTURY THE EXECUTIVE BRANCH INITIATED MUCH OF THE SIGNIFICANT LEGISLATION. IT IS INTERESTING TO NOTE THAT THE CIVIL SERVICE COMMISSION IS HOLDING A WORKSHOP THIS DECEMBER -- AND I USE THE COMMISSION'S LANGUAGE -- TO "HELP TRAIN AGENCY PERSONNEL WHO WILL BE ASSUMING ASSIGNMENTS IN THE FORMULATION OF LEGISLATION." THIS IS ENTIRELY APPROPRIATE BUT IT PERHAPS IN PART EXPLAINS WHY CONGRESS NEEDED SPECIALIST STAFFS TO COPE WITH THE EXECUTIVE. THE GROWTH IN THE RULE-MAKING ACTIVITY OF THE FEDERAL AGENCIES HAS GIVEN RISE TO CONCERN AND INDEED TO CHALLENGES BY RECENT PRESIDENTS WHO THOUGHT THEIR POLICIES WERE BEING FRUSTRATED.

ONE EXAMPLE OF CHANGES BROUGHT ON IN THE ELECTRONIC AGE IS THE RELATIONSHIP OF PRESIDENT WITH THE MEDIA. PERHAPS WE SHOULD ASK WHETHER ANY PRESIDENT SHOULD BE EXPECTED TO HAVE AT HIS FINGERTIPS, AND ON THE TOP OF HIS HEAD, A COMPREHENSIVE AND TOTALLY ACCURATE RESPONSE TO EVERY QUESTION SUBMITTED FROM AN AUDIENCE CONSISTING OF SEVERAL HUNDRED POLITICALLY SOPHISTICATED MEDIA REPORTERS? AT TIMES WE READ A SUPERFICIAL COMPARISON TO THE BRITISH SYSTEM WHERE THE PRIME MINISTER AND HIS CABINET MINISTERS APPEAR IN THE COMMONS FOR THE QUESTION PERIOD. BUT THE COMPARISON IS FLAWED BECAUSE IN BRITAIN THERE IS A FIXED AGENDA FOR THE QUESTION PERIOD. THE PRIME MINISTER OR ANY MEMBER OF HIS CABINET NEED BE WELL-INFORMED ONLY ON THE SPECIFIC AND LIMITED SUBJECTS COVERED BY THAT AGREED AGENDA.

IS IT POSSIBLE THAT THE MEDIA, THE PRESIDENCY, AND THE NATION WOULD BE BETTER SERVED IF PRESIDENTIAL PRESS CONFERENCES WERE -- AT LEAST -- CONFINED TO AGREED SUBJECTS? -- FOR EXAMPLE, THE PROBLEMS OF THE MIDDLE EAST, OR INFLATION OR ENERGY -- RATHER THAN HAVING EVERY PRESS CONFERENCE OPEN TO THE ENTIRE RANGE OF PROBLEMS CONFRONTING THE COUNTRY. THE EVENING NEWS AND THE MORNING PAPERS WOULD BE ABLE TO FOCUS WITH GREATER CLARITY AND IN GREATER DEPTH ON PARTICULAR POLICY ISSUES AND THE MEDIA MIGHT THUS BE BETTER ABLE TO INFORM THE PUBLIC IN THE LONG RUN.

THESE ARE JUST A SAMPLE OF SOME OF THE ISSUES AND PROBLEMS WHICH MIGHT BE DISCUSSED DURING THE YEAR 1986 BY POLITICAL SCIENTISTS, HISTORIANS, JOURNALISTS, AND THOSE WHO HAVE ACTUAL FIRST-HAND EXPERIENCE IN GOVERNMENT. OTHERS HAVING BROADER EXPERIENCE IN GOVERNMENT WILL SEE MANY AREAS FOR INQUIRY.

