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NEWS CONFERENCE

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AT THE WHITE HOUSE

WITH RON NESSEN

AT 12:10 P.M. EST

FEBRUARY 4, 1976

WEDNESDAY

MR. NESSEN: Sorry to be late.

You know the President met this morning with Ambassador John Sherman Cooper. Ambassador Cooper is in Washington on consultations, and he wanted to discuss with the President relations that the United States has with the German Democratic Republic.

Q Did he discuss the U.N.? He used to be a member of our delegation.

MR. NESSEN: Did he really?

Q Did he offer him any jobs?

MR. NESSEN: No, he did not.

Q What about the answer to Mort's question?

MR. NESSEN: It is not on the agenda, Mort.

Q Was anything said about our relations with East Germany?

MR. NESSEN: That is what they talked about, but I cannot talk about it.

Q Is Cooper not going to be the new U.N. Ambassador?

MR. NESSEN: As far as I know, he is not.

Some of you saw Mike Mansfield leaving. He was in for about ten minutes, beginning at 11:15, at his request. He wanted to discuss with the President a meeting later this month at which a group of Mexican Parliamentarians are coming to Washington.

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As you know, Senator Mansfield, for a long time, has played an active role in interparliamentary affairs, and he asked the President to consider meeting this group, and the President said he would try to do it if his schedule permitted it.

At the end of the meeting, there was some discussion of some of the legislative programs pending. That was very brief, and I think for the details of it you ought to talk to Senator Mansfield since he requested the meeting.

The meeting was arranged fairly late last night, after the President had gone over to the Residence, and the schedule had been issued. He called last night and asked for the meeting, and it was arranged actually this morning.

Q Are you saying he has asked the President to meet with them?

MR. NESSEN: Yes.

Q And is there a definite date set?

MR. NESSEN: They are coming here late this month, and the President said he would try, if his schedule permitted.

Q This is rather unusual. Did Senator Mansfield ask for the meeting with the President because the Mexicans had requested it?

MR. NESSEN: I don't know. You will have to ask Senator Mansfield.

Q He didn't indicate to you that they had sent a special request for this?

MR. NESSEN: My understanding is it was Senator Mansfield that urged the President to meet with the group.

Q Did he say particularly why at this time?

MR. NESSEN: No, only knowing of his longstanding interest in interparliamentary affairs and the President's own interest in those affairs.

Q He wouldn't be coming down and asking the President to meet with them because of his longstanding interests in interparliamentary matters. He asked him to meet with them because they are Mexicans, right?

MR. NESSEN: If there is anything beyond that, I don't know, Sarah.

I think you know the President is going to meet with a number of members of his staff today to discuss the outlook for regulatory agency reform. It is really an internal meeting to just sort of get an idea of where the proposals stand and to explore ways to further the President's recommendations.

A personnel matter today.

The President is appointing Milt Friedman to be a Special Assistant to the President with the additional title of Senior Writer in the Speech Department. His salary is in the range of \$35,000 to \$38,000. He was born in Portsmouth, Virginia in 1924, served in World War II, went to William and Mary College and also George Washington University.

He worked as a reporter on a number of newspapers and wire services. He had been Press Secretary to Senator Javits, went to work at the White House, or went to work for then Vice President Ford in January of 1974. In August he came to the White House and worked in the speech writing department.

Q Does that change Orben's status?

MR. NESSEN: No.

Q Did you say Special Assistant or Assistant?

MR. NESSEN: Special Assistant to the President; Senior Writer in the Speech Department.

Q Does this demote Hartmann?

MR. NESSEN: No. Bob Hartmann is a Counsellor to the President with Cabinet rank, and he has overall direction of the speechwriting.

Q Who is going to be boss here if Hartmann is overall director of speechwriting and this guy is Senior Writer? Who is boss?

MR. NESSEN: Senior Writer in the Speech Department, that is correct.

Q Who is boss on the speeches?

MR. NESSEN: Bob Hartmann.

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Q And Orben comes between Hartmann and Friedman?

MR. NESSEN: What is the title Bob Orben got a couple of weeks ago?

MR. CARLSON: I will get it.

Q What is he now?

MR. NESSEN: He has been in what was called the Editorial Office, and I don't have his --

Q So, this is a promotion for him?

MR. NESSEN: Yes.

Q Why?

MR. NESSEN: Because the President obviously likes the work he has been doing.

Q Does this give him a commission he didn't have before? Is that what it boils down to?

MR. NESSEN: That title job would have a commission with it, yes.

Q He was not commissioned before?

MR. NESSEN: Not as far as I know.

Q Was Friedman a correspondent for the Jewish Telegraph Agency just before he came in here?

MR. NESSEN: My understanding is that just before he came in here he was Press Secretary to Senator Javits.

I don't have any other announcements.

Q Has the President heard the decision on the Concorde yet?

MR. NESSEN: Yes, he did.

First of all, what happened, as you know, Bill Coleman has worked out a very elaborate plan to release this in an orderly way. As part of the plan, he sent over with a courier a letter to the President summarizing the decision, as well as the full report on the decision, which is quite lengthy. That arrived at approximately five minutes of 12, or ten minutes of 12.

At 12:00 Bill called the President to discuss it briefly. The President had had a chance to read the summary letter by the time Bill called, and then Bill told him what the plans were as far as having a news conference at 12:15 and a wire embargo for 1:15.

The President said he would take the full report home with him and read it and complimented him for a job well done.

Q What is the decision?

