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THE WHITE HOUSE  
WASHINGTON

08 Feb 80

Louis Martin

The attached was returned in  
the President's outbox today  
and is forwarded to you for  
your information.

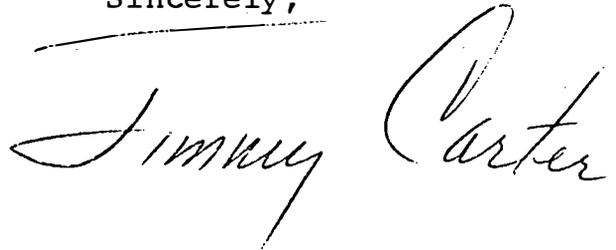
Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

To Jesse Owens

Rosalynn and I were sorry to learn of your illness. As long-standing admirers, we send you our best wishes for an early recovery.

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Mr. Jesse Owens  
3007 East Ocotilla Lane  
Phoenix, Arizona 85028

THE WHITE HOUSE  
WASHINGTON

2/8/80

The Attorney General

The attached was returned from the President's out-box today and is forwarded to you for appropriate handling.

Bill Simon

c.c.: Jody Powell  
Zbig Brzezinski  
Frank Moore

THE WHITE HOUSE  
WASHINGTON

2/7/80

Mr. President:

NSC has no comment.

Rick



Office of the Attorney General  
Washington, D. C. 20530

February 5, 1980

MEMORANDUM FOR THE PRESIDENT

Re: Middle East Heroin

*Ben - Proceed  
as suggested.  
Also, we need a  
major publicity  
effort - Work this  
out with Jody,  
other agencies &  
Congress -*

Last Wednesday, I discussed with you the threat to the United States of the greatly increased availability of heroin from the Middle East (Afganistan, Iran and Pakistan). This memorandum summarizes the nature of the threat and my recommendation of steps to be taken in order to effectively monitor and limit it as much as possible.

Nature and Extent of Threat

Opium production in the Middle East is at unprecedented levels and far exceeds native opium consumption. The estimated opium poppy crop in excess of local needs for 1979 has made available for export to Europe and the United States up to 40 metric tons of heroin. That is eight times the present U.S. annual consumption, and the Iranian crop alone could lead to a massive increase in heroin supply in this country. The size of the 1980 crop is unpredictable, but could further contribute to the creation of a long term problem.

Middle East heroin is presently being sold in Europe at prices less than one quarter of the prevailing price in the United States, and West Germany now has a rate of heroin overdose greater than the United States has ever experienced. This heroin, which is purer than Mexican heroin, first began to appear here in 1977, and is already a significant market force in several East Coast cities including Washington, New York and Philadelphia.

While we have been able, over the last three years, to reduce the number of addicts in the United States to approximately 380,000 and limit the number of heroin deaths and

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injuries to the lowest levels in a decade, large supplies of Middle East heroin could reverse this progress by reducing the price and increasing the purity of heroin sold to users. A serious risk of attracting new users and a wave of destruction to the lives of our young people, who are most susceptible to addiction, would follow.

#### Preventive and Control Measures

To decrease the risk and limit this threat, I propose that the following steps be taken:

1. Department of Justice: The Drug Enforcement Administration can immediately reallocate existing resources to focus on investigations related to Middle East heroin by:

- creating a Special Action Office at DEA Headquarters to coordinate the attack on Middle East heroin
- designating six target cities for priority enforcement attention
- reassigning senior narcotics agents, many with Middle East language abilities, to work in the target cities
- devoting additional funds to their operations and intelligence programs

Middle Eastern heroin may, nevertheless, pose a problem greater than we can realistically expect to handle with incremental changes in funding and activity levels for our current strategies. If the problem is as serious as we believe it to be, we may still face the likelihood of a major increase in the supply of heroin and in the number of heroin addicts. Therefore, I have directed DEA and the Criminal Division to consider a number of departures from current investigatory procedures that may have greater long-term benefits. Greater capacity to track the financial transactions of heroin traffickers must be developed and current administrative restraints on DEA agents and informants with respect to their participation in drug transactions may possibly be modified. I have also asked that the efficacy

and feasibility of buying raw opium in the Middle East to reduce supply be preliminarily explored.

