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THE WHITE HOUSE
WASHINGTON

March 11, 1975

File

MEMORANDUM FOR: JIM CANNON

FROM: KEN LAZARUS *KE*

SUBJECT: Hatch Act

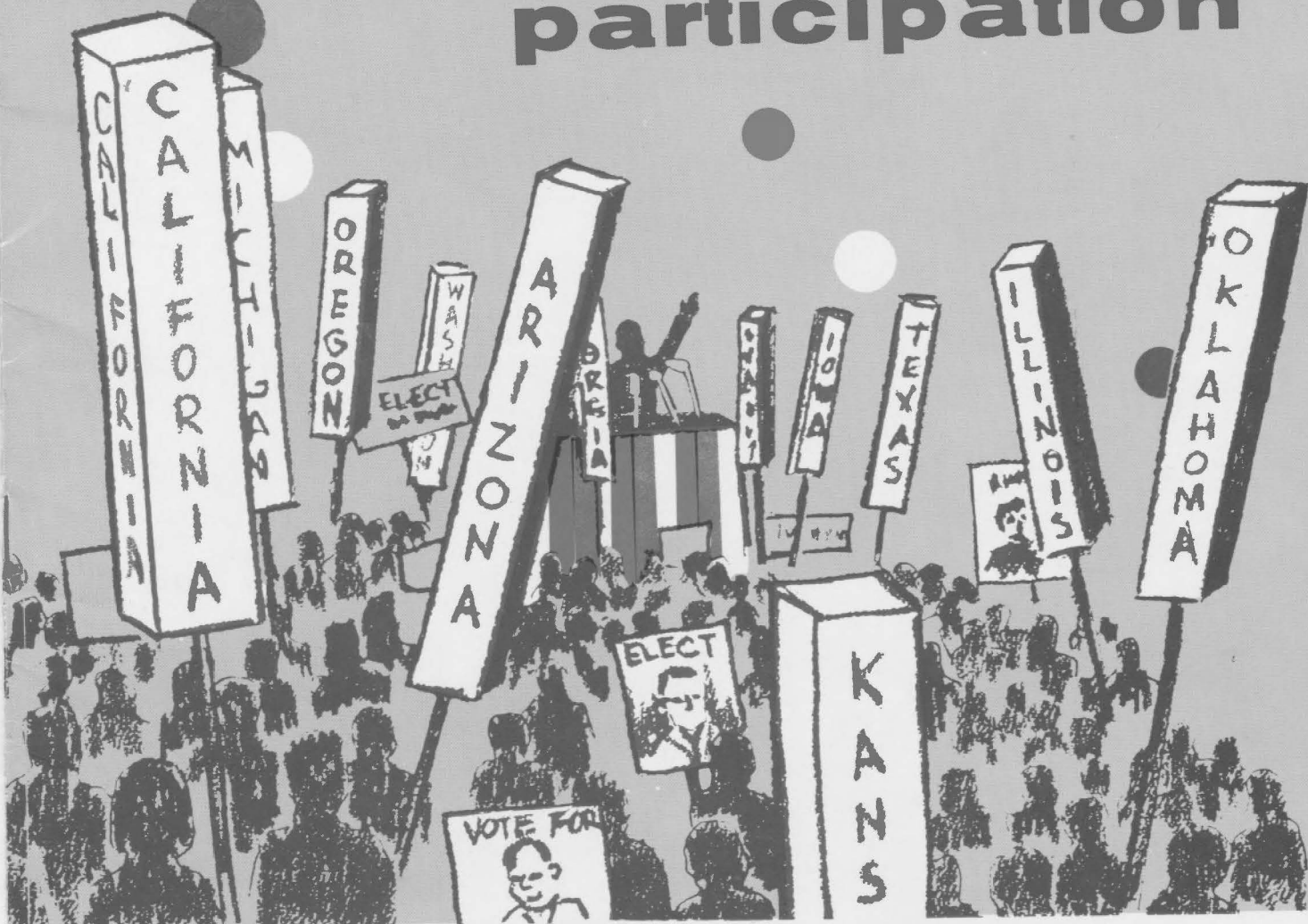
You are correct in your understanding that you are personally exempt from the provisions of the Hatch Act (5 U.S.C. 7321, et seq.) insofar as it relates to active participation in political management and political campaigns. The Act specifically exempts from its ban on partisan political activity by Executive Branch personnel any "employee paid from the appropriation for the office of the President." Thus, the sole test in determining the applicability of the Act is which appropriation is used to pay the employee's salary. While the Civil Service Commission has interpreted this provision to exempt persons paid from appropriations to the White House Office and Special Assistance to the President (Office of the Vice President), it has determined that employees paid from other appropriations for the Executive Office of the President, including those of the Domestic Council, OTP, OMB and NSC, are subject to the Act. Likewise, all detailed employees are fully subject to the Act.

While you are paid from funds appropriated to the White House Office, I understand that the remainder of the Domestic Council staff is paid from its own appropriation and is, therefore, subject to the Act. In addition, all Executive Branch employees, regardless of how they are paid, are expressly prohibited from using their "official authority or influence for the purpose of interfering with or affecting the result of an election"

The attached materials from the Commission should be of some assistance in determining what conduct is permissible by employees subject to the Act.

Attachment

federal employees political participation



UNITED STATES CIVIL SERVICE COMMISSION

**federal
employees
political
participation**

UNITED STATES CIVIL SERVICE COMMISSION

1972

GC-46

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NOTE: This pamphlet is a summary of laws and regulations governing the political activities of Federal employees. It is solely intended to give an overview of the subject; it is not meant to go beyond this basic purpose. The pamphlet should provide a quick answer to many of the more common questions concerning political activity. For more difficult or unusual situations, it is strongly urged that the reader write or call. . . .

Office of the General Counsel
U.S. Civil Service Commission
1900 E Street, N.W.
Washington, D.C. 20415
(Telephone: Area Code 202, 632-7600)

COVERAGE

Types of Employees Covered

With very few exceptions, all Federal employees in the executive branch of the Government (including employees of the Postal Service) are subject to the political activity provisions of Federal law. These provisions apply to full-time and part-time employees in both the competitive and excepted service. Those who are employed on an intermittent or occasional basis, such as experts or consultants, are only covered by the restrictions for the entire twenty-four hours of any day of actual employment.

Employees on Leave

A Federal employee subject to the political activity laws and regulations continues to be covered while on annual leave, sick leave, leave without pay, administrative leave, or furlough.

Exemptions

The law, by its own terms, does not apply to an individual employed by an educational or research institution, establishment, agency or system which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic or cultural organization.

The law exempts all officers and employees from the prohibition on taking an active part in political management or in political campaigns in connection with a nonpartisan election. This is an election (and the preceding campaign) in which none of the candidates is to be nominated or elected as representing a political party whose candidates for presidential elector received votes at the last preceding election. Also exempted is activity relating to a question which is not specifically identified with a National or State political party, such as constitutional amendments, referendums, and approval of municipal ordinances.

The law also exempts certain specified officers and employees from the prohibition on taking an active part in political management or in political campaigns. These are:

- a. An employee paid from the appropriation for the office of the President;
- b. The head or assistant head of an Executive department or military department; and
- c. An employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws.

BASIC STATUTORY PROVISIONS

A covered officer or employee may not—

1. Use his official authority or influence for the purpose of interfering with or affecting the result of an election; or
2. Take an active part in political management or in political campaigns.

ACTIVITY UNDER THE STATUTE

In General

The law does not prohibit an employee from voting as he chooses or from expressing his individual opinion, privately and publicly, on political subjects and candidates. What is prohibited generally is activity which prominently identifies the individual with the success or failure of a partisan group, candidate, or political party.

Under the provisions of a new law [42 U.S.C. 1973aa-1] every citizen of the United States may vote for President and Vice-President without regard to lengthy residence requirements or where he may be at election time. The law abolishes length of residence requirements in presidential elections and requires States to have absentee registration and voting procedures for such elections. Employees should contact their agency voting representatives for information concerning State voting provisions as well as specific information on the presidential elections.

Use of Official Authority or Influence

These prohibitions are aimed at activities such as threatening to deny promotion to any employee who does not vote for certain candidates; requiring employees to contribute a percentage of their pay to a political fund ("2% Club"); influencing subordinate employees to buy tickets to political fund-raising dinners and similar events; and matters of a similar nature. These prohibitions principally affect supervisors.

Political Management

Membership in a political party, organization, or club is permitted, but the employee may not hold office in the party, organization, or club, or be a member of any of its committees. He may attend meetings open to the general membership and vote on candidates and issues, but he may not take an active part in the management of the club, organization, or party.

Attendance as a spectator at a political convention is permitted. However, the employee is not allowed to take part in the deliberations or proceedings of the convention or any of its committees. He may not be a candidate for, or serve as, a delegate, alternate, or proxy at such a convention.

Volunteer work for a partisan candidate, campaign committee, political party, or nominating convention of a political party is prohibited, whether the work involves contact with the public or not. If however, an employee engages

in a profession or business, such as a musician in a band or orchestra which participates in parades, public events and similar functions, he may perform in that capacity even though the particular event is politically sponsored.

Political Campaigns; Candidacy

An employee may not be a candidate in a partisan election for any public office.

Primary and run-off elections to nominate candidates of political parties are partisan even though no party designation appears on the ballot.

Political Campaigns; Campaigning

As noted above, an employee may express his individual opinion on political subjects and candidates. This is frequently done by the employee wearing a badge or button on his person, or displaying a sticker or poster on his car or house. While the law does not prohibit this, regulations of the employing agency may limit or restrict it. For example, the agency may logically differentiate between an employee whose work requires that he constantly meet the public and one who seldom, if ever, meets the public in performing his duties.

An employee may not campaign for a candidate in a partisan election by making speeches, writing on behalf of the candidate, or soliciting voters to support or oppose a candidate.

An employee may attend a political meeting or rally which is open to the general membership of an organization or the public, including committee meetings of political organizations. However, he may not serve on a committee that organizes or directs activities at a partisan campaign meeting or rally.

An employee may sign nominating petitions for candidates in a partisan election for public office, but may not originate or circulate such petitions.

An employee may drive members of his family, his friends, and his neighbors to the polls as a convenience to them, so long as this service is furnished without regard to political affiliation. He may not engage in transporting voters to the polls as part of the effort of a candidate or political party to win a partisan election.

Contributions

An employee may make a financial contribution to a political party or organization. However, he may not solicit or collect political contributions.

Public Office

The law that prohibits political activity does not prohibit holding a public office. Hence, if an employee holds an elective office at the time he is appointed to a Federal position, he may continue to serve, but he may not be a candidate for reelection in a partisan election. Likewise, an employee may accept appointment to fill a vacancy in an elective office, or serve if

elected in a nonpartisan election, unless his agency determines that a conflict of interest or interference with the performance of his Federal duties will result.

