Secret Clinton EPA Plan for 50-Cent Gas Tax Hike

by Alfred Adask

"EPA Proposes Tough New Rules To Fight Airborne Particles, Ozone" by Randy Lee Loftus, Dallas Morning News, 11/28/96. "The Environmental Protection Agency proposed tough new clean-air standards, saying two common pollutants pose unacceptable risks to millions of Americans... the rules... could prevent 40,000 premature deaths and 1.75 million significant respiratory problems annually, according to government estimates."

Everyone agrees the goal of saving 40,000 lives a year and almost 2 million respiratory problems sounds like a great idea. However, the EPA also said, "Meeting the new standards could cost between \$6.5 billion and \$8.5 billion a year. Industries opposing the standards have put the figures much higher."

That works out to about \$200,000 for every life saved funded by \$30 in increased taxes for every man woman and child in America. I don't like higher taxes, but I'm willing to pay \$100 a year for my family's fair share in saving 40,000 lives.

Nevertheless: "Industries and some elected officials lobbied heavily against the new standards.... Opponents probably will take their case to Congress, which has given itself the power to review major environmental rules."

But why would any coalition of industries and politicians stand in opposition to rules which the government claims can save 40,000 lives per year?

Maybe it's because the roads to Hell and Big Government are both paved and promoted with seemingly "good intentions" - the only difference being the road to Big Government is a Toll Road.

Industry's view

The Coalition For Auto Repair Equality (CARE) is a lobbyist organization located in Alexandria, Virginia. CARE describes itself as a "company-driven, proactive coalition that steers the Automotive Aftermarket in the right direction and monitors the State Legislatures and Federal legislation pending in the U.S. Congress." (The "automotive aftermarket" refers primarily to those businesses involved in the sale or maintenance of used cars and trucks.) CARE focuses on any issue that deals with motor vehicle parts, design protection, promoting clean air, opposing Junker-Clunker bills, or affects motoring-consumers or the Automotive Aftermarket workers. CARE explains its history and motivation as follows:

In the beginning, there was H.R. 1790, The Design Innovation and Technology Act of 1991. The threat of that bill to the automotive "aftermarket industry" brought together diverse and well-known aftermarket companies and associations to form a national coalition to defeat H.R. 1790 —The Coalition for Auto Repair Equality (CARE). Some of the auto aftermarket businesses in CARE are: NAPA, Western Auto, CARQUEST, Chief Auto Parts, Big A Auto Parts, Hi-Lo Auto Parts, Trak Auto, Echlin, Midas International, and "thousands of Mom & Pop" shops at over 15,000 locations throughout U.S.A.

Over the past several years, CARE has uncovered the following facts (identified with asterisks):

• The average price of a new car ten years ago was \$11,500; since then, the average price paid for a new car has risen 75% to \$20.045. Between 1969 and

1990, the number of cars on the road that were at least 10 years old increased by 40 million vehicles. In 1994, the average age of American passenger cars was 8.5 years and trucks was 8.6 years.

Point: Government regulations of exactly the sort proposed by the EPA are causing our new automobiles to become so complex (and therefore expensive). that Americans are increasingly "driven" to buy only used cars. Worse, as the regulators' noose tightens, even used cars -- which can no longer satisfy stringent safety and pollution regulations -are being forced off the road. Result? Less cars, less drivers, and a host of social and economic consequences that are contrary to the employment and life-style of most Americans. However,

 Because our automobile "fleet" is quickly "aging", 75 to 80 percent of vehicles on the road today are serviced and repaired by the automobile aftermarket. This aftermarket includes manufacturers, distributors, rebuilders, jobbers, and retailers for parts and service of "motor vehicles" such as automobiles, light and heavy-duty trucks, motorcycles, recreation vehicles, off-road vehicles such as agricultural and construction equipment, marine engines, small and stationary engines, all-terrain vehicles, and even lawn mowers. This aftermarket consists of 40,700 auto parts stores, 11,700 tire stores, and 253,900 service outlets with a total annual sales (1993) of over \$170 billion.

Point: The automotive aftermarket is an enormous industry with potentially huge financial and political resources. Therefore, those of us who are "constitutionalists" and opposed to increasing government growth and regulation can reasonably expect the support (at least lip service) from the Republicans and corporate PACs to protect the auto af-

termarket businesses threatened by bureaucratic regulations.