2. Cabinet Actions: I would like to raise the Middle East heroin problem directly with five other members of the Cabinet. The Secretary of State could instruct our ambassadors in key countries to support our Middle East heroin initiatives; restore training of foreign enforcement personnel; and consider pressing Pakistan and Turkey to increase drug control efforts with increased American aid. The Secretary of the Treasury could move to increase drug interdiction by Customs, provide more intelligence to DEA on money-flows, and possibly utilize the expertise of IRS in financial investigations of traffickers. The Director of CIA could support efforts to meet our critical intelligence needs for these actions, and the Secretaries of HEW and Defense have substantial programs that can help control a Middle East influx of heroin or its effects.

3. International Cooperation: Before Middle East heroin can become a problem on our streets it must be transported from abroad. Attacking its production and flow is a vital step to its effective control. It is essential, therefore, that we obtain the support of key foreign governments for our drug control efforts. I would like to contact the Interior Ministers of West Germany, Turkey, and Pakistan (and possibly Italy) to request specific assistance and to offer U.S. support. Minister Baum from West Germany is already scheduled to see me in mid-February.

#### Conclusion

The Middle Eastern heroin problem is substantial, and, despite our efforts, its effects may hit us hard. Our objective should be to contain the damage as much as possible and to demonstrate to the American public and the world community that we are committed to serious action. The steps I have outlined are a beginning. If the problem is not controlled, we must consider devoting greater resources and trying new approaches.



Benjamin R. Civiletti  
Attorney General

THE WHITE HOUSE

WASHINGTON

February 5, 1980

MEMORANDUM FOR THE PRESIDENT

FROM: STU EIZENSTAT *Sh*

SUBJECT: WEEKLY STATUS REPORT

TRANSPORTATION

Maritime Legislation: Representative Murphy intends to introduce his revised version of H.R. 4796, the Omnibus maritime bill, in approximately two weeks, and begin markups the week of February 18. It now appears that he will not hold hearings on the revised bill, which he plans to send to the House floor in April. The absence of hearings means we will have to develop an Administration position in a relatively short time.

Midwest Rail Restructuring: The Rock Island Railroad bankruptcy court has ordered liquidation of this railroad, which is currently being operated under an ICC Directed Service Order that will expire on March 2. Other rail carriers have been invited to submit bids for portions of the railroad on February 1. Under present conditions, those portions of the railroad not purchased by March 2 will cease operation. Oklahoma farmers, grain dealers and freight operators are very concerned that service over this line continue. We are working to support continuation of service in Oklahoma.

The ICC is also considering reorganization plans for the Milwaukee Railroad. Proponents of a New Milwaukee plan that would maintain rail service from Miles City, Montana to Washington are seeking Administration support. An earlier version of the Plan was rejected by the ICC on December 31, 1979, but this plan is supported by the Montana congressional delegation and Washington Senators Magnuson and Jackson. We are working with USDA and DOT to review this proposal.

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URBAN POLICY

General Revenue Sharing: We are working with Treasury and OMB to finalize our legislative proposal and to build Congressional support for it. We expect to have the legislation ready for submission in early February.

Counter-Cyclical Legislation: On Thursday, January 31, the House passed by a vote of 214 to 179 our counter-cyclical and targeted fiscal assistance legislation. The bill included an amendment offered by Congressman Rodino and supported by the Administration that increased the amount of targeted fiscal assistance from \$150 million to \$200 million. The only damaging amendment that passed was an amendment offered by Congressman Snowe to cap the amount of money available to New York State and California. We will work with the House-Senate Conferees to eliminate the Snowe amendment, to provide adequate funding for targeted fiscal assistance and to improve the targeting of the counter-cyclical program.