An employee may serve at the polls as an election official or clerk provided he represents the jurisdiction which conducts the election and discharges the duties of the office in an impartial manner as prescribed by local and State law. He may not serve as a checker, watcher, or challenger for a political party or a party candidate in a partisan election.

In many jurisdictions it is required that election officials be chosen from more than one political party. In such cases the political party furnishes the appointing authority with certificates or recommendations from which the election official is selected. This endorsement does not convert the election official into a party official and an employee is not prohibited from serving pursuant to such selection.

EXCEPTED LOCALITIES

In certain communities a Federal employee may take an active part in a partisan election. The law provides that the Civil Service Commission may designate as an excepted locality a municipality or political subdivision in Maryland or Virginia in the immediate vicinity of the District of Columbia or a municipality in which the majority of registered voters are employed by the Federal Government, when the Commission determines that, because of special or unusual circumstances, it is in the domestic interest of employees to participate in local elections.

In the communities designated by the Commission, employee-residents may actively participate in political management and political campaigns in connection with partisan elections for local offices provided that:

1. Participation in political activity shall be as an independent candidate or on behalf of, or in opposition to, an independent candidate;
2. Candidacy for, and service in, an elective office shall not result in the neglect of the employee's duties or create a conflict of interests.

A list of the communities which have been designated "excepted localities" by the Commission can be found on page 9

ENFORCEMENT AND PENALTIES

Reports or complaints indicating violations of the political activity restrictions by employees in the competitive service are investigated by the Office of the General Counsel, United States Civil Service Commission, Washington, D.C. (Questions concerning this law and its enforcement should be directed to that office.) In cases involving employees in the excepted service, the employing agency is responsible for enforcement, and the employee may appeal the agency's decision to the Commission. By agreement with the Postal Service, the Commission investigates and adjudicates cases of alleged violations of the law by Postal Service employees.

If investigation indicates a violation of the law, written notice specifying the violation is given to the employee. Full opportunity is provided to contest

the charges, including a right to a hearing. The employee may be represented by counsel at all stages of the proceedings.

After consideration of the entire record, the Commission makes its decision and notifies the employee and the employing agency. If the Commission finds that the employee violated the law, the penalty is removal from the service, unless the Commission unanimously agrees upon imposing a less severe penalty. The minimum penalty that may be assessed is suspension without pay for 30 days. The removal penalty carries a bar against reemployment under the appropriation from which the employee was paid at the time of the violation.

EDUCATION PROGRAM

To acquaint Federal employees with these provisions, attorneys from the Office of the General Counsel will meet personally with groups of top-level Federal executives and personnel officers, to brief them on the applicability of the political activity laws, and to answer any questions they may have. Past experience has shown that the briefing program is most effective when these groups are composed of from 30 to 60 people.

Arrangements can be made to obtain this informational service by writing to the Office of the General Counsel, or by telephoning: Area Code 202, 632-7600. It will be most helpful if written requests for briefings include information as to the nature and size of the groups to be involved, the cities where the briefings will be held, the preferable dates, and any specific problems or questions which should be dealt with.

TITLE 5. UNITED STATES CODE

CHAPTER 73—SUITABILITY, SECURITY, AND CONDUCT

SUBCHAPTER III—POLITICAL ACTIVITIES

Sec.

- 7321. Political contributions and services.
- 7322. Political use of authority or influence; prohibition.
- 7323. Political contributions; prohibition.
- 7324. Influencing elections; taking part in political campaigns; prohibitions; exceptions.
- 7325. Penalties.
- 7326. Nonpartisan political activity permitted.
- 7327. Political activity permitted; employees residing in certain municipalities.

§ 7321. Political contributions and services

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service is not obliged, by reason of that employment, to contribute to a political fund or to render political service, and that he may not be removed or otherwise prejudiced for refusal to do so.

§ 7322. Political use of authority or influence; prohibition

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service may not use his official authority or influence to coerce the political action of a person or body.

§ 7323. Political contributions; prohibition

An employee in an Executive agency (except one appointed by the President, by and with the advice and consent of the Senate) may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes. An employee who violates this section shall be removed from the service.

§ 7324. Influencing elections; taking part in political campaigns; prohibitions; exceptions

(a) An employee in any Executive agency or an individual employed by the Government of the District of Columbia may not—

- (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election; or
- (2) take an active part in political management or in political campaigns.

For the purpose of this subsection, the phrase "an active part in political management or in political campaigns" means those acts of political management or political campaigning which were prohibited on the part of employees in the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

(b) An employee or individual to whom subsection (a) of this section applies retains the right to vote as he chooses and to express his opinion

on political subjects and candidates.

(c) Subsection (a) of this section does not apply to an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic, or cultural organization.

(d) Subsection (a)(2) of this section does not apply to—

- (1) an employee paid from the appropriation for the office of the President;
- (2) the head or the assistant head of an Executive department or military department;
- (3) an employee appointed by the President, by and with the consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws;
- (4) the Commissioners of the District of Columbia; or
- (5) the Recorder of Deeds of the District of Columbia.

§ 7325. Penalties

An employee or individual who violates section 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Civil Service Commission finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Commission.

§ 7326. Nonpartisan political activity permitted

Section 7324 (a)(2) of this title does not prohibit political activity in connection with—

- (1) an election and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or
- (2) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States.

For the purpose of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with a National or State political party or political party of a territory or possession of the United States.

§ 7327. Political activity permitted; employees residing in certain municipalities

(a) Section 7324 (a)(2) of this title does not apply to an employee of The Alaska Railroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality.

(b) The Civil Service Commission may prescribe regulations permitting employees and individuals to whom section 7324 of this title applies to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside,

to the extent the Commission considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

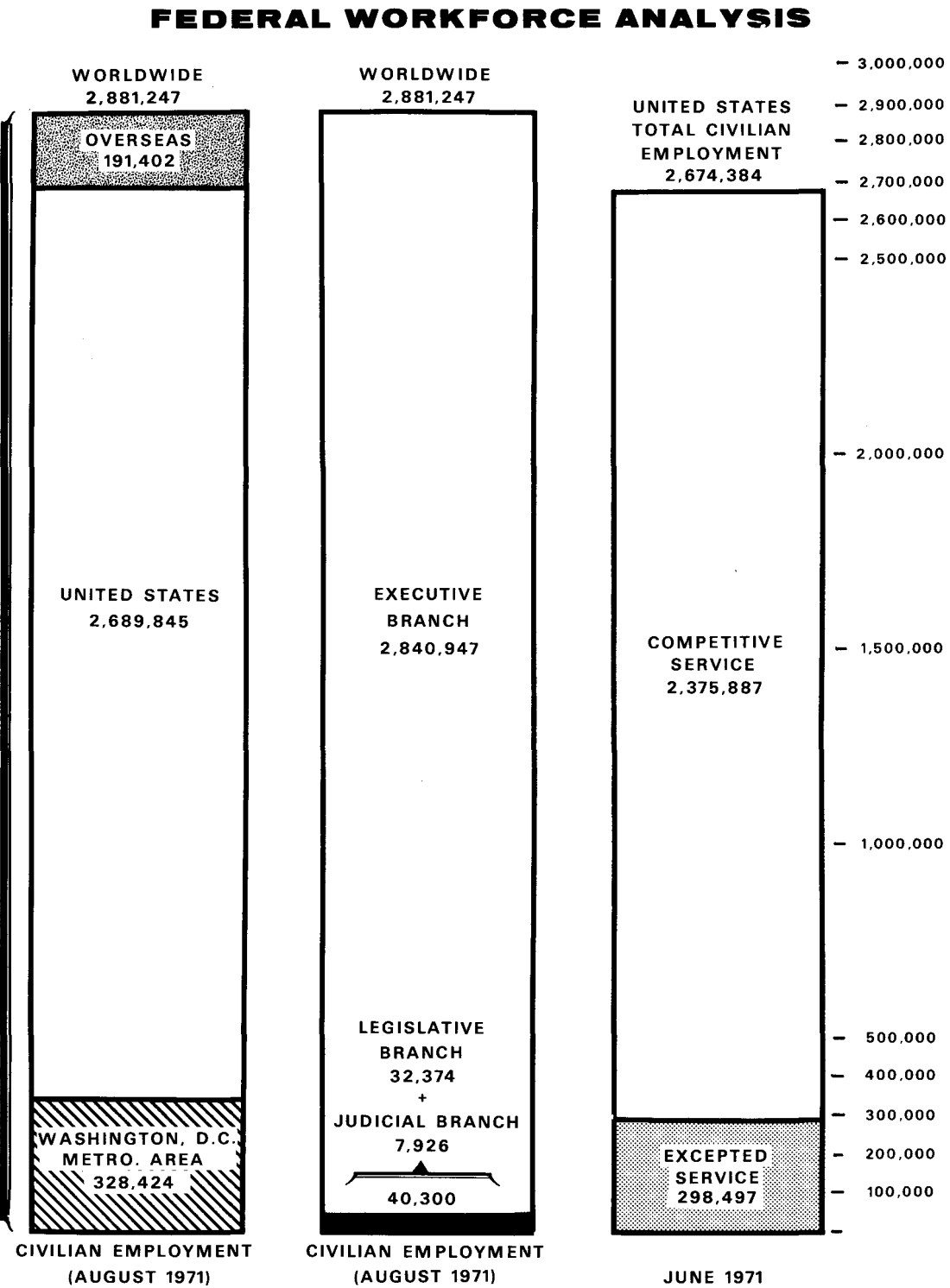
(2) the Commission determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