MR. NESSEN: I am not able to give that until 1:15. I am not able to give it at all, but it will be released at 1:15.

Q This sounds an awful lot like a decision made by a Cabinet official that the President had absolutely nothing to do with. Is it still true in this city the President has the final authority, veto authority, so to speak, over Cabinet-level decisions?

MR. NESSEN: I think you have to really, rather than a generalized statement, Tom -- would you go get the Concorde stuff off my desk, Larry, the legal counsel's view and so forth?

I looked into this because I anticipated a question, and I will get it for you in a second.

This decision was made under the authority of various statutes relating to the management of the Transportation Department and so forth, and I will have the citations here in a second. There is no automatic review of the decision in the law.

Q Doesn't the President have to have the last word on anything intercontinental like this with airlines?

MR. NESSEN: If you will wait until the legal citations come, but the fact is that in this case there is no automatic review.

Q Isn't that wrong, Ron? You are making that statement and saying in five minutes we will have the other. Obviously we will, but you are making a statement here, but isn't your statement wrong?

MR. NESSEN: I don't believe so. I wouldn't have said so if I thought I was wrong.

Q What we are getting at is, did the President concur on the decision?

MR. NESSEN: First of all, let me say I can't tell you what the decision is because it is Bill Coleman's decision and he has worked out the details of how to release it.

If you want to check back with us this afternoon after the decision, I do think we might be able to help you out with some of your questions.

The fact is, though, that the Legal Counsel's Office did prepare a memo in which they cite -- I don't know if you are really all this interested in Federal Aviation Regulation 129 and so on, but let me, if I may, read you the conclusion, which is that "the President does not normally assert a right to substitute his own judgment for that of the principal officer regarding the discharge of a duty when the law casts such duty upon the head of a department."

Q Would you read that back?

MR. NESSEN: This is a legal opinion by the Legal Counsel's Office here.

Q Phil Buchen's office?

MR. NESSEN: Not Phil, but people in Buchen's office, correct.

It is very funny to do this ahead of the decision, but --

Q Ron, can I help you on the decision? When President Giscard comes, will he be able to land at Dulles or will he have to land at Andrews?

MR. NESSEN: It is immaterial, because I think if any of you have done any research on the Concorde, the ruling the Secretary will make today will apply to commercial flights.

Q He has already made the decision?

MR. NESSEN: Will make public.

Anyhow, I have the legal citations which show how the authority is vested in the Secretary of Transportation in each of the areas that will need to be covered by today's ruling, and I will be happy to show it to you after the briefing.

Q Does it say the President oversees this and can change it if he wants to?

MR. NESSEN: I think we should wait to see what the ruling is.

Q I think you will have made your point, and I won't have made mine, in that case because you are making a statement about something that the President does normally. That doesn't sound like a very legal opinion.

MR. NESSEN: Bob Orben's title is also Special Assistant to the President. He has no additional title, as Milt now does of Senior Writer. Bob has the day-to-day supervision of the speechwriters under Bob Hartmann.

Q Ron, does the President approve of Secretary Coleman's decision?

MR. NESSEN: What I would like to do, Dick, is await the publication of the decision and then see if we can answer those kinds of questions.

Q Can we meet with you at some appointed hour and get that?

MR. NESSEN: Yes, you can meet me at an appointed hour.

Q What you are saying by reading us this statement --

MR. NESSEN: Let's just get straight, Dick, because this always seems to happen. I was responding to a number of questions that asked whether he would or if he had the power to. I am not standing here volunteering the President doesn't have the power to. This was all done in response to questions.

Q May I ask my question?

MR. NESSEN: Please.

Q You said there is no automatic review of the decision.

MR. NESSEN: Yes.

Q Then this statement by the Counsel's Office says the President does not normally assert a right?

MR. NESSEN: Yes.

Q Are you saying then in fact the President will not?

MR. NESSEN: Dick, if you will wait for one hour, really 53 minutes, I think all these questions will be resolved.

Q Did Coleman consult the President at all in the process of reaching this decision?

MR. NESSEN: He did not.

Q Ron, what I don't understand, you start out telling us Mr. Coleman sent over a copy of the decision and a covering summary letter --

MR. NESSEN: Right.

Q -- then called the President on the telephone and talked to him about it and the President complimented him on a job well done. You give us these details --

MR. NESSEN: In response to questions, Jim.

Q That is right. And we understand you can't say what the decision consists of, what it says, yet you give all the details on the complimenting of a job well done, but you can't answer the simple question of whether the President agrees with the decision or not, whether he endorses it or not. We are not asking what the decision is but whether the President agrees with it.

MR. NESSEN: I think the orderly way would be to let the decision come out, then you ask your questions of what our reaction to it is, and I will answer your questions.

Q Will you tell us what the reaction is?

MR. NESSEN: Yes.

Q You are leaving the implication that he doesn't agree with it because --

MR. NESSEN: Now, Jim.

Q Or you would be willing to say so.

Q Could you give us an appointed hour that it will hit the wires?

MR. NESSEN: I understand it will hit the wires at 1:15. Probably it will take a little time to absorb it, so shall we say 2:00?

Q We would like it at 1:16. What is the difference?

MR. NESSEN: All right. Let's meet here at 1:16.

Q Does the President have a prepared statement regarding the decision?

MR. NESSEN: No, but I think I will be prepared to answer your questions.

Q If I may move to another subject, when the President met with Ambassador Moynihan last Tuesday, did Ambassador Moynihan offer to forego his tenure at Harvard University?