Community Development Block Grants: The Community Development Block Grant (CDBG) and Urban Development Action Grant (UDAG) programs are to be renewed this year. We will submit our legislative proposals to Congress in early February.

EDA Reauthorization: The Conferees on the EDA bill are expected to resume their deliberations within the next two weeks. It appears that they will reach agreement on all of the major issues, except the \$2 billion stand-by public works program included in the House bill. We will work with the Conferees in an attempt to sustain the Senate position and to break the deadlock.

Mortgage Revenue Bonds: It appears that Congress may include a very limited tax-exempt mortgage revenue bond program in the Windfall Profits Tax bill. We are working with Treasury to ensure that the budget impact of this proposal is as limited as possible and that the aid is targeted to low-income and moderate-income citizens.

Auto Industry Studies: As a result of the Chrysler legislation and other bills, we have been asked by Congress to undertake numerous studies of the future of the auto industry. I have asked Secretary Goldschmidt to coordinate these studies to ensure that the Administration speaks with one voice on those issues.

GOVERNMENT REFORM

Federal Election Campaign Amendments: Meeting has been held with House and Senate staff to discuss strategy for changing provision which prohibits Federal employee contributions to a sitting President's campaign. There should be no problem in the House, and fast action was pledged. We are waiting to hear Senator Pell's position regarding the Senate.

Lobby Reform: Senate Committee markup should occur in late February. House markup complete. We continue to push for a bill requiring disclosure of well financed, organizational efforts to influence Congress, yet minimize paperwork burden.

Rail Deregulation: House subcommittee should have draft bill ready within a week. Senate Committee markup complete. However, Senator Long is pressing amendment which would put a cap on coal rates, strongly opposed by the railroads. We are presently working with DOT, DOE, Senate staff and the railroads to develop a compromise position. If this can be worked out, prospects look good.

Dispute Resolution Bill: Final passage through the Senate occurred last week, and it should be here for your signature shortly. This bill would provide funds for local dispute resolution centers to handle landlord-tenant and similar controversies, and is the second major part of your judicial reform message to pass Congress.

Court Reform: Passed Senate, and proposal for new centralized patent court will be considered as part of early March House hearings on industrial innovation initiative.

Stanford Daily Legislation: Senate subcommittee voted to report out bill similar to Administration bill which would prevent police search of press offices. However, some amendments will be proposed in Senate Committee to expand coverage to cover other third party searches. House markup is scheduled for February 7, and House Committee sentiment is in favor of a broad third party bill, which is in conflict with Justice Department's position in favor of press office coverage alone.

Regulatory Oversight: EPA will announce its diesel particulate rule when Doug Costle returns from China in mid-February. The agency has been responsive to our concerns and we will be working with EPA staff in preparing the announcement. The Regulatory Analysis Review Group will submit its report on EPA's airborne carcinogen policy on February 21. The RARG review of EPA's effluent guidelines for the leather tanning industry is due February 25.

Trucking Deregulation: We have just received Senator Cannon's draft bills. It falls short of our proposal but would make solid progress. We will send you a detailed report and proposed strategy shortly.

Communications Deregulation: The House Communications Subcommittee has reported out a fairly good bill. Full committee markup is expected in February. The Senate Commerce Committee says it will act shortly but has set no dates.

Privacy: Markup is underway on the medical records and Stanford Daily bills. The other three privacy bills are in hearings.

### TERRITORIES

Territories DPR: The territorial policy message should be ready to be issued next week. Very positive reaction from territorial leaders who have learned of two of the major fiscal initiatives to be announced through their inclusion in the budget.

Pacific Basin Development: Our major strategy conference on the development of Hawaii and the Pacific territories was announced last week. Governor Ariyoshi, Senator Inouye and the Hawaii press were effusive in their praise of the effort.

