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DINNER AT THE WHITE HOUSE

Wednesday, August 28, 1974

at 7:00 o'clock

The President & Mrs. Ford

The Secretary of State & Mrs. Kissinger

The Secretary of the Treasury & Mrs. Simon

The Secretary of Defense & Mrs. Schlesinger

The Attorney General

The Secretary of the Interior & Mrs. Morton

The Secretary of Agriculture & Mrs. Butz

The Secretary of Commerce & Mrs. Dent

The Secretary of Labor & Mrs. Brennan

The Secretary of Housing & Urban Development & Mrs. Lynn

The Secretary of Transportation & Mrs. Brinegar

Hon. & Mrs. Roy L. Ash

Director, Office of Management & Budget

Hon. Anne L. Armstrong

Counsellor to the President

Hon. & Mrs. Dean Burch

Counsellor to the President

Hon. & Mrs. Kenneth D. Rush

Counsellor to the President

Hon. & Mrs. John O. Marsh, Jr.

Counsellor to the President

Hon. & Mrs. Robert T. Hartmann

Counsellor to the President

Hon. & Mrs. John A. Scali

US Representative to the United Nations

Hon. & Mrs. Arthur F. Burns

Chmn., Board of Governors of the Federal Reserve System

General & Mrs. Alexander M. Haig, Jr.

Assistant to the President

Hon. & Mrs. William E. Timmons

Assistant to the President for Legislative Affairs

Hon. & Mrs. Philip W. Buchen

Counsel to the President

Hon. & Mrs. Jerald F. terHorst

Press Secretary to the President

Rear Admiral & Mrs. William M. Lukash

Physician to the President

Hon. & Mrs. George Bush

Chmn., Republican National Committee

Hon. & Mrs. Nelson A. Rockefeller

Vice President-designate

Hon. & Mrs. William W. Scranton

Dalton, Pennsylvania

Mr. & Mrs. L. William Seidman

Executive Director, Economic Summit Conference

CBS's Nelson Benton said, "While expressing doubts about the short-run impact of a \$10 to \$15 billion tax cut, Greenspan did hint that something fairly dramatic is necessary and in the works."

President Working Daily on Economic Energy Program

ABC reported that President Ford has set aside time each day this week to work on the economic program he will submit to Congress. Treasury Secretary William Simon says the proposals to be "tough, comprehensive and effective and to fight both recession and inflation," all networks reported.

NBC/CBS reported that Simon said the President would make his economic policy statement in about two weeks.

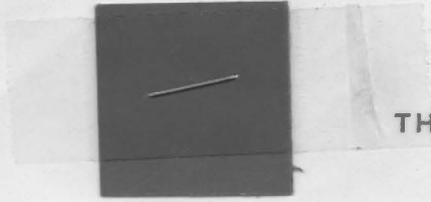
CBS's Bob Schieffer quoted "reliable sources" as saying President Ford has decided on a series of proposals designed to drive up the price of gasoline by 7 cents a gallon.

"This would be done by placing a new tariff on all imported oil," said Schieffer. "The tariff would be imposed gradually and would total \$3 a barrel by the end of the year. In addition, Congress would be asked to place a new tax on domestic crude oil and excess oil company profits.

"These new costs to producers and distributors would be passed on to consumers in the form of retail price increases," Schieffer said. "Officials argue that price hikes would reduce consumption and that in turn would reduce the need for imported oil.

"Mr. Ford was not expected to reveal the major points in his new energy program until late this month when he delivers the State of the Union address to the Congress, but with Congressional leaders now planning their own energy program, White House officials expect the President to release at least part of his plan in the next few days," Schieffer said.

Mr. Hartmann



THE WHITE HOUSE
WASHINGTON

January 7, 1975

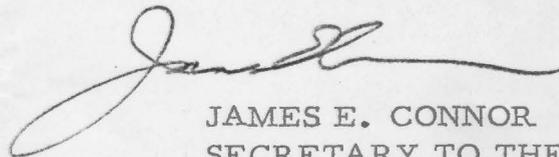
MEMORANDUM FOR

- THE VICE PRESIDENT
- THE SECRETARY OF STATE
- THE SECRETARY OF THE TREASURY
- THE SECRETARY OF DEFENSE
- THE ATTORNEY GENERAL
- THE SECRETARY OF THE INTERIOR
- THE SECRETARY OF AGRICULTURE
- THE SECRETARY OF COMMERCE
- THE SECRETARY OF LABOR
- THE SECRETARY OF HEALTH, EDUCATION AND WELFARE
- THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT
- THE SECRETARY OF TRANSPORTATION

SUBJECT: CABINET MEETING, WEDNESDAY, JANUARY 8, 1975
11:00 A.M.

The President has approved the following agenda items for the Cabinet meeting.

<u>The President</u>	Introductory Remarks	5 Minutes
<u>Mr. Rumsfeld</u>	White House Organization	15 Minutes
<u>Mr. Marsh</u>	The New Congress	15 Minutes
<u>Mr. Greenspan</u>	Economic Activity	25 Minutes



JAMES E. CONNOR
SECRETARY TO THE CABINET



THE WHITE HOUSE

WASHINGTON

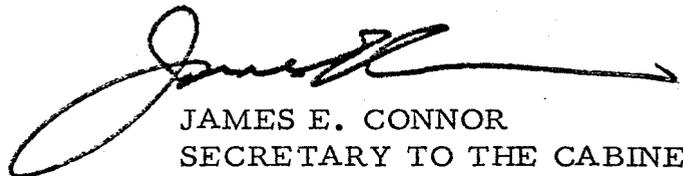
January 21, 1975

MEMORANDUM FOR

THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF LABOR
THE SECRETARY OF HEALTH, EDUCATION AND WELFARE
THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY OF TRANSPORTATION
THE AMBASSADOR TO THE UNITED NATIONS
THE COUNSEL TO THE PRESIDENT, MR. BUCHEN
THE COUNSELLOR TO THE PRESIDENT, MR. HARTMANN
THE COUNSELLOR TO THE PRESIDENT, MR. MARSH
THE ASSISTANT TO THE PRESIDENT, MR. RUMSFELD
THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: CABINET AGENDA ITEMS

The next meeting of the Cabinet is tentatively scheduled for Wednesday, January 29th, at 11:00 a.m. I would appreciate receiving any suggestions you might have for agenda items by Thursday, January 23th. If you wish to send your suggestion by phone, the direct number is 456-6697.



JAMES E. CONNOR
SECRETARY TO THE CABINET

THE WHITE HOUSE

WASHINGTON

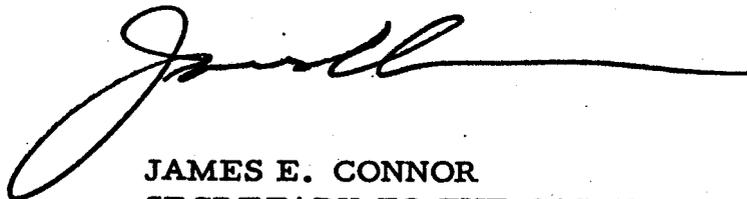
March 3, 1975

MEMORANDUM FOR

THE CABINET

SUBJECT: CABINET AGENDA ITEMS

The next meeting of the Cabinet is tentatively scheduled for Wednesday, March 12th, at 11:00 a.m. in the Cabinet Room. I would appreciate receiving any suggestions you might have for agenda items by 12:00 noon on Friday, March 7th. If you wish to send your suggestions by phone, the direct number is 456-6697.