MR. NESSEN: I am told there were two encounters between the President and Moynihan last Tuesday, one in the office at which nothing came up about his staying, and I am told they had another brief encounter -- I don't know how or when -- in connection with the Rabin dinner, and it was at the second meeting that Pat indicated to the President, despite his tenure problems he expected to stay on.

Q Expected to stay on where? At the U.N.?

MR. NESSEN: Yes.

Q Are we to read from that that he indicated to the President he would give up his tenure at Harvard?

MR. NESSEN: The way he put it to the President was despite his tenure problems he expected to stay on at the U.N.

Q Do you have any indication of why he changed his mind?

MR. NESSEN: No, Bob, I don't.

Q Really? Isn't the President curious about a man giving his word and then in a few days later he does a 180 degree turn?

MR. NESSEN: You will have to ask Pat.

Q Did the President indicate to Pat that was what he hoped he would do at that time?

MR. NESSEN: I don't know whether he indicated it to Pat, but certainly he hoped it was what Pat would do.

Q What was his reaction to the Ambassador?

MR. NESSEN: It was a private conversation in more or less of a social setting, and I don't know.

Q You know at least Moynihan said he expected to stay on despite his tenure problems?

MR. NESSEN: Yes, I tracked that down because somebody asked me about it.

Q Subsequent to that second meeting, did Moynihan then in some way convey to the President why it was that he was changing his mind? Did he get in touch with him in some fashion?

MR. NESSEN: Only through the letter hand delivered here on Saturday, which was relayed to the President by way of Dick Cheney.

Q You may have announced this yesterday, but unfortunately I was not here.

MR. NESSEN: You would have enjoyed yesterday, Jim. Go ahead.

Q I bitterly regret missing it.

MR. NESSEN: We can give you a transcript.

Q Are you saying, though, the first intimation the President had was on Saturday when he got the resignation letter?

MR. NESSEN: That is correct.

Q There was no personal contact?

MR. NESSEN: I will just go over it again. The letter was brought here by courier on Saturday. Brent phoned Dick Cheney, who personally told the President of the arrival and contents of the letter.

Q What did the President immediately say?

MR. NESSEN: The President's first question was why, and Dick told him why, told him what the letter said, and that was really about it.

Q Didn't the President know that that did not square with what the Ambassador had told him prior to the Rabin meeting, and is the President now aware that Ambassador Moynihan is in effect telling people that he was stabbed in the back by Secretary Kissinger?

MR. NESSEN: Walt, I cannot speak for Pat Moynihan, but you saw the letter. You saw the reasons that Pat gave for the letter. I have not seen Pat quoted as saying what you say he said. As I said the other night, we all know Pat as an outspoken man who has never tried to hide his deep-felt personal feelings, and I have not seen him say anything along the lines you suggest he said.

Q He suggested in both a story in today's Washington Star and in another story in the New York Times on page 12 that he was badly undercut in his work at the United Nations by Secretary Kissinger, who praised him openly but undercut him behind the scenes.

Q Ron, can you tell us if the President has indicated to anyone that he, while supporting Moynihan publicly, that he was privately embarrassed by his performance?

MR. NESSEN: I have never heard him say that. His private views, as far as I have heard them expressed, are precisely those he has had me express publicly.

Q If that is true, is the President concerned at all that that position has been widely published?

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

Q It certainly has. You know about the column that was written. It said both Kissinger and Ford were privately embarrassed, and I don't think there is any question that that column was a triggering mechanism for the resignation.

Is the President concerned someone is misstating his position?

MR. NESSEN: I think the President's latest views on this are the ones that I am giving you, which are that in my own hearing I have never heard him say other than what I have reflected, and he has reflected, publicly.

Q Is the President concerned that his Secretary of State may be misrepresenting his personal position on a matter involving his Ambassador to the United Nations?

MR. NESSEN: I haven't heard anything like that.

Q Ron, you said in announcing Moynihan's resignation that you expected Secretary Kissinger to have a statement similar to the President's to make.

MR. NESSEN: Which he did, I understand. I read it in the Sunday paper or whatever it was -- Monday or Tuesday's paper.

Q Yesterday, Vice President Rockefeller had some comments about New Hampshire and the New York delegation. I noticed in the transcript that the White House released after Mr. Rockefeller's remarks that all of that was deleted. Do you know why?

MR. NESSEN: I didn't know it until you told me, but I assume because it struck me he was doing that up around the edge of the stage in kind of private conversation and not as part of the briefing.

Is that correct, Jewel, or didn't you do the thing?

MRS. McGRATH: No, I did not leave out any part of the transcript. Any changes that were made, the decision was made by the Vice President's office.

Q This was over the microphone and all of this was made back here.

Q He was standing behind the podium.

MR. NESSEN: This is the first I have ever heard of it.

Q Can we have that transcript, and does the recording office have that kind of authority to decide what is official and what isn't, Ron?

MR. NESSEN: Aldo, this is the first I have ever heard of it.

Q Doesn't a member of the White House official staff review all transcripts before they are printed?

MR. NESSEN: Proofread them, yes.

Q Could we have the full transcript?

MR. NESSEN: I will see what the status is.

MR. CARLSON: When they said "thank you," she got up and left.

Q The conversation, John, the questions about the delegation and the New Hampshire primary did not come after "thank you."

Q There was a thank you.

Q She continued typing after the thank you because the thank you came and the thing continued for about five minutes. But there was a thank you. I think she stayed and typed, though.

