

The original documents are located in Box C21, folder “Presidential Handwriting, 5/16/1975 (1)” of the Presidential Handwriting File at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

THE WHITE HOUSE

WASHINGTON

May 16, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: BRENT SCOWCROFT

FROM: JERRY H. JONES 

The attached article was returned in the President's outbox with the following notation to you:

-- Info.

THE WHITE HOUSE
WASHINGTON

Mr. Fawcett

info.

OPINION AND COMMENTARY

Richard L. Strout

A 'swollen presidency'

Washington

The Watergate committee under Senator Ervin, it is learned, received and pigeonholed a broader examination of the American presidency.

The committee decided to concentrate on the possible guilt of one president rather than to explore the expanding power of many presidents.

The study was made in the early part of 1974 by the committee's chief consultant, Arthur Selwyn Miller, professor at George Washington University's National Law Center. In brief, the report says that the aggrandizement of the presidency has warped the constitutional system of separation of powers and that, if not disputed by Congress this profound change will be countenanced by default. Mr. Miller prepared nine substantive proposals as "recommendations" by the Ervin committee to Congress.

The committee was occupied with more exciting immediate game. Only recently have the Miller proposals become public, published in a professional journal, the *Hastings Constitutional Law Quarterly*.

There is reason to believe that Chairman Ervin accepted the basic postulate of the Miller study, which comes down to this: "The culmination of almost 200 years of constitutional history is a swollen presidency," and that there is now "no effective instrument to impose accountability upon the swollen presidency."

Professor Miller's proposed recommendations included the following:

Congress should define and clarify the phrase "national security" in purported defense of which many Nixon administration abuses occurred. Yet nobody quite knows what it means.

Congress should oversee the intelligence and law enforcement community. This recommendation is, in part, being carried out by the

Another proposal is that Congress establish its own "congressional counsel" to do, permanently in effect, what the Ervin committee was then doing.

Professor Miller urges Congress to strengthen itself by larger staff and mechanical aids, quoting Rep. Richard Bolling (D) of Missouri: "If the Congress cannot be responsible then the whole system of representative government and free-choice government is going down the drain."

Congress should also firmly define "executive privilege" (the formula under which Mr. Nixon tried to withhold tapes and information). It should require that all electronic surveillance "have prior judicial approval."

Presidential "lawmaking" should be curbed. Professor Miller wants Congress to require prior legislative scrutiny and approval of all orders from the White House putting into effect regulations by proclamation, executive order, or similar devices. The situation is "intolerable," he asserts.

Is the White House staff swollen? Congress should give it a comprehensive going-over, Professor Miller feels, and, specifically, forbid any executive officer from becoming an officer of a presidential election organization.

General observations from the Miller study: "No other major nation in the world, not even totalitarian nations such as the U.S.S.R., so concentrate political power."

"Impeachment is an 18th-century minuet, a slow and stately exercise out of place in the mad rush of the last part of the 20th century."

"The problem is not to eliminate presidential leadership, but to cabin [correct] it — to make it accountable.

"Congress [should] . . . take the minimum steps listed above to modernize itself and to become, once again, a coequal partner . . ."

Those are recommendations of the chief consultant of the Watergate committee.

What India sees in Sikkim

By Russell Brines

Washington

India has given clear indication that it intends to continue building the strongest possible independent military position in South Asia.

The point was underscored last September when New Delhi annexed its tiny Himalayan protectorate, Sikkim, and again recently when it was reported that Sikkim would be fully merged with India. The maneuver has produced little practical change in a long-standing relationship and made little sense as merely a territorial grab. But it has made considerable sense, from the Indian viewpoint, as a means of strengthening security along the northern flank facing China.

Indian officials, by this move, demonstrate they are not completely satisfied with the overwhelming military position they have built up in little more than a decade. India now maintains the world's fourth largest military establishment, backed by an impressive industrial base. It has a newly acquired nuclear capability. In 1971, Pakistan, an enemy in three wars, was virtually eliminated as a realistic opponent when the Indian Army helped to create Bangladesh from the former East Pakistan, leaving truncated West Pakistan with less than half of its former population and wealth.

