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THE WHITE HOUSE
WASHINGTON

*Pres.
(handprint)*

July 28, 1975

MEMORANDUM FOR:

MAX FRIEDERSDORF

FROM:

PHILIP BUCHEN

T.W.B.

After receiving a copy of your letter of July 8 to Congressman Randall in which you respond to the correspondence attached, I tried to interest Mrs. Ford's staff in making arrangements to satisfy this request, but I have just received a note from Sheila Weidenfeld that Mrs. Ford's schedule is too crowded for her to respond. Therefore, I have prepared the attached suggested letter for you to send to the Congressman.

Attachment



Dear Bill:

This letter is in further response to your communication concerning the interest of the Kaleidoscope program in Kansas City to obtain a handprint of either the President or Mrs. Ford.

Inasmuch as the furnishing of the President's handprint has been declined, I inquired about Mrs. Ford's involvement. I now find that due to Mrs. Ford's heavy schedule, particularly over the next month, it is not possible for her to honor this request.

If the Director of Kaleidoscope is still interested in seeking involvement by the Vice President, I suggest contact be made directly with the Vice President's office.

With kindest regards.

Sincerely,



THE WHITE HOUSE

WASHINGTON

TO: Philip Buchen

FROM: Sheila Rabb Weidenfeld *SRW*

Because of Mrs. Ford's schedule,
we will not be able to comply with
the attached request.

Thanks for bringing it to
our attention.



THE WHITE HOUSE

WASHINGTON

July 16, 1975

MEMORANDUM FOR:

SHEILA WEIDENFELD

FROM:

PHILIP BUCHEN

P.W.B.

Attached is correspondence regarding a request to use the President's handprint or as an alternative Mrs. Ford's. As you can see, we have declined to bother the President with this matter, but you may find it not inappropriate for Mrs. Ford to comply with this request. If so, kindly advise me promptly because, as you will also notice, the time has already elapsed.

Attachment



July 8, 1975

Dear Bill:

Thank you for your July 1 letter concerning the continuing interest of the Director of Kaleidoscope to obtain a handprint of the President for its display.

I will be pleased to ask that the additional information you have provided be reviewed and we will be back in touch with you as soon as possible.

With kindest regards,

Sincerely,

Max L. Friedersdorf
Assistant to the President

The Honorable William J. Randall
House of Representatives
Washington, D.C. 20515

cc: w/incoming to Philip Buchen for DIRECT or DRAFT REPLY as appropriate. (Attached is copy of all available in Central Files in re previous request)

MLF:EF:VO:vo



Congress of the United States
House of Representatives
Washington, D.C. 20515

July 1, 1975

COMMITTEES:
ARMED SERVICES
SUBCOMMITTEES:
MILITARY CONSTRUCTION
INVESTIGATIONS
GOVERNMENT OPERATIONS
SUBCOMMITTEES:
GOVERNMENT ACTIVITIES AND
TRANSPORTATION,
CHAIRMAN
MANPOWER AND HOUSING
SELECT COMMITTEE ON AGING
CHAIRMAN

Mr. Max L. Friedersdorf
Assistant to the President
for Legislative Affairs
The White House
Washington, D. C.

AUL 7 1975

Dear Mr. Friedersdorf:

We are enclosing correspondence from Miss Judy Welch of Independence regarding the request that was made of the White House for the President's handprint for the Kaleidoscope program in Kansas City that has been made possible by Hallmark cards.

Miss Welch is naturally disappointed that the request was declined in view of the fact that the President's participation in this program might be misinterpreted by some.

Since she will be visiting Washington this month and will have the clay substance with her, I thought we might pursue some other possibilities. As you will note Mrs. Ford and the Vice President are mentioned as possible contributors, and I would certainly appreciate any attention your office can give this matter.

I'll look forward to hearing from you.

Sincerely,



Wm. J. Randall
Member of Congress

WJR/map

Enclosures

P.S. Please note this request if denied, as to the President, it is in the alternative hoped Mrs. Betty Ford or Vice President Rockefeller might be able to furnish a handprint.



THE WHITE HOUSE

WASHINGTON

December 30, 1974

Dear Miss Robinson,

Let me apologize for the delayed response to your request of November 27. However, it was necessary to determine whether or not it would be proper to submit the President's handprint for use in the Kaleidoscope program.

The President's Counsel appreciated your assurance that the sole purpose in obtaining the President's handprint would be for display in the Kaleidoscope children's exhibit. Nevertheless, he has advised that your request should be respectfully declined. It seems that the President's participation in this program might be misinterpreted by some. I trust you will understand.

With kind regards.

Sincerely,

Mildred Leonard

(Miss) Mildred Leonard
Personal Assistant to
The President

Miss Kathleen Robinson
Associate Director
Kaleidoscope
P. O. Box 437
Kansas City, Missouri 64141



June 18, 1975

Judy Welch
1719 Sterling, Apt F
Independence, Missouri 64052

Rep. William J. Randall
Congress of the United States
House of Representatives
Washington, D. C. 20515

Dear Sir:

I am writing to you on behalf of Kaleidoscope, a non-profit organization for the children of the Kansas City area made possible by Hallmark Cards. Mr. Randall, I am sure you are very informed about the merits of Kaleidoscope and, therefore, thought you could perhaps advise or assist me in my endeavors to obtain President Ford's hand print. The President gave his verbal consent when he was in Kansas City to address the Future Farmers Convention last fall. We are quite sure, due to his busy schedule, he has forgotten about this.

As you can see in the attached copy of a letter written to Ms. Kathleen Robinson, Associate Director of Kaleidoscope, it doesn't appear that follow up letters written by the staff have ever reached the President.