MRS. McGRATH: No, I did not. When someone said "thank you," I wrote concluded at whatever time it was and left.

Q Oh, you were there?

MRS. McGRATH: Yes, I was.

Q I thought it was the other girl.

MR. CARLSON: No, Jewel was there.

Q Okay, I am sorry.

Q Ron, can you report to us on the status of the President's consideration of a new UN Ambassador and also his consideration of a new representative to China?

MR. NESSEN: I don't have anything to report on either one, Mort.

Q I was wondering, Ron, they are having the Wounded Knee hearings up on the Hill, as you know. What was the President's reaction to the Army report and is he more inclined to favor that or Senator Abourezk's proposal of restitution and so forth? Has he had anything to say on this at all?

MR. NESSEN: No.

Q I would like to go back, Ron, if I might, to the change between Tuesday and Saturday on the Moynihan matter.

MR. NESSEN: Yes.

Q Regardless of what the President thinks about Moynihan's performance at the UN--I am not talking about that area--what I am asking about is the situation when Moynihan tells the President on Tuesday evening despite his tenure problems he is going to stay on at the UN, and then the President receives a telephone call from Cheney on Saturday telling him --

MR. NESSEN: No, a direct conversation.

Q Word from Cheney on Saturday telling him that Moynihan has resigned. What was the President's reaction to a senior member of his Administration who tells him one thing on Tuesday evening and then does exactly the opposite roughly three days later? Was he upset about it?

MR. NESSEN: I was there when it happened, and I can tell you, as I told a few people who asked me, Dick and I were sitting there and Dick said, "I have some news for you," and the President said, "What is it," and Dick said, "Pat Moynihan has resigned," and the President said, "Why?"

Dick then proceeded to tell the reasons as related in the letter and the President asked a few technical details about the letter and when did it come and so forth and so on, and the issue of any apparent change of mind did not come up.

Q The issue of a change of mind did not come up? The President didn't say, "But he told me on Tuesday he was going to stay," or expressed any --

MR. NESSEN: Had he said that I would have known Pat told him on Tuesday but I did not know that until I checked around and asked some questions. So it is obvious he didn't say it because I was sitting there listening.

Q What about subsequently? What about since Saturday?

MR. NESSEN: Subsequently, I have not heard him mention that.

Q Of his reaction to this, apparently both sides of the mouth behavior by Moynihan?

MR. NESSEN: I don't want to accept that characterization.

Q Will you call him and ask him?

MR. NESSEN: As I said before, from Dick's description of the letter to the President it was clear -- and this was discussed on Saturday -- that from the tone of the letter and the contents of the letter it was concluded, that Pat had made up his mind, so there was no effort made to talk him out of it.

Q Does the President have a position on the House committee's decision, the vote to abolish the Defense Intelligence Agency?

MR. NESSEN: Have they?

Q They recommended that the agency be abolished. It is more or less a waste of money.

MR. NESSEN: It seems to me I did look into that. If you will give me a minute I will see what I have.

I thought I had looked into that, Bob, but I apparently have not. I think, pending a more thorough check I would say the President is preparing his own recommendations for restructuring the intelligence community and I would say that it will have to wait until then to see what his views are, but I will check on the specific piece of legislation you are talking about.

Q Okay, what about the report that he is going to appoint Governor Connally to the Intelligence Committee?

MR. NESSEN: As you know, John Connally was at one time a member of the Foreign Intelligence Advisory Board. I don't have anything to give you on that today.

Q Did you use the word "restructure" advisedly, Ron?

Q When did he resign?

MR. NESSEN: He resigned -- I forget the precise date but we can get it for you.

Q Are you confirming that?

MR. NESSEN: I am not confirming it. I am simply saying I don't have anything to announce today.

Q Ron, you said, if I am paraphrasing you properly, that from the tone of Ambassador Moynihan's letter it was obvious that Pat had made up his mind so the President didn't attempt to change his mind.

MR. NESSEN: Correct.

Q I may have missed some of the intervening briefings, but how, then, could Ambassador Moynihan get the word that the President would like him to stay on at least until the month of February, and he goes to Harvard and says, can I stay on in the month of February and the answer is yes, you can?

MR. NESSEN: I haven't gotten all that chronology together but it seems to me that decision was made before even -- well, I know that was discussed on Saturday and the President was told that since Pat was President of the Security Council in February he was going to stay on during the month of February. It was not a question of the President talking him into it; it had already been decided.

Q By Moynihan and not the President?

MR. NESSEN: Yes.

Q Is the search on now for, and does he have any names for --

MR. NESSEN: I think we will just announce it when we get one, Helen.

Q When the subject of Moynihan resigning first came up Tuesday night, did the President offer to try to help him out with his problem and make it easier for him to stay on?

MR. NESSEN: Well, as I say, what I have learned of that conversation was that Pat said, "Despite my tenure problems I expect to stay on."

Q Couldn't that be taken as an indication that he could use some help; you know, he would like to do away with the problem and make it easier?

MR. NESSEN: I don't know. I don't think I ought to interpret the words second-hand.

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Q Did he say at that time he was glad that he had straightened it out and was going to stay on?

MR. NESSEN: I don't have the other half of the conversation other than to know that the President all along has expressed his hope --

Q Will you ask for the other half of the conversation?

MR. NESSEN: I will, Sarah.

Q Ron, under our system of Government, isn't the Central Intelligence Agency directly answerable to the President?