### HUMAN RESOURCES

Higher Education Programs Reauthorization: Staff of the Senate Subcommittee on Education are reported to be near completion of a draft bill for consideration by Subcommittee Chairman Pell and Subcommittee members. Secretary Hufstedler and I met with Senator Pell to discuss the need to keep costs in the Senate bill considerably below the unacceptably high levels entailed by the House passed version -- particularly in the Basic Grant and student loan programs. A staff member from Frank Moore's staff has carried this same message to staff on the authorizing subcommittee as well as the Budget and Appropriations Committees.

Social Security: The social security disability insurance bill passed the Senate on January 31 with only one vote in opposition. The bill, designed to strengthen work incentives for the disabled, places a limit on family disability insurance benefits to ensure that those benefits are not more attractive than wages. An amendment offered by Senator Metzenbaum to prevent reductions in benefits resulting from the "cap" was defeated, 47 to 47. Senator Bayh was successful in passing an amendment waiving the five-month waiting period prior to receipt of disability benefits if two doctors certify that a terminally ill patient will die within twelve months. Estimated cost of additional benefit payments resulting from the Bayh amendment would amount to \$840 million over five years.

### DRUG ABUSE POLICY

Puerto Rico Initiative: Several months ago, my staff visited with the Governor who expressed great concern about drug trafficking in and through Puerto Rico. We have developed a Federal/State strategy which Lee Dogoloff will present to the Governor at a luncheon meeting on February 4th. We will provide a summary for you prior to your meeting with the Governor on February 6th.

Southeast Initiative: We have just completed a review of 1979 activities associated with our initiative, started in the summer of 1978, to reduce drug trafficking into and through the Southeastern U.S. The Government of Colombia has supported our goal of stopping the drugs as close to the source as possible. Highlights:

- Marihuana seizures in the Southeast were 2.8 million pounds in 1979, down from 4.4 million pounds in 1978. The decrease in U.S. seizures reflects in 1979 efforts of the Colombian military which seized 5.5 million pounds before it left Colombia.
- Cocaine seizures in the Southeast U.S. increased from 745 pounds in 1978 to 1,626 pounds in 1979.
- Enforcement efforts in Florida appear to have produced a shift in drug traffic into other areas of the Gulf Coast and Atlantic Seaboard.
- Investigative task forces are looking at the financial activities of major drug traffickers.
- Development of appropriate crop destruction technology continues to have high priority.

#### NATURAL RESOURCES

Water: HR 4788, the omnibus water projects bill, is scheduled for additional floor debate and probably final vote next Tuesday. The closest to a test vote on the bill thus far was a motion to delete several objectionable projects which failed 263 to 117. We feel confident a veto could be sustained with an active lobbying effort.

THE WHITE HOUSE  
WASHINGTON

2/8/80

Jim McIntyre  
Zbig Brzezinski

The attached was returned  
from the President's out-  
box today and is forwarded  
to you for appropriate  
handling.

Bill Simon

0884

THE WHITE HOUSE  
WASHINGTON

C

February 5, 1980

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: JIM MCINTYRE and ZBIG BRZEZINSKI 

SUBJECT: Report on Implementing the National Security Policy  
Integration Study

On October 18 you approved in general the National Security Policy Integration Study completed by Phil Odeen. You asked that we prepare a plan for implementing its recommendations based on the comments and reactions of the agency heads involved. We have discussed with Defense, State, ACDA, and OSTP how best to implement the study's recommendations, and have agreed upon the attached action plan.

The plan covers improvements in the areas of defense planning, programming, and budgeting; crisis planning; and staffing. In a few instances, the plan modifies a study recommendation. On five issues it calls for further discussion and planning: forming a committee to review the foreign policy and arms control implications of weapon acquisitions; developing a legislative strategy to modify the Congressionally-mandated Arms Control Impact Statements; undertaking a major defense resource allocation review; better organizing for interagency crisis planning; and enlarging the size of the NSC staff.

We believe this plan provides a significant positive message to those interested in the report's impact. Specifically, it shows that we have taken steps to implement 25 out of Odeen's 33 distinct recommendations, and are continuing discussions on 8 more. We will prepare press guidance to reflect these achievements.