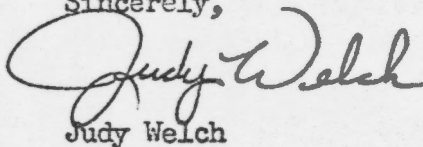
Mr. Randall, I am an employee of Hallmark and also a Kaleidoscope volunteer like many others in the area who give their time to help make this organization work. I am writing to you solely on my own volition and with the knowledge, consent and encouragement of the Directors of Kaleidoscope. I assure you the only intended use of the President's hand print is for the children to see and compare their hand to as has been done with the hand prints of Len Dawson, Nat Archibald, Willie Lanier and others who have done this for us. The President's hand print would be appropriately and tastefully displayed.

I know you are very busy and to some this may seem like a trivial and insignificant thing, but the negative response we have gotten has only encouraged me to try another way to secure this for the children who visit the facilities in Crown Center. If the President's hand print is, "Out of reach" we would be happy to have Mrs. Ford's or the Vice President's.



Please find enclosed pictures, brochures, and letters with further information in them about Kaliedoscope. Thank you for taking this time out of your busy schedule to investigate this situation for me.

Sincerely,

A handwritten signature in cursive script that reads "Judy Welch". The signature is fluid and elegant, with the first letters of "Judy" and "Welch" being capitalized and prominent.

Judy Welch

P. S. I will be in Washington, D. C. July 5 through the 11th. If it would be of any help, I would be able to take with me the clay substance used for this purpose.



December 16, 1974

MEMORANDUM FOR: Mildred Leonard

FROM: Phil Buchen

My own feeling is that we respectfully decline the request made in the attached letter from Kathleen Robinson, Associate Director of Kaleidoscope. However, I suggest you talk with Sanford Fox, Extension 2510, to see if he has any overriding reason why this request should be honored. If he does feel strongly in favor of this project, please let me know.

Attachment

PWBuchen:ed



THE WHITE HOUSE
WASHINGTON

Policy

July 28, 1975

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

BARRY ROTH *KR*

SUBJECT:

RETURN OF REBATE BY JOE DEALEY

As Dick Cheney suggested, the check from Joe Dealey should be deposited in the Treasury.

There is no need, however, for the President to actually endorse the check. It is clear from Mr. Dealey's letter that the check is intended not for the President personally, but for the Treasury. It therefore falls under the provisions of the Uniform Commercial Code dealing with wrong or misspelled names (Section 28:3-203 of the District of Columbia Code) which provides that checks made payable in the wrong name, may be endorsed in either the correct name or the wrong name or both.

Since there is no reason to have the President actually endorse this check, if you agree I will have it typed endorsed "to the Treasury of the United States" and transmitted to the Treasury for deposit with appropriate records kept in our files.

*OK.
P.*



MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 5, 1975

MEMORANDUM

FOR: PHIL BUCHEN
FROM: DICK CHENEY

D

When Joe Dealey, of the Dallas Morning News, was in recently, he handed the President this check which is his tax rebate.

I would think this check should go back into the Treasury. Would you figure out how we should handle it. Then, the President ought to endorse it so we can get it over to Treasury. Also, we should leave a good paper trail so there is a clear record that it did in fact go back to the Treasury.

Thanks.



Joe M. Bealey
Dallas, Texas

June 10, 1975

Dear Mr. President:

A people, wherever located, will be possessed of differing opinions, chasms apart at times, only narrowly so at others. It will always be thus, consequently the necessity for, among other things, racetracks and court-houses.

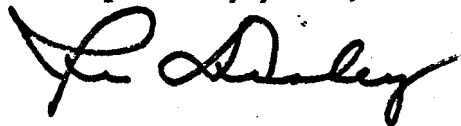
The recent tax rebate program was your game to call. You did so honestly and forthrightly as you felt you must. I simply disagreed with the action for all the same reasons you are perhaps now weary of hearing, and I'll not enumerate them here.

However, I cannot in good conscience enjoy the personal utilization of a sum of money I neither expected, asked for, nor for that matter wanted. It had long since departed my hands for other purposes, some good, but many, in my judgment, of dubious quality.

It is therefore with deep sincerity and all good will I ask you to accept the attached contribution for your own use in any manner you see fit. My wife joins me in this message and presentation.

You have our prayers and best wishes.

Respectfully yours,



The President
The White House
Washington, D.C.





JOE M. DEALEY
THE DALLAS MORNING NEWS
PH. 745-8281
DALLAS, TEXAS 75222

10965

PAY
TO THE
ORDER OF

GERALD R. FORD

JUNE 10 1975 $\frac{32-77}{1110}$

\$100.00

ONE HUNDRED AND NO/100----- DOLLARS



The Texas Bank-One Main Place

TEXAS BANK & TRUST COMPANY OF DALLAS
DALLAS, TEXAS 75250

Ref. U.S. Treas. Ck#67,923,331

Date 06/06/75



Policy

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 29 1975

Honorable Patricia Schroeder
House of Representatives
Washington, D. C. 20515

Dear Madam Chairwoman:

This replies to your letter of June 30, 1975, to the President, concerning commemorative proclamations.

It has been a long-established policy to issue Presidential commemorative proclamations in response to joint congressional resolutions. From time to time, there have been individual exceptions to this policy, all decided on an ad hoc basis. As a result, there has evolved a general exception to the basic policy - the issuance of commemorative proclamations rooted in tradition; such as Pan American Day (April 14) and Red Cross Month (March).

There are now 57 different events which have been designated for many years on an annual basis; the periods set aside include days, weeks, and months. Thirteen of these events have been designated on a one-time basis by proclamation as a permanent observance; such as, Steelmark Month, pursuant to 36 U.S.C. 169e.

As you noted, the number of requests for such proclamations has proliferated at a dramatic rate. This has effected a similar explosion in the number of commemorative proclamations actually issued. The following figures are demonstrative:

COPY FOR MR. PHILIP W. BUCHEN - THE WHITE HOUSE



	<u>Proclamations Actually Issued</u>	<u>Average Per Year</u>
6 year period '43 thru '48	116	19
5 year period '54 thru '58	156	31
5 year period '66 thru '70	295	59
4 year period '71 thru '74	283	71
(1971	70)	
(1972	73)	
(1973	71)	
(1974	69)	

(so far in 1975 - 30 have been issued)

This situation led to stricter adherence to the basic policy. As a result, we have approved in 1975 only two new one-time commemorative proclamations - Earth Day and National Historic Preservation Week - both supported by joint congressional resolutions. In addition, we have disapproved several proclamations which have been issued in recent years; e.g., National Coin Week and World Environment Day.