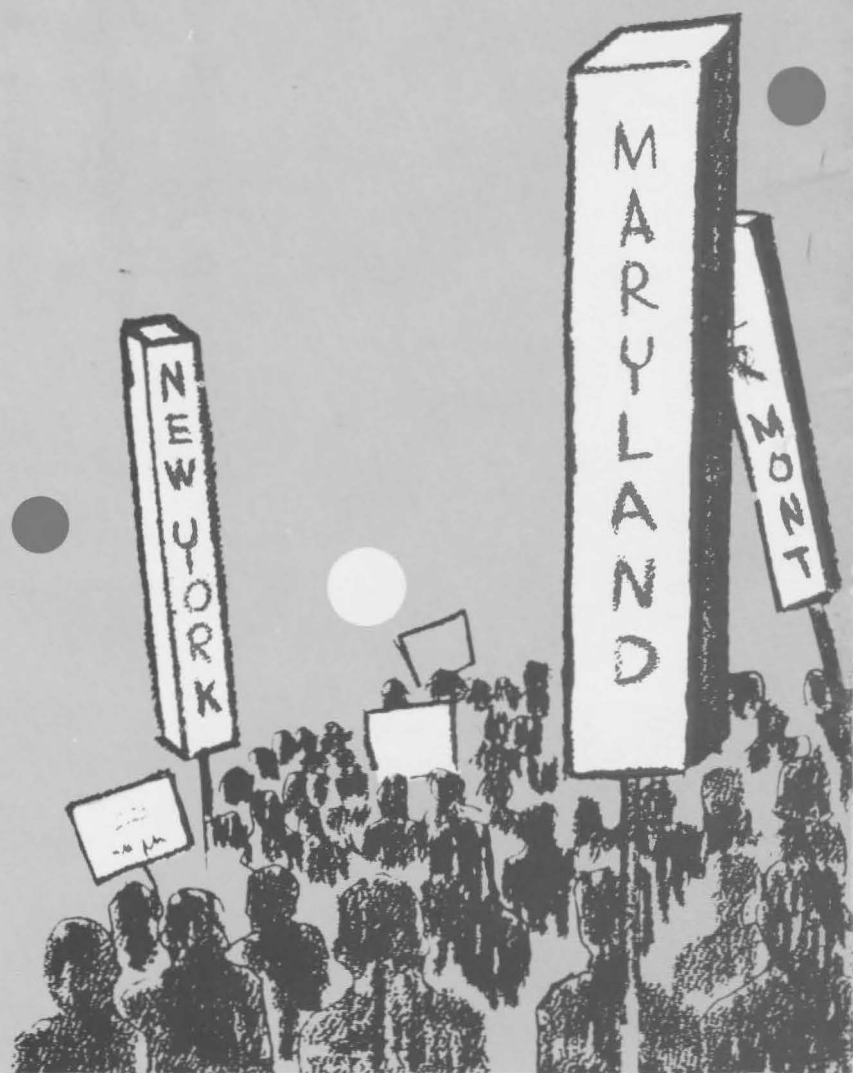
LIST OF EXCEPTED COMMUNITIES

In Maryland: Annapolis, Berwyn Heights, Bethesda, Bladensburg, Bowie, Brentwood, Capitol Heights, Cheverly, Chevy Chase, Martin's Additions, Chevy Chase View, College Park, Cottage City, District Heights, Edmonston, Fairmont Heights, Forest Heights, Garrett Park, Glenarden, Glen Echo, Greenbelt, Hyattsville, Kensington, Landover Hills, Montgomery County, Morningside, Mount Rainier, North Beach, North Brentwood, North Chevy Chase, Northwest Park, Prince Georges County, Riverdale, Rockville, Seat Pleasant, Somerset, Takoma Park, University Park, Washington Grove.

In Virginia: Alexandria, Arlington County, Clifton, Fairfax County, Town of Fairfax, Falls Church, Herndon, Loudoun County, Portsmouth, Prince William County, Vienna.

In Other States: Anchorage, AK; Benecia, CA; Bremerton, WA; Centerville, GA; Crane, IN; Elmer City, WA; Huachuca City, AZ; New Johnsonville, TN; Port Orchard, WA; Shrewsbury Township, NJ; Sierra Vista, AZ; Warner Robins, GA.





CODE OF FEDERAL REGULATIONS

Title 5

ADMINISTRATIVE PERSONNEL

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Subpart A—The Competitive Service

GENERAL PROVISIONS

§ 733.101 Definitions.

In this subpart:

- (a) "Employee" means an individual who occupies a position in the competitive service;
- (b) "Agency" means an executive agency and the government of the District of Columbia;
- (c) "Political party" means a National political party, a State political party, and an affiliated organization;
- (d) "Election" includes a primary, special, and general election;
- (e) "Nonpartisan election" means—
 - (1) An election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; and
 - (2) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character; and
- (f) "Partisan" when used as an adjective refers to a political party.

PERMISSIBLE ACTIVITIES

§ 733.111 Permissible activities.

- (a) All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this subpart. Each employee retains the right to—
 - (1) Register and vote in any election;
 - (2) Express his opinion as an individual privately and publicly on political subjects and candidates;
 - (3) Display a political picture, sticker, badge, or button;
 - (4) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;
 - (5) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;

(6) Attend a political convention, rally, fund-raising function; or other political gathering;

(7) Sign a political petition as an individual;

(8) Make a financial contribution to a political party or organization;

(9) Take an active part, as an independent candidate, or in support of an independent candidate, in a partisan election covered by § 733.124;

(10) Take an active part, as a candidate or in support of a candidate, in a nonpartisan election;

(11) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(12) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State or local law; and

(13) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise his efficiency or integrity as an employee or the neutrality, efficiency, or integrity of his agency.

(b) Paragraph (a) of this section does not authorize an employee to engage in political activity in violation of law, while on duty, or while in a uniform that identifies him as an employee. The head of an agency may prohibit or limit the participation of an employee or class of employees of his agency in an activity permitted by paragraph (a) of this section, if participation in the activity would interfere with the efficient performance of official duties, or create a conflict or apparent conflict of interests.

PROHIBITED ACTIVITIES

§ 733.121 Use of official authority; prohibition.

An employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election.

§ 733.122 Political management and political campaigning; prohibitions.

(a) An employee may not take an active part in political management or in a political campaign, except as permitted by this subpart.

March 5, 1975

TO: Phil Buchen[†]
FROM: Jim Cannon
SUBJECT: Hatch Act

I understand that all members of the Domestic Council staff, with the exception of myself, come under the Hatch Act.

Can you give me your opinion of this? If the staff members do come under the Hatch Act, could you have someone on your staff give me a memorandum telling what they can and cannot do in a political way.

Many thanks.

JMC:jm
bcc Peter Wallison



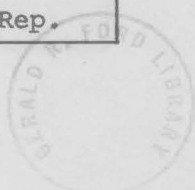
[1976]

This is not a big margin, given Brock's incumbency and Hooker's iffy reputation. The Democratic primary broke down as follows: Hooker, 33%; Franklin Haney, 18%; Ned McWherter, 2%; James Sasser, 3%.

3. 1976 HOUSE RACES (SMALL STATES): Outside the big states already surveyed, roughly 15 GOP seats are vulnerable to varying degrees. In Maine, freshman David Emery may get a break if ex-Rep. Peter Kyros (D) runs again. Kyros, who could win the primary in an eight-way race, would probably lose in November. Otherwise, Emery is shaky. Ex-GOP National Committee official Tom Evans is the early favorite to replace Pete duPont (R) in the House from Delaware. Marjorie Holt (R) of Maryland is favored partly because the district includes two counties with rival Democratic organizations. In Virginia, two shaky seats: (Fourth District) State Rep. J. W. O'Brien (D) is challenging two-term Rep. R. W. Daniel (R). Popular ex-football player O'Brien represents a district almost as large as the Fourth District. He'll have a good chance unless black civil rights leader Reverend Curtis Harris splits the Democratic vote with another independent candidacy. (Ninth District) Rep. Bill Wampler (R) may be a bit stronger against Charles Horne (D) whom he narrowly beat in 1974. In Iowa, Rep. Charles Grassley (R) a target of liberal interest groups, is an early favorite. In the Nebraska seat being vacated by Rep. John McCollister (R) an Omaha World-Herald Poll finds Douglas County Commissioner P. J. Morgan the frontrunner for the GOP nomination with 28% to newscaster Lee Terry's 22%, but 37% were still undecided. But either loses to the Democratic candidate, State Sen. John Cavanaugh (Morgan loses 50-35%, Terry loses 53-37%). Colorado's Jim Johnson (Fourth District) has primary problems and is a possible November loser. In Oklahoma City, where Rep. John Jarman is retiring, conservative Mickey Edwards and moderate conservative G. T. Blankenship are fighting for the GOP nomination. Either would have a good chance of holding the seat. Idaho's George Hansen (R) is in trouble, but Idaho is unpredictable and half of the local congressional candidates seem to be named Hansen. In Arizona, two GOP seats are expected to be open: (Third District) GOP Senate leader Fred Koory has announced his candidacy to replace Senate candidate Sam Steiger (R). Koory should be the favorite. (Fourth District) assuming Rep. John Conlan runs for the Senate, Maricopa County Supervisor Eldon Rudd is expected to be the GOP nominee, with Phoenix lawyer Tony Mason for the Democrats. Rudd would be favored.

In the smaller states as in the major states, there aren't too many vulnerable Democrats in the Northeast. Massachusetts' Rep. Robert Drinan is one. ..he faces conservative Catholic opposition in the Democratic primary and then, in the general, moderate GOPer Arthur Mason who will appeal to co-religionists in the substantially Jewish eastern part of the 4th District. In suburban New Jersey's 7th District, Rep. Andrew Maguire, a strong liberal, is thought to be too liberal for his district. Ninth District Rep. Henry Helstoski (D) is in legal hot water that could open up a seat.

Looking southward, two Virginia districts are vulnerable: (8th District) Rep. Herbert Harris, regarded as one of the least impressive Democratic freshman, is a GOP target. One GOP candidate announced is Fairfax businessman and educator Robert Thorburn. (1st District) Conservative Democrat Thomas Downing is retiring here. Local press reports list Essex County attorney Paul Trible as the frontrunner for the GOP nomination, with a large Democratic field including Delegates Robert Quinn of Hampton, Alan Diamonstein of Newport News and liberal George Grayson of Williamsburg, plus State Senator William Fears of Accomack and State Democratic official Jessie Rattley of Newport News. The Democrats are favored to retain the seat. South Carolina Republicans are not optimistic about toppling their state's three freshman Democrats...John Jenrette, the most vulnerable (and liberal) is thought to have the November edge over former Rep.



Edward Young (R). Moving west to Tennessee, Freshman Marilyn Lloyd of Chattanooga is favored to turn back challenge from ex-Rep. LaMar Baker (R). With Joe Evins retiring in Tennessee's 4th District, Albert Gore, Jr. is a heavy favorite to win the seat held by his father, ex-Senator Albert Gore. Even in his losing 1970 Senate race, Gore Senior swept this district. In the 5th District of Alabama's seat being vacated by veteran Rep. Bob Jones, press reports name State Sen. Gene McLain (D) of Huntsville and State Sen. Ronnie Flippo (D) of Florence as frontrunners. The Birmingham News lists Wallace Standfield of Florence and former State Rep. Doug Hale of Huntsville as possible GOP 5th District candidates. Wilbur Mills' retirement in Arkansas' 2nd District has lured a dozen candidates, with State Attorney General Jim Guy Tucker described by the Arkansas Gazette as "the man to beat." The same article reports a poll showing Tucker strong, but other prominent Democrats (more conservative than 1972 McGovern supporter Tucker) may yet get in the race. No Republican is likely to make a strong showing.