MR. NESSEN: What am I walking into? (Laughter)

Can you give me the second question first?

Q Here is the second question. How does the President feel about the CIA cutting off both the Foreign Relations Committee and the Armed Services Committee from its daily intelligence bulletins. As a follow-up to that, how can these committees, or how can the Congress, exercise any oversight responsibility if they don't have access to these bulletins?

MR. NESSEN: First of all, I would like to determine whether they have or not and then find out why they have, if they have.

Q It is in the newspapers.

MR. NESSEN: Just like I have always said --

Q You don't know whether that is so?

MR. NESSEN: I really don't, Helen.

Q You can't confirm the story?

MR. NESSEN: I cannot.

Q Would the President approve of this if this were the case? (Laughter)

MR. NESSEN: Good try.

John Connally's resignation from the President's Foreign Intelligence Advisory Board -- is that the correct title? Yes, that is right. That was February 1, 1975, Sarah.

Q Are you not aware of the story --

MR. NESSEN: I read the story in the paper, but I can't confirm it.

Q Can you check it out and give us an answer to that question?

MR. NESSEN: Yes.

Q That does fall under the President's Constitutional purview, I believe.

Q Before we get too far away from the DIA, Assistant Secretary Bob Ellsworth, who has general supervision over this at the Pentagon, he is urging that the DIA officials be taken out of civil service and he made what some people would call patronage employees or appointments.

Does the President have a view on this?

MR. NESSEN: As I said, Ted, the President is very close to making public his proposed revision of the intelligence community. One of the things that is taking time is to make sure he has heard all the views of all parties involved, including the Defense Department, and Bob Ellsworth specifically.

I think I will just have to wait until the President comes out with it to see how he rules.

Q Ron, there is a question that has arisen about the CIA that does not exactly involve reorganization but does involve the White House. That is the story out from Ford Rowan that the Legal Counsel of the CIA has told them privately that they have no right to engage in covert activities in a foreign nation and also that the President of the United States has no right to direct such covert activities without consulting with Congress, and the fact also that the CIA is still publicly telling people the exact opposite.

I wonder what the White House has to say about that?

MR. NESSEN: It is the first I have ever heard of it. There is a law that took effect a year ago in January that requires the President to personally sign off and to notify -- I forget how large the group is -- but something like six committees of Congress of all covert activities, and the President is following the law.

Q Ron, do you want to say anything about the 4,000 South African troops in Angola?

MR. NESSEN: Not especially.

Q Where did he get that permission?

MR. NESSEN: What permission?

Q To have the troops in Angola.

MR. NESSEN: The President is not the Commander-in-Chief of the South African Army. (Laughter)

Q I am talking about the U.S. operations.

MR. NESSEN: As I said, the President is living up to the law that requires him to notify certain Members of covert activities.

Q But that is not quite the same thing, Ron. A notification is one thing, but action without the consent of the Congress is another. Now, these committees are often consulted by people, but they do not have the right to represent the Congress. Congress has not given these committees the right to take them to war.

I am talking about activities that include war or militancy.

MR. NESSEN: The question of Congressional oversight is one that is being dealt with by the Church and Pike committees.

Q I am not talking about Congressional oversight. I am talking about activities that take our men and materials and money into foreign countries and other covert activities.

MR. NESSEN: I don't know what the question is.

Q Oversight of the CIA.

MR. NESSEN: What is the question?

Q The question is what does the White House think of this verdict from the CIA counsel that this is illegal activity?

MR. NESSEN: I don't know about the verdict. I will have to see if there is such a verdict.

Q Will you please ask the White House if they are looking into it and, if they are not, will they look into it?

MR. NESSEN: Why don't you call Angus Thermer? He is the Press Secretary at the CIA.

Q No, this is the White House, as I said in my original question to you, knowing you would reply like that. My original question to you was that this does concern the White House, the Presidency.

MR. NESSEN: Let me look into it. It is the first I have heard of it.

Q Has the President asked Vice President Rockefeller to make any appearance in primary States, not campaign for him necessarily, but make appearances at fund-raisers?

MR. NESSEN: As the Vice President told you after the transcript stopped, and as he has said all along, he plans to campaign for the President where it will be helpful.

Q Where is that? (Laughter)

MR. NESSEN: As you know, he had a fund-raiser in New York the other night that raised I forget how much money.

Q That isn't campaigning, that is raising money. Will he do any campaigning, go around and speak out of towns, go to Florida and New Hampshire?

MR. NESSEN: Was he not out in Michigan Friday night in what most everybody, I think, would interpret as a campaign speech?

Q . Ron, has the President made any comment about the disagreements between he and his wife on abortion?

MR. NESSEN: No.

Q Would you elaborate on the question I asked yesterday?

MR. NESSEN: Yes. The answer is, as I thought it was, that when you leave it to the State, as he thinks it should be --

Q What was the question?

MR. NESSEN: Carol's question yesterday was, by saying it is a matter that should be left to the States, is he really saying it is a matter to be left to the States to be settled in a way that is no more liberal than the Supreme Court decision --

Q Or is he saying the States can do abortion on demand?

MR. NESSEN: The answer is, he is not saying the States could or should draft their own abortion laws more or less liberal than the Supreme Court. He is simply saying it is up to them.

Q It doesn't take a Constitutional amendment for States to write abortion laws now that are the same as the Supreme Court decision. The only reason you need a Constitutional amendment is to allow States to write more restrictive abortion laws.