• Moreover, the automotive aftermarket industry provides over three million American *jobs* in approximately 375,000 individual businesses located in communities across the U.S.A. These employees are the folks who make and sell equipment, chemicals, accessories, body repair supplies, and products that enhance, polish, or paint your vehicle.

Point: Constitutionalists opposed to government growth and regulation can reasonably expect some support (at least lip service) from both the Democrats and unions who claim to protect those 3 million American jobs indirectly threatened by burdensome EPA regulations on cars.

• In 1993, the total miles driven for all vehicles in 1993 was 2,347 billion -- roughly 1,000 miles per year for every man, woman and child in this country. In 1994, total motor vehicle reg-

istration for private and publiclyowned vehicles was over 193 million. In 1994, there were over 175 million licensed drivers.

Point: American consumers have a powerful vested interest in the use and enjoyment of automotive products. How many Americans? I.e., virtually *every* American adult/*voter* is a licensed driver, and at least half are vehicle owners. This means that, properly motivated, drivers and car owners wield virtually unrivaled political power.

No strange bedfellows

We've just seen that over 300,000 automotive aftermarket businesses and their Republican representatives -- three million automotive aftermarket workers, unions, and their Democrat representatives -- and 175 million consumers, licensed drivers and/or automobile owners have a vested interest in keeping affordable, private transportation on America's roads. Imagine the po-

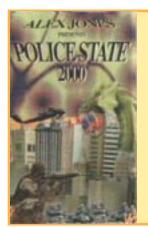
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litical clout that could be brought to bear on Congress and the state legislatures if a coalition of drivers, car owners, and auto aftermarket businesses, industries, employees, and consumers combined to save our automobiles and our "right to drive".

Suppose all those big government advocates who seek to control and impoverish the USA with environmental issues had to directly confront all the American people who want to retain their right to build, own, drive, and service affordable automobiles:

"OK, everyone who wants to save the snail darters and spotted owls line up on the left and everyone who wants to save the Mustangs, Colts, Jaguars, Vipers, 'bugs' (and the occasional Cadillac or Mercedes) line up on the right. Now let's fight."

It wouldn't even be a contest. The handful of big government environmentalists would be crushed by virtually the entire American population. Automotive "rights" is an issue that not only can't be resisted or denied, but whose "time has come".

Point: Preservation of America's "right" to build, sell, own, and drive automobiles just might offer the single greatest political opportunity available to defeat big government and preserve or resurrect our constitutional government.

Point: We have the power to save this nation. It's as close as

our cars. The only missing ingredient – so far – has been public understanding to recognize our common interests and then the motivation to organize and exercise that resultant political power.

Although it's hard to believe, evidence is mounting that government is trying to take our cars. Not improve them -- take them. Through the slow, frogcookin' application of regulatory policies designed to increase auto prices and decrease personal income, government is building a "Bridge To The 21st Century" that can be traversed only on bicycle or on foot. If that opinion sounds extreme, even our Congressmen are beginning to recognize its truth and political potency.

Political view

According to the "House Republican Conference News", Representative John Boehner (Rep. 8th Dist, Ohio) has exposed, "A secret Clinton Administration 'War on the Family Car' that would put most Americans on bicycles":

"WASHINGTON (October 30, 1996)— House Republican Conference Chair Rep. John Boehner (R-OH) tonight unveiled the contents of a leaked EPA memo detailing a secret Clinton Administration plan for a 50-cent-per-gallon increase in the gasoline tax, a host of new energy taxes including resurrection of Clinton's repudiated 1993 BTU tax, tighter

motor vehicle emissions standards, a new \$40 federal fee for automobile emissions tests, and a plan for 'full pricing of roads' that alone would cost motorists as much as \$400 per year.

"It's a secret Clinton Administration plan for war on the family car," charged Boehner, who accused the Administration of deliberately keeping this plan under wraps for two years. Boehner called the plan "a rewrite of Vice President Gore's *Earth in the Balance*, a radical approach which would put most working Americans on bicycles."

