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ORIENTATION PROGRAM FOR NEW
POLICY EXECUTIVES
Friday, October 3, 1975
9:30 - 10:45 a.m.
Roosevelt Room

THE DOMESTIC COUNCIL

Actions to achieve the Nation's objectives at home often require the cooperation and participation of more than one of the Executive departments and agencies. Also, the objectives pursued by the various departments and agencies as a part of their assigned missions are sometimes in conflict, and steps must be taken to find the best possible balance among the objectives.

For reasons such as this, the Domestic Council was established in July 1, 1970, in the Executive Office of the President to formulate and coordinate domestic policy recommendations to the President.

On February 13, 1975, President Ford outlined the responsibilities that he wanted the Council to undertake in assisting the President in domestic policy formulation. The responsibilities are:

- Assessing national needs and identifying alternative ways of meeting them.
- Providing rapid response to Presidential needs for policy advice.
- Coordinating the establishment of national priorities for the allocation of available resources.
- Maintaining a continuous policy review of ongoing programs.
- Proposing reforms as needed.

The President directed that specific emphasis be given to the following essential components of the above functions:

- Identify major policy program areas requiring Administration attention and actions.
- Coordinate the formulation of policy options in the domestic area for my consideration.
- Initiate fact-finding analysis, develop policy options and recommendations for Presidential decision, Administration action and legislation.

- Review in conjunction with Office of Management departmental legislative proposals for their impact on present policy and legislation and consistency with Administration policy.
- Establish guidelines in conjunction with OMB for formulation of departmental and agency administrative regulations to ensure consistency with Administration policy objectives and legislative intent.

Council Membership

The President is chairman of the Domestic Council, and the Vice President is vice chairman. The members of the Council include: The Attorney General; the Secretaries of Agriculture, Commerce, Interior, Labor, Transportation, the Treasury, Housing and Urban Development, and Health, Education and Welfare; the director of the Office of Management and Budget; the chairmen of the Council of Economic Advisers and the Council of Environmental Quality; the administrators of the Environmental Protection Agency and Veterans Affairs; the director of ACTION; the executive director of the President's Economic Policy Board; and the executive director of the Energy Resources Council. Heads of other departments and agencies are invited to participate in Council activities when appropriate.

Council Staff Functions

The Domestic Council and the President are served by a small staff, headed by an executive director--who also serves as Assistant to the President for Domestic Affairs. The Domestic Council staff functions also as a part of the White House staff.

The Council staff plays a significant role in the staff work on domestic policy issues and problems that require the President's attention. This includes preparation of draft decision papers, identifying and evaluating domestic policy initiatives, promoting coordination among departments and agencies when more than one is involved with a particular domestic policy on program objective, and assembling facts that are important in finding the best possible balance among competing objectives.

In carrying out its work, the Domestic Council staff works closely with the top management of departments and agencies and with others in the White House and Executive Office of the President.

Among the most essential ingredients in this staff work is collecting and assembling pertinent information, accurately describing issues or problems, assuring that all points of view are made known and assuring that material presented to the President is done so in the most objective possible fashion.

Another way of describing the work of the Council and its staff is in terms of the three major areas of responsibility that the President has assigned:

- Day-to-Day Operations

This responsibility consists of staff work for the President on domestic issues, such as Presidential meetings, papers on subjects of a relatively short-term nature which relate to two or more departments and agencies and which require coordination and resolution; reviewing and helping in the preparation of draft messages for the Congress, statements, speeches and fact sheets and other Presidential actions which provide essential data and information relating to messages, statements, meetings and discussions with the public and with governors, mayors, county executives and other local officials.

- Review Groups

This task involves setting up, participating in and supervising interdepartmental task forces on a variety of specific subjects of a longer term nature -- designed to get the facts, assess them, and coordinate the development of policy options for Presidential decision, and then to work with the Congress in advancing the resolution of important national issues.

The President has approved the establishment of four of these groups in the areas of social assistance programs, regulatory reform, drug abuse, and environmental problems. Additional review groups will be established as needed.

Policy Formulation

The President has asked the Council to prepare, staff and coordinate the formulation of options for his legislative messages and program in the domestic area.

