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THE WHITE HOUSE
WASHINGTON

October 1, 1976

MEMORANDUM FOR

FROM

SUBJECT:

MAX FRIEDERSDORF
JIM CANNON

PAUL MYER

Copyright Bill --
Proposed Signing
Ceremony

The House and Senate have cleared for the President legislation to revise and extend the copyright law. This is the first revision of that statute in 65 years and has attracted considerable interest in the arts community, the media industry and technical industrial field. I believe there would be considerable political advantage in a signing ceremony on this bill. Such an occasion would attract well known individuals from the performing and literary arts field and other interests concerned with this legislation. I believe such a ceremony could enhance the President's position with these constituencies.



10/11/76
12
Held for
list
+ follow closely to get list

THE WHITE HOUSE
WASHINGTON

Civil Rights
Justice
Monday
File

October 4, 1976

MEMORANDUM FOR: Mr Secretary of State
~~BRENT SCOWCROFT~~

FROM: JIM CANNON

SUBJECT: Kissinger Briefing for Black Leaders

Art Fletcher, the President's Deputy Assistant for Urban Affairs, suggests that Secretary Kissinger invite to the State Department a group of black leaders from around the country for a briefing on President Ford's African Policy.

Fletcher's first priority for invitees to such a briefing would be major black religious leaders, who are quite important in molding black opinion in the U.S. and whose churches have ties with African countries.

The briefing audience, of perhaps 50 to 100 people, could also include directors of departments of African studies at land-grant colleges, black business leaders who are trying to establish business relations with African countries, and others.

Kissinger is the first Secretary of State to deliver a major address on African Policy, Fletcher says, and it is appropriate for him to invite black leaders to the State Department for a briefing.

Moreover, Fletcher believes that Administration policy in Africa will have broader support throughout the U.S. if black leaders understand what the Administration is doing and why.

If such a briefing is held, George Bush might be asked to provide the same kind of intelligence summary that he did at the last bipartisan Congressional leadership meeting. Bush, I am told, has excellent standing in the black community.



1976 OCT 15 PM 5 46
THE WHITE HOUSE

WASHINGTON

1976 OCT 15 PM 5 46
October 15, 1976

MEMORANDUM FOR: JIM CANNON

FROM: ART FLETCHER

Secretary Kissinger has been holding briefings at the State Department for a number of national opinion leaders from the Black community and has already invited most that I planned to invite to the briefing taking place over there. A briefing is scheduled for member of the Black Press, namely those on the attached list.

I suggest that the President also attend this briefing for the purpose of stressing the point that he is responsible and plays a title role in developing the country's main African policies. The attached list of names has already received invitations for the above mentioned briefing and Under Secretary Eagleburger is coordinating this effort. Contact should be made with him with reference to the President's involvement.

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451 S. 51st St.
Philadelphia, Penn. 19143

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GEORGIA COURIER
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SOUTH CAROLINA

Eugene J. Smith
SOUTHERN NEWS
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P.O. Box 464
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CHRONICLE
534 King St.
Charleston, S.C. 29403

Barbara Williams
FOCUS
220 Broad St.
Greenville, S.C. 29602

W. Daniel A. Lane, III
WEEKLY OBSERVER
Myrtle Beach, S.C. 29577



TEXAS

Lois Sims
CAPITOL CITY ARGUS
2001 Airport Rd.
P.O. Box 2171
Austin, Texas 78767

Mason Smith
INTER-RACIAL REVIEW
1154 B. Ave.
P.O. Box 6011
Austin, Texas 78762

T. L. Wyatt
VILLAGER NEWSPAPER
920-B E. 11th ST.
Austin, Texas 78702

Tony Davis
GREAT CIRCLE NEWS WEST
2700 Grand Ave.
Dallas, Texas 75215

Al Smith
KEY NEWS
22141 Cedar Crest
Dallas, Texas 75203

Mrs. Dickie Foster
POST TRIBUNE
3428 Sunnydale
Dallas, Texas 75216

Tony Davis
WEEKLY
2700 Grand Ave.
Dallas, Texas 75215

WORLD
1200 W. Berry ST.
Dallas, Texas 76112

CHURCH WEEK
P.O. Box 1159
Fort Worth, Texas 76101

William H. Wilburn
COMO MONITOR
5529 Wellesley Ave
P.O. Box 885
Fort Worth, Texas 76101



TEXAS, con't.