"Boehner said the plan, detailed in an internal EPA memorandum dated May 31, 1994 from Michael Shelby of the EPA's Office of Policy, Planning and Evaluation, contains 39 different provisions to reduce automobile emissions, including:

- A 50-cent per gallon gas tax, to be put in place without prior Congressional approval under Section 232 of the Trade Expansion Act of 1962; the memo estimates the cost to motorists will be \$47 billion in the year 2000 alone.
- Seven new "Energy Tax" alternatives on fossil fuel energy use, based on their carbon content, include: "greenhouse gas tax," "carbon tax," "BTU tax," an "at-source ad-valorem tax" on the value of the fuel at the point of extraction; an end-use ad valorem tax" on the value of the fuel at the final point-of-sale; a "motor fuels tax" on the retail price of gas and diesel, an "oil import fee," and combinations or permutations of the above
- A plan for "Full Pricing of Roads" which would "decrease subsidies to road users" by requiring that state and local matching funds for road and bridge construction under the Highway Trust Fund be raised exclusively from increases in state and local gas taxes, new or increased li-

cense and registration fees, imposition of new highway congestion charges, and new or increased weight-and-distance charges for trucks. The report says that "If states raised gas taxes and decreased no other taxes, increases in out-of-pocket costs would be roughly 1% of household income, or about \$400/year." In this respect, as with the 50-cent-per-gallon gas tax, "the Administration has the authority to begin rulemaking on its own, without legislation." [emph. add.]

• Tighter emissions standards for automobiles, accomplishing additional reductions of 2 percent per year, also to be accomplished without Congressional approval by Executive Order or administrative rulemaking authority.

"For almost two years, this Congress has sought to learn how the Administration intends to meet their stated goal of reducing greenhouse gas emissions below those set forth in the so-called 'Rio' Treaty of 1990," Boehner said, noting that the Energy and Power subcommittee has held four separate hearings on the subject. "In each case, the Administration has dodged us -- and small wonder, considering that their real plan is to declare war on motorists, homeowners, consumers and everybody in America who uses energy or has a job."

Memos, we get memos

CARE sent me a photocopy of an Environmental Protection Agency (EPA) Memo dated May 31, 1994 and 39 attached "proposed additional actions for the Climate Change Action Plan" that incensed Congressman Boehner. The following are excerpts from several of those "proposed additional actions". The title of each "action" is written in "SMALL CAPITAL LETTERS". The underlined emphases within the original text are mine as are the additional [bracketed] comments.

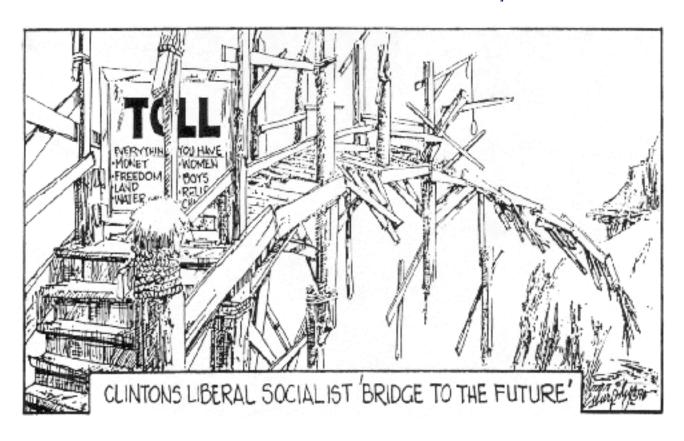
ESTABLISH HAZARDOUS AIR POLLUTANT STANDARDS FOR GREENHOUSE GAS AS A BACKSTOP FOR THE ACTION PLAN

3. Emission Reductions: Emission reduction could either be large or small, <u>depending on the definition EPA chooses</u> for "source category", and "best performing" as well as the success of the President's Action Plan.

[Comment #3 offers a fascinating insight into the practical application of Congressional laws by regulatory agencies. The "law" can be lightly or harshly applied depending on the definitions the EPA "chooses" to apply. In other words, Congressional "law" can be contrived to mean virtually anything the bureaucrats desire.]

5. Implementation Problems: Such aggressive use of Clean Air Act authority may create a backlash in Congress.

[The bureaucrats clearly know their attempt to manipulate the law is contrary to Congressional intent and, if exposed, likely to cause Congressional backlash.]