Council Staff and Organization

Executive Director of the Domestic Council and Assistant to the President for Domestic Affairs is James M. Cannon.

The Domestic Council staff is divided into nine functional or program areas, each headed by an associate director.

The nine groups, the principal functional or program areas assigned, are as follows:

Health and Welfare

Includes health, Social Security, welfare, food stamp and other assistance programs.

Labor and Education

Includes education, labor and manpower, veteran, occupational safety, and Civil Service programs.

Environment

Includes environmental protection, land use parks and recreation, fish and wildlife, and environmental observation and prediction programs.

Transportation and Energy

Includes programs concerned with all forms of transportation, and energy exploration, development and production programs.

Housing and Community Affairs

Includes programs concerned with housing, and urban and rural community development.

Agriculture, Economic Development

Includes agricultural, economic policy and economic development, and commerce programs.

Justice, Crime, Civil Rights

Includes programs concerned with science and technology, space, energy R&D, nuclear energy, arts and humanities, consumer affairs, and other general government activities.

Intergovernmental Relations

Includes relationships with governors, mayors, state legislatures, officials or counties and other local governments, and with organizations of state, local or intergovernmental officials. Also includes revenue sharing policy.

Consultants

In addition to the above professional staff members, the Domestic Council employs consultants from time to time to review selected policy issues.

10/3-4

THE WHITE HOUSE

WASHINGTON

September 15, 1975

MEMORANDUM FOR DON RUMSFELD

JIM CONNOR

JIM CANNON ✓

FROM:

DOUGLAS P. BENNETT *DPB*

SUBJECT:

Orientation Program for New Policy
Executives

As you know, we have instituted an orientation program for new senior policy executives who are coming into the Executive Branch for the first time.

For the initial "class" of these officers, we held a two-day session here at the White House last June 6-7 and that series of discussion meetings got a very high evaluation from the some 50 participants. Several of them remarked that this kind of treatment really made them feel like members of an Administration team.

Since June, another group of new appointees has come on board and we are scheduling a second cycle of the same kind and quality of presentations.

Our session will be October 3-4 in the White House Theater.

I plan to open the Friday meeting with ten minutes of introductory remarks (9:00 - 9:10 a. m.) and I would very much like you, Don, to lead off with a 20 minute informal talk about the principles governing our work for the President, i. e. 9:10 - 9:30 a. m.

At 9:30, I wish to invite Jim Connor and Jim Cannon jointly to give the group a fairly detailed insight into White House and Domestic Council operations, and answer questions, much as Jerry Jones and Dick Dunham did last June 6. This would go from 9:30 to 10:45, including questions and answers.



It is hard to overstate the importance, to these new senior officers and to our efforts in molding an Administration team, of having top White House people meet them and engage in a candid discussion of what both we and they expect in their future relationships with us here.

I attach a list of the October 3-4 participants.

I hope you can accept this invitation.

LIST OF PARTICIPANTS FOR THE OCTOBER 3 - 4 BRIEFING

Robert O. Aders
Under Secretary
Department of Labor

John Arena
Counselor to the Secretary
Department of Treasury

Frank R. Barnako
Chairman
Occupational Safety and Health Review Commission

David Beim
Executive Vice President
Export-Import Bank of United States

Robert E. Berry
Deputy Director
Defense Research and Engineering
Department of Defense

James Blair
Assistant Secretary for Equal Opportunity
Housing and Urban Development

David Bradford
Deputy Assistant Secretary for Tax Policy (Tax Analysis)
Department of Treasury

Terry Chambers
Director
Office of Field Operations
Department of Commerce

David S. Cook
Assistant Secretary for Housing Production and
Mortgage Credit
Housing and Urban Development

John Eden
Deputy Under Secretary for Field Programs
Department of Commerce

John Hart Ely
General Counsel
Department of Transportation

Ronald E. Gerevas
Associate Director of Domestic Operations
ACTION

Doug Harlan
Executive Secretary to HEW
Health, Education and Welfare

J. Thomas Hughes
Executive Adviser to the Administrator
National Fire Prevention & Control Administration
Department of Commerce

James D. Keast
General Counsel
Department of Agriculture

Stanley W. Legro
Assistant Administrator for Enforcement
Environmental Protection Agency