ARTICLE III

QUESTIONS ABOUT THE PRESENT FUNCTIONING OF THE JUDICIARY COMPARED WITH ORIGINAL EXPECTATIONS COULD BE DEALT WITH IN 1987. SINCE I CANNOT QUALIFY EITHER AS A TOTALLY EXPERT WITNESS ON THE SUBJECT OR AS TOTALLY UNBIASED, I WILL LEAVE IT TO OTHERS TO FLESH OUT THE FULL SCOPE OF THE INQUIRY FOR THERE IS A LONG LIST OF QUESTIONS DESERVING SERIOUS STUDY.

I SUSPECT THAT BY THE TIME THE DELEGATES REACHED ARTICLE III THAT THEY WERE GETTING WEARY IN THE HOT AND HUMID PHILADELPHIA SUMMER. THE ENTIRE JUDICIAL ARTICLE CONTAINS ONLY 369 WORDS. THE FIRST JUDICIARY ACT OF 1789 AUTHORIZED 13 U.S. DISTRICT JUDGES AND SIX MEMBERS OF THE SUPREME COURT. PERHAPS THE FEELING OF THOSE WEARY DELEGATES AT THE CONSTITUTIONAL CONVENTION WAS THAT A BRANCH OF GOVERNMENT WHICH WOULD CONSIST INITIALLY OF ONLY 19 JUDGES DID NOT CALL FOR MUCH RHETORIC -- OR MUCH ATTENTION. THE CONSTITUTION PROVIDED THAT THE FEDERAL COURTS WOULD HAVE A LIMITED AND SPECIAL FUNCTION -- IN THAT DAY LARGELY DECIDING ADMIRALTY CASES.

THE NUMBER OF JUDGES HAS GROWN FROM THOSE FIRST 19 TO 397 AUTHORIZED DISTRICT JUDGES, 97 JUDGES OF THE COURTS OF APPEALS, AND ANOTHER 21 JUDGES OF THREE SPECIALIZED TRIBUNALS -- A TOTAL OF 515. ANOTHER 130 SENIOR JUDGES CONTINUE TO SERVE -- FORTUNATELY FOR US. THIS NUMBER WILL SOON INCREASE BY APPROXIMATELY 150 WHEN CONGRESS PASSES THE OMNIBUS JUDGESHIP BILL -- WHICH MAY HAPPEN THIS WEEK.

THE SUPREME COURT HAS INCREASED FROM SIX JUSTICES TO NINE, REMAINING AT THAT FIGURE FOR OVER A CENTURY. I DO NOT KNOW OF ANYONE ADVOCATING INCREASING THE MEMBERSHIP OF THE SUPREME COURT -- LEAST OF ALL THE PRESENT JUSTICES. ONE WAS COMMENTED THAT NINE MEMBERS OF THE SUPREME COURT HAVE PRODUCED SUFFICIENT MISCHIEF IN THIS COUNTRY AND ANY INCREASE WOULD BE INTOLERABLE.

WITH 19 FEDERAL JUDGES IN 1789 -- AND FOR AT LEAST 100 YEARS -- THERE WERE NO SIGNIFICANT "MANAGEMENT" PROBLEMS. EVEN WITH THE 100 OR MORE JUDGES DURING THE TIME TAFT WAS CHIEF JUSTICE, THE MANAGEMENT PROBLEM WAS NOT ENORMOUS. BUT TAFT SAW INTO THE FUTURE AND FOUGHT FOR THE CREATION OF THE CONFERENCE OF SENIOR CIRCUIT JUDGES (NOW THE JUDICIAL CONFERENCE OF THE UNITED STATES) TO ASSIST IN "MANAGING" THE BUSINESS OF THE COURTS, AS HE CALLED IT. THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS WAS CREATED IN 1939 WITH ESSENTIALLY HOUSEKEEPING FUNCTIONS. THE FEDERAL JUDICIAL CENTER BEGAN OPERATIONS IN 1968 AS THE RESEARCH, DEVELOPMENT AND EDUCATIONAL ARM OF THE JUDICIARY. IN 1971 THE POSITION OF CIRCUIT EXECUTIVE -- A MANAGEMENT ASSISTANT FOR THE CHIEF CIRCUIT JUDGES -- WAS CREATED FOR EACH CIRCUIT. WE MUST ALSO COUNT SUPPORTING PERSONNEL -- COURT CLERKS, BAILIFFS, COURT REPORTERS AND SO FORTH, OR A TOTAL OF 9,377 PERSONS.<sup>9/</sup> WE SEE,

---

<sup>9/</sup> Excluding 2,902 probation officers.

