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THE WHITE HOUSE  
WASHINGTON

October 19, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

JIM CANNON

FROM:

JIM CONNOR *JEC*

SUBJECT:

S. 64 - Lincoln National  
Memorial

When the President signed S. 64 - Lincoln National Memorial  
Bill he made the following notation:

"What is status of Department of Justice law suits  
on one House vetoes?"

Please follow-up with appropriate action.

cc: Dick Cheney

THE WHITE HOUSE  
WASHINGTON

Jim Cannon

What is status  
of Dept. of Justice  
law suits on one House  
vetoes?

THE WHITE HOUSE

ACTION

WASHINGTON

October 14, 1976

Last Day: October 19

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON *J. Cannon*  
SUBJECT: S. 64 - Lincoln National Memorial

Attached for your consideration is S. 64, sponsored by Senator Stevens and three others.

The enrolled bill would direct the Secretary of the Interior to undertake a study and make appropriate recommendations for recognizing the States of Alaska and Hawaii at the Lincoln National Memorial. The bill also provides that the Secretary's recommendations shall be submitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives and shall be subject to disapproval of either committee within 60 days.

The Department of Justice and the Office of Management and Budget have both recommended disapproval of the bill because of the inclusion of the so-called "one-committee veto provision". Justice asserts that such a provision, providing for the disapproval of Executive action by Congressional committees, violates the fundamental principles of the separation of powers prescribed by Articles I and II of the Constitution and points to a long line of Presidential vetoes of legislation containing this kind of requirement.

Additional information is provided in OMB's enrolled bill report at Tab A.

Agency Recommendations

The Department of the Interior and the Advisory Council on Historic Preservation recommend that you sign the enrolled bill. The Commission of Fine Arts and the National Capital Planning Commission have no objection.

The Department of Justice and OMB recommend that you disapprove the enrolled bill because of the "one-committee veto provision".

Staff Recommendations

The Counsel's Office (Lazarus) recommends that you veto S. 64.

Jack Marsh and Max Friedersdorf recommend that you sign S. 64. Max indicates that "a veto would not be understood in Alaska and Hawaii."

Recommendation

I recommend that you sign S. 64.

Decision

Sign S. 64 at Tab B.

Veto S. 64 and sign Memorandum of Disapproval at Tab C which has been cleared by Doug Smith.