Audrey Pruit
LA VIDA
3003 S. Freeway
P.O. Box 751
Fort Worth, Texas 76101

Dan Natkins
METRO CITIES NEWS
3204 E. Rosedale Ave.
Fort Worth, Texas 76105

C. R. Wise
MIND
805 Bryan St.
Fort Worth, Texas 76104

Walter A. Winsett
1200 Berry St.
WORLD
Fort Worth, Texas 76104

C. F. Richardson, JR.
DEFENDER
4406 Chartres St.
P.O. Box 8805
Houston, Texas 77004

Varee Shields
FORWARD TIMES
4411 Alemeda Rd
Houston, Texas 77004

R.A. Williams
GLOBE ADVOCATE
3221 Southmore Blvd.
P.O. Box 8147
Houston, Texas 77004

Geoge McElroy
INFORMER AND TEXAS FREEMAN
P.O. Box 3086
Houston, Texas 77001

SPACE CITY
1217 Wichita St.
Houston, Texas 77004

Frank Terry
TEMPO
4403 Providence St.
Houston, Texas 77026



TEXAS, con't

M.J. McKibben
TIPS NEWS ILLUSTRATED
2413 Dowling St.
Houston, Texas 77004

Mickey Leland
VOICE OF HOPE
P.O. Box 21098
Houston, Texas 77020

THE MESSENGER
P.O. Box 7
Kendleton, Texas 77451

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GREAT CIRCLE NEWS EAST
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Longview, Texas 75021

Thomas J. Patterson
WEST TEXAS TIMES
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Lubbock, Texas 79408

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NEW GENERATION
103 San Pedro St.
San Antonio, Texas 78205

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REGISTER
1501 E. Commerce
PO Box 1598
San Antonio, Texas 78296

Loyce Allen
THE CARET
P.O. Box 4037
Tyler, Texas 75701

S.F. Wilkinson
LEADER
1711 No. Palace
Tyler, Texas 75701

M.P. Harvey
MESSENGER
P.O. Box 2087
Waco, Texas 76703



VIRGINIA

Randolf L. White
ALBERMARLE TRIBUNE
1055 Grady Ave.
Charlottesville, VA 22903

The Guide Publishing Co.
JOURNAL AND GUIDE
719 E. Olney Rd.
Norfolk, VA 23501

Raymond H. Boone
AFRO AMERICAN AND PLANET
301 Claw St.
Richmond, VA 23219

Claudia A. Whiteworth
TRIBUNE
312 N. First St.
Roanoke, VA



WASHINGTON

Fitzgerald Beaver
THE FACTS
2803 E. Cherry St
Seattle, WS.

Chris Bennett
THE MEDIUM
2600 S. Jackson St.
Seattle, Washington 98122

Fitzgerald Beaver
THE FACTS
1325 Kay St.
Tacoma, Washington 98405

Larry Williams
TRUE CITIZEN
1206 S. IIth st.
Bldg. 7
Tacoma, Washington 98405



WISCONSIN

Jerrell W. Jones
MILWAUKEE/COURIER
2431 W. Hopkins
Milwaukee, Wisconsin 53206

Robert Thomas
STAR-TIMES
4202 N. Teutonia Ave.
Milwaukee, Wisconsin 53206

Robert Thomas
STAR - NEWS
1436 State
Racine , Ws. 53404



DOMESTIC COUNCIL

FROM:

DICK PARSONS

SUBJECT:

Federal "shield law" for newsmen.

Date: 10/13/76

COMMENTS:

Quern: This is a good paper. We should
discuss w/ Dick.

*Dick - Good -
~~Let's~~ want for
Let's
a nutable occasion.
Jim*

ACTION:

Date:



Justice

CLEARANCE SHEET

DATE: 10-13-76

1976 OCT 14 AM 9 04

JMC ACTION

Required by: _____

STAFF RESPONSIBILITY PARSONS

SUBJECT: FEDERAL SHIELD LAW

RECEIVED FROM: PARSONS

DATE RECEIVED: _____

STAFF COMMENTS:

QUERN MOORE RECOMMENDATION:

✓ APPROVE

____ REVIEW & COMMENT

____ DISCUSS

Jim,
This is a good paper. We
should discuss with Dick.
Art

CANNON ACTION:

DATE:

Material Has Been:

____ Signed and forwarded

____ Changed and signed

____ Returned per conversation

____ Noted

JIM CANNON

Comment:



10
101409

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

INFORMATION

October 13, 1976

MEMORANDUM FOR: Jim Cannon
FROM: Dick Parsons *D.*
SUBJECT: A Federal Shield Law

This memorandum follows up our recent discussion concerning the advisability of enactment of a Federal "shield law" for newsmen.