THEREFORE, THAT THE JUDICIAL BRANCH, WHILE SMALL, HAS INCREASED GREATLY SINCE 1789.

FOR NEARLY NINE YEARS CONGRESS HAS FAILED TO CREATE A SINGLE NEW JUDGESHIP AND THE COURTS HAVE HAD TO COPE WITH THE ENORMOUS INCREASE IN WORKLOAD WITH ADDITIONAL LAW CLERKS AND STAFF LAWYERS. THE PRESSURE OF CASELOADS HAS LED TO AN INCREASE IN THE PROPORTION OF CASES DECIDED WITHOUT ORAL ARGUMENT AND OFTEN WITHOUT A FORMAL, WRITTEN OPINION. LAWYERS OPPOSE THIS.

SOME RESPONSIBLE AND WELL-INFORMED LAWYERS AND SCHOLARS HAVE CRITICIZED THE INCREASING COMPLEXITY OF JUDICIAL PROCEDURE ARGUING THAT OVERUSE OF PRE-TRIAL PROCESSES COMPLICATE AND DELAY TRIALS. OTHERS HAVE ECHOED THE CRITICISM, MADE FIRST BY ROSCOE POUND IN 1906, THAT THE EXCESSES OF THE ADVERSARY SYSTEM HINDER RATHER THAN PROMOTE THE ENDS OF JUSTICE. THE PROCESSES OF ADMINISTRATIVE LAW ARE BEING CHALLENGED AND QUESTIONS ARE RAISED AS TO THE SOUNDNESS OF TRYING COMPLEX ANTI-TRUST CASES BEFORE 12 LAY JURORS PICKED AT RANDOM FROM THE POPULATION.

THESE DEVELOPMENTS INSPIRE A SERIES OF QUESTIONS, QUESTIONS ABOUT THE EFFICIENCY OF COURTS FUNCTIONING UNDER SUCH DEMANDS, QUESTIONS ABOUT THE GROWTH OF A JUDICIAL "BUREAUCRACY", AND EVEN QUESTIONS ABOUT THE DUTIES PLACED ON THE CHIEF JUSTICE ARE EMERGING. SHOULD IT BE EXPECTED THAT THE CHIEF JUSTICE, WITH ALL THE DUTIES OF OTHER JUSTICES OF THE COURT, BE CALLED UPON TO BE THE "CHIEF EXECUTIVE" OF THE JUDICIAL BRANCH. CONGRESS MADE THE CHIEF JUSTICE CHAIRMAN OF THE JUDICIAL CONFERENCE OF THE UNITED STATES WITH DUTIES THAT ABSORB HUNDREDS OF HOURS EACH YEAR. IT MADE HIM CHAIRMAN OF THE FEDERAL JUDICIAL CENTER, WITH SIMILAR TIME DEMANDS. THESE TWO ORGANIZATIONS ARE EXPECTED TO DEVELOP INNOVATIVE PROGRAMS AND MECHANISMS TO IMPROVE AND SPEED UP JUSTICE. BECAUSE CHIEF JUSTICES HAVE SOMEHOW BEEN ABLE TO MANAGE UP TO NOW DOES NOT MEAN THIS CAN CONTINUE TO BE TRUE IN THE THIRD CENTURY UNDER THE CONSTITUTION. SEVEN YEARS AGO A COMMITTEE OF DISTINGUISHED LAWYERS AND SCHOLARS, CHAIRED BY PROFESSOR PAUL FREUND OF HARVARD, RECOMMENDED THAT ANOTHER COURT BE CREATED TO TAKE PART OF THE WORK NOW RESTING ON THE SUPREME COURT. NO ACTION HAS BEEN TAKEN ON THAT PROPOSAL.