David A. Lucht
Deputy Administrator
National Fire Prevention and Control Administration
Department of Commerce

Burton Gordon Malkiel
Member
Council of Economic Advisers

John Meier
Director
Office of Child Development
Health, Education and Welfare

Willard H. Meinecke
Assistant Director for Administration and Finance
ACTION

Charles J. Orlebeke
Assistant Secretary for Policy Development and Research
Housing and Urban Development

Nicholas Panuzio
Commissioner, Public Buildings Service
General Services Administration

Theodore Pukorius
Commissioner, Automated Data and Telecommunications
Service
General Services Administration

Travis Edwin Reed
Assistant Secretary for Domestic and International
Business Administration
Department of Commerce

Yan M. Ross
Alternate Executive Director
Inter-American Development Bank

Arthur Schultz
Assistant Deputy Administrator
Veterans Administration

Abner Woodruff Sibal
General Counsel
Equal Employment Opportunity Commission

Chris Sylvester
Member
Renegotiation Board

John M. Teem
Assistant Administrator for Solar Geothermal and
Advanced Energy Systems
Energy Research Development Administration

Richard L. Thornburgh
Assistant Attorney General (Criminal Division)
Department of Justice

Howard D. Tipton
Administrator
National Fire Prevention and Control Administration
Department of Commerce

Matthew Tutino
Executive Vice President
Export-Import Bank

James Van Horne
Deputy Assistant Secretary for Economic Policy
Department of the Treasury

Charles M. Walker
Assistant Secretary for Tax Policy
Department of the Treasury

Togo D. West, Jr.
Associate Deputy Attorney General
Department of Justice

John Wettach
Associate Administrator for Finance and Investment
Small Business Administration

Edwin H. Yeo, III
Under Secretary for Monetary Affairs
Department of the Treasury

Fred M. Zeder
Commissioner of the Trust Territory of the
Pacific Islands
Department of the Interior

ORIENTATION PROGRAM FOR NEW POLICY EXECUTIVES

THE THEATER

THE WHITE HOUSE

October 3-4, 1975

Agenda

FRIDAY, OCTOBER 3, 1975

9:00	-	9:10	Opening Remarks	Douglas P. Bennett, Director, Presidential Personnel Office
9:10	-	9:30	Staff Work for the President: a White House Perspective	Donald Rumsfeld, Assistant to the President
9:30	-	10:45	The Role of the White House Staff and How it Works with the Cabinet	Jerry Jones, Special Assistant to the President
			The Role of the Domestic Council	James Cannon, Director, the Domestic Council
10:45	-	11:00	Break	
11:00	-	12:00	Presidential Initiatives and Agency Responsibilities	James T. Lynn, Director, Office of Management and Budget
12:00	-	1:00	The Role of OMB -- In the Budget and Legislative processes -- In improving Federal management	Paul O'Neill, Deputy Director, Office of Management and Budget
1:00	-	2:00	Lunch at the White House	

2:00	-	3:30	The Federal Personnel System: <ul style="list-style-type: none">-- Relationships between the policy executive and the career system-- Merit system principles and practices-- Priority personnel problems, i. e. labor management questions, EEO, the Federal Women's Program, development and training	Robert Hampton Chairman, the Civil Service Commission
3:30	-	3:45	Break	
3:45	-	5:00	Managing a Department or Agency: <ul style="list-style-type: none">-- The Departmental Role and environment-- How to Plan an effective program-- How to Implement an effective program-- Constraints in getting things done: resources, staff, constituencies, etc.-- Dealing with the External environment; public interest groups, program clients	J. Phil Campbell, Under Secretary of Agriculture
5:00	-	6:00	Intergovernmental Affairs <ul style="list-style-type: none">-- Working with State and local governments-- New Federalism and Revenue-Sharing-- Grants Consolidation and decentralization-- Coordination mechanisms; A-95, the role of Regional Councils, Federal Executive Boards, the Secretarial Representatives, the Under Secretaries' Group	Fernando Oaxaca, Associate Director for Management and Operations, Office of Management and Budget
6:00	-	7:00	Reception	