RECOMMENDATION

We recommend you approve the plan. Reports on some of the agreed actions will come to us by March 1, and we will provide you with a further report in mid-March.

APPROVE:

*See note*

DISAPPROVE:

OTHER:



Attachment

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INTERAGENCY AGREED ACTIONS ON RECOMMENDATIONS  
OF THE ODEEN REPORT

- \* Agreed action modifies Odeen recommendation.
- \*\* Further discussion and planning required.

I. DEFENSE PLANNING, PROGRAMMING, AND BUDGETING

The report makes 13 distinct recommendations to improve interagency contributions to defense planning, programming, and budgeting processes. These include interagency participation in preparing defense policy documents, such as the annual Consolidated Guidance; regularly scheduled interagency discussions at critical points in defense programming, budgeting and weapon acquisition decisions; early OMB interaction with DOD in identifying programming and budgeting issues, as well as greater NSC, OSTP, State and ACDA participation in OMB's Spring and Fall Reviews; and a major review of long-term defense resource allocation issues. The report also recommends that State and ACDA assure DOD of similar participation in major policy formulations and that ACDA support relief from the Congressionally-mandated Arms Control Impact Statements.

Agreed Actions (with date for completion and reporting to OMB/NSC)

1. OMB, with suggestions from NSC, OSTP, State, and ACDA, will prepare a description of major program/budget issues needing attention in future years, and DOD will consider it for internal or interagency study. (March 1, 1980) *ok*
2. DOD will solicit informal views on the draft policy section of the Consolidated Guidance from State, ACDA, NSC, and OMB when it is circulated in November-December to the Services for comment. (Effective Immediately) *ok*
3. DOD will provide a copy of the Consolidated Guidance to the NSC staff, OMB, State, and ACDA for review when it is circulated to the Services for comment (sometime in March); and the Under Secretary of Defense for Policy will chair a mini-PRC on significant issues arising from that review. (Effective Immediately) *ok*
- \*4. The Under Secretary of Defense for Policy will chair a mini-PRC meeting involving NSC, OMB, State, OSD, JCS, and ACDA, on the five-year defense program following issuance of the Amended Program Decision Memoranda (about September). If appropriate, a subsequent PRC will review any important program changes which may result from the OSD/OMB budget review (about late November). (Effective Immediately) *ok*

*all  
ok*

- \*5. The Under Secretary of Defense for Policy will chair, if needed, additional mini-PRC's, involving NSC, OMB, State, OSD, JCS, and ACDA, on major weapon developments that cannot be covered at meetings scheduled to consider defense program and budget issues. (Effective Immediately)
6. OMB and DOD will report on the continued integration of their program development and budget review processes, including OMB representation on the Defense Resources Board and early OMB identification of issues likely to be raised in its Fall Review. (Covers 2 recommendations) (March 1, 1979)
7. OMB will involve fully the NSC staff and OSTP, as well as extend invitations to State and ACDA to participate directly, in preparations for its Spring and Fall Reviews and for major program/budget issues it may forward to the President for decision. (Effective Immediately)
- \*\*8. DOD will establish a committee, chaired by the Under Secretary of Defense for Policy, with senior representatives from State, ACDA, and the EOP, to consider the foreign policy and arms control implications of weapon developments and to provide analyses of significant foreign policy and arms control implications for discussion in parallel with selected DSARC milestone reviews and for consideration by the Secretary of Defense when he reviews DSARC recommendations. (March 1, 1980)
9. DOD will solicit the participation of State and ACDA in Defense policy studies likely to have an important foreign policy or arms control dimension, and State and ACDA will assure DOD of reciprocal participation in foreign policy/arms control studies with national security implications. (Effective Immediately)
10. State and ACDA will improve their efforts to provide timely opportunity for DOD and other appropriate agencies to review major foreign policy addresses and statements bearing on the latter's responsibilities. (Effective Immediately)
- \*\*11. ACDA, in light of its increased role in DOD policy and weapon acquisition decisions, will develop a legislative strategy, in coordination with other agencies, for the elimination of or at least relief from the Congressionally-mandated Arms Control Impact Statements. (March 1, 1980)
- \*\*12. The NSC defense policy coordinator, in consultation with OMB, State, DOD, and ACDA, will conduct further discussions on a major defense resource allocation review. (March 1, 1980)