First of all, you should be aware of the fact that the President has already taken a position on this matter. During his Vice Presidential confirmation hearings, the President was asked to state his position regarding the asserted right of newsmen to protect the confidentiality of their information sources. He responded as follows:

"I favor a 'shield law' for reporters in principle. Such a law should contain some qualifications. There is a national interest in freedom of the press -- and it must be preserved -- but there is also a national interest in vigorous law enforcement."

(See Tab A for record.)

More generally, the question of enactment of a national "shield law" has been debated at the Federal level for at least the last six years. In October 1970, in an attempt to reach a "middle ground" position on this issue, the Department of Justice issued official guidelines calling for restraint in the issuance of subpoenas against the news media. The guidelines specifically stated that no such subpoena could be issued without the authorization of the Attorney General. The guidelines also listed the general principles concerning authorization of a subpoena, including:

- (1) before a subpoena is requested, sources independent of the press must indicate that a crime has, in fact, been committed;



- (2) there must be reason to believe the evidence sought is essential to a successful investigation; and
- (3) the government must have attempted to acquire the information from non-press sources.

These guidelines, of course, were applicable only to Department of Justice personnel (including U. S. Attorneys).

On June 29, 1972, the U. S. Supreme Court held, in a 5-4 decision, that newsmen do not have an absolute privilege under the First Amendment to refuse to divulge confidential information or sources. Bransburg v. Hayes, 408 U. S. 665 (1972). As a result of this decision and a number of incidents (mostly at the State and local level) involving incarceration of newsmen for refusal to testify, a number of bills on the subject of newsmen's privilege were introduced in Congress. These ranged from bills establishing an absolute privilege for newsmen against disclosure of information or sources in a Federal, State or local proceeding to bills creating a qualified privilege at the Federal level only.

Numerous hearings were held on the various "shield law" proposals but, as you know, none were enacted. I note that the Department of Justice generally opposed enactment of these bills, objecting to establishment of an absolute privilege for newsmen and questioning the constitutionality of applying the Federal law to State and local proceedings. You may recall that the Vice President, then Governor of New York, testified in favor of the enactment of a Federal "shield law."

While no legislation was enacted, the Attorney General's guidelines were refined and updated in October 1973 (see Tab B for text).

Given the President's and the Department of Justice's opposition to establishment of an absolute privilege for newsmen and the fact that we currently have departmental guidelines that give newsmen a special status (at least at the Federal level), our maneuvering room is somewhat limited. The President could, however, advocate the enactment of legislation establishing a qualified privilege for newsmen in Federal, State and local proceedings. Such legislation could provide, for example, that a newsman could be compelled to testify only if: (1) the information was essential to proof of the issue in litigation; (2) the information could not be gathered from another source; and (3) there was a compelling public interest in acquiring the information.



Even a qualified "shield law" presents policy and legal problems, however, so we wouldn't want to propose this lightly. Perhaps we should discuss what the next step should be.

cc: Art Quern



A



DIX 3

AT JUDICIARY COMMITTEE HEARINGS
ABLE GERALD FORD, AS VICE PRESIDENT,

on this nomination. I have served here
for over 20 years; and while we have
five matters, we have always been able
through the years.

t, under the 25th Amendment, it is the
s and the Senate to perform a thorough
the office of Vice President, however
or confirmation by both the House and
integrity and fitness for office of the
public and the Congress some indica-
terest to our Nation of the person who

f assuming the second highest office in
no primaries, no conventions, no elec-
er placed before that most demanding
e have a right to know how you stand
ongress to elicit that information and,
would otherwise become known during
lection of a Vice President.

a number of questions concerning such
ets, inflation, impoundment, women's
Presidential responsibility, etc.

answered somewhat in the nature of a
ous prior to the continuation of these
opportunity at that time to question

9, FOR THE HONORABLE GERALD FORD,
FEBRUARY 15, 1973

utive privilege.

accounting for all expenditures of the
ing the Executive Office of the Presi-
and other activities attached to the

y of Cabinet members; the degree of
exercise; and the need for a "super

feel is necessary for the effective op-
cies, e.g. the FTC, SEC, ICC, etc.
President to the media, including the

me to respond to media presentation
ited to State of the Union and other

equal time to respond to Presidential
rally regulated media?

nate confirmation of the Director and
ent and Budget?

the use of security classifications of

10. Do you feel that wiretapping and electronic surveillance regulations now in effect are adequate? Should the use of such means be expanded? Should it be more restricted?