MR. NESSEN: It is a matter that he thinks the States ought to decide, whether to be more or less restrictive.

Q How do the States get the authority to do anything different from what the Supreme Court says without there being a Constitutional amendment? The court rendered a verdict on what the Constitution says and you want to change that --

MR. NESSEN: The President doesn't want to change anything but, if there is a change to be made, he believes it should be in the direction of giving the States more authority.

Q That can only be done by Constitutional amendment?

MR. NESSEN: The President said yesterday, yes, that is right, and if that is the decision the --

Q But he says he is not in favor of a Constitutional amendment.

MR. NESSEN: No, he doesn't.

Q He says it goes too far.

MR. NESSEN: We have a whole group of Constitutional amendments here. There is a Constitutional amendment which would prohibit abortion. That is what he is opposed to. If it requires a Constitutional amendment to give the States authority to decide their own abortion laws, that is the area he personally favors.

Q Ron, he doesn't know whether it requires a Constitutional amendment or not?

MR. NESSEN: He answered flat out to Cronkite yesterday. He said, "Of course."

Q He referred to that as legislation, not as --

MR. NESSEN: No. I don't have the transcript. I can get one. The White House won't give me one.

Q Did you check and find out what he means by a woman's illness? Is it physical and mental and the question of statutory rape as opposed to forcible? This is very important because State laws deal with these things, and there has been a lot of concern.

Which does he mean when he says rape? Does he mean only forcible or statutory?

MR. NESSEN: I am inclined to treat that question with the disdain that it deserves, Les, but I will give you an answer because I think probably some other people have a more serious interest in the subject than you do.

The President mentioned --

Q Ron, that really is not fair.

Q I resent that, Ron. I think you have gone too far. This is a very serious thing. If you think that statutory rape and forcible rate are not serious things and should be disdained, I have to disagree with you very forcefully, and I think you are insulting.

Now, can we get to the answer?

MR. NESSEN: The President used the words yesterday, "The illness of the mother, rape," and I indicated that he also would include incest. Then he used the phrase "any of the other unfortunate things that might happen."

His view is that that should be taken to mean subjects that are really in the area for doctors to decide, that it is not something that he can make a sort of sweeping general statement on, but unfortunate things in his view would have to be something that would be decided more or less case by case by the doctor.

Q You mean that would include mental sickness? Is that what you mean?

Q Can we assume it would also mean things like Tay-Sachs?

MR. NESSEN: I don't want to either limit or exclude specific ailments of either the mother or the fetus, but it is something -- the phrase "unfortunate things" means something that would need to be decided case by case by the doctor.

Q By doctor, do you also mean psychiatrists and psychologists? A psychologist is not a doctor, but if the question of the mother's illness gets into the area of mental illness, versus physical illness, are we talking about the broad or narrow scope there?

MR. NESSEN: I would rather go back and make positively sure on that question.

Q Does the President think this is going to be one of the major issues in the campaign?

MR. NESSEN: I think Tom asked yesterday, and you know, he made clear his own views in response to questions. I don't know that the President has or should have a particular view on what will or will not be an election issue.

Q Would he prefer that it not be, or would he?

MR. NESSEN: There are his views as requested, Helen. I suppose they are out there now for everybody to look at.

Q I wonder if I could rephrase the question. It is a fact -- and we assume the President knows it -- but it is a fact the issue has been raised in several primary contests, and it is a fact, for instance, that there is an anti-abortion candidate running for the nomination.

It is a matter of common knowledge and accepted, so I would like to ask whether or not, in view of that, the President considers this a good thing or an unfortunate thing that the issue of abortion should be raised in the campaign?

I hesitate to say is he for or against it, but as an issue, does he think it should be talked out in the campaign and threshed out or would he prefer to see it not raised? Does he consider it an issue that should not be raised in the campaign?

MR. NESSEN: I don't see how I can answer that. You know on all issues, Jim, I think the President has said all along that the way the people choose their leaders is either by judging how they perform and what they stand for in office or how they are judged by their stands on issues if they want to get into office.

I think you are right, various candidates have various stands on this issue, and you asked for his. This is it. I mean, like all issues in the campaign, or like all positions on public issues to a lesser or greater degree, I assume it will affect people.

Q I asked my question too diffusely. Does the President believe abortion is a legitimate political issue?

MR. NESSEN: I don't think that is a question I can answer.

Q Can I try it this way? Since you, quoting the President, say there is little or nothing the President can do about this matter, that it is not a Presidential matter, does he think there are other issues that are more important in the electorate making up its mind in choosing among the candidates?

MR. NESSEN: Ted, I don't see how I can answer the question. The President's views on almost all public issues, or all public issues, are known, and I am sure the candidates' stands are known, or will be. It is up to the people to decide which issues are important or unimportant to them.

Q Ron, did you check with the Counsel's Office yesterday about access to transcripts?

MR. NESSEN: I did not, Tom.

Q Are you going to?

MR. NESSEN: What I said, Tom, if there were a Freedom of Information action instituted, that it is then a matter for the Counsel's Office to handle as they do all Freedom of Information actions.

Q On the Rockefeller question, a number of Cabinet officers are going to New Hampshire to campaign for the President. The President has not asked Rockefeller to go to New Hampshire where he has a lot of friends he went to college with. Why has the President not asked Mr. Rockefeller to campaign for him in New Hampshire?

MR. NESSEN: I am not sure the President is in the business of asking or not asking anybody to campaign anywhere. The campaign is run by the campaign committee. As the Vice President said yesterday, he will campaign where he can be helpful.