## II. CRISIS PLANNING

The report makes 9 distinct recommendations to improve crisis planning. These include establishing an interagency crisis planning group to develop political, economic and military options for potential crises, and supplementary to existing military planning; DOD review of its crisis planning capabilities; and State preparedness to increase its support for interagency crisis planning, as well as for DOD needs overseas.

### Agreed Actions (with date for completion and reporting to OMB/NSC)

1. DOD has assigned the Under Secretary of Defense for Policy responsibility for providing improved political/foreign policy guidance to military planners and reviewing completed military plans. A special staff element has been assigned to execute this function. DOD will provide a summary report on improvements. (March 1, 1980)
2. State has assigned its Director for Politico-Military Affairs responsibility for supporting the Under Secretary of Defense for Policy on matters related to political/foreign policy guidance to military planners. (Effective Immediately)
3. DOD will provide a summary report on the status of procedures for military planning for politically sensitive areas, as well as on further developments contemplated. (March 1, 1980)
4. State will provide a summary report on current efforts to support DOD needs overseas, as well as on further efforts contemplated. (March 1, 1980)
5. DOD will sufficiently exercise major war and mobilization plans to test the planning and adequacy of resources to execute them. DOD will submit an annual report to the President on the results of these exercises in December. (Effective Immediately)
- \*\*6. The NSC defense policy coordinator, the Under Secretary of Defense for Policy, State's Director for Politico-Military Affairs, and other appropriate agency representatives, will provide a report on improved organization of interagency crisis planning. (Covers four recommendations) (March 1, 1980)

*all  
etc*

### III. STAFFING

The report makes 11 distinct recommendations to improve staff interaction within the Executive Branch. These include clarifying responsibilities and coordination procedures among the NSC staff, OMB and OSTP; strengthening the effectiveness of these staffs through personnel acquisitions and exchanges among each other and the departments; and enhancing the NSC staff's coordination capability through designation of a "defense coordinator" and other senior members, preparation of a priority agenda of issues needing interagency attention, and increased focus on preparations, notetaking, and follow-on for interagency deliberations.

#### Agreed Actions (with date for completion and reporting to OMB/NSC)

1. The NSC staff has established a defense policy coordinator with broad responsibilities for integration of policy development, oversight of implementation, and management of interagency study and analysis. Progress continues in clarifying intra-staff relationships. (Covers two recommendations) (Effective Immediately)
2. OMB, NSC staff, and OSTP have made recent progress in clarifying respective responsibilities and coordination procedures, particularly in developing the FY 1981 Defense budget. Continued high management attention will be paid to this issue. (Covers two recommendations) (Review about March 1, 1980)
3. The NSC staff will conduct an internal review of the status of the implementation of existing major policy decisions, as well as its procedures for following up more routine interagency deliberations. (March 1, 1980)
4. The NSC staff, in consultation with other agencies, will issue instructions for preparation for interagency meetings. (March 1, 1980)
5. Current EOP and interagency programs for acquiring and exchanging personnel from other agencies seem adequate, but short-term exchanges may be better utilized and the agencies will attempt more of this. Improvements will continue to be sought in OMB's analytic capability and NSC's departmental experience and capability to oversee implementation tasks. (Covers three recommendations) (Effective Immediately)
- \*6. The NSC staff will incorporate the recommendation to prepare an agenda of priority national security issues requiring interagency deliberation within other similar ongoing efforts and in the context of the preparation of issues for the next Presidential term. (Effective Immediately)
- \*\*7. The size of the NSC is the subject of continuing review. Should increases be necessary, OMB and NSC will work together to accomplish this.