Turning to Kansas, 2nd District Rep. Martha Keys will face a tough challenge from insurance executive Ross Freeman, who announced March 6. Keys is considered one of the most vulnerable Democrats. In Colorado, two Democrats are targeted: (1st District) Rep. Patricia Schroeder, locked in an embarrassing fight over relocating the Denver Mint, has drawn a number of GOP challengers, but remains the early favorite. (2nd District) Freshman Rep. Tim Wirth, an Ivy League liberal, is vulnerable. Three Republicans have entered the race...State Rep. Larry Hobbs, Baptist Minister Bob Dugan and broadcasting executive Ed Scott. The GOP has a chance to retake this seat. In Wisconsin and Minnesota, states with September 14 primaries and still-vague candidate situations, the two Democrats rated vulnerable are Rep. Richard Nolan (7th Minnesota) and Rep. Alvin Baldus (3rd Wisconsin). Both Montana districts present a degree of GOP opportunity. Second District Rep. John Melcher's Senate bid makes Lt. Gov. Bill Christensen or State Sen. Tom Towe the leading Democratic possibilities there, with several Republicans interested in the race (rancher Ron Marlenne, State House Minority Leader Johnny Lockrem). First District Rep. Max Baucus may also be vulnerable. In Iowa, 5th District Freshman Rep. Tom Harkin, extremely liberal, could lose to GOP State Sen. John Murray.

In Utah, 2nd District Rep. Allan Howe (D) is rated marginal, and could lose, but top GOP candidates have shown little interest. The Salt Lake Tribune reports that relatively strong 1974 GOP nominee Stephen Harmsen will run again if no one else steps forward. Two GOP seats were lost in Oregon in 1974, but local political observers expect both to remain Democrat. The Eugene Register-Guard (March 7) says that Rep. James Weaver (4th District) is a clear favorite for re-election because no good GOP opponents emerged. Rep. Les AuCoin (D) seems well ahead in the 1st District. One Hawaii seat might possibly fall to the GOP -- that being vacated by Spark Matsunaga. Former State Sen. Fred Rolfe is given a chance to win here. Several Washington seats could change hands. Third District freshman Don Bonker (D) seems safe, but Republicans have targeted Fourth District Rep. Mike McCormack. GOP hopefuls include Jim May (son of former Congresswoman Catherine May) and agricultural economist Bruce Cone. The Sixth District (Tacoma) seat being vacated by Floyd Hicks (D) should remain in Democratic hands. Candidates include Norman Dicks, former chief aide to Senator Warren Magnuson, and former Pacific Lutheran University President Gene Wiegman.

We'll pick up in the next issue with Illinois prospects in light of the March 16 primary, and from here on, congressional race information will be handled on an update basis until late summer, when we'll run another national overview. At this point it still looks to us like GOP gains are unlikely to exceed 15-25.

[1976]

File '76

A. THE FEDERAL ELECTION CAMPAIGN ACT.

Financing is basic to every aspect of a campaign. The Act creates a new and radically different financial framework to which every aspect of the campaign must be accommodated. Thus an understanding of the Act is essential not only to the financing of a campaign but to its organization, and especially to the timing of its organization.

The following summary of the Act's provisions is greatly over-simplified. It embraces highlights that point up the practical problems that the Act creates.

1. Limits on Giving.

a. Individual giving is limited to \$1000 for each stage of a candidate's campaign.

b. There is an over-all limitation of \$25,000 in total contributions by any one person in any calendar year to all candidates and committees. The \$25,000 can all be given to a national committee, a state committee or a highly technical "multi-candidate committee", or split between such committees and individual candidates (up to \$1000 each for the latter).

A "multi-candidate committee" must have been registered for 6 months, have received contributions from more than 50 people and have made contributions to 5 or more Federal candidates. Such a committee can give up to \$5000 to each stage of a candidate's campaign.

c. A Presidential or Vice Presidential candidate and his family can contribute up to \$50,000 of his own and his family's money to his campaign.

2. Limits on Expenditures.

a. Election Campaign.

(1) A Presidential candidate (and his running mate) are limited to \$20 million.

(2) At the option of a candidate, his campaign will be wholly funded by the Federal government.

(3) In addition, a national committee can spend up to 2% times the voting age population of the U.S. on a Presidential election.

b. Primary Campaign.

(1) A Presidential candidate may spend up to \$10 million.

(2) He may spend another million to defray his fund-raising costs.

(3) Providing a candidate fulfills a "threshold requirement", the government will match up to \$250 of every contribution he receives.

- (4) To fulfill "threshold requirement" a candidate must (i) declare his candidacy and (ii) raise \$5000 in contributions of \$250 or less in each of 20 states.

B. ANALYSIS.

Under the Act the President would have to depend for the financing of a primary campaign on

1. Contributions from himself and the Vice President and their immediate families up to a total of \$50,000 for each family.
2. Direct solicitation of individual gifts not exceeding \$1000, or \$2000 for a husband and wife combination.

Even at these figures a well-organized solicitation in every state can raise substantial sums country-wide. The \$1000 dinners of the Nixon campaign raised a lot of money. Lang Washburn, who ran those dinners with great success, should be available to run them again. He was unscathed by Watergate.

3. Direct mail solicitation.
4. The government's matching gifts, up to a potential total of \$5½ million (½ of \$10 million plus the \$1 million allowance for the cost of fund-raising).
5. The "multi-candidate committee" does not appear to be a practical concept for us. At the cost of a disproportionate amount of delay, time, expense, and trouble, each such committee could give only \$5000 for the primary campaign.
6. It must be recognized that far less money will be available than needed for the primary campaign and than has been raised in the past. However, any other potential contenders will be laboring under the same restrictions.

C. TIMING.

There are urgent reasons why the above categories of fund-raising should be launched immediately. We are now less than a year away from the first primary. Immense and time-consuming efforts must be set afoot in the following areas, among others:

1. Campaign organization. Concept. Organizational chart. Recruitment of leadership and staff.
2. Issue research and formulation directed to projecting a positive leadership image for the President. Polling would be desirable in arriving at such a formulation.
3. The immense job of legal and political research and analysis on each of the primary states (presently 32 in number); which of them should be entered; how each of these should be organized; the development of such issues as are distinctive to each. Here again polling would be desirable on all aspects.

4. Similar attention to the delegate selection process in the non-primary states.
5. The development of the finance effort itself. Before any of the above efforts can proceed, money must be raised to get them off the ground. This in itself will be a slow process. Principal reliance will have to be on direct mail and the government's matching funds. Reputedly it has taken years and over a million dollars of investment to develop Wallace's present direct mailing lists of over 2 million addressees. His emotional following made that easier than it would be for others.

Thus it is apparent that it is very late in the day. It is clear, or so it seems to us, that if we are to have any hope of success in contested primaries the money raising must start immediately.

Questions:

Where will the seed money to start the effort to raise the money to start the campaign, come from?

And how long will all this take?

If we start now, can we do it in time?

Sadly, the day is gone when several million dollars could be readily and quickly raised on the telephone for a sitting President. We are speaking of a finance effort that will take large amounts of seed money, if we can find it, and many months of time to implement fully. Only after start-up money is raised can the real work of the campaign begin.

Thus, in all reason, we should start the finance effort now.

But there is a catch.

D. CANDIDACY.

Under the Act, the moment contributions are received or expenditures made by a person "with a view to bringing about his nomination for election, to (such) office", he is a candidate under the law.

It possibly could be argued that we were raising money initially for the purpose of canvassing the issue of whether to run or not. But in all the circumstances here, especially, the President's firmly announced intention to run, and the use to which we know the money is really going to be put, the argument is just not credible. We could not in honesty advance it.

Thus it seems clear that the raising or spending of money would automatically make the President a candidate under the law.

Being a candidate, he would:

1. Come under the rigid, expensive and burdensome reporting requirements of the Act.
2. Be subjected to the limitations, restrictions and penalties of the Act.
3. Be put under the equal time provisions in respect to media projection and suffer some limitation on free time accorded a non-candidate by the media.
4. Be subject to the suspicion of political interest in all his actions and pronouncements.
5. Possibly lose continued funding by the National Committee of the President's and Vice President's travels for the party. We believe, however, that there would be a solid basis for arguing that this could and should be continued, even after candidacy. We are talking about the President and the Vice President. The President is the head of the party. The purpose of the trips is to strengthen the party and to raise money for its National Committee as well as the state committees.
6. Require him immediately to set up an extensive and detailed accounting system to meet the onerous record-keeping and reporting requirements of the Act.

In these respects, delay in candidacy is desirable.

The question is, can we delay. For the reasons stated under "C", we do not think that we can, notwithstanding the weight of the above considerations.

E. A PARAMOUNT CONSIDERATION - RECOMMENDATION.

There is a paramount consideration, above all others, why we believe candidacy should be announced firmly and soon.

That consideration is the important and perhaps decisive effect it will have in discouraging others from competing for the nomination. All these horrendous problems of financing a primary campaign under this Act, as well as many other problems, would, of course, be avoided if the nomination of the President were uncontested.

A firm announcement at this time, plus the follow-up steps outlined below, would present the reality of a sitting Republican President running seriously and vigorously for re-nomination. It would have to have a powerful negative impact on the potential competition.

We therefore recommend an early, positive declaration of candidacy.

F. GETTING GOING.

In preparation for this, the following steps would have to be contemplated immediately.

1. The selection and public announcement of an outstanding national figure as Chairman of the President's campaign for the nomination.

Among other qualifications the Chairman should be one who has a close and cordial rapport with the National Committee.

2. The selection and public announcement of nationally recognized powerhouses as Finance Chairman, Co-Chairman and Vice Chairmen.

The Finance Chairman, his Co-Chairman, Vice Chairmen and staff would have to go into operation immediately in the solicitation of \$1000 contributions to provide start-up money.

Simultaneously they would have to move immediately to fulfill "the threshold requirement" for the government's matching funds.

In a third area, direct mail solicitation, there is not time to set up an effective program from scratch. However the National Committee has perhaps the most effective direct mail program in the country. The possibility of piggy-backing on that should be immediately canvassed and effectuated. The same service would undoubtedly have to be made available for the same purpose to other bona fide candidates. That is all right. It will serve the President better than the others.

The Finance Chairman, Co-Chairman and Vice Chairmen should be old hands. There is no time for on-the-job training.

Suggestions for consideration --

For Chairman and Co-Chairman:

Jerry Milbank (New York) and
Lil Phipps (New York and Florida).

For Vice Chairmen:

Pat Wilson (Tennessee)
Max Fisher (Michigan)
Dave Packard (California).

3. An immediate start on the organizational concept and staff structure and recruitment.
4. An immediate start by the President on the formulation of a substantive program projecting a positive leadership image that he can carry into the campaign.
5. An immediate start on the massive job of analyzing the primary options, making choices of primaries to enter and determining strategy and organization for each; also on the delegate selection process in the non-primary states.