Requests for commemorative proclamations have not been arbitrarily or summarily disapproved. Each one has been considered. If not supported by a joint resolution or tradition, however, they have been vigorously appraised in light of the criteria that the proposed event have a truly national appeal and be appropriate for commemoration by all the people of the United States.

In those cases where an observance has special merit (most are generally worthy), it is evaluated for conflict with an existing observance for the proposed period or a similar event already being observed. World Environment Day was disapproved because Earth Day had already been proclaimed, although a Presidential statement was issued which recognized the importance of environmental



efforts throughout the world and our own environmental efforts, as well as the Earth Day proclamation. National Cancer Day was disapproved since the month of April is already designated, in accordance with a joint congressional resolution, as Cancer Control Month. A request for a Bicentennial Day of Prayer was united with the annual Prayer Day proclamation. Consideration is being given to approval of the theme of Adult Education Week as part of the annual proclamation for American Education Week.

To some extent, there is no way to avoid an ad hoc determination. From your own efforts to develop a fixed set of criteria to govern these commemorative requests, I am sure that you appreciate the difficulty of drafting such criteria. However, in view of the Committee's action we are trying to develop a realistic set of rules.

In general terms, the criteria in H.R. 5125 are appropriate and used as guidelines. Additionally developed criteria preclude multiple designations of the same or similar events, or multiple designations during the same period. An overriding requirement is that the event be of such national significance that it is appropriate for the President to call upon all the people of the United States to observe it, with some expectation that the event will, in fact, be observed nationwide.

Our role in making recommendations to the President is different from the legislative function of your subcommittee; however, it seems that we both have recognized that steps must be taken to reverse the trend toward more and more proclamations. As we develop our own criteria, we applaud the action taken by your subcommittee.

Although we do continue to consider requests for commemorative events, it is inevitable that few will be approved. The nature of some requests and the finite calendar will continue to take its toll. In this regard, it may be appropriate for your subcommittee to review those observances provided by law (36 U.S.C., Chapter 9) and repeal those that do not meet the criteria of H.R. 5125,



or which duplicate other observances; and, to change the dates for those multiple events which are designated for the same period.

I trust that you find this response reassuring.

With kind regards,

Sincerely,

(Signed) James T. Lynn

James T. Lynn
Director



✓
July 30, 1975

Dear Mr. Bennefeld:
and Mr. Koenig:

President Ford has asked me to thank you for your thoughtful letter advising him of your plans to organize the Committee of Concerned Young People. It was good of you to call his attention to your efforts to increase our young citizens' awareness of our system of Government and the role each can play in our political process.

I regret, however, that this must be a disappointing reply to your request that the President make suggestions regarding your project. As a matter of long-standing policy brought about by the great number of appeals such as yours received each day by the President, it is not possible for him to support or single out for special recognition any one endeavor. I hope you will understand.

The President sends you his kind regards.

Sincerely,

Roland L. Elliott
Director of Correspondence

Mr. Michael Bennefeld
Mr. Robert Koenig
Committee of Concerned Young People
1901 North 9th Street
Fargo, North Dakota 58102

RLE:SEV:jem

cc: office of legal counsel



Monday 5/4/15

Policy

2:10 Eliska Hasek called re your memo concerning a Presidential note of congratulations on the 100th anniversary of the firm of Barclay, Ayers, and Bertsch.

She said they have never done that. Presidents do not ever send messages to any profit-making organizations. Once the rules are relaxed, you have to be prepared to examine each request. There are times when a company might have a government contract and it would be bad if the President sent a message there. Lots of people would use such a message to promote business. Last year Barnum & Bailey celebrated 100 years and they didn't send a message.

If you agree, she will just let the request drop.



Policy

THE WHITE HOUSE

WASHINGTON

August 5, 1975

MEMORANDUM FOR: DON RUMSFELD

FROM: PHIL BUCHEN *P.W.B.*

SUBJECT: The Transition Team and the
Federal Advisory Committee Act

As I mentioned to you, my concern with Judge Gesell's opinion in Nader v. Baroody is not that a court is likely to subject the Transition Team to the requirements imposed by the Federal Advisory Committee Act, but how we will respond to any questions that may arise concerning the applicability of the Act to the Transition Team. Although the Transition Team meets on an infrequent, but recurring basis, the applicability of the Act in this instance raises the same constitutional problem that Judge Gesell sought to avoid by his interpretation of the statute; i.e., impingement of the effective discharge of the President's powers.

Should a question regarding the Gesell opinion be raised with Ron Nessen, I recommend that he point out the informal nature of this group and its unstructured format. He should also state he understands that Judge Gesell determined the statute did not apply to such informal meetings with the President.



MEMORANDUM

THE WHITE HOUSE
WASHINGTON

August 1, 1975

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

DONALD RUMSFELD

I am going to assume that you are going to get me a piece of paper as to whether or not the Transition Team is an Advisory Council under the Gissell decision. What we need to know is how we ought to handle it so that it fits what we want.

Gissell

*the Adv. Council
Act.*



THE WHITE HOUSE
WASHINGTON

June 30, 1975

*Fed. L.
Advisory
Committee
Act*

MEMORANDUM FOR:

ROBERT HARTMANN
JACK MARSH
DON RUMSFELD

FROM:

PHILIP BUCHEN

P.W.B.

SUBJECT:

Federal Advisory Committee Act

I have read the opinion of Judge Gesell in the case of Nader v. Baroody, which involved the issue of whether the meetings conducted by Bill Baroody with different groups in the White House every two weeks makes these groups Federal advisory committees which are subject to the above Act. If they are subject to the Act, the effect would be to open each meeting to the public and to require notice of each meeting in the Federal Register.