**JAMES E. CONNOR
SECRETARY TO THE CABINET**

bcc: The Honorable Philip W. Buchen, Counsel to the President
The Honorable Robert T. Hartmann, Counsellor to the President ✓
The Honorable John O. Marsh, Jr., Counsellor to the President
The Honorable Donald H. Rumsfeld, Assistant to the President
The Honorable James T. Lynn, Director, Office of Management and Budget
The Honorable John Scali, the United States Ambassador to the United Nations

on schedule

9

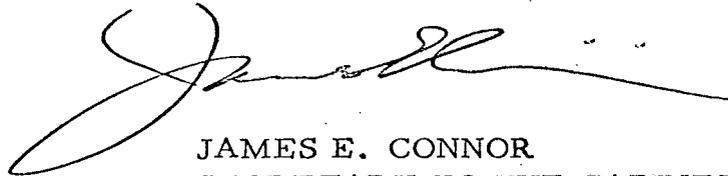
THE WHITE HOUSE
WASHINGTON

April 28, 1975

MEMORANDUM FOR
THE CABINET

The President has scheduled the next Cabinet meeting for Wednesday, May 7th, at 6:30 p.m. on board the Sequoia.

I would appreciate receiving any suggestions you have for agenda items by Friday, May 2, 1975.



JAMES E. CONNOR
SECRETARY TO THE CABINET

If the President wishes,
I could brief the Cabinet
on private polls (RNC)
re President's program &
public support



4/28/75
gave to
Clemson
committee
gave

Attendees for Cabinet Meeting

Wednesday, August 27, 1975

11:00 a.m.

revised 10:00 a.m.

8/27/75

The President

The Secretary of the Treasury, William E. Simon

The Secretary of Agriculture, Earl L. Butz

The Secretary of Commerce, Rogers C.B. Morton

The Secretary of Labor, John T. Dunlop

The Secretary of Health, Education and Welfare, Forrest David Mathews

The Secretary of Housing and Urban Development, Carla A. Hills

The Secretary of Transportation, William T. Coleman

The Acting Secretary of the Interior, Kent Frizzell

The Deputy Secretary of State, Robert S. Ingersoll (for Secretary Kissinger who is in the Middle East)

The Deputy Secretary of Defense, William P. Clements, Jr. (for Secretary Schlesinger, who is in Korea)

The Deputy Attorney General, Harold Tyler (for Attorney General Levi, who is on vacation)

The Counsel to the President, Philip Buchen

The Special Representative for Trade Negotiations, Frederick Dent

The Director of the Office of Management and Budget, James Lynn

The Counsellor to the President, Robert T. Hartmann

The Counsellor to the President, John O. Marsh

The U. S. Representative to the United Nations, Daniel Patrick Moynihan

The Assistant to the President, Donald Rumsfeld

White House/Executive Office:

James Cannon, Assistant to the President

Richard Cheney, Deputy Assistant to the President

James Connor, Secretary to the Cabinet

Alan Greenspan, Chairman, Council of Economic Advisers

Ronald Nessen, Press Secretary to the President

Gen. Brent Scowcroft, Deputy Assistant to the President (National Security Affairs)

L. William Seidman, Assistant to the President

Robert Wolthius, Staff Assistant to Mr. Friedersdorf (Mr. Friedersdorf is on vacation)

John Venneman, Office of the Vice President

Patrick O'Donnell, Congressional Office

Thomas Loeffler, Congressional Office

Agencies: Vern Loen, Congressional Office

Russell Train, Administrator, Environmental Protection Agency

Frank Zarb, Administrator, Federal Energy Agency

Mary Louise Smith, Chairman, Republican National Committee

(Note: The Vice President will not attend - he is out of the city
William Baroody will not attend - he is out of the city)

The Honorable Robert T. Hartmann

delivered
10/2/75
9.

THE WHITE HOUSE
WASHINGTON

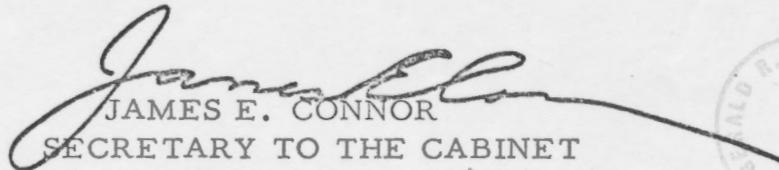
September 30, 1975

MEMORANDUM FOR
THE CABINET

SUBJECT: CABINET MEETING AGENDA ITEMS
OCTOBER 8, 1975

The next meeting of the Cabinet is scheduled for Wednesday, October 8th, at 11:00 a.m., in the Cabinet Room. I would appreciate receiving any suggestions you might have for agenda items by 12:00 noon on Friday, October 3rd.

If you wish to send your suggestions by phone, the direct number is 456-6697.


JAMES E. CONNOR
SECRETARY TO THE CABINET



I think the President ought to tell the Cabinet that when they have some good news to announce, they should offer it to the President (i.e. to me for his speeches) instead of squirreling it away for themselves.

RTH

THE WHITE HOUSE
WASHINGTON

December 9, 1975

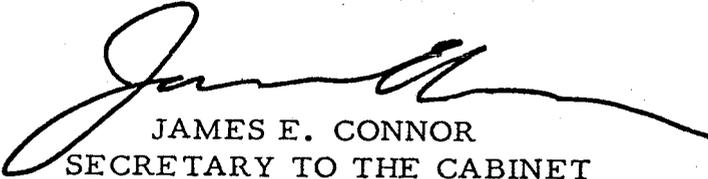
MEMORANDUM FOR

THE CABINET

SUBJECT: CABINET MEETING, WEDNESDAY, DECEMBER 10, 1975

The President has approved the following agenda for the Cabinet meeting scheduled for Wednesday, December 10th, at 11:00 a.m., in the Cabinet Room.

Debriefing on the President's Trip to the Pacific Basin	<u>The President</u>	15 minutes
Briefing on the Status of the Budget Process	<u>James Lynn</u>	15 minutes
Briefing on Campaign Progress	<u>Howard Callaway</u>	45 minutes
Briefing on Cabinet Members Campaign Appearances	<u>Secretary Morton</u>	10 minutes
Briefing on Legal Questions regarding Campaign Participation	<u>Philip Buchen</u>	30 minutes


JAMES E. CONNOR
SECRETARY TO THE CABINET

THE WHITE HOUSE

WASHINGTON

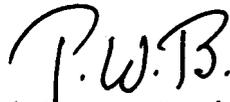
November 21, 1975

MEMORANDUM FOR

MEMBERS OF THE CABINET
SENIOR WHITE HOUSE STAFF

Attached for your information is a memorandum discussing recent Congressional demands for certain Executive branch documents.

I trust that you will find the document to be informative on a matter of controversy which has been given substantial treatment by the press.