SATURDAY, OCTOBER 4, 1975

The Economic Coordination Machinery:
What it is and How it Works

9:00	-	10:15	The Economic Policy Board -- Purpose, Jurisdiction -- Membership -- Executive Committee -- Decision-making process	L. William Seidman, Assistant to the President for Economic Affairs and/or William Gorog Deputy Assistant to the President for Economic Affairs
			The Council of Economic Advisors -- Statutory duties -- Membership -- Relationship to coordinating bodies such as EPB and CIEP -- Responsibilities to Congress	Burton G. Malkiel Member, CEA
			The Council on International Economic Policy -- Statutory duties -- Membership -- Relationship to EPB -- Functions distinct from EPB (1) Annual Report (2) Status report on international economic policy issues (3) Responsibilities to Congress -- Organization of Staff	J. M. Dunn, Acting Executive Director, CIEP
10:15	-	10:30	Break	
10:30	-	11:15	How the Congressional Leadership Looks at the Policy Executive	John Rhodes, House Minority Leader

11:15	-	12:00	Working with the Congress: The Art of and Limits on Lobbying	Max Friedersdorf, Assistant to the President
12:00	-	1:00	Principal Legal Problems and Issues <ul style="list-style-type: none">-- Ethics, Standards of Conduct, Conflict of Interest and Accountability of Public Officials-- The Freedom of Information and Privacy Statutes - and their significance for administrators-- The key role of regulations; the Administrative Procedures Act-- Lawsuits and their consequences for administrators-- The legal resources; Departmental General Counsels, the Department of Justice, the Counsel to the President	Phillip Buchen, Counsel to the President
1:00	-	2:00	Lunch at the White House	
2:00	-	3:00	Dealing with the Press	Ron Nessen, Press Secretary to the President

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Executive Vice President
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Michael Uhlman
Assistant Attorney General (Legislative Affairs)
Department of Justice

James Van Horne
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Small Business Administration

Edwin H. Yeo, III
Under Secretary for Monetary Affairs
Department of the Treasury

Fred M. Zeder
Commissioner of the Trust Territory of the
Pacific Islands
Department of the Interior

ADDITIONAL PARTICIPANTS FOR THE OCTOBER 3-4 BRIEFING

William M. Goldstein
Deputy Assistant Secretary
(Tax Policy)
Department of Treasury

Creighton Holden
Assistant Secretary for Tourism
Department of Commerce

Hillard Zola
Deputy Vice President for Insurance
Overseas Private Investment Corporation

MEMORANDUM

SUBJECT:

Anti-Lobbying Provisions

You requested some guidance on the restrictions imposed by certain anti-lobbying provisions relative to the conduct of your office.

I. Relevant Statutes

Two statutory provisions are relevant to your inquiry. First, 18 U.S.C. 1913 (Tab A) generally proscribes the utilization of appropriated funds to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation. Second, a direct appropriation restriction to the same effect is contained in Section 607(a) of the General Appropriations Act of 1975 (Pub. L. 93-381) (Tab B). Provisions similar to Section 607(a) have been attached to appropriation acts since 1951.

II. Construction of Statutes

At the outset, it should be noted that there are no judicial or formal administrative precedents construing either of the provisions noted above. However, considerations of legislative history, consistent practice and constitutionality provide quite a bit of guidance.

A. Legislative History. 18 U.S.C. 1913 is derived from section 6 of the Third Deficiency Appropriations Act, fiscal year 1919. ^{1/} While the committee reports make no mention of this section, the floor manager of the bill in the House explained that:

^{1/} 41 Stat. 68.



* * *

"It is new legislation, but it will prohibit a practice that has been indulged in so often, without regard to what administration is in power -- the practice of a bureau chief or the head of a department writing letters throughout the country, sending telegrams throughout the country, for this organization, for this man, for that company to write his Congressman, to wire his Congressman, in behalf of this or that legislation . . ." 2/

* * *

The second provision relevant to this discussion, section 607(a) of the General Appropriations Act, derives from the Agriculture Appropriations Act, 1952, as a floor amendment in the House. 3/ The sponsor of the amendment, Congressman Smith of Wisconsin, was critical of the number of public relations personnel employed in the Government agencies and of the great volume of Government publications. He recommended his amendment and it was adopted in the context of stemming the flow of such publications. 4/ Although there was no discussion of this amendment in the Senate committee report and no mention of it in debate on the Senate floor, Senate discussion of the same amendment in the Independent Offices Appropriation Act disclosed a concern only with the expenditure of Government funds for personal services and publications intended to affect the course of legislation by molding public opinion. 5/ The enactment of this provision in the years since 1951 has been routine and without significant Congressional comment.