TIGHTEN CAFE STANDARDS THROUGH RULE MAKING AUTHORITY

- 1. Description: Under this option, the national Highway Traffic Safety Administration (NHTSA) of the Department of Transportation would use existing rule making authority to raise the Corporate Average Fuel Economy (CAFE) standards for cars and light trucks by 2% per year, beginning in the year 2000. . . .
- 4. Costs: The welfare costs of this policy would be significant. Pre-2000 costs would be borne by auto manufacturers in the form of increased R&D, changes on product development, etc. Post-2000 costs would be borne by the auto industry and consumers forced to buy vehicles they would not otherwise have purchased. . . . Although some believe these levels of fuel economy could be attained today without expensive technology, others have estimated the cost at \$2,000 - \$4,000 per vehicle.

[EPA bureaucrats already have sufficient "rule making authority" to tack on an addition \$2,000 -\$4,000 cost per new car (which already average over \$20,000 each) and still "force" consumers to buy vehicles "which they would not otherwise purchase". Has anyone in Washington ever heard of "personal liberty", the "pursuit of happiness", and the "free market" wherein individuals can buy the cars they want -- rather than the cars government forces them to purchase? This "forced to buy" attitude is the working definition of communism (government control) and the complete antithesis of a free market where the people's free choice determines the design, manufacture, and cost of products. I.e., if all of us want Volkswagons, business will produce Volkswagons (or comparable, competitive vehicles). If we want Cadillacs, business will manufacture Cadillacs (or compa-

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rable, competitive vehicles). Net result in either case: the least expensive, most efficient, and most widely available Volkswagons (or Cadillacs) the automotive industry can provide. Under the free market, the people truly control the business. However, when government designs automobiles, the people lose control, lose quality, and suffer the increased costs of cars they are forced to buy.]

Levy a \$0.50/Gallon Fee on Gasoline in Response to a Section 232 Finding

1. Description: Sect. 232 of the Trade Expansion Act of 1962 calls for the Secretary of Commerce (in consultation with the Secretary of Defense and other agencies as appropriate) to conduct investigation of the impact of imports on national security. These investigations may be initiated based on the request of the head of any Department or Agency or by the application of an interested party, or the Secretary's own motion.

In this case, the level and increase in oil imports would be the subject of the investigation and EPA would petition the Department of Commerce to conduct the 232 investigation. If the Secretary of Commerce finds that oil imports threaten to impair national security, the President must determine if action should be taken to "adjust imports" to re-

move the national security threat. In this case, the President would decide to impose a gasoline fee of \$0.50/ gallon to reduce consumption of petroleum and, in turn, oil imports. Since its inception in 1962, there have been twenty-one Section 232 investigations. Four of these involved oil import. In each of the four cases involving oil, imports were found to threaten national security.

[In other words, it's a virtual certainty that if the EPA initiates a "232 investigation", imported oil will be "found" to "threaten national security" and the President will be thereby empowered to impose the \$0.50/gallon tax. It's a fix.]

4. Costs: The fee will raise considerable revenues. For example in the year 2000 and 2010, \$47 and \$37 billion (1992\$), respectively, would be collected. If the revenues are used to offset existing distortionary taxes in the current tax code, this option would have little detrimental impact on national output. When reductions in traffic congestion are considered, the option could improve economic welfare substantially.

["If the taxes are used to offset . . . this option would have little detrimental impact on national output" -- but it would have <u>some</u> detrimental impact. And "if" the gas taxes are not used to "offset", there would be <u>consid</u>- erable "detrimental impact on national output". Also, note that the projected revenues from a \$0.50/ gallon tax would drop from \$47 billion in 2000 to \$37 billion in 2010. Curiously, although the population should grow considerably during that decade and inflation has averaged 3% a year for most of this century, the tax revenues from gas consumption are projected to fall by 21% between 2000 and 2010. It's a virtual certainty that this reduction will be caused by fewer cars on the road and/or fewer miles driven per car. While government applauds this reduced "traffic congestion", it neglects to mention that as fewer people own or drive private automobiles, more and more Americans would be increasingly concentrated into urban environments with public transportation and/or affordable bicycles.]