But New Delhi sees massed Chinese troops in Tibet and western China as a continuing threat against which it must erect further defenses, largely on its own.

Sikkim and two other mountain kingdoms, Nepal and Bhutan, separate Tibet from eastern India and cover several potential invasion routes into India. These territories traditionally have been disputed between China and the rulers of India, whether British or Indian. All three are labeled in modern Chinese Communist schoolbooks as terrain still claimed by Peking. Chinese and Indian agents have waged undercover political warfare for the

Indian protectorate in 1950. Long a Chinese pressure point, because of the Chumbi Valley, Sikkim was threatened by invasion in 1965 during a Peking propaganda campaign to help Pakistan in the Indo-Pakistan war. The ruler or chogyal called for help, and the Indians moved in a military force of some 25,000, who remained in the kingdom on permanent duty.

Incorporation of Sikkim probably will lead to further Indian efforts to tighten control over Bhutan and to increase Indian influence in Nepal. Chinese troops poured across the Thagla ridge in Bhutan to invade Assam in 1962, and so Indian security would be incomplete without plugging that invasion route. Bhutan, a kingdom of 891,000, has been dependent upon Indian defense since a Chinese threat in 1950 but has maintained semi-independence in other affairs. The larger kingdom of Nepal, with 11 million residents and its fierce Gurkha fighters, long has maintained a love-hate relationship with India. It has been a particularly significant arena of Sino-Indian skirmishing for position.

This new dimension in Indian preparedness underlines New Delhi's determination to create an unassailable military position, even if this involves big-power practices which it has condemned when used by other nations. The Indians clearly are anticipating the total withdrawal of British power from this area and a further reduction in the American presence. The time has passed, perhaps, when as in the past they will call for American naval and aerial help against Chinese threats. Further, the Indians will continue to depend upon Soviet arms and political support, but evidently they do not expect, and do not want, direct Soviet participation in a Chinese crisis.

By building a local power base with vigor and determination, without concern for world reaction, India is setting a pattern for regional dominance and security which other rising nations, like Iran, seem determined to adopt.

sense of which many Nixon administration abuses occurred. Yet nobody quite knows what it means.

Congress should reverse the intelligence and law enforcement community. This recommendation is, in part, being carried out by the Rockefeller committee — another instance of the executive investigating itself. The Senate is also investigating the FBI and CIA, under Frank Church (D) of Idaho.

make it accountable.

"Congress [should] . . . take the minimum steps listed above to modernize itself and to become, once again, a coequal partner . . ."

Those are recommendations of the chief consultant of the Watergate committee. Congress is showing some signs of reasserting its authority, but it must undertake drastic reorganization, most observers think, to regain its lost power.

Defusing the Mideast

By William E. Griffith

The following is excerpted from an article to appear in *Politique Etrangere*.

A time bomb is ticking underneath the Kissinger policy in the Middle East. Partial disengagement agreements and Geneva conferences cannot hold off war indefinitely. A new Geneva conference will probably rapidly deadlock, on the Palestinian issue, or some other. Sooner or later the moment of truth will again arrive. Then, unless the United States imposes a settlement, the Arabs or the Israelis will precipitate another war and thereafter the Arabs another oil limitation.

Aside from doing something decisive about the energy problem, which it hasn't so far, what should the U.S. do?

Most importantly, it should, after full consultation with its allies, frame and announce its own policy for an overall Middle Eastern settlement.

This should provide, for the Arabs, near-total withdrawal by the Israelis from the occupied territories, including East Jerusalem, the West Bank, the Golan Heights, and Sharm el Sheikh. (Israel should be given minor territorial adjustments in the Latrun salient and be allowed to extend its sector of Jerusalem to give it access to the Wailing Wall.)

In return, the settlement should provide, for the Israelis, as close to iron-clad political and military guarantees of Israeli (as of Arab) security thereafter as can be devised, including formal U.S. as well as (hopefully) Soviet and United Nations participation in them. (That Israel will consider these guaran-

tees insufficient should not predetermine what the U.S. would consider to be adequate guarantees.)