Philip W. Buchen
Counsel to the President

Attachment

THE WHITE HOUSE

WASHINGTON

November 18, 1975

M E M O R A N D U M

Re: Congressional Demands for Executive
Branch Documents

This is to present the development of several controversies which have arisen involving Congressional committee demands for Executive Branch documents directed to Secretaries Kissinger, Morton and Mathews. Also treated are the several bases underlying the Administration's refusal to comply with certain of these requests. Particular emphasis is given to the concept and scope of Executive Privilege.

I. Relevant Controversies.

Three areas of conflict involving demands for Executive Branch documents have arisen between committees of the Congress and representatives of the Ford Administration. The circumstances giving rise to these conflicts may be summarized in the following manner.

A. House Select Committee Demand of November 6
(Secretary Kissinger).

On November 6, 1975, seven (7) subpoenas were issued by the House Select Committee on Intelligence, chaired by Representative Otis Pike. On November 7, the subpoenas were served as follows:

1. State Department. Only one (1) subpoena was actually directed to Secretary Kissinger demanding all documents relating to State Department recommendations for covert actions made to the National Security Committee and the Forty Committee (composed of the President's principal personal advisers on matters of military and foreign affairs) from

January 20, 1965 to the present. On November 14, the Legal Adviser of the Department of State advised the Select Committee that Secretary Kissinger had been directed by the President to respectfully decline compliance with the subpoena and to assert the Constitutional doctrine of Executive Privilege as the basis for the refusal. On the same day, the Select Committee adopted a resolution calling on the House of Representatives to cite Secretary Kissinger for contempt in failing to provide the subpoenaed materials.

2. Central Intelligence Agency. One (1) subpoena was served on the Central Intelligence Agency and substantial compliance was effected on November 11 by a letter from Mitchell Rogovin, Special Counsel to the CIA, to the Select Committee. No assertion was made to a right to withhold the materials requested.
 3. National Security Council. Five (5) subpoenas were directed to the Assistant to the President for National Security Affairs. These were accepted by a representative of the Office of the Counsel to the President on behalf of Jeanne Davis, Staff Secretary, National Security Council. Under date of November 11, Lieutenant General Scowcroft, Deputy Assistant to the President for National Security Affairs responded to the subpoenas by forwarding the documents available at that time and by agreeing to provide other requested documents as they became available. Thus, the Administration is in substantial compliance with this request, and has not asserted a right to withhold the materials from the committee.
- B. House Subcommittee on Oversight and Investigations Demand of July 28 (Secretary Morton).

On July 10, the Chairman of the Subcommittee on Oversight and Investigations of the Committee on

Interstate and Foreign Commerce, Representative John Moss, wrote the Department of Commerce to request copies of all quarterly reports filed by exporters, since 1970, concerning any "request for [Arab] boycott compliance". On July 24, Secretary Morton sent Representative Moss a summary of boycott information reported by exporters, but declined to furnish copies of the reports themselves, invoking the statutory authority contained in Section 7(c) of the Export Administration Act.

On July 28, the Subcommittee issued a formal subpoena to Secretary Morton calling for a turnover of the reports. On September 4, the Attorney General provided Secretary Morton with a formal opinion to the effect that the Secretary need not disclose the reports under the authority conferred by Section 7(c) and this position was asserted by Secretary Morton in an appearance before the Subcommittee on September 22.

On November 12, the Subcommittee approved a resolution calling for full committee action on a contempt citation against Secretary Morton. A finding of contempt, of course, would require floor action by the House of Representatives.

C. House Subcommittee on Oversight and Investigations Demand of November 5 (Secretary Mathews).

On October 23, Chairman Moss of the Subcommittee on Oversight and Investigations requested Secretary Mathews to provide a list of deficiencies which showed up in surveys of hospitals by the Joint Commission on Accreditation of Hospitals. Acting on the advice of counsel, Secretary Mathews refused to comply with the request, asserting a statutory exemption contained in Section 1865(a) of the Social Security Act.

On October 23, the Subcommittee issued a subpoena for the list and this was referred by Secretary Mathews to the Attorney General for his review. On November 12, the Attorney General indicated that he found the language of the Social Security Act's confidentiality provision to be very weak, as opposed to the strong provision contained in the Export Administration Act noted supra. In his opinion, Section 1865(a) of the Social Security Act lent itself to the interpretation that information so furnished is not to be made public but may be conveyed to the Congress on proper request. Accordingly, on November 12 Secretary Mathews made the list available to the Subcommittee, thus ending the controversy.

II. Bases For Denials

The basis for Secretary Morton's refusal to comply with the request of the Moss Subcommittee is statutory law. The basis for the refusal by President Ford to comply with the request made to Secretary Kissinger is grounded in Constitutional doctrine, i. e. Executive Privilege.

A. The Statutory Basis for Denial.

Section 3(5) of the Export Administration Act of 1969, 50 U.S.C. App. 2402(5), provides in pertinent part that:

* * *

It is the policy of the United States (A) to oppose restrictive trade practices or boycotts . . . imposed by foreign countries against other countries friendly to the United States, and (B) to encourage and request domestic concerns engaged in . . . [exporting] to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering . . . [such] restrictive trade practices or boycotts

* * *

Section 4(b) calls for issuance of rules and regulations to implement Section 3(5) and states that the rules and regulations are to "require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements . . . [of the type specified in Section 3(5)(B)] must report that fact to the Secretary of Commerce"

The Act's confidentiality provision, Section 7(c), 50 U.S.C. App. 2406(c), reads as follows:

* * *

No department . . . or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential . . . , unless the head of such department . . . determines that the withholding thereof is contrary to the national interest.

* * *

The regulation of the Department of Commerce implementing Section 3(5) expressly states that the information contained in reports filed by exporters "is subject to the provisions of Section 7(c) of the . . . Act regarding confidentiality" 15 CFR §369.2(b). Moreover, the basic reporting form (Form DIB-621) states that: "Information furnished herewith is deemed confidential and will not be published or disclosed except as specified in Section 7(c) of the . . . [Act]."

Statutory restrictions upon executive agency disclosure of information are presumptively binding even with respect to requests or demands of congressional committees. That this assumption accords with general legislative intent is demonstrated by the inclusion, in a number of statutes concerning confidentiality of information, of explicit exceptions for

congressional requests. When, as in Section 7(c), such an exception is not provided, it is presumably not intended. In the present case, this standard interpretation finds additional support in the legislative history of the statute, in an apparently consistent administrative construction, and in Congress' reenactment of the provision with knowledge of that construction.

No constitutionally-based privilege has been asserted.

B. Executive Privilege as a Basis for Denial.

Beginning with President Washington, Presidents have claimed and exercised the responsibility of withholding from Congress information the disclosure of which they consider to be contrary to the public interest. This responsibility is frequently called "Executive privilege." Information of this type usually comes within the categories of military or diplomatic state secrets, investigatory reports, and internal governmental advice. The Supreme Court has held in United States v. Nixon, 418 U.S. 683, 708 (1974), that the Executive privilege is "fundamental to the operation of government and inextricably rooted in the separation of powers under the Constitution." It also distinguished the presumptive privilege accorded all confidential communications from sensitive national security matters involved here, which are entitled to the highest degree of confidentiality under the Constitution. It, therefore, does not require any statutory basis and cannot be controlled by Congress.

