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THE WHITE HOUSE

WASHINGTON

April 8, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

JAMES E. CONNOR *JEB*

SUBJECT:

Freedom of Information Act Request by
Common Cause to Obtain Information
Concerning Political and Official Travel
Of Rogers C. B. Morton While Serving
on the White House Staff

The President reviewed your memorandum of April 5 on the
above subject and approved the following:

Option 1 - Decline to respond to this request
on the grounds that we are not legally obligated
to do so.

Please follow-up with appropriate action.

cc. Dick Cheney

THE WHITE HOUSE
WASHINGTON

April 5, 1976

MR. PRESIDENT:

Re: Freedom of Information Act Request
by Common Cause to Obtain Information
Concerning Political and Official Travel
of Rogers C. B. Morton While Serving on
the White House Staff - Buchem Memo
of April 5, 1976

The Common Cause Freedom of Information Act Request was staffed to Rogers Morton and Jack Marsh. They both recommend Option 1 that you decline to respond to this request on the grounds that you are not legally obligated to do so.

Phil Buchen supports Option 2 which is to make a voluntary response to the Common Cause request.


Jim Connor

THE WHITE HOUSE

WASHINGTON

April 5, 1976

MEMORANDUM FOR: THE PRESIDENT

FROM: PHILIP BUCHEN 

SUBJECT: Freedom of Information Act Request by
Common Cause to Obtain Information
Concerning Political and Official Travel
of Rogers C. B. Morton While Serving
on the White House Staff

Attached at Tab A is a copy of the above-described request.
Common Cause requests information regarding the following:

- (1) communication between Mr. Rogers C. B. Morton and the White House concerning domestic travel by Mr. Morton, or his predecessor in office.
- (2) communication between Mr. Morton and the President Ford Committee concerning domestic travel by Mr. Morton, or his predecessor in office.
- (3) travel schedules from trips taken by Mr. Morton, or his predecessor in office, including
 - (a) the dates of such trips;
 - (b) the destination of such trips, including the city and state;
 - (c) audiences addressed, if any speeches were made; and
 - (d) meetings attended, including the identities of those in attendance.
- (4) the cost of each trip.

- (5) the person or group which paid for each trip.

The request is similar to that which has come to each of the other Cabinet Officers, and the respective Departments involved have responded to such requests with documents from their records delineating domestic official and political travel actually taken by the Cabinet Officers. These records include those involving Rogers Morton's travel while he was Secretary of the Interior or Secretary of Commerce. The Cabinet Departments are legally required to comply with the Freedom of Information Act request.

There is no written communication regarding points No. (1) and No. (2) above, and the only records concerning Rogers' official and political travel at the White House are those starting January 1, 1976.

We have consistently taken the position that White House records are not subject to the Freedom of Information Act, and we believe we are not legally required to respond to this request. However, a decision should be made as to whether we should nevertheless make the information available to the requesting party or, in the alternative, make it generally available through the Press Office.

The following options which are available are:

1. Decline to respond to this request on the grounds that we are not legally obligated to do so.

Pro

- . This is a position consistent with one we have taken before and which we will want to preserve.

Con

- . Failure to supply the information may result in a court test or an effort to secure an amendment to the Freedom of Information Act which would clearly put the White House within the scope of the Act.

- . Failure to disclose the information may be regarded as inconsistent with your policy of operating an "open" Administration when it could be argued that the public should have as much right to know about Rogers Morton's travel as it has to know about the travel of your other Cabinet Officers, particularly insofar as it relates to political activities.
2. Make a voluntary response to the requesting party with a clear indication that the information is not being furnished as a matter of compliance with the Freedom of Information Act, but merely as an exercise of your discretion in the matter.

Pro

- . Avoids the objections to Option 1 while still preserving our legal position under the Freedom of Information Act.

Con

- . If distribution of the information is limited to the requesting party, it may be regarded as a de facto compliance with the Freedom of Information Act.
 - . Disclosure of the information could stimulate charges that Rogers Morton has been occupied in electioneering activities while on the White House payroll to a much greater degree than was indicated when his appointment to a White House position was made and was defended on the basis he would be spending a normal amount of time on government-related activities, devoting only "his own time" to electioneering activities. In fact, Rogers has on the average spent over a third of his total time on "political" trips.
3. Release the information in a general way through the Press Office in lieu of a direct response to the requestor of the information.

Pro

- . Avoids any implication that we are complying with the Freedom of Information Act.

Con

- . Same as under Option 2.

RECOMMENDATIONS

Option 1

Decline to respond to this request on the grounds that we are not legally obligated to do so.

APPROVE

MAJ

DISAPPROVE

Option 2

Make a voluntary response to the requesting party with a clear indication that the information is not being furnished as a matter of compliance with the Freedom of Information Act, but merely as an exercise of your discretion in the matter.

APPROVE

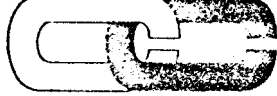
DISAPPROVE

Option 3

Release the information in a general way through the Press Office in lieu of a direct response to the requestor of the information.

APPROVE

DISAPPROVE



common cause

2030 M STREET, N.W., WASHINGTON, D. C. 20036

John W. Gardner, Chairman

(202) 833-1200

March 15, 1976

Mr. Richard Parsons
Room 216
Old Executive Office Building
Washington, D.C. 20501

FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Parsons:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, I hereby request a copy of, or access to, all documents, correspondence, memoranda or other writings relating to the following matters:

1. communication between Mr. Rogers C. B. Morton and the White House concerning domestic travel by Mr. Morton, or his predecessor in office.
2. communication between Mr. Morton and the President Ford Committee concerning domestic travel by Mr. Morton, or his predecessor in office.
3. travel schedules from trips taken by Mr. Morton, or his predecessor in office, including
 - a. the dates of such trips;
 - b. the destination of such trips, including the city and state;
 - c. audiences addressed, if any speeches were made; and
 - d. meetings attended, including the identities of those in attendance.
4. the cost of each trip.
5. the person or group which paid for each trip.

Mr. Richard Parsons

Page two

March 15, 1976

This request covers all documents, correspondence, memoranda or other writings relating to the above-enumerated items between the dates of January 1 through June 1, 1975, and between January 1, 1976 through the date of this request, March 15, 1976. I realize that the President Ford Committee was not in existence between January 1 and June 1, 1975.

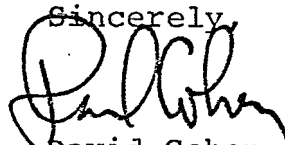
I wish to clarify that I am not requesting any recommendations or opinions expressed in any communications between Mr. Morton and the White House. I want only information concerning Mr. Morton's domestic travel.

If you determine that some parts of the requested information are exempt from release, please advise me as to which exemption you believe covers the material you are not releasing. I, of course, reserve my right to appeal any decision to withhold all or part of the requested information.

If any expenses in excess of \$50.00 are incurred in connection with this request, please inform me of all such charges prior to their being incurred for my approval. If I do not receive a substantive reply within 10 days of the date of this letter, I will deem my request denied.

Thank you for your attention to this matter.

Sincerely,



David Cohen
President

DC:RS