The American Way of Life

Clinton's car-less cities of the future might have cleaner air, but they would also be characterized by high population densities like New York city or Calcutta. Conversely, rural homes, suburban communities, low population densities, and even the private ownership of homes and land by average Americans would diminish or disappear because they are all implicitly dependent on the widespread, affordable use of *private* transportation.

After all, who wants to live in the country if you have to walk or even bicycle miles and miles (past private homes on even modest sized lots) just to get to the grocery store? Private property and private homes necessarily mean low population densities and relatively long distances between individual homes and businesses.

Without inexpensive automobiles, people are effectively condemned to live in high-population-density communities and ex-

perience all the social problems those communities inevitably impose. Without private transportation, all but the wealthiest and most powerful people will be forced to live in urban environments much like those we currently described as "ghettoes". When you think about it, it's doubtful that "the American Way of Life" can exist without affordable *private* transportation.

City of the future?

In 1959, I spent several weeks in Los Angeles. I loved Disneyland and Knotts Berry Farm, but I still remember the stagnant, eye-burning pollution that routinely poisoned the air. Sometimes the pollution was so bad that when women walked out of their homes, their nylons would virtually dissolve right off their legs. It's indisputable that the auto exhaust pollution problem had to be solved.

On the other hand, in 1965, I

spent three weeks in Calcutta, India. There were lots of pedestrians, bicycles, and rickshaws (two-wheeled carriages propelled by manpower; I know -- I pulled one myself one drunken night on the way back to our ship). But there were few cars and little auto pollution so I have no recollection of anything but a clear, bright Indian sky.

This is not to say Calcutta's air was "mountain fresh". There was always the smell of decaying garbage or excrement from the Sacred Cows which wandered aimlessly through the streets. (Every time a cow defecated, children would dash out into the street, scoop up the excrement in their hands, and plaster "cow pies" on the walls of their homes to dry and later be burned to cook their food). Still, Calcutta's air was far cleaner and healthier than L.A.'s.

But polluted air is not the only thing that kills us. How many

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people would rather live in Calcutta -- with its relatively pure air, high population density, poverty, and 35-year average life expectancy -- than in L.A. -- with its poisonous air, high standard of living, and 65-year average life expectancy?

Everyone agrees it would be great to escape L.A.'s pollution, but do we want to run so far we wind up living (and dying young) in Calcutta? Where do the EPA, President Clinton and V.P. Gore plan to take us? To Utopia - or a black hole?

Intentions and consequences

Automobiles are a not only an enormous industry, they are arguably the defining feature of the American culture. Where would this country be without cars? No roads, a wimpy industrial base, low wages for most workers, and nothing to do on Friday night but take your girl for a stroll around the block. The simplistic idea of regulating cars out of existence may have some merit, but it also carries enormous adverse cultural consequences that impact our employment, industrial base, standard of living, private property and even life expectancy.

Everyone wants clean air. You'd have to be nuts not to. But I'll bet that if you chart the worldwide relationship between clean air and standards of living or life expectancy, you'll generally find

the highest standards of living and the longest average life expectancies in those areas also marked by the highest levels of air pollution.

While it is entirely possible that the EPA's air pollution reguirements will save 40,000 lives and eliminate 175,000 respiratory problems each year, I'll bet the majority of people saved are elderly whose ages are close to the 65 to 70 average life span of most Americans. Sure, it's a fine and noble goal to save or extend anvone's life. But we can't allow our good intentions to blind us to another reality: If those elderly people troubled by air pollution had been raised in a society free from the "adverse impact" of automobiles, their average life expectancy would probably have been no more than 45 years. In a sense, then, if it weren't for the widespread presence of affordable private transportation, most Americans wouldn't live long enough to be troubled by pollution. Instead, we'd generally die young from the social violence and medical ills associated with poverty and/or contagious diseases common in high density populations.

Yes, without cars, certain kinds of respiratory problems might be diminished -- but how many additional fatalities will we incur caused by tuberculosis, influenza, or similar contagious diseases which propagate most rap-

idly in the high population densities characteristic of "car-less" societies? I'd bet that, on balance, automobiles don't diminish our life expectancy, they increase it dramatically.