THERE ARE SERIOUS QUESTIONS AS TO HOW LONG JUSTICES CAN WORK A SIXTY HOUR WEEK AND MAINTAIN APPROPRIATE STANDARDS.

AT LEAST AS IMPORTANT AS THE NEED TO EXAMINE THE INCREASE IN THE SIZE OF THE JUDICIAL BRANCH IS THE NEED TO EXAMINE THE POWERS EXERCISED BY THE JUDICIARY. THE AUTHORS OF THE CONSTITUTION DID NOT CONTEMPLATE THAT THE JUDICIARY WOULD BE AN OVERSEER OF THE OTHER TWO BRANCHES. AT MOST, THEY EXPECTED THAT THE JUDICIAL FUNCTION WOULD BE CONFINED TO INTERPRETING LAWS AND DECIDING WHETHER PARTICULAR ACTS OF THE CONGRESS OR OF THE EXECUTIVE WERE IN CONFLICT WITH THE CONSTITUTION, BUT EVEN THAT WAS NOT EXPLICIT. SURELY, THAT IS ALL MARSHALL'S OPINION IN MARBURY V. MADISON MEANS.

PARADOXICALLY, IN RECENT YEARS, THE SUPREME COURT HAS BEEN SUBJECTED TO CRITICISM FROM BOTH ENDS OF THE SPECTRUM. ON THE ONE HAND, THERE ARE CRITICS WHO SUGGEST THAT THE SUPREME COURT, LIKE THE OTHER TWO BRANCHES, HAS BECOME "IMPERIAL" IN THE SENSE OF EXERCISING POWERS NOT ASSIGNED TO IT BY THE CONSTITUTION. ON THE OTHER HAND, THERE ARE THOSE WHO SAY THAT THE SUPREME COURT HAS BEEN TOO PASSIVE AND HAS NOT UNDERTAKEN TO ENGAGE IN WIDE RANGING SOCIAL AND POLITICAL ACTIVISM THOUGHT BY SOME TO BE CALLED FOR BY CONTEMPORARY PROBLEMS. IT WILL BE FOR OTHERS TO EVALUATE THESE CONTENTIONS. ALL THIS IS RICH FODDER FOR SYMPOSIA IN 1987.

\* \* \* \* \*

WE MAKE A LARGE POINT OF THE INDEPENDENCE AND SEPARATENESS OF THE THREE BRANCHES, BUT THE AUTHORS OF THE CONSTITUTION ALSO CONTEMPLATED THAT THERE WOULD BE COORDINATION BETWEEN THE BRANCHES DERIVING FROM A COMMON PURPOSE. THAT THEY SHOULD CONSULT ON SOME MATTERS IS BEYOND DOUBT. HOW FAR THAT SHOULD GO IS A SUBJECT FOR CAREFUL STUDY.

THE UNIQUENESS AND TRUE GENIUS OF THE DOCUMENT IS THAT IT HAS PRECLUDED ANY ONE OF THE BRANCHES FROM DOMINATING ANY OTHER. THIS WILL CONTINUE SO LONG AS WE ARE FAITHFUL TO THE SPIRIT AND LETTER OF THE CONSTITUTION.

PROJECT '87 IS ALREADY UNDERWAY AND THE JUDICIAL CONFERENCE OF THE UNITED STATES LAST YEAR AUTHORIZED THE APPOINTMENT OF A SPECIAL COMMITTEE TO PREPARE FOR AN OBSERVANCE OF THIS SIGNIFICANT HISTORIC EVENT. IF WE -- COLLECTIVELY -- USE THE "LEAD TIME" NOW AVAILABLE TO US, WE CAN DEVELOP A PROGRAM WORTHY OF THE IMPORTANCE OF THE OCCASION.

ALTHOUGH NONE OF US CAN ALONE DETERMINE THE TOTALITY OF WHAT THE BICENTENNIAL OF 1787 SHOULD BE, YOU -- HERE TODAY -- ARE UNIQUELY QUALIFIED TO EVALUATE THE MERITS OF THIS PROPOSAL AND TO HELP WITH ITS IMPLEMENTATION IF YOU FIND MERIT IN IT.