The ruling of the court was that such informal group meetings with citizens did not bring the participants into the status of a committee subject to the Act, even though the definition of an advisory committee under the statute is broad enough to include even ad hoc group meetings. The court relied on the facts that the composition of the groups was different for each meeting and that they had no continuity of organization or purpose. Therefore, the decision is not an exact precedent for an advisory group that has continuity.

I call this point to your attention in the event news media people or anyone else challenges the closed regular meetings of the Transition Team. I think we can argue on the basis of language in the Gesell opinion that the Transition Team is not subject to the Act, notwithstanding the difference in the factual situation between the Baroody meetings and the Transition Team meetings. Even so we ought to be aware that there could be a public controversy over the issue, and we may want to agree upon what the White House reaction should be if the question is raised with Ron Nessen at a press briefing or in some other way. If you care to take the time for reading the Gesell opinion, I have enclosed a copy.



THE WHITE HOUSE

WASHINGTON

August 6, 1975

Dear Mr. Robinson:

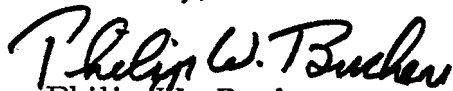
Thank you for your letter of April 21 requesting permission to reproduce a photograph of the President.

Although you did not state the purpose for which the photograph would be used, I assume from the article enclosed in your letter that you intend to distribute campaign material about the President. The recently enacted Federal Election Campaign Act Amendments (P.L. 93-443) place several restrictions on political activities in connection with Federal election campaigns. In order to assure full compliance with the law, the President has asked that all campaign activities on his behalf be coordinated in advance with the President Ford Committee, which is headquartered in Suite 916, 1200 - 18th Street, N.W., Washington, D.C. 20036.

We are, therefore, unable to respond affirmatively to your request, but we do hope that you understand our position in this matter.

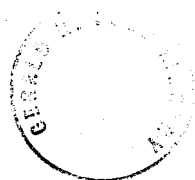
Your inquiry is appreciated.

Sincerely,



Philip W. Buchen
Counsel to the President

Mr. J. Washington Robinson
157 Indiana Avenue
Blackwood, New Jersey 08012



Policy

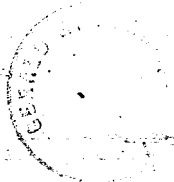
DATE: 8/6/75

TO: Phil Buchen

Do you feel we should send
biography and photo to this
project?

No, I would not
answer a form letter.
P.W.B.

Roland L. Elliott



19

England

directors
Ernest Kay D Litt FRSA
D B Law MA(Cantab)
D G C Mockridge MA(Oxon)
R A Kay BSc Econ(Lond)

Men of Achievement

Ref: MA/3/150M/S

By Air Mail

published by
Melrose Press Limited
International Biographical Centre
Cambridge CB2 3QP
England
telephone (0223) 66631

Dear Biographee,

RE

A LETTER FROM THE HON. GENERAL EDITOR

In planning the Third Edition of Men of Achievement, I have received a recommendation for your own illustrated biography to be included. I am therefore enclosing a personal biographical questionnaire which I invite you to complete and return to me, together with two small photographs, as requested. Your biography will then be prepared by the Editors and a typescript will be sent to you for correction.

Men of Achievement is, so far as I can discover, the only work of its kind in the world, and is rapidly building up a unique prestige.

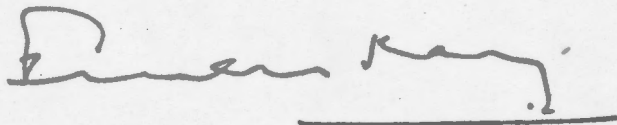
We are very anxious indeed to make the third edition as comprehensive as possible and we hope that you will co-operate with our request to return your completed questionnaire.

~~There is no charge or fee of any kind for the publication of your biography, nor are you under any obligation to purchase a copy. The completion of the enclosed questionnaire carries no further involvement unless, of course, you wish to purchase. In this event, there are most advantageous terms for biographees, including individual air shipment of copies to all addresses outside Europe.~~

I am much looking forward to receiving your completed questionnaire which is sent to you by Air Mail.

With thanks and best wishes.

Sincerely,



Ernest Kay
Hon. General Editor

Enc.



Men of Achievement

THIRD EDITION SCHEDULED FOR PUBLICATION THROUGHOUT THE WORLD
IN EARLY 1976

Thousands of Photographs

YOUR NAME has been put forward for biographical and pictorial inclusion in the Third Edition of MEN OF ACHIEVEMENT and I ask you kindly to complete the questionnaire overleaf and return it to me within twenty-one days of receipt, in order that our Editors can prepare your detailed biography. When you return the completed questionnaire, please enclose two copies of a recent photograph of yourself. (If you do not possess a recent photograph, please return the completed questionnaire in any case and indicate the approximate day by which you will be able to send me the photographs.)

The outstandingly successful first and second editions of MEN OF ACHIEVEMENT contained, in aggregate, some 12,000 biographies and 10,000 portraits. The third edition will, it is hoped, include up to 8,000 biographies, the vast majority of which will be illustrated.

Upon publication of the third edition of this important work, copies will be despatched to leading libraries, including The British Museum, London, England; The National Library of Scotland; The National Library of Wales; The National Library of Ireland; The Library of Congress, Washington, D.C.; The Bodleian Library, Oxford, England; and the Cambridge University Library, Cambridge, England. In addition, many National, State, University and Public Libraries in most countries will be receiving their specially-ordered copies. The distribution of MEN OF ACHIEVEMENT will, indeed, be world-wide.