11. Will you continue the practice of recording executive communications without the knowledge of all parties?

12. Under what conditions, if any, do you feel the President has the right to order domestic electronic surveillance?

13. What accessibility should the Congress have to papers and information held by the executive agencies and departments?

14. What accessibility should the public have to papers and information held by the executive agencies and departments?

15. Explain your position regarding the asserted right of newsmen to protect the confidentiality of their information sources.

16. Explain your position regarding equal rights for women. Do you feel that there is discrimination on the basis of sex? What steps would you take to remedy this situation, specifically in the federal government?

17. Set out any plans you have for controlling inflation and stabilizing the economy.

18. When the Congress has appropriated funds for a specific purpose, does the President have the discretion to withhold them from use? If so, when, if ever, would you exercise such discretion?

19. Does the President have the right to a pocket veto during a congressional recess? If so, would you exercise such a right?

20. Is a President required to honor the purposes for which funds are held in trust, such as highway trust, duck stamp, etc., or does he have discretion as to their use?

21. Do you have any proposals for improving the wage and price controls?

22. Do you have any proposals in the area of agricultural policy?

23. What recommendations do you have for tax reform?

24. If you were President now, would you have vetoed the War Powers legislation? If so, would you explain your position, specifically expressing your opinion as to what limitations, if any, the Constitution places on Presidential actions without approval of the Congress.

25. Do you believe our present course of action in the Arab-Israeli conflict is proper? What would you propose to restore trade in Arabian oil, if you feel such trade is in our national interest?

26. With the present situation in Viet Nam, do you favor further aid to South Viet Nam? 2) to North Viet Nam?

27. What reductions, if any, do you feel should be made in our troops in Europe and Korea and other foreign posts?

28. In view of the effects now being felt, were the grain sales to Russia wise? Would you continue such sales? If so, what economic safeguards would you suggest?

29. What steps should be taken to improve our balance of trade, including any recommendations as to changes in tariffs?

30. Should our foreign assistance programs be increased or decreased and in what areas?

31. Are there any ways in which we can reduce our defense budget?

32. What steps can be taken to alleviate the energy shortage—a) immediately; b) long range?

33. Do you favor federal assistance to development of national and urban transit systems?

34. Should regulations on natural gas prices be removed?

35. What steps, if any, are necessary to combat air and water pollution?

36. Should present controls and emission standards be relaxed to meet the present energy crisis?

37. Outline any suggestions you have for better land-use programs and management of our natural resources.

38. Do you favor continuance of the minimum wage? Should its coverage be increased, decreased? Should a provision be made for automatic periodic changes to respond to the cost of living?

39. Is it proper for a President to require ideological conformation as a criterion for the appointment of Judges? What standards would you set for such appointments?



40. Should there be a gross limitation on campaign expenditures in presidential campaigns? Should there be consideration of tax financing of campaigns for federal office?

41. Should there be a limitation on total political contributions by an individual?

42. Do you intend to seek nomination and election to the Presidency in 1976? If not, are you withdrawing yourself from any such consideration?

43. What would you propose to restore public confidence in the Department of Justice and the Federal Bureau of Investigation?

44. Should the Federal Bureau of Investigation be directly responsive to the White House or should Presidential direction of the Bureau be through the Attorney General?

45. Should the Central Intelligence Agency ever engage in domestic surveillance, espionage or other activities and if so, what limitations should be imposed on such activities?

46. To what extent should a President become involved in policy determinations of the Department of Justice as to whether criminal, antitrust, etc. matters should be pursued?

47. If a president admits to or it is proved that he has committed a felony, should he be removed from office?

48. If a president knowingly orders actions that are illegal and/or violate the Constitution, should he be removed from office?