2/ 58 Cong. Rec. 403, May 29, 1919.

3/ 97 Cong. Rec. 5474, May 17, 1951.

4/ 97 Cong. Rec. 5474-75, May 17, 1951.

5/ 97 Cong. Rec. 6733-39, June 19, 1951; 97 Cong. Rec. 10065, August 15, 1951; 97 Cong. Rec. 10111, August 16, 1951.



B. Legislative Functions of the President. Article II of the Constitution, relating to the duties of the President, provides, in pertinent part, that:

* * *

" . . . he shall from time to time give to the Congress information on the State of the Union and recommend to their consideration such measures as he shall judge necessary and expedient."

* * *

In analyzing this provision, commentators are unanimous in the view that, in painting with such a broad brush, the Framers contemplated that the President would be an active power in legislation. ^{6/} His right, indeed duty, to propose legislation touching every aspect of American society and then to speed its passage down the legislative transmission belt has become so vital through the years that the President has been aptly termed the Chief Legislator. ^{7/}

It is equally clear that the President cannot carry out his Constitutional duties in the legislative arena by himself and that necessarily he must entrust authority to his subordinates to act, and in turn to direct their own subordinates to act, in this arena in his stead. Congress itself has given specific recognition to the propriety of "lobbying" activities on the part of Government officials in section 308 of the Federal Regulation of Lobbying

^{6/} See e.g. Norton, The Constitution of the United States, Its Sources and its Application (1940), p. 123; Rossiter, The American Presidency, (2d e. 1960), p. 113; and Corwin, The President, Office and Powers, (4th ed. 1957), pp. 265-277.

^{7/} Chamberlain, The President, Congress and Legislation, (1946) p. 14.



Act of 1946. ^{8/} That section in general imposes registration requirements on persons who are paid for attempting to influence passage or defeat of any legislation by Congress. However, certain categories of persons are excepted from these requirements, including in particular "public officials acting in an official capacity". ^{9/}

It is apparent that 18 U.S.C. 1913 and section 607(a) of the General Appropriations Act were enacted for essentially the same purpose, viz. to prohibit attempts by the Executive Branch to influence the Congress through the public. However, applied literally they would seem to preclude the exercise of legislative responsibilities grounded upon constitutional doctrine. Therefore, these statutes have been observed by both the Legislative and Executive Branches in the light of their common purpose. ^{10/}

It should also be noted that these provisions should not be construed to ~~derogate~~ the right and responsibility of the Administration to inform the public of its programs and policies.

Limit

^{8/} 2 U.S.C. 267.

^{9/} See also Hearings, Select Committee on Lobbying Activities, 81st Cong., 2d Sess. which points to the need for substantial "lobbying" activities by the Executive Branch.

^{10/} With respect to direct contact with Members of Congress, however, certain congressmen have asserted a contrary principle. Their concern seems to stem from the prospect of hundreds of faceless bureaucrats roaming about the halls of Congress.



III. Basic Operating Principles

The vast majority of questions involving the application of the two instant provisions may be resolved by following one of several basic operating principles.

A. Utilization of appropriated funds. In order to run afoul of either the direct appropriation restriction or the criminal sanction, one must commit public funds to the "lobbying" effort. In this regard, 18 U.S.C. 1913 proscribes the use of public monies to pay for such items as printing or mailing costs, telephone or telegram bills, advertising or personal services. Obviously, the statutes can be completely disregarded in instances where the effort does not have any direct or indirect costs associated with it or when costs are paid from political coffers, e.g. the Republican National Committee. Close questions can arise regarding the presence or absence of identifiable or allocable costs. Consider the following:

Example #1. During normal business hours, you devote an identifiable amount of time (e.g. one hour) to the exclusion of your statutory functions, exhorting an assembled group of business executives to lobby key congressional committee chairman in support of the President's position on oil tariffs.