MEN OF ACHIEVEMENT will be published in two separate Editions as under:

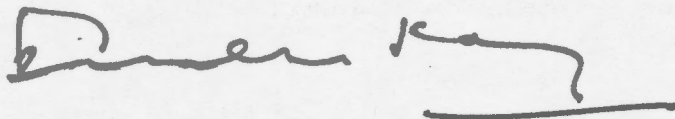
THE GRAND EDITION, printed on 80 gsm paper, bound in red with gilt lettering on the front and on the spine, and enclosed within a laminated dust jacket.

THE ROYAL EDITION, sewn and bound entirely by hand in full red Morocco leather, with 22 carat gold lettering and fine decoration. The leaves are gold-edged and the book is enclosed within a fleece-lined slip-case. The name of the owner can be embossed in gold on the front cover at no extra cost. The Royal Edition is a superb example of the craftsman's art, and early application is essential as the numbers are strictly limited.

The publication of your detailed biography and photograph places you under no obligation to purchase a copy nor is there any charge or fee for inclusion. Should you wish to reserve a copy, however, you may do so (as a biographee) at the advantageous terms detailed on the back page of this questionnaire. All reserved copies for biographees (outside Europe) will be **air speeded**, thus reducing the time taken in the mail from several weeks to a few days.

With thanks, I am,

Sincerely,



Ernest Kay
Hon. General Editor

YOUR PERSONAL
QUESTIONNAIRE
NUMBER IS:

15159

FINAL DATE FOR
RECEIPT OF YOUR
ENTRY IS:

3 SEP 1975



THE WHITE HOUSE
WASHINGTON

Policy

August 21, 1975

MEMORANDUM FOR: BILL SEIDMAN
FROM: PHIL BUCHEN *P.W.B.*
SUBJECT: Confidentiality of EPB
Executive Committee Documents

In response to your inquiry, we should, as a general rule, be able to maintain the confidentiality of agendas, discussion papers and minutes of the Economic Policy Board (EPB) Executive Committee in response to Congressional, GAO, and Freedom of Information Act requests.

I. Executive Privilege

With respect to Congressional and GAO requests, the only basis at law for withholding documents is a formal claim of executive privilege. Although not specifically mentioned in the Constitution, executive privilege is derived from the concept of the separation of powers between the three co-equal branches of our Federal Government.

The basic rationale for executive privilege is to protect the effectiveness of the Presidency. One threat to this effectiveness is the restraint on the free flow of advice from the President's closest advisers if disclosure of such advice is required. For this reason, the privilege is available with respect to various internal documents which are relevant to the Presidential decision-making process. On the other hand, materials of a purely factual nature or those outside the legitimate sphere of the President's decision-making process do not normally require protection and ordinarily would have to be disclosed. Agendas, discussion papers and minutes of the EPB are each a part of the internal, decision-making process of the Executive, and are advisory rather than factual in nature. Thus, ordinarily they would not need to be disclosed.



However, it is the President's preference to invoke executive privilege only when it is absolutely necessary. Thus, any Congressional requests for EPB documents should normally be the subject of negotiation at the staff level, in the hopes of avoiding a confrontation, while still preserving the privilege.

II. FOIA: Scope

In amending the Freedom of Information Act (FOIA) last year, Congress demonstrated its awareness of a sphere of Executive confidentiality. Although the FOIA now specifically includes the Executive Office of the President, the legislative history indicates that the FOIA was not intended to extend to the principal personal advisers and assistants to the President.^{*/} The test here is basically the closeness of the operations of the persons in question to the President, and whether such persons are involved only in advising the President.

Executive Order 11808, as amended by Executive Order 11865, establishes the EPB for the purpose of advising the President on all facets of domestic and international economic policy. The Civil Division of the Department of Justice shares the view of my office that a strong case can be made that the EPB is not an agency for purposes of the FOIA, and is not subject to its mandatory disclosure provisions. In terms of EPB documents that are found at the Departments and agencies of the EPB members, our office believes that such documents remain outside the FOIA, regardless of location. However, both of these positions have been formulated in the absence of precedents under the newly amended FOIA. What treatment the courts will give to these positions remains subject to at least some uncertainty at this time.

III. FOIA: Exemptions

Even if the EPB is subject to the FOIA, the FOIA exempts from mandatory disclosure internal communications, consisting of advice, recommendations, opinions, and other materials reflecting deliberative or policy-making processes. Purely factual information or reports may be protected only if they are inextricably intertwined with policy-making processes. On the basis of various court decisions,

^{*/} House Report No. 93-1380, 93rd Cong., 2d Sess., page 15



you should be able to withhold minutes of meetings and agendas, as well as the advisory portions of discussion papers.

While it is not possible to predict with absolute certainty the outcome of any litigation that may result from Congressional or FOIA requests, we believe that we will be able to protect these documents.

Should you have additional questions in this regard, or in the event any requests are in fact made for these documents, please do not hesitate to contact either myself or members of my staff.



THE WHITE HOUSE

WASHINGTON

July 29, 1975

MEMORANDUM FOR PHILIP W. BUCHEN

FROM: L. WILLIAM SEIDMAN *lws*

SUBJECT: CONFIDENTIALITY OF THE WORKING PAPERS
OF THE EPB EXECUTIVE COMMITTEE

As you know, the Economic Policy Board Executive Committee meets daily to coordinate domestic and international economic policy within the U.S. Government.

The standard procedures under which the Executive Committee operate is the publication in advance of a weekly agenda, supplemented as necessary by daily agenda. In most instances, the lead department or agency will deliver a paper on a scheduled agenda item to my office for distribution to Executive Committee members 24 hours in advance. Minutes of each meeting are written and distributed to the Executive Committee which record the decisions made.

Please advise me as to the confidentiality of our agenda, discussion papers, and minutes if requested under the Freedom of Information Act, by the Congress, or the GAO.

I would appreciate a response by August 15, 1975



THE WHITE HOUSE

WASHINGTON

August 23, 1975

Policy

Dear Mrs. Hogan:

On behalf of the President, this is in response to your letter inquiring whether it is permissible to sew an American flag which you intend to use as an afghan.