IF WE CONCENTRATE ALONG THESE LINES FOR ONE YEAR ON EACH OF THE THREE BRANCHES AND THEIR FUNCTIONS, PERHAPS WITH THE LATTER PART OF THE THIRD YEAR DEVOTED TO AN OVERVIEW OF ALL THAT HAS BEEN DISCUSSED, DEBATED AND ANALYZED IN THE PRECEDING YEARS, CONCEIVABLY WE MAY PRODUCE A SERIES OF PAPERS COMPARABLE IN UTILITY, IF NOT IN QUALITY, WITH THE FEDERALIST PAPERS OF 200 YEARS AGO.

WHATEVER THE PROGRAM IS TO BE, THE TIME TO BEGIN PLANNING IS NOW.

**2. DISARMAMENT  
CONFERENCE**

## An American-Russian Naval Disarmament Conference

1. Assuming that the current SALT talks result in a mutually acceptable agreement, it might be statesmanlike and wise to propose shortly thereafter an American-Russian naval disarmament program.
2. An objection could be that a disarmament conference between the two nations should include all arms. However, I consider it would be easier and simpler to have such a conference study one military element alone rather than the entire gamut of military matters.
3. Should this conference be successful, it would then be much easier to take another military element in turn.
4. The accompanying enclosure outlines the major events leading to the 1921 naval disarmament conference. Please note that the press, public, and Congress were most enthusiastic about the proposal.
5. I suggest this subject be considered for inclusion in the State of the Union Message.

## Origin of the 1921 Disarmament Conference

The genesis of the 1921 Washington naval disarmament conference was the gigantic naval race in which Japan and the United States, as well as Great Britain, found themselves at the close of World War I. Each had laid down ambitious programs and each was loath to stop while the others continued to build. Since Europe was prostrate and Britain was friendly, the obvious answer was Japan and the Japanese knew it. War talk was alarmingly prevalent on both sides of the Pacific. In the United States there was much discussion of the "inevitable war in the Pacific." The situation was further complicated by the Anglo-Japanese Alliance of 1902.

The Republican Party had blocked the League of Nations, through which President Wilson had planned to bring about disarmament. The new Harding Administration was therefore under a moral obligation to do something about the naval race and the tension that led to it. In 1921, shortly before Harding's inauguration, Senator Borah introduced a resolution looking toward the calling of a tri-Power disarmament conference. The press and the public were enthusiastically behind this proposal. Borah's proposal passed the Senate by a vote of 74 to 0, and the House by a vote of 332 to 4.

In July 1921, the British Foreign Secretary suggested that Harding invite the Powers to meet in a disarmament conference. The British were about to make public the steps that had been taken toward calling a conference. The President therefore issued a statement which would indicate

that the United States had already taken the initiative. Secretary of State Hughes informally asked the British government if they would agree to participate in a disarmament conference in Washington. Similar requests were made of the Japanese, French, and Italian governments. All accepted except the Japanese, but two weeks later they also agreed.

The United States, in August 1921, then sent formal invitations for a conference in Washington.

Unlike President Wilson in 1918, President Harding gave the Senate ample representation in the American delegation. In his opening address to the conference, he said, "We can no longer content ourselves with investigations, with statistics, with reports.... The time has come, and this Conference has been called, not for general resolutions or mutual advice, but for action."

Then Hughes asserted that the way to disarm was to disarm; and the time to begin was at once, not in the distant future. He proposed a ten-year holiday in the construction of capital ships and the scrapping of other battleships built or building. This would result in the scrapping of thirty ships built or being built or 845 thousand tons of American warships. Also, in addition, the scrapping of one million tons of British and Japanese ships.