49. Is a president responsible for the official actions of his immediate staff and his personal representatives?

50. If a president lies to the Congress, should he be removed from office?

51. If a president lies to the American public, should he be removed from office?

52. If a president falsified documents to gain a personal tax advantage, should he be removed from office?

53. If a president falsified documents to gain a personal tax advantage, should he be removed from office?

54. If a president falsified documents to gain a personal tax advantage, should he be removed from office?

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61. If a president falsified documents to gain a personal tax advantage, should he be removed from office?

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70. If a president falsified documents to gain a personal tax advantage, should he be removed from office?

71. If a president falsified documents to gain a personal tax advantage, should he be removed from office?

72. If a president falsified documents to gain a personal tax advantage, should he be removed from office?

73. If a president falsified documents to gain a personal tax advantage, should he be removed from office?

74. If a president falsified documents to gain a personal tax advantage, should he be removed from office?

75. If a president falsified documents to gain a personal tax advantage, should he be removed from office?

76. If a president falsified documents to gain a personal tax advantage, should he be removed from office?

in some instances created distortion. Law is adequate but it is my strong belief that it can be achieved selectively by A either by no extension of the extended.

23. Tax reform is a complex form legislation enacted in 1969. tax burden on individual taxpayer business. Compared to the tax laws are relatively equitable study of tax proposals by the government as well as other interest

26. Under present circumstances were assistance to South Vietnam I see no present justification for

27. In Europe, in conjunction Soviet Union and its allies unilateral withdrawal of U.S. I would insist on a greater contribution.

There can be, as the Nixon gradual U.S. troop withdrawals draws must not jeopardize U.S.

28. Grain sales to the Soviet tive. During our years of vast grain a heavy burden in storage charges sales to the U.S.S.R. in 1972 did payers of that annual burden. Of the income level of our America equitably in our present prosper

It appears to me that the error. Now that the U.S. is so heavily burdened seem wise to improve our

29. With the recent dramatic appears that the Nixon Administration proved these decisions which have

The trade bill recommended by my endorsement. It is badly in strength and effectively compete

33. I favor federal assistance urban transit equipment required for urban mass transit systems.

35. Existing federal laws are However, these laws expire and stances and those laws that are determine whether amendments

36. Present controls and emission basis in view of the energy crisis

37. Land-use legislation and natural resources are pending in tives retained in any federal law be so managed that we get the best of our environmental and the interests of generations.

39. Nominees for a federal judge of the President. In addition, legal education and experience, personal ethics.

44. The Federal Bureau of Investigation direction through the Attorney General

45. The CIA should not be engaged in surveillance should be the responsibility under the definition of "domestic" at the highest authority as to whether

NOVEMBER 21, 1973

Hon. PETER W. DOMER, Jr., Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Honorable Jack Brooks, 8th-Texas, at the public hearings on November 15, 1973, submitted to me fifty-two (52) questions and requested that I provide answers for the record.

I have carefully read each of the questions and have thoroughly analyzed my testimony before the House Committee on the Judiciary and the Senate Committee on Rules and Administration. It is my best judgment that most of the questions submitted by Representative Brooks have been answered during the course of my interrogation. However, there are some which were not answered and I respectfully submit the following responses:

1. I have no personal access to the information requested.

2. The independent regulatory agencies, e.g. the FTC, SEC, ICC, etc., by law are considered free of influence by the President, Members of Congress and other outside forces. The President, of course, has an impact on the philosophy of such agencies by the individuals nominated by him and in the confirmation process the Senate also can have a bearing on the agency membership. In addition, the Congress through its respective committees does have an oversight influence to make certain that the laws pertinent to each agency are being carried out. The independent agencies, however, should not be otherwise subjected to pressure that would affect their decisions under the law.

3. The public should have accessibility as defined by the Freedom of Information Act.

4. I favor a "shield law" for reporters in principle. Such a law should contain some qualifications. There is a national interest in freedom of the press and it must be preserved—but there is also a national interest in vigorous law enforcement.

5. Based on my interpretations of the constitution and the law at present I believe a President does have the right to a pocket-veto during a Congressional recess. The matter is now being litigated in the federal courts. I would, of course, abide by the decision of the highest court.

6. Wage and price controls in peacetime are, at best, a temporary solution. The present legislation as utilized by the President has been effective in part and

G.R.F.