The recent Indo-China debacle makes it even less likely that Israel will regard such U.S. guarantees as trustworthy. This Israeli view is understandable and from Israel's viewpoint perhaps correct. It is the most important immediate reason why the U.S. must try rapidly and hard to restore its damaged international credibility. But in the last analysis the U.S. must act according to its own, not Israel's estimate, of the reliability of its own guarantees and the nature and extent of its own vital national interests.

There will be much U.S. congressional and public opposition to a U.S. commitment to guarantee Israel, and it will be fueled by Israeli opposition as well, for Jerusalem will prefer, now more than ever, territory to guarantees. But in my view it should be made, for the alternative is at best recurrent wars and oil limitations or at worst the destruction of Israel. Either or both is so contrary to U.S. interests and commitments that a firm U.S. treaty to prevent them is worthwhile.

How can the U.S. get such a plan for settlement adopted? As to Israeli evacuation of the occupied territories, it should privately make clear to Israel that it will suspend arms aid and private U.S. contributions unless and until Israel agrees to the above plan. Washington must be prepared to ride out all opposition, Israel-inspired and otherwise, to this course.

The plan must be implemented step by step:

any have been disputed between China and the rulers of India, whether British or Indian. All three are labeled in modern Chinese Communist schoolbooks as terrain still claimed by Peking. Chinese and Indian agents have waged undercover political warfare for the allegiance of the tribal and largely illiterate mountaineers for more than three decades.

The centerpiece of this buffer zone, Sikkim, provides an avenue into India's state of Assam through the Chumbi Valley, a pass through jagged mountains. Once under Chinese suzerainty, and later a British protectorate, the Delaware-sized kingdom became an

By building a local power base with vigor and determination, without concern for world reaction, India is setting a pattern for regional dominance and security which other rising nations, like Iran, seem determined to adopt to protect themselves in the world's changing power relationships. This is the ultimate development of Nehru's original concept of nonalignment which once was so influential in the emergent world.

The writer, author of the "Indo-Pakistani Conflict," has covered Asian affairs for 35 years.

evacuation and guarantees should be gradual and according to a fixed timetable. The U.S. must also make clear that unless the Arabs recognize Israel's independence and security, within the 1967 boundaries, they will not get back the occupied territories; and, moreover, that the U.S. will undertake whatever measures are necessary, including military force, to break an oil limitation by the Organization of Arab Petroleum Exporting Countries, before or after a settlement, or an Arab attack against Israel after it in order to force Israeli territorial concessions over and beyond the 1967 frontiers.

The U.S. should make public, now, the

terms of its plan for settlement. It must place a time limit on its step-by-step implementation. It must obtain Israeli and Arab acceptance of it. If this plan is implemented, war and oil limitation can be avoided, Soviet influence kept low in the Middle East, and peace and security brought to that area and increased in the world. If it is not, and war and oil limitation come again, the U.S. and its allies will lose, and so will Israel and the Arabs. Only the Soviets will win.

Mr. Griffith is a professor of political science at the Center for International Studies at MIT.

Mirror of opinion

The Azores

There is no surprise in the new Portuguese government's demand that the American air base in the Azores not be used to supply Israel in wartime again. Portugal suffered an oil embargo from such use in the 1973 war, and has since undergone a revolution. Some of its young leftwing military rulers feel an identity with the young North African military dictators. Lisbon has struck up good relations with eight Arab countries and means to strengthen them. This enlarges the image of Israel's isolation.

The fact is, however, that the United States can refuel its air transports over the Atlantic, all the more easily since the winding down of the Indochina war will free more planes to do it with. Lisbon is anxious to honor its treaties and remain in NATO, at least for the time being, even while reducing the value of the Azores to the United States. When negotiations for continued base rights resume, it may be that Lisbon will want American rental and goodwill more than Washington will want the Azores.— *The Sun* (Baltimore)