Title 36, U.S.C.A. section 176 (b), dealing with respect for the flag, indicates that the flag "should never touch anything beneath it, such as the ground, the floor, water, or merchandise." Section 176 (e) states that, "the flag should never be fastened, displayed, used, or stored in such a manner as will permit it to be easily torn, soiled, or damaged in any way."

For these reasons, we are unable to respond favorably to your inquiry.

Your inquiry is appreciated.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Mrs. Frank Hogan
10 Hunting Street
North Attleboro, Massachusetts 02760

bcc: Milt Mitler



THE WHITE HOUSE

WASHINGTON

August 15, 1975

MEMORANDUM FOR: BARRY ROTH
FROM: MILT MITLER *file*

Attached is a letter from Mrs. Frank Hogan.
Would you please answer the letter directly
and give us a carbon copy.

Thanks much.



DJM

JUL 14 1975

Mrs Frank Hogan
10 Hunting Street
North Attleboro Mass
02760

TM/SD

Mr President-

My Dear Mr. President.



I would like to ask
you? would it be right
for me to, sew, 13 stars on the
back of a flag, (I have made)
(crochet, it) I have put 50
stars on one side, & then
thought it would be nice
to sew thirteen stars with 76
letters on the back, for the 200
years of our Country's birthday

(2)

I am puzzled if it would
be right. can you please
answer me.

I intend to keep the flag
in my home as an afagan.

Please advise I thank you

Sincerely
Core/Bogan -
Senior citizen

P.S. Hope you keep in good
health, and good luck in your
campaign —



THE WHITE HOUSE
WASHINGTON

Policy

September 20, 1975

Dear Mr. Hirsch:

This is in response to your letter of August 29, 1975, concerning the provision of briefing reports to former President Nixon.

Traditionally, former Presidents have received briefing reports after leaving office. This practice, as it existed between former President Johnson and then President Nixon, was formalized and made applicable to all succeeding Presidents by Executive Order 11456, issued February 14, 1969.

Nothing in any of the charges against the former President raises even the slightest question of his loyalty to the United States, or his reliability in protecting classified information. This has been implicitly recognized by Congress in the Presidential Recordings and Materials Preservation Act, P.L. 93-526. Section 102(c) of this Act affords Mr. Nixon unlimited access to materials heretofore available to him, even though they may still be classified, while Section 104 restricts access by the public for reasons of national security.

With respect to your request for copies of the materials provided to Mr. Nixon, the White House is not an agency for the purpose of the Freedom of Information Act, 5 U.S.C. 552, and is, therefore, not subject to its mandatory disclosure provisions. Moreover, these materials would be exempt from disclosure under 5 U.S.C. 552(b)(1). Accordingly, I regret that we are unable to respond affirmatively to this request.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Mr. Melvin L. Hirsch
1407 Broadway
New York, New York 10018



THE WHITE HOUSE
WASHINGTON

September 19, 1975

*Pres
policy*

MEMORANDUM FOR:

BOB MEAD

FROM:

PHILIP BUCHEN

P.W.B.

SUBJECT:

Ali-Frazier Heavyweight Fight

In response to your memorandum on the above subject, I strongly recommend against having the President accept a free at-home viewing of this event.



Legal Council

THE WHITE HOUSE
WASHINGTON

September 11, 1975

MEMORANDUM FOR:

DICK CHENEY
JERRY JONES
TERRY O'DONNELL
GENERAL ADAMS

FROM:

BOB MEAD *BM*

SUBJECT:

Ali-Frazier Heavyweight Fight

The promoters of the Muhammed Ali-Joe Frazier heavyweight championship fight have offered, at their expense, to provide the President with a closed circuit televised feed in the residence, from Manila, September 30th at 10:00 p.m. Eastern time. Technically, this would require a video line feed to the VTR section in the OEOB which would allow the President to watch the fight on our house channel 2 or 6. There would be no family disruption of running cables, etc. I'm not familiar with the President's appetite on boxing, but it can be done if he desires.

I should add -- I feel that the promoters would greatly benefit on their own with industry publicity by providing the feed. I'd recommend against it, unless the President is an avid boxing fan.



THE WHITE HOUSE
WASHINGTON

ACTION REQUESTED BY
NOON WEDNESDAY,
OCTOBER 22, 1975

October 17, 1975

MEMORANDUM FOR: PHIL BUCHEN
MAX FRIEDERSDORF
ALAN GREENSPAN
ROBERT T. HARTMANN
JIM LYNN
JACK MARSH
BRENT SCOWCROFT
BILL SEIDMAN

FROM: JIM CANNON

SUBJECT: Review of Presidential Policy Issues

Here for your review and later use is a summary of Presidential statements and actions on a number of domestic policy issues. The purpose of the compilation, when it is complete and approved by the President, is to provide Administration spokesmen with a coordinated set of Administration positions and actions as a source for briefing materials, press conferences, speeches and public statements.

I would appreciate your reviewing these materials for both substantive content and clear presentation. The individual papers have been prepared by Domestic Council staff members and have been reviewed by Cabinet members and senior staff of the agencies. We would like to have your comments and corrections by noon Wednesday, October 22, 1975. After we have received your comments, we will submit the compilation to the President for his approval. The compilation will, of course, be continuously updated.

A separate set of Presidential policy issues covering the economic areas and foreign policy have been developed by Bill Seidman and Brent Scowcroft. These additional papers will be sent to you next week.

cc: Paul Theis



*Presidential
Policy Issues*

THE WHITE HOUSE
WASHINGTON

October 22, 1975

MEMORANDUM FOR: JIM CANNON

FROM: PHIL BUCHEN *P.*

I would like to discuss this with you at your
earliest convenience.



THE WHITE HOUSE

WASHINGTON

October 22, 1975

MEMORANDUM FOR: JIM CANNON
THROUGH: PHIL BUCHEN
FROM: KEN LAZARUS
SUBJECT: Review of Presidential Policy Issues

Counsel's Office has reviewed the loose-leaf compilation of Presidential policies submitted under date of October 17. Our views and recommendations are summarized below.