Recent examples of Presidential directions to Cabinet members not to release certain information to Congress are:

1. President Eisenhower's letter of May 17, 1954, to the Secretary of Defense not to testify with respect to certain top level conversations which occurred during the Army-McCarthy investigations.
[Enclosed]

2. President Kennedy's letters to the Secretaries of Defense and State, dated February 8 and 9, 1962, respectively, instructing them not to disclose the names of individuals who had reviewed certain draft speeches prepared by military officers. The issue of Executive Privilege was also treated in President Kennedy's letter to Senator Stennis dated June 23, 1962. These arose during an investigation by the Senate Armed Services Committee into "Military Cold War Education and Speech Review Policies." [Enclosed]

Congressional (as distinct from judicial) demands for material may fall into two categories. The first would be a normal committee request, demand, or subpoena for material as discussed above, which may be rejected on the basis of Executive Privilege where it is deemed by the President that the production of such material would be detrimental to the functioning of the Executive Branch. This, at least, has been the consistent practice by practically every administration and acceded to by Congress. This should be contrasted with a demand for material pursuant to an impeachment inquiry, which some presidents have acknowledged would require production of any and all executive material. See e.g., Washington's Statement, 5 Annals of Congress 710-12 (1796).

III. Procedures for Asserting Executive Privilege.

In early years, the Executive Branch practice with respect to assertion of Executive Privilege as against Congressional

requests was not well defined. As noted above, during the McCarthy investigations, President Eisenhower, by letter to the Secretary of Defense, in effect prohibited all employees of the Defense Department from testifying concerning conversations or communications embodying advice on official matters. This situation eventually produced such a strong Congressional reaction that on February 8, 1962, President Kennedy wrote to Congressman Moss stating that it would be the policy of his Administration that "Executive privilege can be invoked only by the President and will not be used without specific Presidential approval." Mr. Moss sought and received a similar commitment from President Johnson. (President's letter of April 2, 1965.)

President Nixon continued the Kennedy-Johnson policy but formalized it procedurally by a memorandum dated March 24, 1969, addressed to all Executive Branch officials. The memorandum notes that the privilege will be invoked "only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise."

President Ford publicly addressed the concept of Executive Privilege in his televised appearance before the House Subcommittee on Criminal Justice on October 17, 1974. He expressed his view that ". . . the right of Executive Privilege is to be exercised with caution and restraint" but also said: "I feel a responsibility, as you do, that each separate branch of our Government must preserve a degree of confidentiality for its internal communications."

#

113 ¶ Letter to the Secretary of Defense
Directing Him To Withhold Certain Information
from the Senate Committee on Government
Operations. *May 17, 1954*

Dear Mr. Secretary:

It has long been recognized that to assist the Congress in achieving its legislative purposes every Executive Department or Agency must, upon the request of a Congressional Committee, expeditiously furnish information relating to any matter within the jurisdiction of the Committee, with certain historical exceptions—some of which are pointed out in the attached memorandum from the Attorney General. This Administration has been and will continue to be diligent in following this principle. However, it is essential to the successful working of our system that the persons entrusted with power in any one of the three great branches of Government shall not encroach upon the authority confided to the others. The ultimate responsibility for the conduct of the Executive Branch rests with the President.

Within this Constitutional framework each branch should cooperate fully with each other for the common good. However, throughout our history the President has withheld information whenever he found that what was sought was confidential or its disclosure would be incompatible with the public interest or jeopardize the safety of the Nation.

Because it is essential to efficient and effective administration that employees of the Executive Branch be in a position to be completely candid in advising with each other on official matters, and because it is not in

the public interest that any of their conversations or communications, or any documents or reproductions, concerning such advice be disclosed, you will instruct employees of your Department that in all of their appearances before the Subcommittee of the Senate Committee on Government Operations regarding the inquiry now before it they are not to testify to any such conversations or communications or to produce any such documents or reproductions. This principle must be maintained regardless of who would be benefited by such disclosures.

I direct this action so as to maintain the proper separation of powers between the Executive and Legislative Branches of the Government in accordance with my responsibilities and duties under the Constitution. This separation is vital to preclude the exercise of arbitrary power by any branch of the Government.

By this action I am not in any way restricting the testimony of such witnesses as to what occurred regarding any matters where the communication was directly between any of the principals in the controversy within the Executive Branch on the one hand and a member of the Subcommittee or its staff on the other.

Sincerely,

DWIGHT D. EISENHOWER

NOTE: Attorney General Brownell's memorandum of March 2, 1954, was released with the President's letter. The memorandum traces the development from Washington's day of the principle that the President may, under certain circumstances, withhold information from the Congress.

Taking the doctrine of separation of powers as his text, the Attorney General stated that it is essential to the successful working of the American system that the persons entrusted with power in any one of the three branches should not be permitted to encroach upon the powers confided to the others.

The memorandum continues: "For over 150 years . . . our Presidents have established, by precedent, that they and members of their Cabinet and other heads of executive departments have an undoubted privilege and discretion to keep confidential, in the public interest, papers and information which require secrecy.

American history abounds in countless illustrations of the refusal, on occasion, by the President and heads of departments to furnish papers to Congress, or its committees, for reasons of public policy. The messages of our past Presidents reveal that almost every one of them found it necessary to inform Congress of his constitutional duty to execute the office of President, and, in furtherance of that duty, to withhold information and papers for the public good."

As for the courts, they have "uniformly held that the President and the heads of departments have an uncontrolled discretion to withhold . . . information and papers in the public interest; they will not interfere with the exercise of that discretion, and that Congress has not the power, as one of the three great branches of the Government, to subject the Executive Branch to its will any more than the Executive Branch may impose its unrestrained will upon the Congress."

Among the precedents cited in the Attorney General's memorandum are the following:

President Washington, in 1796, was presented with a House Resolution requesting him to furnish copies of correspondence and other papers relating to the Jay Treaty with Great Britain as a condition to the appropriation of funds to implement the treaty. In refusing, President Washington replied "I trust that no part of my conduct has ever indicated a disposition to withhold any information which the Constitution has enjoined upon the President as a duty to give, or which could be required of him by either House of Congress as a right; and with truth I affirm that it has been, as it will continue to be while I have the honor to preside in the Government, my constant endeavor to harmonize with the other branches thereof so far as the trust delegated to me by the people of the United States and my sense of the obligation it imposes to 'preserve, protect, and defend the Constitution' will permit."

President Theodore Roosevelt, in 1909, when faced with a Senate Resolution

directing his Attorney General to furnish documents relating to proceedings against the U.S. Steel Corporation, took possession of the papers. He then informed Senator Clark of the Judiciary Committee that the only way the Senate could get them was through impeachment. The President explained that some of the facts were given to the Government under the seal of secrecy and could not be divulged. He added "and I will see to it that the word of this Government to the individual is kept sacred."

"During the administration of President Franklin D. Roosevelt," the Attorney General's memorandum states, "there were many instances in which the President and his Executive heads refused to make available certain information to Congress the disclosure of which was deemed to be confidential or contrary to the public interest." Five such cases are cited, including one in which "communications between the President and the heads of departments were held to be confidential and privileged and not subject to inquiry by a committee of one of the Houses of Congress."