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*I think NSC  
size is  
adequate - May  
need reassignment  
of priorities -*

THE WHITE HOUSE

WASHINGTON

Dear Joe:

Our bilateral Energy Consultative Group had a useful meeting here in Washington on February 4. One of the key issues concerned the recent substantial increase in the price of Canadian natural gas exported to the United States.

The increase of \$1.02 over the current rate of \$3.45 per million BTUs is considerably more than would have resulted from past application of the National Energy Board formula, because in this case the lag time has been shortened between changes in the import price of oil and adjustments in gas export prices. This change is particularly significant because of the explosive rise in oil import prices in recent months. As a consequence, the new price of Canadian gas will no longer be competitive with alternative fuels in many U.S. service areas -- a situation that conflicts with the principles that have emerged from U.S. regulatory decisions on gas import authorizations. It also raises serious problems for us in our ongoing arrangements with Mexico and Algeria.

The increase to \$4.47 per million BTU will therefore require intensive U.S. policy and regulatory review. Accordingly, we have asked the Canadian representatives on the Energy Consultative Group to seek a delay in the effective date of the Canadian pricing decision, preferably until the U.S. regulatory review is completed, but not beyond April 1. I hope that you can agree to this.

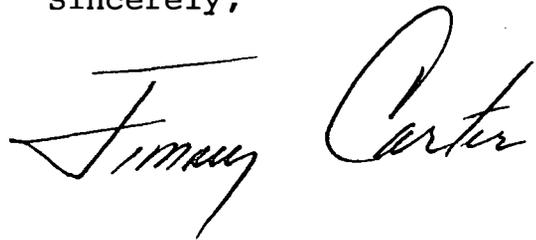
We look forward to working closely with the National Energy Board and the Department of Energy, Mines and Resources to develop an understanding on export gas

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E.O. 13526 (50 USC 1701)  
WHITE HOUSE GUIDELINES, AUGUST 26, 1997  
BY CS NARA, DATE 6/27/08

pricing arrangements in order to avoid such problems in the future. This will be particularly important in the negotiations between our two countries to be held on February 12.

I want to reiterate the continued importance that we place on the role of competitively priced Canadian gas in U.S. markets, and our intention to work closely with you in mastering the remaining obstacles to a successful Alaskan Gas Pipeline project.

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

The Right Honorable  
Joe Clark  
Prime Minister of Canada  
Ottawa

Tim Kraft  
Martin Franks

The attached was returned  
in the President's out-  
box today and is  
forwarded to you for  
appropriate handling.

Rick Hutcheson

cc: The Vice President  
Stu Eizenstat  
Sarah Weddington  
Anne Wexler

bill--

can i get a cc pls?

thanks-sc

CARTER/MONDALE PRESIDENTIAL COMMITTEE, INC.  
1413 K STREET, N.W., WASHINGTON, D.C. 20005

February 6, 1980

*TIM*  
*J*

MEMORANDUM FOR THE PRESIDENT

From: Tim Kraft *TK*  
Martin Franks *M*

Subject: National Gay Task Force  
Campaign Questionnaire

Attached is a draft letter from the Campaign Committee to the National Gay Task Force in response to their questionnaire to all Presidential candidates. As is often the case, we plan to respond to the questionnaire through a broader statement, which answers most of the questions asked and presents our affirmative case in context.

We do not believe it is generally necessary for you to review responses to campaign-related questionnaires, but we think you should approve this one because of the sensitivity of the subject and the considerable publicity our response will receive.

The response fits the campaign's tone -- reliance on your record as the best indication of your views. We believe the letter should be signed by Bob Strauss and will make certain that this is done as soon as you approve the text.

Stu, Sarah and Anne have all been involved in the preparation of this draft, and it has their approval.

Letter

*✓*

Approved

*as edited*

*J*

Not Approved

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Dear Ms. Valeska and Mr. Brydon:

Thank you for the opportunity to respond to your letter and to state President Jimmy Carter's positions on matters of particular interest to the gay community.