Example #2. During a brief, chance encounter with a major union official, you request that he lobby a key Senator in support of an extension of the voting rights act which has been proposed by the President.

Example #3. You are planning a trip to the West Coast to consider oil spill problems and intend to use a government plane. You are assured that the cost of the trip would not be increased even



marginally if you were to take along a leading conservation advocate in order to enlist his support for the Administration's legislative proposals requiring new tanker standards intended to reduce spill problems.

None of these activities would demonstrate the ultimate in discreet judgment. As to the first example, one could argue that a portion of your salary was being diverted to the lobbying effort. Although this construction strikes me as tenuous, such unnecessary risks should be avoided.

The second and third examples point to the problem of marginal or unidentifiable costs. Although neither of these situations would appear to be violative of the anti-lobbying provisions, they raise problems of appearance that also should be avoided since those individuals and organizations following these provisions are an extremely litigious lot.

B. Focus on legislation. Bear in mind that these prohibitions apply only to efforts at influencing congressional action. A discussion of Presidential goals and programs outside the legislative arena may be conducted unencumbered by these restraints. Also bear in mind, however, that virtually all of the President's economic and energy proposals require legislative action and thus are subject to the provisions under discussion.

C. Valid informational purposes. Assuming that a particular project has certain attendant costs, the distinction between the Administration's responsibility to inform the public regarding its legislative programs, for which appropriated funds may be used and proscribed lobbying activities is difficult to draw. Generally, the transformation from "information and explanation" to "publicity and propaganda" would occur at the point where an honest evaluation of the activities involved requires the conclusion that the activities are primarily designed to influence Congress with respect to specific legislation under consideration. As a general rule, one would be operating clearly within the "information and explanation" function in responding to any express or implicit inquiry for elaboration on Presidential legislative proposals.



1. Members of Congress. As noted above, the two provisions under discussion are not generally construed to reach direct communications to Members of Congress.

2. News media. It clearly would be within the "information and explanation" function to press the Administration's case with representatives of the news media.

3. Representatives of state and local governments. Discussions with representatives of state and local governments would appear to be permissible assuming traditional channels are utilized and the scope of the effort is not extraordinary.

4. Special interest and citizen groups. As a general rule, discussions with special interest/citizen groups should only be conducted in response to an explicit or implicit request for information on pending legislative proposals of the Administration. Special care should be taken in dealing with Washington "representatives".

IV. Closing Note

I hope that this information is responsive to your needs. Please give me a call if you care to discuss the matter further or in the event any troublesome questions arise.

prisoned not more than six months, or both; and shall forfeit his office.

June 25, 1948, c. 645, 62 Stat. 732.

Historical and Revision Notes

Reviser's Note. Based on Title 18, U.S.C., 1940 ed., § 123 (Mar. 4, 1909, c. 321, § 107, 23 Stat. 1137 [Derived from R.S. § 5432]).

The phrase "officer or employee of the United States or any agency thereof" was substituted for the phrase "inspector of

steamboats" in view of 1918 Reorganization Plan No. 3, eff. July 15, 1918, 11 F.R. 7575, 60 Stat. 1697, abolishing inspectors and transferring their functions to the Coast Guard.

Minor changes were made in phraseology. 57. 53d Congress House Report No. 304.

Cross References

Commandant of the Coast Guard to perform functions pertaining to inspection of vessels, see note under section 1 of Title 43, Shipping.
Inspection of steam vessels, see section 351 et seq. of Title 43, Shipping.

Library References

Shipping: C-17.

C.J.S. Shipping § 12.

§ 1913. Lobbying with appropriated moneys

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than \$500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

June 25, 1948, c. 645, 62 Stat. 732.



7. Stat. 601.
Post. Serv.

Post. Serv.
Service
7. Stat. 601.
Post. Serv.
with Congress.

Interdepart-
mental groups,
expenses.

59 Stat. 124.

Space and ser-
vice charges
and building
improvements.

73 Stat. 479.
40 USC 601 note.
40 USC 603 note.
U.S. or Postal
Service guards,
funds.
40 USC 603 note.
84 Stat. 739.

Sec. 607. (a) No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or company, shall be used for political or propaganda purposes designed to support or defeat legislation pending before Congress.