MILITARY COLD WAR EDUCATION AND
SPEECH REVIEW POLICIES

HEARINGS
BEFORE THE
SPECIAL PREPAREDNESS SUBCOMMITTEE
OF THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
EIGHTY-SEVENTH CONGRESS
SECOND SESSION

PART 6

~~MAY 16-24, JUNE 4-7, 8, 1962~~

Printed for the use of the Committee on Armed Services



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1962

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The Chair has ordered the witness to answer the question.

Senator STENNIS. Yes, I think, Senator Thurmond, that that is technically correct, but, at the same time, the Secretary of Defense is here and this question of executive privilege has been talked about back and forth.

I assume the Secretary has something to bear directly upon that in this question, so I recognize the Secretary to make a statement.

Secretary McNAMARA. Thank you, Mr. Chairman.

Would you like me to swear under oath?

Senator STENNIS. You are already under oath. I beg your pardon, you have not been here.

Secretary McNAMARA. No, sir; I have not.

Senator STENNIS. All right; thank you very much for reminding me.

Will you please stand, Secretary McNamara. Do you solemnly swear that your testimony before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Secretary McNAMARA. I do, sir.

Senator STENNIS. Have a seat.

Secretary McNAMARA. Mr. Chairman—

Senator STENNIS. I assume this is with reference to executive privilege, is it not?

KENNEDY LETTER TO McNAMARA

Secretary McNAMARA. It is, sir.

I would like to read a letter to me from the President. This is dated February 8.

DEAR MR. SECRETARY: You have brought to my attention the fact that the Senate Special Preparedness Investigating Subcommittee intends to ask witnesses from your Department to give testimony identifying the names of individuals who made or recommended changes in specific speeches.

As you know, it has been and will be the consistent policy of this administration to cooperate fully with the committees of the Congress with respect to the furnishing of information. In accordance with this policy, you have made available to the subcommittee 1,500 speeches with marginal notes, hundreds of other documents, and the names of the 14 individual speech reviewers, 11 of whom are military officers. You have also made available the fullest possible background information about each of these men, whose record of service and devotion to country is unquestioned in every case, and you have permitted the committee's staff to interview all witnesses requested and to conduct such interviews outside the presence of any departmental representative. Finally, you have identified the departmental source of each suggested change and offered to furnish in writing an explanation of each such change and the policy or guideline under which it was made.

Your statement that these changes are your responsibility, that they were made under your policies and guidelines and those of this administration, and that you would be willing to explain them in detail is both fitting and accurate, and offers to the subcommittee all the information properly needed for the purposes of its current inquiry. It is equally clear that it would not be possible for you to maintain an orderly Department and receive the candid advice and loyal respect of your subordinates if they, instead of you and your senior associates, are to be individually answerable to the Congress, as well as to you, for their internal acts and advice.

For these reasons, and in accordance with the precedents on separation of powers established by my predecessors from the first to the last, I have concluded that it would be contrary to the public interest to make available any information which would enable the subcommittee to identify and hold accountable any individual with respect to any particular speech that he has reviewed. I, therefore, direct you and all personnel under the jurisdiction of your Depart-

must not to give any testimony or produce any documents which would disclose information, and I am issuing parallel instructions to the Secretary of State. The principle which is at stake here cannot be automatically applied to every request for information. Each case must be judged on its own merits. But I do not intend to permit subordinate officials of our career services to bear the brunt of congressional inquiry into policies which are the responsibilities of their superiors.

Sincerely yours,

JOHN F. KENNEDY.

WITNESS INSTRUCTED BY M'NAMARA NOT TO ANSWER QUESTION

Mr. Chairman, acting in accordance with that instruction, I have instructed Mr. Lawrence not to answer the question, thereby invoking executive privilege.

WITNESS DECLINES TO ANSWER QUESTION

Senator STENNIS. Mr. Lawrence, of course, you have heard what the Secretary has said here. Is that your position now?

Mr. LAWRENCE. Yes, sir; it is.

Senator STENNIS. You decline to answer the question for the reasons assigned by the Secretary?

Mr. LAWRENCE. That is right, sir.

CHAIRMAN CLEARS WITNESS AND ASSOCIATES

Senator STENNIS. I just want the record to be clear and positive. As I understood it from the following letter, the President puts it on the ground of being contrary to the public interest.

All right, let me say an additional word here about Mr. Lawrence, if I may, and in reference to the other gentlemen. This executive privilege presented by the Secretary and also adopted by Mr. Lawrence presents a new question. Before I leave this situation, I want to say that there is no furnish of any kind on Mr. Lawrence or any of his 13 associates. All of them, according to my information, including all that collected by the staff members and all that I have ever heard, are intelligent, dedicated, hard-working, patriotic, loyal Americans, and I firmly believe that they are, each of these gentlemen. Some of them are members of the services, and some of them are in civilian life.

STATEMENT BY SENATOR JOHN STENNIS IN RULING ON PLEA OF EXECUTIVE PRIVILEGE, FEBRUARY 8, 1962

Senator STENNIS. Members of the subcommittee, in view of the express plea here of executive privilege, I think it clearly the duty of the Chair now to rule upon the plea. Not only is my duty clear, but it is clear that I should rule on it now.

It is a question that I have long anticipated in connection with these hearings. It is a matter which became evident to me many weeks ago and caused me to make a special study of it. I have therefore, examined what I believe to be all of the authorities on the subject. I have also consulted with others who have had Senatorial experience in this field. I have a brief statement to make here as background for the ruling I shall make.

In the arsenal of our cold war weapons there is no place for boasting or bellicosity, and name calling is rarely useful. As Secretary of State Rusk has said:

The issues called the cold war are real and cannot be merely wished away. They must be faced and met. But how we meet them makes a difference. They will not be scolded away by invective nor frightened away by bluster. They must be met with determination, confidence, and sophistication.

Our discussion, public, or private, should be marked by civility; our manners should conform to our dignity and power and to our good repute throughout the world. But our purposes and policy must be clearly expressed to avoid miscalculation or an underestimation of our determination to defend the cause of freedom.

The solemn nature of the times calls for the United States to develop maximum strength but to utilize that strength with wisdom and restraint.

Or, in other words, as President Theodore Roosevelt aptly said at an earlier time, we should "speak softly but carry a big stick."

This, I submit, Mr. Chairman, is the only appropriate posture for the leading nation in the world.

I should like, if I may, to hand up to the committee copies of the President's letter to the Secretary of State.

KENNEDY LETTER TO RUSK ON EXECUTIVE PRIVILEGE

Senator STENNIS. All right, Mr. Reporter, at this point in the record you may insert the letter from President Kennedy dated February 9, 1962.

(The letter referred to is as follows:)

THE WHITE HOUSE,
Washington, February 9, 1962.

The Honorable the SECRETARY OF STATE,
Washington, D.C.

DEAR MR. SECRETARY: I am attaching a copy of my letter to Secretary McNamara of February 8 in which I have directed him, and all personnel under the jurisdiction of the Department of Defense, not to give any testimony or produce any documents which would enable the Senate's Special Preparedness Investigating Subcommittee to identify and hold accountable any individual with respect to any particular speech that he has reviewed.

That letter states that I am issuing parallel instructions to the Secretary of State. I therefore direct you, and all personnel under the jurisdiction of your Department, not to give any such testimony or produce any such documents.