In the interest of saving time and conserving money, we wonder if here again, much of the data could not be obtained from the National Committee. The Committee is well-financed. It is a service organization to Republicans. It has field men in each section of the country. It has a large research operation which presumably is keeping itself current on the law and political profile of each of the states.

At least it would seem worthwhile to examine and appraise

the Committee's operation in this respect and to canvass the possibility of getting immediate access to its data and staff help.

The Committee also does polling. Perhaps we could take advantage of this, both in respect to issue formulation and judgments relating to the primary states, thus saving substantial amounts of time and money.

Again these services, if made available to us, would have to be made available to all bona fide candidates for the nomination.

6. The immediate resumption by the President and Vice President of active help to the state parties in fund-raising and inspirational leadership. The state parties are broke, demoralized and disturbingly indifferent to the national administration.

This can be changed. The situation is to a very large extent the result of neglect. Since succession to their present offices both the President and the Vice President have been totally and properly preoccupied with the problems of the country. But during this period, the party has been passing through some of its darkest hours. It was badly defeated in November. There is Watergate. There is a recession. There is international disarray. There are all the political finance scandals, prosecutions, convictions, and all the new and confusing laws, rules and regulations that have turned off so many givers and reduced fund-raising to a trickle.

This is serious. A strong, vibrant, enthusiastic party marshalled behind the President is essential to nomination. It is also important to effective government.

Thus, a revitalized party is a high priority.

The Vice President has a special problem. It is the traditional role of the Vice President to tend the party. Because of this Vice President's preoccupation with pressing problems, he has not been doing it. When, in a time of great party need and distress, he declines invitations to help with fund-raising, there are resentments.

Thus we urge, both as a high priority in the strategy of the campaign and substantively as well, that the Vice President, and the President himself to the very fullest extent possible, come to the aid of the party.

This should not wait until the Fall. Here again a prompt and intensive series of party appearances by the President and the Vice President throughout the country now and the enthusiastic receptions that will be accorded them now, will be powerful dissuaders to potential competition. If, as is quite possible, such appearances are successful in discouraging competition, they will have saved no end of time, effort, trouble, expense - and party disunity - later.



Pres.

ADVISORY
COMMISSION ON INTERGOVERNMENTAL RELATIONS
WASHINGTON, D.C. 20575

February 27, 1976

The President
The White House
Washington, D.C.

Dear Mr. President:

I happened to be in Washington and read the article about you in the February 20, 1976 issue of The Washington Post by Douglas Watson entitled "Another Eisenhower".

The article triggered my memory, and I went back through some of my old files and found my notes of a meeting I held with the General in the summer of 1964. As you undoubtedly recall, he had asked me to organize and conduct a series of meetings in various parts of the country to discuss major issues of that year, and to report on them to the Republican Platform Committee Hearings in San Francisco. This program was called Party-to-People.

The first forum, as you will again recall, was held in Los Angeles with the subject being our Foreign Policy. General Eisenhower had agreed to participate in the Forum, and in the course of discussing who else should be involved he said most emphatically, and I paraphrase, "I want Jerry Ford to be the chairman of this meeting and to get the exposure it will bring him. Some day he should be President of the United States".

I do not think I have ever told you this story, and probably would not have recalled it if not for the article in The Washington Post. I do not know whether Mr. Watson meant to be flattering or not in his comparison of you with President Eisenhower, but to me - and

-more-

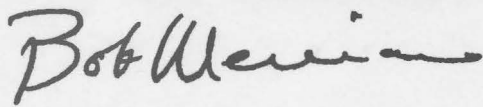
REPLY TO:
MR. ROBERT E. MERRIAM
EXECUTIVE VICE-PRESIDENT
URBAN INVESTMENT AND DEVELOPMENT CO.
SUITE 800, WATER TOWER PLACE, 845 N. MICHIGAN AVE., CHICAGO, ILL. 60611, (312) 440-3385

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The President
February 27, 1976
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to many millions of Americans - it was a high compliment.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Bob Merriam". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert E. Merriam, Chairman

REM/em

(B/C) James Cannon

Bryce Harlow ✓



Douglas Watson

Another Eisenhower

When he took office President Ford suggested that he was the GOP's version of the open, unassuming Harry S. Truman, even hanging Truman's portrait in the Oval Office. Others saw him as more a latter-day Calvin Coolidge or Herbert Hoover, trying to keep the government doing as little as possible.

However, a better comparison than any of these is Eisenhower, a President who, like Ford, also was a product of Middle America, a nice guy and decent fellow with a friendly smile and outgoing manner, a chief executive with whom millions of his fellow citizens felt comfortable.

President Eisenhower, like President Ford, was a former football player and an enthusiastic golfer who belonged to the Burning Tree Country Club but also tried for par on courses around the nation. And, as Ford hopes to be, Eisenhower was the choice of the Republican moderates and middle-of-the-roads over the favorite of the party's right-wing. Like Ronald Reagan, former Sen. Robert Taft (R-Ohio), then "Mr. Republican," was seen by many in the GOP as a much more consistent conservative than his opponent.

But while Taft, like Reagan, had his legions of loyal followers, Eisenhower, like Ford, was recognized by many other Republicans as the party's best hope for winning the independent voters needed for victory in November.

Eisenhower, like Ford, had a controversial Vice President who many in the GOP detested and wanted to

dump and to whom the President was not personally close.

The former Republican chief executive also had an extraordinarily powerful Secretary of State who was far more than a mere foreign policy adviser. John Foster Dulles, like Henry Kissinger, also set records as a diplomatic globetrotter while drawing fire for running too much of a one-man show.

Like William Simon, George Humphrey, Eisenhower's Secretary of the Treasury, had a conservative businessman's horror of deficit

Mr. Watson is on the metropolitan staff of The Post.

spending and was much better known for his sermonizing about balanced budgets than for his achievement of them.

Like Earl Butz, Ezra Taft Benson, Eisenhower's Secretary of Agriculture, also was a straight-laced man dedicated to freeing the farmer from government controls. Butz, like Benson was, may be the most unpopular member of the cabinet.

Of course, there are differences between Ford, the career politician, and Eisenhower, the career military man. Our present President appears to enjoy campaigning far more than the old warrior did. Yet, Eisenhower's continued popularity over eight years in the White House is evidence that in his own way Eisenhower was an even better politician.

In 1952 when Eisenhower shucked his Army uniform and plunged into politics, he handled the transition

with a natural ease. One observer then judged, "Ike does by instinct what professional politicians take a lifetime to cultivate. This is so because he is a passionately honest man."

The two Republican Presidents certainly would have agreed on most issues. Eisenhower began his 1952 campaign in Abilene, Kansas, by noting that a party declaration of principles entitled "Liberty versus Socialism" best described his own philosophy and by declaring he would rid the American economy of "artificial direct legislative controls" and would rely on the free market.

Eisenhower undoubtedly would have applauded President Ford's State of the Union declarations that, "We unbalanced our economic system by the huge and unprecedented growth of federal expenditures . . . We must introduce a new balance in the relationship between the individual and the government—a balance that favors greater individual freedom and self-reliance."

An emphatic expounder of the importance of a balanced budget, Eisenhower, as an aide noted, rebuffed attacks "against his basic economic belief in the need to check threatened inflation and to hold his government's budget near balance."

Eisenhower, like Ford, supported the federal courts' authority in civil rights confrontations, while demonstrating less than total enthusiasm for school desegregation. "It's all very well to talk about school integration, if you remember you may

be also talking about social disintegration," the former President said in one speech.

As with Ford, Eisenhower's sympathy for business, especially big business, was undisguised. As one correspondent noted of the ex-President, "He is a man of the right by instinct and conviction; his admiration for the business community seems to know no bounds."

Like Ford, Eisenhower was unwilling to see military spending substantially reduced, recalling at one point that his faith in a strong defense "demanded a military budget that would establish, by its very size, a peacetime precedent."

As with Ford, Eisenhower's relations with Congress were relatively friendly, even though the Democrats almost always controlled both Houses. Eisenhower, too, was not one for 100 days of memorable enactments.

Similarly, nobody thought Eisenhower was the smartest man in Washington. But people were confident that he listened to his advisers.

Like Ford, Eisenhower would no more consider relaxing by attending a symphony concert than he would by visiting an art gallery.

Eisenhower's administration, too, despite its undisputed concern to return the nation to economic prosperity, also slogged slowly through months of recession and inflation.

Even so, Eisenhower was the kind of leader whose familiar, smiling face encouraged folks to call him by a friendly nickname, not by a set of initials. In these days of Jerry Ford's presidency, it is hard not to recall Ike.

AT THE WHITE HOUSE

WITH RON NESSEN

AT 11:45 A.M. EST

APRIL 5, 1976

MONDAY

MR. NESSEN: We have quite a few events today, including some that didn't appear on the original schedule. Let me run through them quickly.

At 1:30 there will be a ceremony at which Ambassador Strausz-Hupe takes his oath as the new Ambassador to NATO. That will be in the Rose Garden, with the President attending and speaking.

As you see, at 2:15 there is a ceremony in the Rose Garden at which the President will sign one of the parts of his energy program approved by Congress; that is, approving the production of oil from the Naval Petroleum Reserve at Elk Hills, California.

At 3:00 the President will sign a proclamation on a month devoted to old Americans.

At 3:30 the President will sign a Rural Development Act coincidental with a visit by the Kansas Farm Bureau.

All of those events will be in the Rose Garden and all are open for coverage, if you desire it.

Q Even the Older Americans Proclamation?

MR. NESSEN: Yes.

Q So, he is not going over to see Buendorf?

MR. NESSEN: That Treasury Department award to Buendorf?

Q Yes.

MR. NESSEN: At the moment he is not.

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Q Ron, is he going to make a speech tonight to a dinner of Greek Americans?

MR. NESSEN: The AHEPA dinner?

Q Yes.

MR. NESSEN: There hasn't been any decision I can announce on that yet.

Q Will you know by this afternoon?

MR. NESSEN: Yes, by this afternoon I will know.

Q Is it likely?

MR. NESSEN: I can't tell one way or another.

Q What is the dinner?

MR. NESSEN: The AHEPA Greek-American organization dinner. He has been invited, and I don't know whether he will go or not.

There is one event tomorrow I can tell you about; that is, the opening ceremonies of the Lyndon B. Johnson Memorial Grove on the Potomac, across the river, tomorrow morning. The President will leave the White House about 10:55, with open coverage over there and a travel pool going with the President. The President will speak briefly and be back at the White House about 11:55, which will delay my briefing I guess until probably about 12:30.

Q Will Lady Bird, Lucy Bird and Linda Bird be there?