(b) No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

Sec. 608. No part of any appropriation contained in this or any other Act, shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriations Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

Sec. 609. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1939 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

Sec. 610. Funds made available by this or any other Act to the fund created by the Public Buildings Amendments of 1972 (86 Stat. 216), and the "Postal Service fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section, and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1943 (62 Stat. 281; 40 U.S.C. 318a, 318b) attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).



THE WHITE HOUSE

WASHINGTON

May 7, 1975

MEMORANDUM TO THE WHITE HOUSE STAFF

FROM: Ron Nessen *RAN*
Press Secretary to the President

SUBJECT: "Ground Rules" Regarding Interviews with Newsmen

Most White House officials have occasion to be interviewed by the news media concerning matters pending before them or to discuss general Administration policy. The President supports and encourages increased accessibility to the media, balanced, of course, with the need to insure a proper and timely flow of information to the public.

There are certain ground rules to be observed when talking to a reporter. The most important rule -- and the one most often misused or misunderstood -- concerns the attribution of information given to a newsman by someone on the White House staff.

It is the responsibility of the person releasing the information to set the level of attribution -- on the record, on background, on deep background, off the record, or for guidance.

It is the reporter's job to seek the highest level of attribution for his story. If no discussion of attribution occurs, the reporter is correct to assume the information is on the record.

The five types of attribution under which the Press Office operates are as follows:

ON THE RECORD: All statements are directly quotable and attributable, by name and title, to the person who is making the statement.



ON BACKGROUND: All statements are directly quotable, but they cannot be attributed by name or specific title to the person commenting. The type of attribution to be used should be spelled out in advance: A White House official, an Administration spokesman, a government lawyer, or whatever.

ON DEEP BACKGROUND: Anything that is said in the interview is usable but not in direct quotation and not for attribution. The reporter writes it on his own, without saying it comes from any government department or official.

NOTE: Reporters generally dislike this form of attribution and it should be used only in the most delicate circumstances and urgent news. Too often, government officials use "deep background" to plant or leak stories or to get the reporter to stick his neck out when the official has only part of the information.

OFF THE RECORD: Information given "off the record" is for the reporters' knowledge only and is not to be printed or made public in any way. The information also is not to be taken to another source in hopes of getting official confirmation. This form is mainly used to prevent reporters from speculating along inaccurate lines.

NOTE: Reporters do not like to obtain information "off the record" because they have to sit on it while their competitors are able to get it "on background" somewhere else and print it. Some absolutely refuse to hear it, so it is essential to secure a reporter's agreement before going "off the record." But if there is good reason -- and the reason is clear -- they will go along with it.

GUIDANCE: Reporters often will ask for "guidance" on the particular timing or status of an event. In this case, they believe they are receiving the information on a "background" basis, and not "off the record," and the information will be used in stories which say "White House sources predicted that the appointment would be made this week." It must be made clear when giving a reporter "guidance" whether he can use the information in a story.



It is important to understand that the terms "off the record," "background," "deep background," and "guidance" are much misused, even by reporters themselves. To avoid confusion which might have serious consequences, make sure you and the reporter know exactly how he is receiving his information and to whom he can attribute it before the interview begins.

You should both understand not only which of the categories you are speaking under, but exactly what that category means to the other person.

One of the most commonly misunderstood uses of attribution is by the government official who says to a reporter that he is supplying the information off the record and not to quote him. By saying, "Don't quote me," the source is really talking "on background" and not "off the record," so the reporter feels he is entitled to use the information as long as he doesn't attribute it to a specific source.

Those who choose to talk to reporters on something other than an "on the record" basis should be aware that they, as well as the reporter, have a responsibility for keeping the conversation confidential. An official who tells someone he has been interviewed by a reporter can't complain if he is later identified with something written by the reporter.

Finally, the Press Office strongly recommends that White House officials speak "on the record." It is by far the safest policy.

We also encourage you to speak to reporters openly and fully about matters within your area of responsibility and personal knowledge -- but you should be aware of the dangers of uninformed speculation or talking about something not within your field of expertise.





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