Q Why hasn't Rogers Morton asked him to go?

MR. NESSEN: Rogers Morton told me this morning in another connection -- and I might as well tell you in this connection -- that the Vice President has been fantastically helpful to him in both his political duties and in his other duties at the White House, and that he turns to the Vice President as a highly trusted, knowledgeable adviser on both political and nonpolitical matters.

This came up quite in another context but I feel, if there is some question raised about that relationship, that I should tell you about it.

Q Another Rockefeller thing: He said in a breakfast meeting I think this morning that he has handed in his resignation, or asked the President to let him resign as head of the Domestic Council. Has the President accepted that resignation?

MR. NESSEN: I don't know how the Vice President phrased it at the breakfast but the fact is, the Vice President sent a letter over in December, a relatively short letter, asking that the President have his day-to-day oversight role in the Domestic Council reduced and this was done at a time when the Vice President had been around the country conducting these hearings and had completed those and, as a result of those hearings, had completed making his policy recommendations to the President on domestic matters for State of the Union and budget.

So the President, since the Vice President had completed that particular chore, accepted the Vice President's request. The Vice President does, of course, continue to serve as the Vice Chairman of the Domestic Council.

Q The Vice President's exact words were "relinquish control."

MR. NESSEN: As I say, to reduce his day-to-day oversight of the Council.

Q Who has that now?

MR. NESSEN: The President is Chairman of the Domestic Council. Jim Cannon is the Executive Director of the Domestic Council.

Q What were his reasons? Why did Rockefeller want to do this? He is not that busy that he doesn't have time, is he?

MR. NESSEN: I am not quite so sure of that. In his letter he referred to these hearings that he had and to his recommendations, and he said this is the culmination of my work of leading the Domestic Council in the day-to-day activities, and he said, I hope my recommendations will be useful in your State of the Union message. He said, "In light of the above" -- meaning in light of the fact he had completed this portion of his duties -- "this would seem to be an appropriate time for me to relinquish my responsibilities for overseeing the work of the Domestic Council," meaning the day-to-day work.

Now in answer to Connie's question, the fact is not only does he continue as Vice Chairman of the Domestic Council, but he continues as Chairman of the Commission on Water Quality, as Chairman of the Domestic Council Committee on the Right of Privacy, Chairman of the National Center for Productivity, a member of the National Security Council -- statutory member who has participated actively in NSC meetings involving the SALT talks, helped to prepare the negotiating position on the SALT talks; also helped to prepare American positions on the Middle East.

He has also been very actively involved in the interim steps being taken in anticipation of Congressional legislation to set up an Office of Science and Technology. He is also coordinating the efforts to establish the Energy Independence Agency.

Q Who has taken on the responsibilities that he has relinquished?

MR. NESSEN: In addition to which yesterday the President gave him an important new duty of leading the Administration effort to persuade Congress not to let the cities and States lose all this money from the general revenue sharing program by letting that bill expire. That is an important new duty given only yesterday to the Vice President.

As I told you, or as he told you yesterday, he is going to campaign for the President -- and it was in this context that Rog Morton was speaking. He said -- the words were that the Vice President has been a fantastic help to him.

Q Ron, since the wires have now moved the decision on the Concorde, could you give us the decision of the President?

MR. NESSEN: Have they? Could you give it to me?

Q What is the date of the letter?

MR. NESSEN: The 16th of December.

Q Why was it never announced?

MR. NESSEN: It was an internal kind of shifting --

Q No, it wasn't. He has moved to a figurehead role in the Domestic Council.

MR. NESSEN: I don't agree with that. He is Vice Chairman of the Domestic Council.

Q Who has taken on the oversight responsibilities?

MR. NESSEN: I said Jim Cannon, who is Executive Director.

Q Can we get a copy of the letter?

MR. NESSEN: I will check with the Vice President's office and see if they have any objection to releasing it.

Q Are you going to have any message this week, message on the elderly?

MR. NESSEN: I would say it is about 99 percent firm that the one message anticipated for this week, which was on problems of the aging, will come early next week, so there wouldn't be any this week.

Q Is there any significance in the continued presence of the President's podium?

MR. NESSEN: I don't know. I was wondering that myself. I was trying to see if there was a seal up there. There is not.

Q You said the President did not ask any of the Cabinet members to go on the road. I don't think that is quite so. Didn't he tell a Cabinet meeting that he would like some help?

MR. NESSEN: I think that is probably right. I think what I meant was that he is not playing the role of saying, you know, you go here and you go there. He is not doing the scheduling. He has, I think, generally asked the Cabinet members to support his programs.

Q It is a fact, isn't it, if he wanted the Vice President speaking for him in New Hampshire or Florida he would just ask the Vice President, or tell Bo Callaway? I mean, it is his election committee, is it not?

MR. NESSEN: Let me go back and give you a little history.

When the Vice President asked to be taken out of consideration for another term, there were many questions out here and much speculation that he was not going to help, that he was off on his own and looking for the nomination himself and so on. Obviously, the ensuing events have shown that, of course, he is fully supporting the President, campaigning for him, raising money for him and so forth.

If the thrust of the question is, isn't he sitting on his hands, the answer is no.

Q The thrust of the question is, why hasn't the President asked to campaign for him in the primaries?

MR. NESSEN: He is campaigning for the President in the primaries.

Q Which ones?

MR. NESSEN: I told you he was in Michigan Friday night before we were there.