ALD R. FORD LIBRARY

B





Office of the Attorney General

Washington, D.C. 20530

Order No. 544-73

October 26, 1973

[Order No. 544-73]

PART 50—STATEMENTS OF POLICY

Policy Regarding Issuance of Subpoenas to, and Interrogation, Indictment, or Arrest of, Members of News Media

By virtue of the authority vested in me by sections 518 and 519 of Title 28, of the United States Code, Part 50 of Chapter I of Title 28 of the Code of Federal Regulations is amended by inserting immediately after § 50.9 a new § 50.10 as follows.

§ 50.10 Policy with regard to the issuance of subpoenas to, and the interrogation, indictment, or arrest of, members of the news media.

Because freedom of the press can be no broader than the freedom of reporters to investigate and report the news, the prosecutorial power of the government should not be used in such a way that it impairs a reporter's responsibility to cover as broadly as possible controversial public issues. In balancing the concern that the Department of Justice has for the work of the news media and the Department's obligation to the fair administration of justice, the following guidelines shall be adhered to by all members of the Department:

(a) In determining whether to request issuance of a subpoena to the news media, the approach in every case must be to strike the proper balance between the public's interest in the free dissemination of ideas and information and the public's interest in effective law enforcement and the fair administration of justice.

(b) All reasonable attempts should be made to obtain information from non-media sources before there is any consideration of subpoenaing a representative of the news media.

(c) Negotiations with the media shall be pursued in all cases in which a subpoena is contemplated. These negotiations should attempt to accommodate the interests of the trial or grand jury with the interests of the media. Where the nature of the investigation permits, the government should make clear what its needs are in a particular case as well as its willingness to respond to particular problems of the media.

(d) If negotiations fail, no Justice Department official shall request, or make arrangements for, a subpoena to any member of the news media without the

express authorization of the Attorney General. If a subpoena is obtained without authorization, the Department will—as a matter of course—move to quash the subpoena without prejudice to its rights subsequently to request the subpoena upon the proper authorization.

(e) In requesting the Attorney General's authorization for a subpoena, the following principles will apply:

(1) There should be reasonable ground based on information obtained from nonmedia sources that a crime has occurred.

(2) There should be reasonable ground to believe that the information sought is essential to a successful investigation—particularly with reference to directly establishing guilt or innocence. The subpoena should not be used to obtain peripheral, nonessential or speculative information.

(3) The government should have unsuccessfully attempted to obtain the information from alternative nonmedia sources.

(4) The use of subpoenas to members of the news media should, except under exigent circumstances, be limited to the verification of published information and to such surrounding circumstances as relate to the accuracy of the published information.

(5) Even subpoena authorization requests for publicly disclosed information should be treated with care to avoid claims of harassment.

(6) Subpoenas should, wherever possible, be directed at material information regarding a limited subject matter, should cover a reasonably limited period of time, and should avoid requiring production of a large volume of unpublished material. They should give reasonable and timely notice of the demand for documents.

(f) No member of the Department shall subject a member of the news media to questioning as to any offense which he is suspected of having committed in the course of, or arising out of, the coverage or investigation of a news story, or while engaged in the performance of his official duties as a member of the news media, without the express authority of the Attorney General: *Provided, however,* That where exigent circumstances preclude prior approval, the requirements of paragraph (j) of this section shall be observed.

(g) A member of the Department shall

secure the express authority of the Attorney General before a warrant for an arrest is sought, and whenever possible before an arrest not requiring a warrant, of a member of the news media for any offense which he is suspected of having committed in the course of, or arising out of, the coverage or investigation of a news story, or while engaged in the performance of his official duties as a member of the news media.

(h) No member of the Department shall present information to a grand jury seeking a bill of indictment, or file an information, against a member of the news media for any offense which he is suspected of having committed in the course of, or arising out of, the coverage or investigation of a news story, or while engaged in the performance of his official duties as a member of the news media, without the express authority of the Attorney General.

(i) In requesting the Attorney General's authorization to question, to arrest or to seek an arrest warrant for, or to present information to a grand jury seeking a bill of indictment or to file an information against, a member of the news media for an offense which he is suspected of having committed during the course of, or arising out of, the coverage or investigation of a news story, or committed while engaged in the performance of his official duties as a member of the news media, a member of the Department shall state all facts necessary for determination of the issues by the Attorney General. A copy of the request will be sent to the Director of Public Information.

(j) When an arrest or questioning of a member of the news media is necessary before prior authorization of the Attorney General can be obtained, notification of the arrest or questioning, the circumstances demonstrating that an exception to the requirement of prior authorization existed, and a statement containing the information that would have been given in requesting prior authorization, shall be communicated immediately to the Attorney General and to the Director of Public Information.