General Observations

A compilation of Administration positions and action as a source for briefing materials, press conferences, speeches and public statements could have real utility. However, we note certain general concerns relative to the organization and distribution of the materials.

1. Format. The individual policy papers contained in the compilation would be more useful if cast in outline form along the lines of fact sheets. In addition, you might want to consider the format utilized by OMB in their monthly reports captioned "Presidential Initiatives Tracking System". Although these reports are limited to the Administration's legislative proposals, they could serve as a useful model for producing a regularly updated account of developments on policy matters.
2. Specificity. The policy papers are uneven in their thoroughness of presentation -- compare, for example, the treatment of the needs of the elderly with the treatment afforded the crime issue. Although these papers should remain readable and avoid the inclusion of unnecessary trivia on individual issues, there is a general need for greater detail throughout. References to the



fact that various problems are "under study" and expressions of Presidential "concern" should be minimized.

3. Comprehensiveness. Although it is difficult to establish criteria for the identification of issues which are of Presidential dimension, it would appear that a number of substantial matters are not covered in the compilation. We have attempted to "flag" a few of these issues which are noted below.

4. Cross-References. In order to recognize the overlap between a number of these issues, it would be helpful to incorporate a cross-reference system.

5. Distribution. The purpose and distribution of this compilation ought clearly to avoid any risk of its being utilized for campaign purposes. Moreover, if it is given circulation beyond the President's immediate staff advisers, the effect of its becoming known to the media should be considered.

Specific Recommendations

In addition to the general concerns noted above, we can offer a number of specific recommendations.

1. Additional Issues. We would suggest the inclusion of policy papers covering or making reference to the following subjects:

Health, Social Security and Public Assistance --

- The Maternal and Child Health and Crippled Children Services Amendments (H.R. 4281)
- The recently enacted Developmental Disabilities Services Act of 1975
- Older Americans Act Amendments (H.R. 3922)
- Food Stamp Act Amendments



Justice, Crime, Civil Rights and Communications --

- Death Penalty
- Needs of the Federal Court System
- Judicial Salaries
- Repeal of Fair Trade Laws
- Desegregation Assistance Act
- Native Americans

Housing and Community Affairs --

- HUD 235 Program

Agriculture, Economic Development and Commerce --

- No-Fault Auto Insurance

Energy and Transportation --

- Energy Independence Authority
- Goal of energy independence
- Federal Aid Highway Act
- Local Rail Services Amendments
- Submission of aviation deregulation bill

General Government --

- Aid to NYC

2. Job Security. Both the section on Administration Position and the section on Administration Actions are inaccurate on this issue. The problem is exceedingly more complicated than a stable economy or than a statement noting that a man or woman who is last hired



should not necessarily be the first fired. Further, the EEOC is not the lead agency in defining an Administration position on seniority. The Labor Department should be the coordinator on this issue and already has done a lot of work in formulating a reasonable Administration posture.

3. Illustrative Rewrites. Attached are a series of illustrative rewrites of individual papers.

4. Closing Note. While we believe this compilation is worthwhile and promising, we would suggest that it be reworked to meet the concerns noted above prior to presentation to the President.



KILBERG

Issue: Abortion

Administration Position

The President's position is that the law of the land must be upheld as interpreted by the Supreme Court in their 1973 decisions in Roe v. Wade and Doe v. Bolton.

Administration Actions

1. The Department of Defense has ordered all military facilities to comply with the Supreme Court decision on abortion in those instances where the law of the state in which the facility is located is inconsistent with the Supreme Court decision.
2. In appropriate instances, DOD will provide abortions as a normal medical service in its hospitals but will not reimburse individuals for abortions performed outside of military hospitals.
3. In light of DOD's action, HEW will review its present Public Health Service and Indian Health Service policy, which is to be in compliance with state law.



Issue: Affirmative Action

Administration Position

1. President Ford believes that the concept of affirmative action is a moral and political imperative at the Federal level. However, the President is convinced that the use of inflexible means of achieving equality of opportunity is inappropriate and, in the long run, detrimental to the overall effort.
2. Methods must be developed which, while promoting equal opportunity and complying with the law and Executive Orders, do not place undue procedural burdens on employers or employees.

Administration Actions

The President has directed Secretaries Coleman, Dunlop and Mathews and Attorney General Levi to review existing Federal Affirmative Action Programs and to make recommendations as to how the programs can be made to work more effectively without placing undue procedural burdens on employers or employees.



LAZARUS

Issue: Death Penalty

Administration Position

1. In accordance with the standards announced by the Supreme Court in the case of Furman v. Georgia, the President is in favor of the death penalty as an available Federal sanction, imposable upon conviction of treason, espionage, sabotage and murder.
2. Additionally, the penalty should be actually imposed only in those instances where certain aggravating circumstances and no mitigating circumstances are found to be present.
3. Aggravating circumstances would include the creation of a grave risk of substantial danger to the national security or establishment of the fact that the defendant was a hired killer. Mitigating circumstances would include immaturity, mental incapacity, duress, etc.

Administration Action

1. The Department of Justice has submitted legislation to the Congress to reinstate the death penalty as an available sanction in these limited circumstances.
2. The Justice Department proposal is incorporated in S. 1, a bill to revise, reform and recodify the Federal criminal law, which is under active consideration in the Senate.