MR. NESSEN: Mrs. Johnson and other members of the Johnson family will be there. I don't have a complete breakdown. The National Park Service announcement of the event just says Mrs. Johnson and other members will be there.

Q Will Mrs. Ford be there?

MR. NESSEN: I am not sure Mrs. Ford will be back from Wisconsin by then.

Q She will be back tonight.

MR. NESSEN: Let me check on Mrs. Ford then.

I don't know if you recall, but in September of 1974 the President and Mrs. Ford attended the ground-breaking ceremonies for the grove. It is across the river between, say, the Memorial Bridge and the 14th Street Bridge. It is somewhere in there. That is tomorrow.

Q There was something about a monument that was going to be sculpted there that was stopped over a dispute on design.

MR. NESSEN: I thought the grove itself was the memorial.

Q There was to be a big pink granite monument there.

MR. NESSEN: Yes, I remember that. It says the 15-acre site is dominated by a 45-ton granite rock from the Texas hill country. The rough hewn rock carved by sculptor Harold Vogel is surrounded by four quotations of the late President -- one on education, civil rights, the environment and the Presidency.

Do you want us to have this National Park Service press release Xeroxed so you can write overnights on it?

Q Yes.

MR. NESSEN: I don't have anymore announcements.

Q Ron, Senator Tower has challenged Ronald Reagan to a debate, and I was wondering, does the President feel this would be useless because the positions of Tower and Reagan are well known, or does he feel Senator Tower has been wise in asking Reagan to debate the issues face to face?

MR. NESSEN: I don't know how he feels about that particular debate, Les. I will have to check.

Q Will you check so we can find out tomorrow?

MR. NESSEN: Yes.

Q When will we find out about the Texas trip?

MR. NESSEN: I think you can look forward to a Texas trip on Friday and Saturday, but I don't have the details. I will probably have them by tomorrow, at least a rough outline.

Q Is he going to El Paso on Saturday?

MR. NESSEN: That is probably a real possibility.

Q Gold Star mothers and cattlemen dinner?

MR. NESSEN: The fact is, the pre-advance team is still down there, so the precise events have not been decided on yet.

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Q What do you have to say about Rogers Morton's remarks that Secretary Kissinger will not be in the next Ford Cabinet?

MR. NESSEN: I don't really have much to say, Walt. The President was asked almost precisely the same question at Green Bay on Saturday, and gave his answer, and I would refer you to that answer. It is fairly lengthy, and it really is the President's --

Q I know the President's answer, but it seems to be somewhat at odds with the quotes attributed to both Morton and Mel Laird. The President said Kissinger can stay as long as he wants. The Morton quote seems to suggest that perhaps Henry might have worn out his welcome by then. *Kissinger*

MR. NESSEN: I can only tell you what the President's position is, and he stated it I thought quite clearly in Green Bay.

Q Ron, Morton's comment, it seemed to me, went more along the lines that Secretary Kissinger himself may not want to stay beyond November. The President has always said, as you say, that he is welcome to stay as long as he wants. Morton seems to be saying Henry Kissinger probably won't want to stay on in the Administration beyond January. That is one way to read it, anyway.

Do you know what the basis for saying that was? Has Kissinger communicated to the President, for example, or anyone here, that he probably will decide to do something else come next year?

MR. NESSEN: Not that I know of.

Q Does Rog just imagine it?

MR. NESSEN: I don't know. All I know is what the President's position stated less than 48 hours ago is.

Q I assume this was brought up in your meeting with the President this morning, and I would like to know what the President's reaction to Rog Morton's statement was.

MR. NESSEN: Phil, the President has stated his position on Doctor Kissinger on Saturday, which was the latest in the long series of statements, and he has not obviously changed his mind since Saturday.

Q Would I be wrong in interpreting the President to mean when he says Henry can stay on as long as he wants that Henry is indeed welcome to stay on as Secretary of State for a full four-year term should the President win in November?

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MR. NESSEN: You should look up what the President said on Saturday, or we have transcripts almost finished. It is on the bottom of page 6, and the top of page 7, and that is the President's view.

Q Does the President believe the Secretary should not be a campaign issue?

MR. NESSEN: What do you mean, a campaign issue?

MORE

Q Reagan is making the Secretary a campaign issue itself. Does the President welcome this? Does he think it is wrong? Does he mind?

MR. NESSEN: I don't know. I haven't heard him answer that specific question.

Q Rogers Morton was not speaking for the President, is that what you are saying?

MR. NESSEN: The President spoke for himself Saturday, Helen.

Q Who is Morton speaking for? He is his campaign manager.

MR. NESSEN: Yes. I am not precisely sure what Rog said. I have seen a number of versions of it.

Q I can give you an exact quote. I can go get it for you right now.

MR. NESSEN: It is immaterial because the President has spoken for himself.

Q Ron, I don't think you answered my question. My question was, directly, what did the President say this morning when you asked him to respond to Rogers Morton's statement? Did he say, "See my Green Bay speech"? (Laughter)

MR. NESSEN: The President's views on Secretary Kissinger are as stated on Saturday, Phil.

Q Was he aware that Morton would be saying this?

MR. NESSEN: That Morton would be saying --

Q That Kissinger would probably be leaving?

MR. NESSEN: -- what he is reported to have said? I would like to simply stick to what the President's views on Secretary Kissinger are.

Q Ron, is it true the President expressed no irritation over what Morton said?

MR. NESSEN: Is it true?

Q Yes.

MR. NESSEN: Has that been printed?

Q You have been asked twice what the President said, and you haven't answered it. My question is, did the President indicate any displeasure over what Rogers Morton was quoted as saying?



MR. NESSEN: The President believes everyone in his Administration or connected with his campaign should understand his views on Secretary Kissinger as stated on Saturday and should follow that same line because that is the President's view.

Q Does he plan to talk to Rogers Morton about this, Ron?

MR. NESSEN: I think Rog will understand that is the President's position.

Q Who is going to relay the word, do you know?

MR. NESSEN: I don't know whether the President will have a chance to do it himself or --

Q Mr. Cheney?

MR. NESSEN: No. Probably Roy Hughes.

Q Who is that?

Q Ron, is this possibly the same kind of thing we saw with Nelson Rockefeller some time ago when Howard Bo Callaway started bad-mouthing Rockefeller and the President saying Rockefeller is still my guy? It went back and forth until Rockefeller handed in his letter asking not to be considered. Isn't this the same sort of thing?

MR. NESSEN: I don't want to make any connection between the two things. Really, you know what the President's views on Kissinger are. I have said today that the President feels that everyone in the campaign and in the Administration should know his view and should take the same position, and I don't see any analogy with the other situation.

Q Are you saying he is going to be reprimanded?

MR. NESSEN: No, I didn't say that.

Q You are saying he is going to get the word from the President that he shouldn't have said what he said?

MR. NESSEN: And each person in the Administration and the campaign will get the same word.

Q How? By a general memo?

MR. NESSEN: No, by my saying it here publicly.

Q That the Secretary can stay on as long as he wants?

MR. NESSEN: Look it up in the Green Bay Q & A.

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Q Ron, who is going to go back to California and tell the audience in California that Rog Morton is wrong? Who is going to do that?

MR. NESSEN: I am not sure what Rog said to the group because I guess it was in private.

Q You are pretty sure. My question is, who is going to correct this error with the audience in California?

MR. NESSEN: I don't know that it was an error and I don't know who, if anyone, will get back to that group.

Q In other words, the impression will be left that there are two positions in the President's Administration; is that right?

MR. NESSEN: There is only one position and that is the President's.

Q Obviously, there are two, because you are not going to correct that statement made out there that was absolutely the opposite. If you are not going to make an effort to correct that, then there must be two positions.

MR. NESSEN: There is only one position.

Q Will Rogers Morton retract that statement if there is only one position? This is exactly the opposite. We are puzzled, Ron.

MR. NESSEN: I don't think it is exactly the opposite --

Q It is not the same.

MR. NESSEN: Each person in the Administration and in the campaign will now know, I think, what the President's position is and that they should follow it.

Q Ron, do you know whether the Secretary of State has discussed this Morton statement with the President?

MR. NESSEN: I don't know that, Dave.

Q Did they see each other or talk together today?

MR. NESSEN: Yes, they did.

Q When?

MR. NESSEN: For about an hour, from 9:15 to 10:15. That is the regular -- I don't want you to say Henry came rushing in here to talk about this. It is his regular couple of times a week meeting with the President on foreign policy.

Q Was he alone or were Rumsfeld and Scowcroft there, too?

MR. NESSEN: General Scowcroft was there, as normal.

Q Ron, the funny thing about it is the President has made this statement about Kissinger not just at Green Bay, but the President made his statement before about his confidence in Kissinger so it is rather peculiar --

MR. NESSEN: I tried to say that last week, Sarah, when a somewhat similar issue came up regarding the President's opinion and views of Dr. Kissinger. I said then that it comes up almost everywhere he has a question and answer session so there should be no --

Q Why do you think Rogers Morton, who is supposed to know everything the President feels politically, did not know it?

MR. NESSEN: I don't know, Sarah.

Q Ron, for the sake of updating our stories, would you mind stating what the President's position is today?

MR. NESSEN: No, but I will provide you with a transcript of his remarks in Green Bay.

Q That leaves us at an awful disadvantage. If you could read it, then we would know that you are really not trying to ease Henry out.

MR. NESSEN: The Xeroxes are on their way.

Q Isn't there some way to express the President's position --

MR. NESSEN: You mean, isn't there some way I can give you a fresh story saying the President rushed to Henry Kissinger's defense today against Rogers Morton?

Q I am not trying to get that at all, but Morton made --

MR. NESSEN: I will give you a Xerox of what he said in Green Bay.

Q But Rogers Morton made his statement, I understand, after the President made his.

MR. NESSEN: Did he? I don't know. This was Saturday in Green Bay, wasn't it?

Q But Morton spoke later. It would be helpful if you could say what the President's position is today.

MR. NESSEN: I think it would be best to give you a Xerox of what he said so you will have it accurate. It is on the machine now.

Q Which stop was that in Green Bay?

MR. NESSEN: It was the one there in the big arena where the people asked questions.

Q Ron, since you are using us to pass the President's word to all the people on the Administration and in the campaign, did the President tell Kissinger personally this morning that he still has his full confidence and wants him to stay aboard as long as he likes?

MR. NESSEN: Phil, I didn't attend that meeting. It is one of his regular meetings several times a week to discuss foreign policy matters.

Q Did they discuss this at all?

MR. NESSEN: I don't know.

Q Didn't you ask the President?

MR. NESSEN: No, I didn't.

Q Ron, can I pursue the matter of how many times a week Kissinger meets with the President? It was my understanding when they had the Sunday shuffle that Kissinger still would meet with the President an hour a day. Was I incorrect and would it have slipped to a couple or three times a week and who else advises the President on foreign policy?