Q Why isn't he going to New Hampshire?

MR. NESSEN: The Vice President's own words are he will campaign where he can be helpful to the President.

Q He thinks it would not be helpful for the President if he goes to New Hampshire?

MR. NESSEN: I am giving you his words and you can do with them what you will.

Q Ron, where does the President think the Vice President's campaigning will be helpful?

MR. NESSEN: Clearly in Michigan, clearly in New York and clearly in other States where he will be appearing.

Q Are there any States up for grabs between the President and Reagan where Rockefeller will campaign? Obviously New York, that delegation is controlled by Rockefeller. Michigan is not much of a --

MR. NESSEN: Why don't we wait and see how the spring unfolds and see ---

Q Are there no plans now to have him campaign in North Carolina, Illinois, Florida and Massachusetts?

MR. NESSEN: I don't know each and every stop the Vice President is making, but he is going to campaign for the President -- not going to, he is.

Q Ron, is it absolutely right, legally, for a man who presides over the Senate to be lobbying for the President's bill that will come before the Senate? You talked about him working with Congress, lobbying on revenue sharing.

MR. NESSEN: His duties as presiding officer of the Senate have always been a strange amalgam, as the President said, when he served in the same post, of one foot in the Executive, one foot in the Congress. It is not unusual.

Q We all know if there is a tie he will cast the vote the White House wants. But this is somewhat different. This isn't quite right, is it, when it comes to interfering with the representative process, is it?

MR. NESSEN: He is expert on the subject both from service as Governor and service on the Domestic Council.

Q The President is expert on it but it doesn't mean the President might be right.

Q What is the reaction on the Concorde decision?

MR. NESSEN: Is the decision in?

Q Yes.

MR. NESSEN: What was it?

Q A 16-month trial period with two landings a day at JFK, and one a day at Dulles --

MR. NESSEN: I am not going to fall for that old trick. (Laughter) Is it on the wires?

Q Yes.

MR. NESSEN: Does this mean I don't have to come back at 1:16?

Q Yes.

Q Does the President agree with that green piece of paper?

Q What is the decision?

MR. NESSEN: I tell you, I really should not try to relay to you the decision here. You will see the decision.

So, just by way of general response to what I think most of your questions are pointed at, the President feels that the Transportation Secretary has conducted a thorough and objective study of the Concorde question. All the arguments for and against the operation of the Concorde in the United States have been publicly aired, the President feels, and wisely and judiciously weighed.

The President appreciates the Secretary's constructive efforts and will stand behind his decision.

Q Does he agree with the decision?

MR. NESSEN: I am saying he is standing behind the decision.

Q That is not really quite the same thing.

MR. NESSEN: Are we going to get into the word game again?

MORE

Q Does that mean there will be no Presidential review of this should a local uproar occur, Ron?

MR. NESSEN: He has no present plans to review the decision.

Q What you are saying is he took no part in making this decision?

MR. NESSEN: Correct.

Q Coleman made it on the basis of his own investigation and the President simply accepts it and stands behind it?

MR. NESSEN: Yes.

Q The President also stands behind the Supreme Court ruling on abortion, but he does not necessarily agree with it. (Laughter)

MR. NESSEN: When you get down into reading the decision, you will see that there is one request made of the President. It has to do with an atmospheric study to be jointly undertaken with the French and the British, and Secretary Coleman asked the President to have the Secretary of State undertake such a study.

The President will do so either today or shortly.

Q Why didn't the President make this decision? Why in this particular case?

MR. NESSEN: Again, I can show you the citations from the law which give the authority to the Transportation Secretary to make these decisions.

Q Did he feel it was too much of a political hot potato? I mean, all this appreciation for Coleman and --

MR. NESSEN: I have never heard it discussed with any political elements to it.

Q Ron, would you read that last sentence again, "The President appreciates"--

MR. NESSEN: "The Secretary's constructive efforts and the President will stand behind the decision."

Q Ron, I appreciate what you just said but, you know, the fact is that the Secretary of Defense has a right to set out what he thinks the defense budget ought to be, all Cabinet officers have the right to set out what they think should be the course to take. I just wonder --

MR. NESSEN: I don't want to give you a civics lecture, Bob--you don't want a civics lecture--but every day in the Government there are thousands of decisions made by those people who under the law have the authority.

If anything, one of the overall, I suppose, trends of this Administration is to get some of the decision-making that had been soaked up by the White House over the past years back out in the departments where the experts are and where the law places it. I mean, that is kind of an overview.

Q The President didn't feel this is an issue of such import it required a Presidential decision?

MR. NESSEN: The law did not provide for a Presidential decision. It provided for a Secretarial position.

Q You didn't give us the legal verdict yet. You gave us a formal something which is not legal. Does the President have the authority to overrule any decision made on intercontinental air traffic?

MR. NESSEN: I say at the present time he has no present plans to review the decision.

Q That is plans, but he has the power to overrule, doesn't he?

MR. NESSEN: Since you are curious about it, let me give you the legal citations that give Bill Coleman the authority.

Q Just give it to us on a piece of paper.

MR. NESSEN: This refers to or implements Section 601, 313(a) and Section 1102 of the Federal Aviation Act of 1958 as amended in 49 U.S.C. 1421, 1345(a) and 1502. Under the Department of Transportation Act of 1966--aren't you interested? You asked the question.

Q I want to get it on a piece of paper. I don't want you to read it.

THE PRESS: Thank you, Ron.

END (AT 1:10 P.M. EST)