3. SHIPBUILDING  
CLAIMS

Justice Department investigation of possible fraud in connection with claims against Navy shipbuilding contracts

1. As you know, the Secretary of the Navy recently settled over \$2.3 billion of Navy shipbuilding claims involving three large conglomerates—Litton, General Dynamics and Tenneco.
  2. The Navy was very liberal in valuing the claims. For settlement purposes large sums were added to the amounts the Navy concluded it actually owed, to account for the estimated cost of litigation avoided by settlement, as well as the possibility of unfavorable court decisions if the claims were tried.
  3. In addition to the value the Navy assigned to the claims for settlement purposes (\$579 million), the Secretary authorized an additional amount (\$564 million) as extra-contractual relief.
  4. The claims were grossly inflated. Tenneco's claims, for example, totaled \$742 million. They were settled, at a profit for the company, for \$165 million—less than 23¢ on the dollar.
  5. The practice of filing grossly inflated claims against the Government has become commonplace in the shipbuilding industry and, unless checked, can be expected to spread to other Government contracts.
  6. The Justice Department is investigating possible violation of Federal fraud or false claim statutes in connection with shipbuilding claims.
- This investigation is proceeding independent of the Navy's claim settlements.

7. In previous Administrations, the Justice Department did not apply sufficient resources to investigate reports of possible fraud in complex shipbuilding claims. The recent Litton indictment, for example, was largely the work of one Department of Justice attorney and one FBI agent. Because of the complexity of the case, and the lack of resources, the investigation took 2 1/2 years.

8. Under Judge Bell, however, greater resources have been applied to shipbuilding claims investigations. Special teams of attorneys and FBI agents are now conducting these investigations. The present Attorney General is not just paying lip service to his pledge to crack down on white collar crime.

9. More and more Americans realize the double standard that exists in our judicial system. Individual GSA employees who defraud the Government of tens of thousands of dollars are prosecuted. However, corporate officials who attempt to and actually defraud the Government on a much larger scale are rarely prosecuted.

10. In all likelihood, pressures will be brought to bear on the Justice Department to curtail the investigation of shipbuilding claims or to discourage prosecution of any corporate officials who might be implicated.

11. While I am sure Judge Bell can handle the situation, it might be reassuring if you expressed to him your support in this matter.

4. RENEGOLIATION  
BOARD

## Renegotiation Board

1. The Renegotiation Act expired September 30, 1976. The Board, however, continues to review for excessive profits a \$150 billion backlog of defense contracts awarded prior to that date.
2. When there is no Renegotiation Act, the profit-limiting provisions of the Vinson-Trammell Act take effect. Vinson-Trammell is more stringent than the Renegotiation Act, particularly for small business. It limits profits on contracts related to ships and aircraft to 10 and 12 percent respectively.
3. Many contractors have not taken Vinson-Trammell seriously as the Treasury Department, which administers the Act, has repeatedly extended the date by which contractors must file profit reports. The first Vinson-Trammell reports are now due January 15, 1979—more than two years after the Renegotiation Act expired.
4. The Defense Department has not helped either. It has supported defense contractor efforts to eliminate the profit-limiting provisions of the Vinson-Trammell Act.
5. To date, efforts by Senator Proxmire and Congressman Minish to extend and strengthen the Renegotiation Act have failed. Congress voted to cut off the Board's funds as of March 30, 1979 unless the Renegotiation Act is extended. (Congressman McCloskey and Senator Cranston are leading the campaign to kill renegotiation.)

6. In many respects the performance of the present Renegotiation Board has been disappointing. Even so, for Fiscal Year 1978 the Board made excess profit determinations of \$34 million—nearly six times its operating budget. Substantial additional recoveries are anticipated before Congress reconvenes in January.

7. When Congress reconvenes, Congressman Minish and Senator Proxmire will try again to get a simple extension of the Renegotiation Act. They probably would agree to increase exemptions for small businesses but leave out many of the controversial reforms.

8. Only with active White House support will it be possible to extend the Renegotiation Act. The following White House action would substantially enhance the chances of extending the Renegotiation Act:

a. Direct the Treasury Department to hold to the January 15, 1979 due date for contractor filings under Vinson-Trammell and to start collecting profits in excess of the prescribed limits. Defense contractors who are convinced that Vinson-Trammell will be enforced are more likely to support extension of the Renegotiation Act.

b. Direct the Defense Department and OMB to press for an extension of the Renegotiation Act and to stop undercutting the Vinson-Trammell Act.

c. Make clear to congressional leaders that:

(1) The Administration, as part of its efforts to curb inflation

and reduce waste in Government, must retain legislative authority to recover excessive profits on defense contracts.