As I noted in my letter to Secretary McNamara, the principle of Executive privilege cannot be automatically applied to every request for information. Each case must be judged on its own merits. But the principle as applied to these facts governs the personnel of your Department equally with that of the Department of Defense. In neither case do I intend to permit subordinate officials of the career services to bear the brunt of congressional inquiry into policies which are the responsibilities of their superiors.

Sincerely,

JOHN F. KENNEDY

Enclosure.

Senator STENNIS. Mr. Secretary, we certainly want to thank you for a very clear and positive statement and, without delaying this matter any further, because we were late convening this morning due to the pressure of other meetings, I am going to ask counsel if he will proceed now with his questions, if you are ready.

Mr. BALL. Thank you, sir.

It is to these men, who have risen to the top in the Nation's Armed Forces after a generation of experience and effort in military life, to whom we must look and to whom the President must look, for the most authoritative advice on our national defense requirements."²²

We begin to enter more controversial ground when we consider the advisory function of the military vis-a-vis the American public.²³ Under a directive of the National Security Council in 1953, military people were encouraged to undertake this advisory function, primarily through seminar-type discussions on the cold war. These seminars led to criticism from some quarters that the military had no proper role in such public advisory activities and the further raising of the chimera of military control over the civil authority.

Shelves of books could be written and learned arguments adduced both against and in support of the military role in advising the American people about the many facets of the cold war. But the essence of the matter is whether or not we wish fully to inform the public. James Madison wrote in the Federalist Papers that "the genius of republican liberty seems to demand on one side, not only that all power should be derived from the people, but that those intrusted with it should be kept in dependence on the people." No one has yet discovered how this genius—our noblest achievement in Government—can function except through an informed public.

Senator Strom Thurmond has said with reference to the public information or advisory role of the military that there are "facts that the American people must have, regardless of where the chips may fall. Censorship and suppression shield behind a smokescreen of civilian control policies on which the American people have too few facts. If these policies cannot stand the spotlight of public attention and discussion, then they should be rejected."²⁴

How portentous is the presentation of the facts of the cold war to the American public in the 1960's may be seen by comparison with the sleepwalkers of the Munich era in Great Britain. How much might not have England—and the world—been spared had the appeasers heeded Churchill's advice: "Tell the truth, tell the truth to the British people."²⁵

SECOND ADDENDUM TO RECORD

KENNEDY LETTER TO STENNIS ON NATIONAL POLICY PAPERS

Subsequent to the final hearing, Chairman Stennis transmitted to President Kennedy the request by Senator Thurmond that the subcommittee be furnished with copies of certain National Security Council papers and the policy paper prepared by Mr. Rostow. Senator Thurmond's request for these documents appears on pages 2951 through 2957 of the printed transcript. The President replied to this request by a letter dated June 23, 1962. In order that the record might be complete, and by direction of the chairman, President Kennedy's letter is printed below.

THE WHITE HOUSE,
Washington, June 23, 1962.

HON. JOHN STENNIS,
Chairman, Special Preparedness Subcommittee,
U.S. Senate.

DEAR SENATOR STENNIS: I have your letter enclosing excerpts from the record of the Special Preparedness Subcommittee hearing during which Senator Thurmond requested you to ask me to furnish copies of National Security Council papers to the Subcommittee.

As you know, it has been and will be the consistent policy of this Administration to cooperate fully with the Committees of the Congress with respect to the furnishing of information. But the unbroken precedent of the National Security

²² Congressional Record, 81st Cong., 1st sess., vol. 95, Mar. 30, 1949, p. 3340.

²³ Of course, classified information cannot be disclosed to the public except in such instances in which the President would decide it to be in the interest of the United States.

²⁴ Quoted, World, Jan. 31, 1962, p. 23.

²⁵ See p. 6, supra.

Council is that its working papers and policy documents cannot be furnished to the Congress.

As President Eisenhower put it in a letter dated January 22, 1958, to Senator Lyndon Johnson: "Never have the documents of this Council been furnished to the Congress."

As I recently informed Congressman Moss, this Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents. In the case of National Security Council documents, however, I believe the established precedent is wise. I am therefore obliged to decline the request for Council papers.

It seems to me that explanations of policy put forward in the usual way to Committees of Congress by representatives of the State Department are fully adequate to the need expressed by Senator Thurmond during your hearing.

Sincerely,

JOHN F. KENNEDY.

THE WHITE HOUSE
WASHINGTON

December 31, 1975

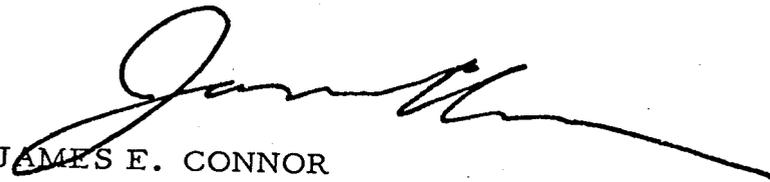
MEMORANDUM FOR
THE CABINET

SUBJECT: CABINET AGENDA ITEMS FOR
JANUARY 7, 1976 MEETING

The next meeting of the Cabinet is scheduled for Wednesday,
January 7th, at 11:00 a.m., in the Cabinet Room.

I would appreciate receiving any suggestions you might have for
agenda items by 12:00 noon on Monday, January 5th.

If you wish to send your suggestions by phone, the direct number
is 456-6697.


JAMES E. CONNOR
SECRETARY TO THE CABINET

THE WHITE HOUSE
WASHINGTON

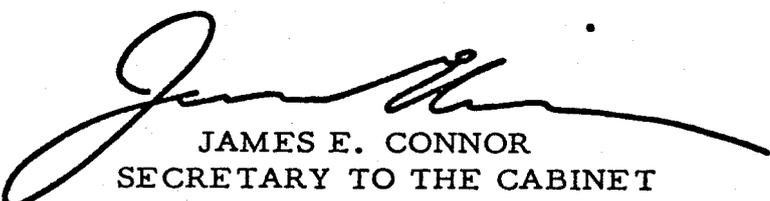
January 6, 1976

MEMORANDUM FOR
THE CABINET

SUBJECT: AGENDA FOR CABINET MEETING
JANUARY 7, 1976 - 11:00 A.M.
THE CABINET ROOM

The President has approved the following agenda for the Cabinet meeting scheduled for Wednesday, January 7th, at 11:00 a.m.