Issue: Federal "No-Fault" Automobile Insurance
Legislation

Administration Position

1. The "no-fault" concept offers a number of potential benefits such as:
 - a. an element of compulsion which, though truly inapposite to fundamental distinctions between tort and no-fault, guarantees the opportunity to recover;
 - b. the promotion of the speed of delivery of insurance benefits by minimizing the need for resort to any adversary process;
 - c. the elimination of many legal fees and some judicial costs which can result in savings; and
 - d. substantial reductions in the payment of non-economic losses, e.g. pain and suffering, which also reduce total costs.
2. For these reasons, President Ford has encouraged enactment of "no-fault" legislation on the state level. In the past few years, 24 states have enacted some form of the concept.
3. However, President Ford is opposed to enactment of a Federal no-fault bill (S. 354) for a variety of reasons:
 - a. Since the present differences existing in the laws of the various states have not produced significant burdens on consumers or insurers, it is difficult to urge a "compatibility requirement" or "uniformity need" for Federal action.
 - b. There is every reason to expect that additional states, most notably California, will embrace the no-fault concept in the near future. It might also be noted that the Governors' Conference unanimously opposes enactment of a Federal program.



c. Automobile insurance needs can vary, state to state and region to region. Standards which may be acceptable in New York may not be acceptable in Michigan or South Dakota.

d. The representation that S. 354 will result in dramatic savings and/or reduced premium levels is overstated and does not make the case for S. 354 on the basis of an "overriding national interest".

Administration Action

This position was announced by Secretary Coleman in public testimony before the Senate Commerce Committee.



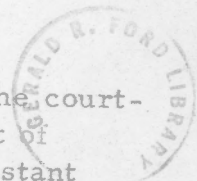
Issue: Busing

Administration Position

1. President Ford has, on a number of occasions, made it clear that it is his intention and responsibility as Chief Executive of the United States to see that the laws are faithfully executed, including court orders relating to school desegregation. He has also stated, however, that it is his view that alternative remedies should be developed and accepted which do not result in the kind of social disruption that court-ordered busing has caused at various times.
2. This was the purpose of the priority of remedies established by the 1974 Esch Amendments (Equal Educational Opportunity Act) (see Sections 1713 and 1714). The last remedy listed in that Act is the development of plans which would include busing to a school closest or next closest to a student's place of residence which provides the appropriate grade level and type of education for that student. The Act forbids a court or U.S. Department from ordering implementation of a plan that would require long-distance busing beyond the next closest school. However, the Esch Amendments contain a proviso (Section 1702(b)) that none of its provisions are intended to modify or diminish the authority of the U.S. courts to fully enforce the Fifth or Fourteenth Amendments to the Constitution. Further, whenever courts have addressed themselves to remedies less drastic than busing, both before and after the passage of the Esch Amendments, they have usually found that the other remedies by themselves are insufficient to meet the standards of the Fourteenth Amendment.
3. The President believes that a primary American goal should be the provision of a good education for every child. However, a good education is not easily achieved. In fact, recent studies have raised questions about many of the factors we once considered enough -- money, smaller classes, and so forth. The President, therefore, has asked the appropriate people in his Administration to look into this subject and to make recommendations.

Administration Actions

1. To help assure peaceable implementation of Phase II of the court-ordered school desegregation plan in Boston, the Department of Justice established a Federal Task Force headed by the Assistant



Attorney General in charge of the Civil Rights Division and consisting of almost 200 Federal law enforcement personnel (including civil rights attorneys, U.S. Marshals and FBI agents). Additionally, to help assure the availability of school aid, the Secretary of the Department of Health, Education and Welfare has sent Dr. Herman Goldberg (Assistant Commissioner for Equal Education Opportunity Programs, Office of Education) to Boston to work with appropriate State and local officials. Both of these actions were instrumental in helping State and local officials avoid violent outbreaks in Boston such as were experienced last year.

2. Generally, both the Departments of Justice and Health, Education and Welfare have attempted to work with local communities faced with court-ordered desegregation responsibilities to carry out those responsibilities quickly and efficiently, and with as little disruption as possible.



W.H.
Policy

THE WHITE HOUSE

WASHINGTON

December 8, 1975

MEMORANDUM FOR: RON NESSEN

FROM: PHIL BUCHEN *P.W.B.*

SUBJECT: White House Pool Photo

Referencing your request to Dick Cheney for advice on the use of a photo of the White House swimming pool in Rudd's new swimming pool catalogue, I recommend that they not be allowed to use this photo. It is my understanding that Jack Stiles indicated to all commercial donors when they made their contributions that it would not be possible to use photos of the pool in connection with advertising campaigns. To grant approval in this case would be inconsistent with this previous decision and would too closely resemble a White House endorsement of the Rudd firm's work.



THE WHITE HOUSE
WASHINGTON

To: Phil Buchen

Memo from President to
Vice President re
Information Policy

FyI

Dan Meyer



THE WHITE HOUSE

WASHINGTON

March 8, 1976

MEMORANDUM FOR THE VICE PRESIDENT

SUBJECT: Information Policy

I have reviewed your memorandum of December 17, 1975, concerning the need to develop a conceptual framework for addressing emerging information issues, and I concur in your assessment that there is a need to better coordinate and direct the way in which government policy is made in this important area.

As a first step in dealing with this matter, I am directing the Domestic Council Committee on the Right of Privacy, of which you are the chairman, to:

- review and clearly define the information policy issues which confront federal policymakers,
- ascertain the status of information policy studies now going forward within a number of agencies of the Executive Branch, and
- report to me by September 1, 1976, with recommendations on how the federal government should organize itself to deal with these information policy issues.

In conducting this review, the Committee should work closely with the various departments and agencies having specific responsibilities in formulating information policy, such as the Departments of Justice, Commerce, and Health, Education and Welfare, and the Office of Telecommunications Policy in the Executive Office of the President.

Gerald R. Ford



THE WHITE HOUSE
WASHINGTON

December 16, 1976

MEMORANDUM FOR

THE HONORABLE MONROE LEIGH

SUBJECT: GSA Policy Regarding Foreign Gifts

Attached is a set of documents provided to me for discussion purposes by General Wallace Robinson, Acting Administrator and Don Young, General Counsel of the General Services Administration.

I would suggest that you review this document and then give Don Young a call at (566-1200) with your comments and suggestions. I would then be happy to meet with concerned parties to see if the proposed policy can be put into effect promptly.

P.W.B.

Philip W. Buchen
Counsel to the President

Attachment