(2) If Congress does not extend the Renegotiation Act, the Administration will enforce the stricter profit-limiting provisions of the Vinson-Trammell Act.

(3) Any proposed legislation to eliminate the profit-limitation provisions of the Vinson-Trammell Act would be vetoed unless Congress simultaneously makes the Renegotiation Act permanent.

9. If Congress extends the Renegotiation Act, some of the present Board members should be replaced and the Board brought up to its full complement of five members. To do a proper job, the Board needs more and better people.



## Lawyers

1. As you, yourself, have publicly stated, the influence of the legal profession is too great. Legal costs have become prohibitive, and legal profits are not only delaying justice but vastly increasing the costs of litigation. The legal profession has grown completely out of proportion for present-day life.
2. I recommend that this issue be mentioned in your State of the Union Message. Further, that a group of Americans of varied background be set up under the leadership of the Chief Justice to look into this matter. I know from discussions with him that he agrees with the need for such evaluation, and I believe it would be worthwhile for you to discuss this with him.
3. I believe it would also be worthwhile for you to deal with him occasionally to obtain his views on this and related matters. There is nothing in the separation of powers that prohibits this, and I believe he would be agreeable to such discussions.

6. COMMISSIONER  
OF EDUCATION

## Notes on Selecting a Replacement for the Commissioner of Education

1. I understand that the Office of Commissioner of Education will be vacated in the near future. This position is one of the most important in the Federal Government.
2. Historically, the Office of Education has served as the mouthpiece for the powerful teachers union, the National Education Association. There will be pressure from the NEA and other educational lobby groups to fill the position with one of their people. Similarly, there may be political pressures to appoint a minority person or a woman.
3. Despite these pressures, the position should be filled by the most competent person available—an individual whose only allegiance is to excellence in education. The Commissioner should be selected strictly on merit and hold public respect.
4. The public demonstrates a growing concern for quality in education. Competency testing, along with renewed emphasis on basic skills, is on the rise. Strong leadership in education at the federal level is needed to sustain and encourage this momentum.
5. A Commissioner with a proven record of accomplishment would be far more effective than one whose expertise is in educational theory or philosophy.

THE WHITE HOUSE

WASHINGTON

April 4, 1979

MEMORANDUM FOR THE PRESIDENT

FROM:

  
FRED KAHN

SUBJECT:

Possible talking points on other food buys  
in addition to beef

The only other commodity that promises to remain expensive and in short supply for a long period of time is raisins. This year's crop was substantially destroyed by heavy rains in California and raisins should be avoided until a new crop is harvested.

As for other food commodities, while some items are expensive and in short-supply right now, shortages are seasonal and relief is in sight when new crops are harvested. A specific example is fresh fruit, i.e. grapefruit and oranges in particular. April is the traditional month for shortages of these fruits and high prices. This year's situation is made a little bit worse by heavy frost in December in Texas, California and Arizona which reduced total harvest. There should be some relief early this summer. Fruit juices and canned fruits are a suitable alternative however for the near term. Fresh fruit is not a long term shortage item.

Butter prices are being forced up because more milk is being diverted into cheese production which consumers are demanding as an alternate for meat. You may want to mention that margarine is a better buy than butter, but it is politically touchy and I'd avoid it.

On the positive side, you may wish to emphasize that good buy substitutes for beef are pork in particular, poultry, and some grades of fish, although some species and types of fish products offered are extraordinarily expensive.

In the vegetable category, potatoes are plentiful and are considered to be a good buy throughout the country.

**Electrostatic Copy Made  
for Preservation Purposes**

All the cereal grains and legumes look like good buys for the future. The rice crop is 30% larger and prices will remain fairly stable. Dry beans are a good protein source and a good substitute for meat; so are dry split peas. Peanut butter is an excellent source of protein, and should be a great buy with a record peanut crop in 1978.