Introduction	<u>The President</u>	10 minutes
Review of Arab Boycott Issues	<u>Edward Schmults</u>	15 minutes
Budget Review	<u>James Lynn</u>	10 minutes
Economic Review	<u>Alan Greenspan</u>	15 minutes
Spokesmen's Program	<u>Richard Cheney</u>	30 minutes



JAMES E. CONNOR
SECRETARY TO THE CABINET

THE WHITE HOUSE

WASHINGTON

February 16, 1976

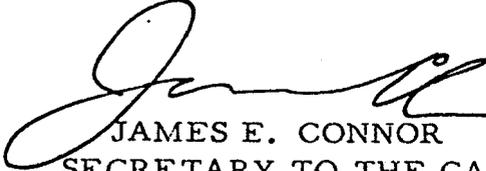
MEMORANDUM FOR

THE CABINET

SUBJECT: Cabinet Meeting, Thursday, February 19, 1976
9:00 A.M., The Cabinet Room

As you have been advised by phone, the Cabinet meeting has been changed from Wednesday, February 18th at 2:00 p.m. to Thursday, February 19th at 9:00 a.m. The following agenda items still apply:

Introduction	<u>The President</u>	5 minutes
Economic Briefing	<u>Alan Greenspan</u>	15 minutes
Briefing on the Defense Budget	<u>Secretary Rumsfeld</u>	30 minutes
Briefing on the Concorde Decision	<u>Secretary Coleman</u>	15 minutes
Congressional Outlook Presentation	Counsellor Marsh	30 minutes


JAMES E. CONNOR
SECRETARY TO THE CABINET

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THE WHITE HOUSE

WASHINGTON

January 7, 1976

MEMORANDUM FOR

THE CABINET

SUBJECT: Guidelines in Connection with the 1976 Election Campaign

Following are guidelines to be followed by all members of the Cabinet, as well as other appropriate Federal officials, in connection with their participation in the 1976 Federal elections. These guidelines are based upon relevant statutory prohibitions, Executive Orders, rulings and proposed regulations by the Federal Election Commission.

I. GENERAL PROHIBITIONS

The following restrictions on particular political activities apply to all Federal employees:

- A. Federal law prohibits the solicitation or receipt of political contributions by a Federal official or employee from any other Federal official or employee.
- B. Federal law prohibits solicitation or receipt of political contributions on Federal property.

In the event that campaign contributions are received either from such persons or on Federal property, such contributions must be promptly returned with an appropriate explanation.

III. PERMISSIBLE POLITICAL ACTIVITIES

- C. Federal law prohibits any direct or indirect promise of appointment, employment, contract, or special consideration for a governmental benefit as a consideration, favor or reward for political activity or support to a candidate or political party.



- D. Appropriated funds may not be used to conduct or support political activities on behalf of a candidate or political party.

II. HATCH ACT RESTRICTIONS

- A. The Hatch Act prohibits all persons subject to its provisions from participating or engaging in any political campaign activity, either State or Federal, on behalf of any candidate or political party. In general, the heads of the Executive or Military Departments, other officials appointed by the President subject to Senate confirmation, and employees paid by the White House Office or the Vice President's Office, are exempt from the Hatch Act restrictions. Other Federal employees, including NEA and Schedule C employees, are subject to the Act; and the Act applies to them even outside of working hours and while they are on leave status.
- B. "Hatched" employees may not assist in writing political speeches, and may not be utilized in advancing, conducting or managing a political event or a candidate-related activity. PFC personnel will be available to assist you in connection with any such political activity. This restriction does not apply to regular security personnel present for the protection of the participating official or to aides making advance arrangements, unrelated to the event itself, for official travel and activities. Although "Hatched" employees may assist the official in going to and from a political event, they must not take an active role or participate in the event itself.

III. PERMISSIBLE POLITICAL ACTIVITIES

Following are guidelines for permissible political activities on behalf of the President or the Republican Party by Cabinet members and other officials not subject to the Hatch Act:

- A. Although final allocation regulations will not be available from the Federal Election Commission

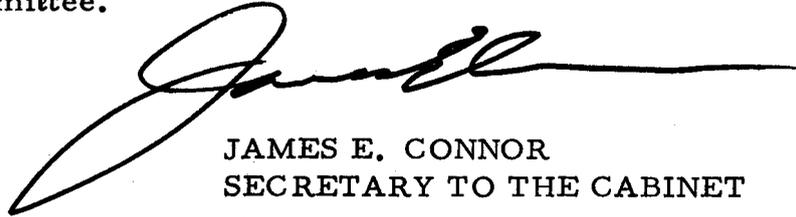
until later in January, the Commission has informally indicated its approval of an allocation formula which apportions travel expenses on mixed official and political trips based upon the relative periods of time spent on the two kinds of activities. Accordingly, accurate records should be kept which distinguish all time spent and direct expenses incurred for political events from the time and expenses incurred for official business. Such records should then be sent to the PFC for allocation of expenses on the basis of the relative periods of time spent on political and bona fide official activities. More specific guidelines will be provided once the final allocation regulations are available from the Federal Election Commission.

- B. Permissible political activities include serving as speaker, honored guest or sponsor for fundraising or other political events. However, the participating government official should not accept contributions for the President, but should direct the contributor to a PFC fundraising official. In connection with particular events, the PFC will avoid singling out for campaign support special interest groups or organizations which are immediately concerned with the functions of the department or agency represented by the government official appearing at the event.

- C. As a general rule, speeches before non-partisan groups, such as a trade, labor, or professional association, are official in nature. Each member of the Administration should insure that official activities and other non-political functions are not and do not appear to involve political activities for the benefit of or on behalf of any Federal candidate. If candidate-related activities, including extemporaneous remarks, are engaged in during an official trip, the Federal election campaign laws may require that a portion of the expenses incurred for such trip shall be attributed to the candidate and counted against the candidate's spending limits.

However, this requirement does not preclude full, fair and open discussion of national issues, current conditions and trends, and existing or proposed administrative or legislative programs which are within the expertise of the speaker. What it does preclude is advocacy of a candidate for Federal office or making partisan political comment about a candidate or political party.

Questions regarding the above guidelines or the legality or propriety of any mixed official-political activity should be directed to the Office of the Counsel to the President. Advice regarding the conduct of the campaign itself under the new Federal election campaign laws should be sought from the General Counsel to the President Ford Committee.



JAMES E. CONNOR
SECRETARY TO THE CABINET

THE WHITE HOUSE

WASHINGTON

January 7, 1976

MEMORANDUM FOR

THE CABINET

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- C. Federal law prohibits any direct or indirect promise of appointment, employment, contract, or special consideration for a governmental benefit as a consideration, favor or reward for political activity or support to a candidate or political party.

- D. Appropriated funds may not be used to conduct or support political activities on behalf of a candidate or political party.

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- B. "Hatched" employees may not assist in writing political speeches, and may not be utilized in advancing, conducting or managing a political event or a candidate-related activity. PFC personnel will be available to assist you in connection with any such political activity. This restriction does not apply to regular security personnel present for the protection of the participating official or to aides making advance arrangements, unrelated to the event itself, for official travel and activities. Although "Hatched" employees may assist the official in going to and from a political event, they must not take an active role or participate in the event itself.

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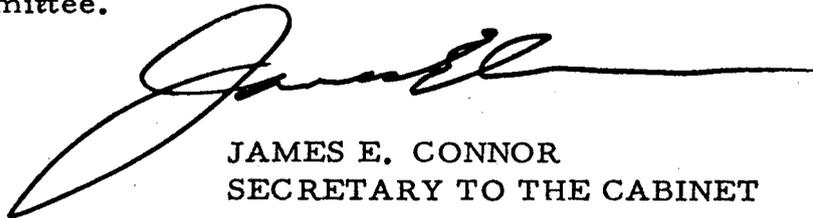
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- C. As a general rule, speeches before non-partisan groups, such as a trade, labor, or professional association, are official in nature. Each member of the Administration should insure that official activities and other non-political functions are not and do not appear to involve political activities for the benefit of or on behalf of any Federal candidate. If candidate-related activities, including extemporaneous remarks, are engaged in during an official trip, the Federal election campaign laws may require that a portion of the expenses incurred for such trip shall be attributed to the candidate and counted against the candidate's spending limits.