(k) Failure to obtain the prior approval of the Attorney General may constitute grounds for an administrative reprimand or other appropriate disciplinary action.

Dated October 16, 1973.

ELLIOT RICHARDSON,
Attorney General.

FR Doc. 73-22773 Filed 10-25-73; 8:45 am]

Info
Requested

DOMESTIC COUNCIL

FROM: DICK PARSONS

SUBJECT: National Referendum

Date: 10/14/76

COMMENTS:

Art: I think Dick is a bit more negative than he needs to be, but that the objections he raises are valid.

Talk to Dick

2:30

*10/22
mtg. on this*

ACTION:

Date:



101504

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Justice
INFORMATION

October 14, 1976

MEMORANDUM FOR: Jim Cannon
FROM: Dick Parsons *D.*
SUBJECT: National Referendum

1976 OCT 15 AM 8 57



This memorandum follows up our recent conversation concerning the legality and practicality of a national referendum.

On the assumption that this question must have come up before, I attempted to find some legislative history or legal memoranda concerning it. I came up blank: it does not appear that this issue has been actively debated at the Federal level within recent memory.

I discussed the question with friends in the Office of Legal Counsel, Department of Justice, however, and we have concluded as follows:

1. There is nothing in the Constitution which would prohibit the enactment of a law establishing a mechanism for conducting a national referendum on a specific question or questions. Such a referendum would be little more than a national opinion survey, however, and the results thereof could not be binding as to the Executive, Legislative or Judicial Branches of the Federal government.
2. If it were desirable to establish a national referendum mechanism the results of which were binding as to the Executive, Legislative or Judicial Branches (or which required some specific action or response on the part of any of them), a constitutional amendment would be required.

I note that in most of the State and local jurisdictions where a question can be submitted to the people for a vote, the results of a referendum have some binding effect. This would suggest that we proceed by constitutional amendment at the Federal level.

By way of general observation, I must tell you that I have serious reservations about the wisdom of a binding or nonbinding referendum mechanism at the Federal level. Theoretically, the 535 members of Congress are in sufficient touch with their constituencies that they, through their collective action, reflect the will of the people. Therefore, one has to question

the utility of a national "opinion poll." Furthermore, I can think of few questions or issues which are serious enough to warrant the time and expense involved in conducting a national referendum that could not now be put to the people in the form of a constitutional amendment (e.g., busing, abortion, etc.). Our experience in New York was that the cost of a local referendum usually exceeded the benefit derived. Finally, as a practical matter, it is inconceivable to me that the Congress would either enact a national referendum law or a constitutional amendment authorizing binding referenda. In short, I am hard put to see what the advantages are.

If you would care to discuss this matter further, let me know.



MEMORANDUM

THE WHITE HOUSE
WASHINGTON

*Civil Rights
J. Carter*
INFORMATION

November 19, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: Jim Cannon *J. Cannon*
SUBJECT: Civil Rights Employment Guidelines

This memorandum is to alert you to a potential problem in the civil rights area.

On Tuesday, November 23, the Departments of Justice and Labor and the U. S. Civil Service Commission will publish new guidelines governing the employment practices of Federal, State and local governments and of Federal contractors and subcontractors. Specifically, the guidelines are designed to insure that tests given to prospective employees and other employee selection procedures do not discriminate against minorities and women.

The difficulty is that the new guidelines are perceived by some members of the civil rights community to be less strict than those employed by the Equal Employment Opportunity Commission, which has jurisdiction over private employers. Adoption of the new guidelines may be seen by them as an attempt to undercut the EEOC and a lessening of Federal commitment to equal employment opportunity.

I am convinced that Justice, Labor and Civil Service are acting in good faith and I do not believe it would be appropriate for you to intervene. Nevertheless, I thought you ought to be aware of the problem.



THE WHITE HOUSE
WASHINGTON

October 16, 1976

1976 OCT 18 AM 9 47

justice
✓

MEMORANDUM FOR:

PHIL BUCHEN
ROBERT T. HARTMANN ✓
JACK MARSH
MAX FRIEDERSDORF
ALAN GREENSPAN
JIM LYNN
BILL SEIDMAN

FROM:

JAMES CANNON *HJC Quern*

SUBJECT:

Public Works and Prison Rehabilitation

Attached is a draft memo to the President regarding a proposal by the Department of Justice to allocate a specific portion of public works construction funds for the renovation of State and local penal institutions. The funds would be administered by the Economic Development Administration under Title I of the Public Works Employment Act of 1976.