MR. NESSEN: I think this is old stuff, Dick.

Q I have been away for a while and want to check these points. Can I get an answer?

MR. NESSEN: I don't want a story rehashing Henry losing all his power at the White House.

Q So my editor can decide which story we do.

MR. NESSEN: I think everybody here knows Dr. Kissinger has a meeting two or three times a week with the President, or more, if needed, to carry out his job.

Again, we have said here before many times that Don Rumsfeld also meets a couple of times a week with the President, George Bush does, and there are other meetings in which all three of them, as well as General Scowcroft, attend. This is old stuff. It is not anything I am saying today in relation to the Morton story.

Q Will you deny that Henry is being eased out?

MR. NESSEN: Yes.

You have it. Now you have a lead.

Q Ron, did you get a call from Dr. Kissinger or somebody in his office right before this meeting?

Q Will you deny there is an element in the President's political campaign among the strategists that Kissinger should go, particularly in view of the new possible areas of conservative antagonism to him?

MR. NESSEN: I missed the first part.

Q Is there an element in the political campaign structure that would like Kissinger to go? A lot of this has come out in different ways and Morton seems to be speaking --

MR. NESSEN: I don't know, Helen. You will have to ask the campaign people. I know what the President's position is and I know he wants everyone to understand his position and to reflect his position.

Q Ron, quite apart from Kissinger's ability as Secretary of State, does the President agree with Morton's statement that it would be bad politics to get rid of him now?

MR. NESSEN: All I can give you is the President said what he wanted to say on Saturday.

Q Did Henry threaten to resign this morning?

Q Did he call or somebody from his office call you just a minute before you came out?

MR. NESSEN: No.

Q Brent Scowcroft?

MR. NESSEN: Brent Scowcroft was talking to me about another matter.

Q Why is it that you can't give us any indication whether or not he plans to stay beyond this year if the President is elected?

MR. NESSEN: You need to ask Henry that question.

Q You have told us before the President has discussed this with him. You have never answered that question at all.

MR. NESSEN: I have told you what the President's position on Kissinger is.

Q That doesn't really respond to the question as to whether or not he expects Kissinger to stay on in a Cabinet of his if he is elected to another term.

MR. NESSEN: All I can do is refer you to what he said publicly.

Q Does he want all his Cabinet members to stay on?

MR. NESSEN: Now, Helen, stop fishing. There is nothing there to fish for.

Q Really, I think that is a valid question.

Q He said he is welcome to stay. Does he expect Henry to stay?

MR. NESSEN: I think, as the President said himself, as you will see in the transcript -- he said, "I would like Kissinger to be Secretary of State as long as I am President, and I can't expand on that."

Well, if the President can't expand on that, I can't expand on that. That is a quote from the Saturday thing. It is nothing fresh.

Q If Henry resigns at the end of the year -- let's assume the President is elected, Henry will have to resign like all other members of the Cabinet. The question there becomes, will the President accept Henry's resignation?

MR. NESSEN: We are trying to read the future. I can't read the future. Nobody can.

Q Every Cabinet member has to turn in a resignation at the end of the term. Henry will then send in a perfunctory letter or a real letter. If it is a perfunctory letter, will the President accept it?

MR. NESSEN: I don't think I can go quite that far.

Q Ron, is the President concerned that Dr. Kissinger wrote to Senator Buckley charging that Evans and Novak "severely distorted what actually happened in the Sonnenfeldt conversations"? Sulzberger, of the New York Times, said he talked to a number of people who were there for the Sonnenfeldt conversations and he claims Evans and Novak are accurate. Kissinger says it was severely distorted by Evans and Novak and then he tells Derwinski it was due to some junior clerk and transmission difficulties.

Does the President see any slight conflict in all of this and why doesn't the President ask the Secretary to give out the copy of the Sonnenfeldt cable and end all of the mystery on this?

MR. NESSEN: I think that is the question you asked Funseth on Friday and I think I would give you the same answer he gave you.

Q I hope you will give me a better answer than that. I am used to getting better information here than at the State Department, much better.

MR. NESSEN: It is the answer, Les, that, if you formed a pattern of every time somebody leaked in full or in part a classified document, that the response was to make public the entire document, you can see where that would lead and that is the reason, I understand, the State Department has decided against releasing the summary of Sonnenfeldt's remarks to the Ambassadors.

Q How about the inconsistency of telling Senator Buckley one thing and Derwinski the other?

MR. NESSEN: I don't see and don't know what difference there was, if any, between what Henry wrote to Buckley and what was told to Derwinski. I think the President talked about this issue in Milwaukee and I have here, and I tried to tell you what the American policy -- the President's policy is toward Eastern Europe, which is really the issue.

Q Ron, the fact that the President gets this question constantly on the campaign trail --

MR. NESSEN: Which question?

Q The question on Kissinger's survival. Whether he likes it or not, he has to admit Kissinger has become a campaign issue.

MR. NESSEN: I don't know what makes a campaign issue.

Q I mean, the fact it crops up at every Q & A --

MR. NESSEN: And the President gives the same answer.

Q So it has become a problem in that he doesn't seem to be able to convince people.

MR. NESSEN: I don't know. Just because the question is asked, it doesn't mean it is a problem.

Q Ron, this morning Zumwalt held a news conference and said he had talked to some diplomats during his just-completed European tour and they told him a message was sent out from Kissinger, or the State Department, on February 1 of this year which outlined the U.S. policy toward Eastern Europe, and it was, in effect, the same thing that we had heard about in the so-called Sonnenfeldt document.

My question is, does the President know of a February 1 message sent to our diplomats regarding Eastern Europe?

MR. NESSEN: This is getting to be a more and more tangled tale. Let me see if I can untangle it. I don't know precisely what Zumwalt was talking about, but I assume what he was talking about was the five- or six-page document that we talked about here last week, or maybe it was the week before last we talked about it.

This is a summary of Hal's remarks to the Ambassadors which took place in December and, as the State Department said last week or the week before, the five- or six-page summary was prepared about eight weeks later and was sent out to the American diplomatic posts throughout the world and, as is traditional or as is the procedure at the State Department, any cable that goes out to the embassies is signed with Kissinger's name, whether he personally writes the cable or not.

My guess is that is what Zumwalt is talking about and it is the five- or six-page document, I guess, that the Economist was reported to have published and that Evans and Novak say they have seen and Bernie Nossiter has written about, Steve Rosenfelt and so forth. So I don't think it is a new document that Zumwalt was talking about. I think it must be the five- or six-page document we talked about last week.

Q He also said that this so-called message that went out February 1 was much different than the message that went to Congress last week. The Buckley letter, he said that had been doctored -- it was a different policy than had been outlined in February.

MR. NESSEN: No, it is not a different policy. Obviously, they were in two different forms. One was a summary prepared about eight weeks later by someone down the line at the State Department, summarizing what he thought was the thrust of Hal's remarks to the Ambassadors. The other was a letter from the Secretary to Senator Buckley setting straight what the President's policy toward Eastern Europe is.

Q Not to belabor this, but Zumwalt seemed to be saying the Buckley letter put a little different spin on all of this.

MR. NESSEN: Yes.

Q Does that mean -- is that right or indeed was the first cable somewhat garbled and did not correctly state U.S. policy?

MR. NESSEN: The first cable -- if it is the same one we are talking about -- was a summary of Hal's remarks and, as I think I said here and the State Department has said for the last two weeks, taken in its entirety Sonnenfeldt's remarks did accurately state American foreign policy toward Eastern Europe.

The letter to Senator Buckley was something entirely different. It was a very brief summation of American foreign policy.

Q I can't remember. I heard you say most of it, but I can't recall. Did you leave the impression that perhaps some parts of that cable could be taken to mean -- could be incorrectly, or could state -- I have my own troubles here this morning.

In other words, could parts of that cable have incorrectly stated foreign policy? Could there have been parts that could have been misinterpreted by the diplomats that got it?

MR. NESSEN: I don't think it could have been misinterpreted by the diplomats that got it because they would have read the entire thing. I think if somebody leaked a sentence here or there without the entire cable being read, it obviously led to misinterpretation because Evans and Novak misinterpreted it, whatever portions they were shown. But, taken in its entirety, you could not mistake --

Q Have you read the summary, Ron?

MR. NESSEN: I have read the summary and I have read the Buckley letter from Kissinger. I think I have read all the pertinent documents.

Q Did Sonnenfeldt say in his summary that the United States should support and encourage a policy of peaceful so-called "organic union" between the Eastern European nations and the Soviet Union?

MR. NESSEN: Jim, I don't have the document in front of me. As I say, I think part of the original mistake here was being shown a sentence or two -- a sentence or two being shown to some people did get everybody pointed in the wrong direction. Since I don't have it in front of me, I am not going to say, yes, that is in there --

Q Why are you more entitled to receive this than Congressman Derwinski, who asked for it and was turned down? Why is a Press Secretary or a News Secretary more entitled to this document that is denied to a Member of Congress of the United States?

MR. NESSEN: I don't know that it has been denied.

Q It has. Derwinski said he asked for it and was denied. Why?

MR. NESSEN: I don't know myself that he was denied. I know a lot of people have talked to Congressman Derwinski to set his mind at ease as to what American policy is.

Q He is not at ease because he said he has been denied the thing.

Q Ron, is this right? This confusion occurred because of a classified action taken, classifying Sonnenfeldt's remarks after they were made, and the refusal then of the Administration to declassify those, when they could easily have, and then a restatement of policy about two months later in a cable out to Ambassadors that is not made public, and then a brief summary to one Senator, right?

MR. NESSEN: I don't think so, Sarah. I don't know where the confusion came in and I don't really think I should try to sort it out. But I have tried and the President, more to the point, laid out in a very carefully prepared statement to the luncheon in Milwaukee the other day his policy in Eastern Europe, and that is the pertinent question.

What this reporter heard or saw, whether he might have misinterpreted -- I mean, the State Department reporter writing a summary eight weeks later did violence to what Hal said and so forth, these are somewhat periphery issues. What the President said in Milwaukee the other day is the American policy toward Eastern Europe and that is the important thing.

Q Morton, on Friday, said he would ask the President to do more campaign traveling. Has Morton done so, and will the President do more traveling?

MR. NESSEN: I don't know whether he has told that to the President or the President's advisers. At the moment, the pace of the campaign will be about as it has been in the past.

Q Ron, no increase in the traveling?

MR. NESSEN: So far there has been no decision made like that.

Q Ron, on another matter, last Thursday, I believe it was, a Senate Judiciary Subcommittee passed an oil divestiture bill. Appropriate to that, I am wondering, has the President taken a position on this matter in any of his Q & A sessions out on the road? I don't remember him saying anything.