However, this requirement does not preclude full, fair and open discussion of national issues, current conditions and trends, and existing or proposed administrative or legislative programs which are within the expertise of the speaker. What it does preclude is advocacy of a candidate for Federal office or making partisan political comment about a candidate or political party.

Questions regarding the above guidelines or the legality or propriety of any mixed official-political activity should be directed to the Office of the Counsel to the President. Advice regarding the conduct of the campaign itself under the new Federal election campaign laws should be sought from the General Counsel to the President Ford Committee.



JAMES E. CONNOR
SECRETARY TO THE CABINET

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THE WHITE HOUSE

WASHINGTON

July 19, 1976

MEMORANDUM FOR

THE CABINET

SUBJECT: Guidelines in Connection with
the 1976 Election Campaign

On January 7, 1976, I sent members of the Cabinet and others a memorandum on the same subject. The President has asked me to reaffirm the guidance provided by that memorandum and to review guidelines which should be applied with regard to delegates (and alternates) to the Republican National Convention and in regard to your attendance at the Convention.

First, every opportunity may be afforded the delegates to become fully acquainted with this Administration's record and the President's opinion and policies on issues of concern to them. However, no official action or position on any matter by anyone in the Administration shall be, directly or indirectly, offered, promised or provided as consideration, favor or reward for the support of any delegate to benefit the President's candidacy.

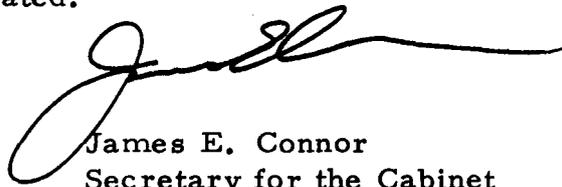
In the event a delegate has an interest in the outcome of a pending or prospective procedure for employment, contract, grant, or benefit from the Federal Government, no intervention with those officials who are responsible for determining such action shall be made by anyone on behalf of the President to control or affect the results of that procedure as a means to influence the votes or activities of the delegate. This restriction is not intended to preclude normal requests, inquiries and reports regarding the status of pending procedures, but these should be handled in the same manner as they would for any other concerned citizen and without affecting the results of the procedures.

Second, delegates may be informed of the many reasons why nomination and election of the President is in the best interests of the nation, but no direct or indirect offer or promise shall be made to delegates that an appointment to office or other benefit can be obtained from the Federal Government for any particular person, as a consequence of the votes or activities of such delegates to the Convention.

Finally, in connection with the attendance of various members of the Cabinet at the 1976 Republican National Convention, care must be taken to assure that appropriated funds are not used to conduct or support political activities on behalf of a candidate or a political party. While some of you may require that members of your staff accompany you to the Convention to assist you in carrying out your official duties, the use of such personnel must be strictly so limited. Moreover, due to obvious questions of appearance and the limited availability of hotel accommodations in Kansas City, it is requested that you plan to take not more than one such staff member with you, exclusive of authorized security personnel. It should again be noted that, in the case of staff members who are subject to the Hatch Act, they are, of course, prohibited by law from participating or engaging in any political campaign activity.

Rogers Morton has designated Stanton Anderson to coordinate Convention activities for the President Ford Committee. Any questions in this regard should be directed to Stan at 457-6470.

Your assistance is appreciated.



James E. Connor
Secretary for the Cabinet

President Ford Committee

1828 L STREET, N.W., SUITE 250, WASHINGTON, D.C. 20036 (202) 457-6400

September 8, 1976

MEMORANDUM

TO: The Cabinet
FROM: Jim Baker *J.B.*
RE: Advocate Travel

In order to assure an effective Advocate Program and to reduce the possibility of adverse comment, the PFC has decided to simplify the manner in which political events are scheduled and the manner in which the PFC pays for such expenses. For the general election period the following rebuttable presumptions have been established in order to guide both the PFC and the Advocates regarding their travel and payment for related expenses:

1. All public appearances by Cabinet Members after the nomination will be considered candidate related in nature and paid for by the PFC, except those official activities scheduled by the respective Executive Agency prior to August 19, 1976; and

2. All public appearances by Cabinet Members after October 16, 1976, including those official activities scheduled by the respective Executive Agency prior to August 19, 1976, will be considered candidate related in nature and paid for by the President Ford Committee.

(2) :

Thus, official activities scheduled prior to the date of nomination (August 19, 1976) may remain on the Cabinet Member's official schedule. The previous determination by PFC and White House counsel that it would be appropriate for the PFC to add supplemental political activities to the official schedule once the latter has been established will continue as our policy. The PFC will, of course, pay a reasonable portion of the expenses incurred for such political activity in accordance with previously issued allocation memoranda.

Finally, the PFC Advocate Scheduling Office will forward to your office by the close of business this week a recommended plan regarding your travel during the general election.

10/5/76 - 8:00 am
w

THE WHITE HOUSE

WASHINGTON

October 1, 1976

MEMORANDUM FOR

THE CABINET

SUBJECT: Travel by Advocates

In order to assure full compliance with the letter and spirit of the new campaign laws, full responsibility for the Advocates Program has been assigned to the President Ford Committee. In this regard, the following rebuttable presumptions have been established to guide both you and the President Ford Committee through the campaign period with respect to the scheduling of travel by the Advocates and the payment of expenses related thereto:

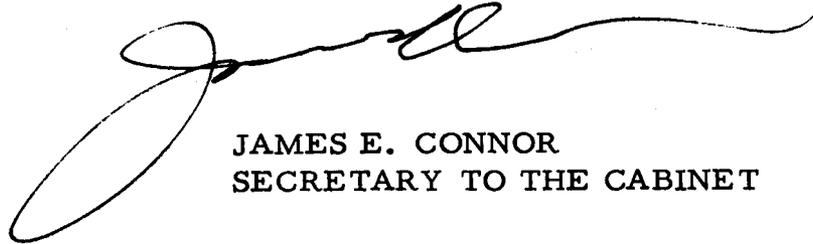
1. All public appearances by the Cabinet members and other government officials who participate in the Advocate Program after the nomination will be considered candidate related in nature, and expenses will be paid by the President Ford Committee, except in the case of official activities scheduled by the respective Agency prior to August 19, 1976; and
2. All public appearances by such Advocates after October 16, 1976, including those official activities scheduled by the respective Agency prior to August 19, 1976, will be considered candidate related in nature and expenses will be paid by the President Ford Committee.

Any questions concerning determinations with regard to whether an activity is official, thereby overcoming the above presumptions, will be answered by the Office of the Counsel to the President.

These guidelines are in no way meant to interfere with the performance of your official duties and responsibilities. However,



as you are aware, the new Federal election laws have placed new constraints upon the conduct of this election. These guidelines have been developed to eliminate even the slightest question of the President's intent to comply fully with the spirit and the letter of that law. Accordingly, we very much appreciate your continued cooperation in this regard.

A handwritten signature in black ink, appearing to read 'J. Connor', with a large, sweeping flourish that extends to the right and loops back down to the left.

JAMES E. CONNOR
SECRETARY TO THE CABINET