I would appreciate your comments on the proposal by Wednesday, October 20.

Attachment

Option I would be most dramatic in anti-crime context, but runs contrary to whole philosophy of letting State & local officials make their own decisions. Therefore, I favor Option II.

RTH



101809

cc: Quern *Justin*
Moore
Parsons

THE WHITE HOUSE
WASHINGTON

October 19, 1976

1976 OCT 20 AM 7 32

pending

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

JIM CANNON

FROM:

JIM CONNOR *JE*

SUBJECT:

S. 64 - Lincoln National
Memorial

When the President signed S. 64 - Lincoln National Memorial
Bill he made the following notation:

"What is status of Department of Justice law suits
on one House vetoes?"

Please follow-up with appropriate action.

OK

cc: Dick Cheney



102001

MEMORANDUM

DO YOU WANT
ACT TO SIGN OFF ON THIS PUT
in Packet for Calif?
Jmc file
Deanne

THE WHITE HOUSE
WASHINGTON

INFORMATION
REQUEST

October 22, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: Jim Cannon

SUBJECT: Status of Department of Justice
Lawsuit on One-House Veto

This memorandum follows up your recent inquiry concerning the status of the Department of Justice's lawsuit on the one-house veto question.

Clark v. Valeo (U.S.D.C., D.C., No. 76-1227) was filed on July 1, 1976, seeking declaratory and injunctive relief from certain provisions of the Federal Election Campaign Act of 1971. Specifically, the plaintiff challenged the authority of the Congress to require that proposed rules and regulations of the Federal Election Commission be subject to disapproval by resolution of either House of Congress.

On August 27, 1976, the District Court entered an order granting the motion of the United States to intervene as a party plaintiff in the litigation. Thereafter, the case was certified to the U. S. Court of Appeals for the District of Columbia, which held an en banc hearing on September 10, 1976. Two issues are before the Court: (1) justiciability; namely, whether the courts should consider the constitutional issue at all, and (2) the constitutionality of the legislative veto. Although it has now been six weeks since the case was argued, a decision has not yet been rendered.



102207

Moore
Justin
f.

THE WHITE HOUSE
WASHINGTON
October 27, 1976

MEMORANDUM FOR THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

Status of Department of Justice Lawsuit
on One-House Veto

You asked on October 19, 1976, about the status of the Department of Justice's lawsuit on the one-House veto question.

The U. S. Court of Appeals for the District of Columbia has heard argument in the case of Clark v. Valeo, raising the question of the constitutionality of a one-House veto; but has not yet rendered a decision. This is the only case in which the Department of Justice is participating that raises the one-House veto issue.

The case was filed on July 1, 1976, seeking declaratory and injunctive relief from certain provisions of the Federal Election Campaign Act of 1971. Specifically, the plaintiff challenged the authority of the Congress to require that proposed rules and regulations of the Federal Election Commission be subject to disapproval by resolution of either House of Congress.

On August 27, 1976, the District Court entered an order granting the motion of the United States to intervene as a party plaintiff in the litigation. Thereafter, the case was certified to the U. S. Court of Appeals for the District of Columbia, which held an en banc hearing on September 10, 1976. Two issues are before the Court: (1) justiciability; namely, whether the courts should consider the constitutional issue at all, and (2) the constitutionality of the legislative veto.

We have asked the Justice Department to keep us informed.



CLEARANCE SHEET

DATE: 11/19

JMC ACTION
Required by: 11/20

STAFF RESPONSIBILITY _____

SUBJECT: SSDCC Employee Testing Guidelines

RECEIVED FROM: _____ DATE RECEIVED: _____

STAFF COMMENTS: *Attached per your request is a draft of a memo to the President concerning the subject controversy.*

QUERN/MOORE RECOMMENDATION:

☒ APPROVE
☐ REVIEW & COMMENT
☐ DISCUSS

hooker
Arb

CANNON ACTION:

DATE:

Material Has Been:

_____ Signed and forwarded
_____ Changed and signed
_____ Returned per conversation
_____ Noted

Comment:

JIM CANNON