Muscle cars and the Constitution

The absence of cars can have a detrimental effect on our lives and society far greater than any problem caused by air pollution. Likewise, once the social significance of losing our automobiles is publicly perceived, the government's use of environmentalism to assault America may be blunted or even stopped. Better yet, once every American whose life is depends on automobiles sees the relevance of the Constitution to preserving affordable cars, we can expect to see a Constitution in every glove compartment.

No joke. It's important for "constitutionalists" to realize that if you want to sell your "product" (the Constitution), you've got to tie it to something the public likes. It's no accident that Michael Jordon makes more money for his product endorsements than he does for playing basketball for the Chicago Bulls. America loves Mike. (If I could get him to do just one 60-second TV commercial for the AntiShyster, I'd probably be an overnight millionaire.)

Likewise, if you're trying to promote constitutional (limited) government, don't bore your neighbors with talk about "freedom", "liberty" and "unalienable rights". Most people don't understand or care.

Frame your argument around something your neighbor likes – or even loves – like cars. Make him see that the reason he can't have a V-8 with overhead cams, posi-traction and four-on-the-floor that goes so fast it'll make his girlfriend swoon is because

he's neglected to study and enforce the terms of the Constitution (*limited* government). Help him understand the reason he can't afford to move to the suburbs is because big (*unconstitutional*) government is pushing him into poverty. Show him that the high standard of living necessary to buy a new Jet Ski is not beyond his reach because he's lazy or dumb, but because *unconstitutional* elements of his government are financially insatiable.

Americans are the most productive people in the world – our jobs aren't leaving for Mexico and Indonesia to escape our individual or corporate greed, they're going to escape *unconstitutional* government regulation and high taxes. If you want to save this country, just show your neighbor that the American dream of prosperity, private property, home, education for the kids and a solid respect for God can't take place outside the parameters of the *Constitution*.

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Man against government

So the EPA plans to "force" us to buy cars "we don't want to buy"? We'll see who "forces" who to do what. I'll bet that before this century is over, We The People will "force" the Communists in the EPA out of government and into the free market where they will have to support themselves as producers rather than parasites. And the principle tools of our "force" just might be the Constitution backed up by the American people's love for automobiles.

I know it sounds crazy, but I want to see a race car at the Indianapolis 500 called the "Constitution" with a candy apple paint job and a copy of the Constitution painted on the hood. I want to see "We The People" blowin's moke and sparks and flying down the straightaway at 250 M.P.H. I want to cheer for it, I want to shout, I want to scream, I want to see the "Constitution" win at Indy -- and in Washington.

Constitutional government and four-on-the floor . . . burnin' rubber and *screamin*' down the straightaway --ain't that *America!*

Y'know, I'm gettin' excited. I think we're gonna kick their a . . . I think the Constitution is headed for an American revival that just two years ago seemed impossible. I predict that constitutional government will be a strong secondary theme in the 1998 elections and a primary theme in the elections of 2000.

At first, muscle cars and the Constitution might sound like a crazy combination, but constitutional government and commerce can't be separated. Those who lust for a 1997 Corvette would do well to realize that those sleek, powerful automobiles weren't first built in Detroit -- the prototypes were created in Philadelphia in 1787. The designers behind the Camaro and Firebird include George Washing-

ton and James Madison. In fact, it was always the genius of a folks like Thomas Jefferson and Henry Ford that made this country great. You can't have a strong, free, prosperous nation without both a strong Constitution and vigorous free enterprise Separate the two and we slide into poverty and oppression. Forget either and we perish. However, if we can hitch 'em up again, we can recreate our first industrial revolution with all the freedom, hope and dreams this nation once took for granted.

For further information contact:

- "House Republican Conference News", 1010 Longworth House Bld., Washington, D.C. 20515; Contact Terry Holt or Paula Nowakowski (202) 225-5107;
- Representative John Boehner (Rep. 8th Dist, Ohio); or,
- Coalition For Auto Repair Equality (CARE) at 119 Oronoco Street, Suite 300 Alexandria, VA 22314; 703-519-7555 or 800-229-5380.

¹ Once again, the "Convention on Biological Diversity" (which Congressman Boehner called the "Rio Treaty of 1990") lies close to the heart of a genuine attack on America's people, economy, and culture. For a copy of that 180-page Convention, send \$25 to the AntiShyster, POB 540786 Dallas, Texas 75354-0786.

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