MR. NESSEN: That did come up briefly at the senior staff meeting this morning and he was told the Energy Resources Council was examining the bill, which I believe was approved by one vote by the committee, and will have its view to express to the President, at which time, I assume, he will take a public position on it.

Q Ford hasn't taken a public position on the general idea of doing that?

MR. CARLSON: He has said a few words here and there in press conferences around the country. We can probably pull something out of that.

Q I am interested in the answer, and I didn't quite get it.

MR. NESSEN: John thinks maybe here and there the President has had a few words to say on it. We don't recall precisely what they were but we will try to get them out of the Research Office, to find out what he said.

Q What about a press conference here? I understand from what you said last week there would not be -- at least I inferred there wouldn't be one before tomorrow's vote in Wisconsin. That leaves the rest of the week.

MR. NESSEN: I didn't mean to leave the impression that it had anything to do with the voting in Wisconsin.

Q I said I inferred that.

MR. NESSEN: I don't anticipate one this week in Washington. I think there is a good chance he will probably meet some Texas reporters.

Q What has happened to the Presidential press conferences?

Q You mean here?

MR. NESSEN: No, down there.

Q I am aware this is an election year. Nevertheless, both you and the President have been, over the months, firmly behind the idea of frequent press conferences. If I am not mistaken, he has not had one in Washington since February.

MR. NESSEN: Yes.

Q We are getting on about two months. One more month and you will equal Nixon's record here -- three months, or 19 weeks, I believe it was.

MR. NESSEN: You have had all of these out-of-town news conferences and interviews, East Room Q & A's and citizens forums --

Q How do you like being President, Mr. President?
(Laughter)

MR. NESSEN: Walt, you know that the questions are better than that.

Q They are softballs, Ron.

MR. NESSEN: Wheaton College was no softball.

Q They weren't asked by experienced people who knew how to ask follow-up questions.

Q Ron, what is the problem with the White House Press Corps having a news conference?

MR. NESSEN: There will obviously be White House news conferences.

Q When?

MR. NESSEN: I don't have a date to give you, Helen.

Q The point is, we are being by-passed and with your everyday manning of the barricade in asking questions we can't --

MR. NESSEN: The President is holding a lot of news conferences.

Q But why is he by-passing the White House Press?

Q This sounds like the Reagan citizens press conference routine.

Q Will he appear when we ask questions before the ASNE next week?

MR. NESSEN: If it is possible to figure out a way -- there is going to be 900 people here and nobody can figure out how to get an orderly Q & A with 900 people.

Q Why have it orderly, Ron?

MR. NESSEN: So we are trying to arrange a disorderly Q & A session, which shouldn't be too hard.
(Laughter)

Q There, again, we are being by-passed.

Q He has done Q & A's with 4,000 people in some of these setups.

Q The answer is, you are trying to arrange it?

MR. NESSEN: Correct.

Q Ron, could I try to get a yes or no answer on Kissinger?

MR. NESSEN: Yes. (Laughter)

Q Does the President expect him to serve in a new Administration if he is elected?

MR. NESSEN: The President's position on Dr. Kissinger was stated on Saturday and I will give you copies of it so you are completely familiar with it.

Q The question is, does the President expect Henry Kissinger to serve as Secretary of State in a new Administration if he is elected?

MR. NESSEN: I am going to give you what he said less than 48 hours ago about Dr. Kissinger and you can be sure that that is his view.

Q That is not the question he was responding to.

MR. NESSEN: It is his statement.

Q Ron, 117 Members of Congress have written the President of the United States asking him to take a position on the regime in South Korea, the Government of South Korea. May we have his reaction?

MR. NESSEN: Dick is asking about a report that a letter was sent up here by 116 or 117 Members of Congress. I guess you would have to say it was on the political situation in South Korea. I checked this morning and couldn't find that the letter had arrived yet.

Q Was it sent by mail or delivered here?

MR. NESSEN: If it hasn't arrived yet, it isn't likely it was sent by mail.

Q The Supreme Court this morning refused Lieutenant Calley's case and you recall the great uproar in this country at that time when President Nixon said he would review it and give a final determination. I would like to know whether President Ford intends to get involved in the Calley case?

MR. NESSEN: I didn't know about that decision. I will have to check for you.

THE PRESS: Thank you, Ron.



Vernon Ehlers

Science Dept at Calvin College

Grand Rapids, Michigan

head of ?

During the last few Congressional years *4GRF*,
Vern Ehlers headed a Ford Science Advisory
Group in the 5th District, Michigan.

JWS

4-13-76



THE WHITE HOUSE
WASHINGTON

4/9/76

TO: BILL SEIDMAN

FROM: JIM CANNON

Do you know who Vern Ehlers
is?

Would you please give my
warmest personal regards
to the President? Thank you.

Kern Ehlers
(Grand Rapids)

EMBARGOED FOR RELEASE
UNTIL 3 P.M., E.D.T.
TUESDAY, APRIL 27, 1976

APRIL 27, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

On October 15, 1974, I signed into law the Federal Election Campaign Act Amendments of 1974 which made far-reaching changes in the laws affecting Federal elections in election campaign practices. This law created the Federal Election Commission to administer and enforce a comprehensive regulatory scheme for Federal campaigns.

On January 30, 1976, the United States Supreme Court ruled that certain features of the new law were unconstitutional. The Court allowed a total of 50 days to "afford Congress an opportunity to reconstitute the Commission by law."

On February 16th, I submitted legislation to reconstitute the Commission and urged Congress to enact quickly this required change so it could continue to operate through the 1976 election. This is the simple and fair thing to do.

Instead, Congress has already spent over 70 days in its attempt to amend the existing law in many unnecessary areas.

Because of this delay, campaigns which were planned in accordance with the funding and regulatory provisions of the election law now lack funds and lack ground rules. The complex changes in the draft conference bill can only introduce added uncertainty in the law, and thus create confusion for the candidates in the present campaigns and jeopardize the conduct of this year's Presidential election.

Accordingly, I again urge the Congress to immediately pass the simple corrections mandated by the Supreme Court and proposed by me. The American people want and deserve an independent and effective Election Commission. There must be a fair and clear law on the books to guide the campaigns. All Presidential candidates need the funds which are blocked by the Congressional inaction.

A Congressional conference committee is still working on the details of the Federal Election Commission legislation. This legislation could have a major impact on how Presidential elections are conducted in this country. This is not a subject that any President can treat lightly, and I will not commit myself to sign or veto until the Congress completes definitive action on the bill.

There is no question that the Congressional conferees can adopt a bill which I can quickly sign into law. They should avoid objectionable and highly controversial provisions by moving towards simple reconstitution suggested by the Supreme Court and proposed by me in February.

SCREEN ACTORS GUILD

7750 Sunset Boulevard / Hollywood, C
(213) 876-3030/C

DATE

5/5

TO:

Jim Cannon

THE WHITE HOUSE
WASHINGTON

May 6, 1976

TO: MIKE DUVAL

FROM: JIM CANNON

For your appropriate handli

Caron McConnon

2836

time."

Clearly Arts and Artists have
the political process. Now i
process to recognize that ass
separate Arts Plank in the Re

Since the California Democrat
such a separate plank on the
decidedly non-partisan, it se
California and national Reput
action at their National and regional plank meeting

We hope you will share in the enthusiasm which has already
been generated, and will work with us to make the Arts an
important separate plank in the Republican National Platform.

Since I will be filming on location for several weeks,
please contact my Co-Chair, Ms. Barbara Perry, for immediate
assistance. Her phone number is (213) 276-9609.

Warmest regards.

Sincerely,

SCREEN ACTORS GUILD

Kathleen Nolan
KATHLEEN NOLAN
President



KN:CMH

May 11, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

After extensive consultation and review, I have decided that the Federal Campaign Act Amendments of 1976 warrant my signature.

I am therefore signing those amendments into law this afternoon. I will also be submitting to the Senate for its advice and consent the nominations of six persons to serve as members of the reconstituted Commission.

Shortly after the Supreme Court ruled on January 30 that the Federal Election Commission was invalid as then constituted, I made it clear that I favored a simple reconstitution of the Commission because efforts to amend and reform the law could cause massive confusion in election campaigns that had already started.

The Congress, however, was unwilling to accept my straightforward proposal and instead became bogged down in a controversy that has now extended for more than three months.

In the process, efforts were made to add several provisions to the law which I thought were thoroughly objectionable. These suggested provisions would have further tipped the balance of political power to a single party and to a single element within that party. I could not accept those provisions under any circumstance and I so communicated my views to various Members of the Congress.

Since that time, to my gratification, those features of the bill have been modified so as to avoid in large measure the objections I had raised.

Weighing the merits of this legislation, I have found that the amendments as now drafted command widespread, bipartisan support in both Houses of Congress and by the Chairpersons of both the Republican National Committee and the Democratic National Committee.

I still have serious reservations about certain aspects of the present amendments. For one thing, the bill as presently written will require that the Commission take additional time to consider the effects which the present amendments will have on its previously issued opinions and regulations.

more

A more fundamental concern is that these amendments jeopardize the independence of the Federal Election Commission by permitting either House of Congress to veto regulations which the Commission, as an Executive agency, issues. This provision not only circumvents the original intent of campaign reform but, in my opinion, violates the Constitution. I have therefore directed the Attorney General to challenge the constitutionality of this provision at the earliest possible opportunity.

Recognizing these weaknesses in the bill, I have nevertheless concluded that it is in the best interest of the Nation that I sign this legislation. Considerable effort has been expended by members of both parties to make this bill as fair and balanced as possible.

Moreover, further delay would undermine the fair and proper conduct of elections this year for seats in the U.S. Senate, the House of Representatives and for the Presidency. Effective regulation of campaign practices depends upon the existence of a Commission with valid rulemaking and enforcement powers. It is critical that we maintain the integrity of our election process for all Federal offices so that all candidates and their respective supporters and contributors are bound by enforceable laws and regulations which are designed to control questionable and unfair campaign practices.

I look to the Commission, as soon as it is reappointed, to do an effective job of administering the campaign laws equitably but forcefully, and in a manner that minimizes the confusion which is caused by the added complexity of the present amendments. In this regard, the Commission will be aided by a newly provided civil enforcement mechanism sufficiently flexible to facilitate voluntary compliance through conciliation agreements and, where necessary, penalize noncompliance through means of civil fines.

In addition, the new legislation refines the provisions intended to control the size of contributions from a single source by avoiding proliferation of political action committees which are under common control. Also, this law strengthens provisions for reporting money spent on campaigns by requiring disclosure of previously unreported costs of partisan communications which are intended to affect the outcome of Federal elections.

Following the 1976 elections, I will submit to the Congress legislation that will correct problems created by the present laws and make additional needed reforms in the election process.

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