As a candidate, the President was the first major Presidential contender to openly discuss gay concerns. He stated his opposition to discrimination in the federal government because of sexual orientation. Three months after the inception of this Administration, senior White House advisers met with representatives of the National Gay Task Force to discuss matters of concern to the NGTF and its member organizations from around the country. That meeting provided the basis for a series of discussions at all levels of the federal government (including additional White House meetings) on a wide range of issues with your full participation.

These experiences are examples of the President's policy to expand the involvement of the American people, including the gay community, in their government. For too long, the doors of the federal government were closed to too many Americans. Jimmy Carter has opened those doors and he intends to see that they remain open. In a similar vein, the President is committed to continuing his policy of appointing qualified individuals without discrimination based on race, color, sex, religion, national origin, or sexual orientation.

You asked if the President would support a plank in the party's platform calling for an executive order prohibiting discrimination on the basis of sexual orientation. In addition, you wanted to know if he would sign such an executive order. ~~The President will make his decisions on the platform of the Democratic Party as that process evolves. Platform provisions supporting the full participation of all Americans in the social, political and economic life of this country will be developed through the Democratic Party platform process, and the Carter/Mondale campaign will participate fully in this effort.~~

~~But more to the heart of your question is the fact that Candidate~~ Jimmy Carter campaigned on a promise to overhaul the country's outmoded civil service laws and led a legislative effort to that end. As a result, one of President Jimmy Carter's major legislative successes occurred in 1978 when he signed into law the Civil Service Reform Act, the first comprehensive revision of civil service laws in over 100 years. One important provision of this new federal statute prohibits discrimination in federal personnel actions based on private, non job-related behavior such as sexual orientation. It has been estimated that this provision prohibits

discrimination because of sexual orientation in approximately 95% of all federal jobs covered by the civil service system. The Administration is committed to fully enforcing this protection.

The legislative histories of the Civil Service Reform Act and other relevant laws show that the vast majority of the jobs not protected by the Civil Service Reform Act were excluded by statute. Under these circumstances, an executive order would not remove those statutory exemptions. Nonetheless, some exempted agencies have initiated progressive personnel policy changes. Both the Agency for International Development and ACTION now have specific job protection provisions governing actions which are not job-related.

With regard to your inquiry about supporting passage of H.R. 2074, the Administration's legislative policy requires that prior to the adoption of a position on specific legislation, the bill must be circulated to the affected agencies and departments for review and comment. That process is normally initiated if the Administration has been invited to testify on the bill. However, as of this date, no hearing has been scheduled for H.R. 2074 and a decision on the bill will be made as the legislative process proceeds.

In the area of public policy decisions, gay concerns now have an equal opportunity to be heard and have been made part of the public process with demonstrable results. Gay organizations now qualify for both tax exempt and tax deductible status and those benefits are being used by groups throughout the country. At the Federal Communications Commission a new rule has been proposed that would require broadcasters to include the gay community in ascertaining community broadcast needs.

The Bureau of Prisons recently announced that it will soon issue regulations permitting religious services conducted by gay ministers in federal prisons. Similarly, the Bureau will soon permit the receipt of non-pornographic gay literature in federal correctional institutions. This follows from the inquiry of the NGTF at its December meeting with White House officials.

In conjunction with the Congress, the President has established a Select Commission on Immigration and Refugee policy to review the need for changes in our immigration laws. This Commission held hearings recently in Boston on the effects of excluding homosexuals who seek to enter the country. Both of you accepted invitations to testify and, accompanied by former Immigration and Naturalization Service Commissioner Leonel Castillo, you

testified for the hearing record and proposed recommendations which will be reviewed by President Carter and the Congress. Representatives of the Justice Department and the Immigration and Naturalization Service have been meeting regularly with the NGTF to review the Department's immigration policies and to consult on enforcement procedures while the Select Commission's work continues. I believe that process has worked well.

In conclusion, the President's record shows that he has taken steps, in his first three years in office, to address most of the public policy issues articulated historically within the gay community. I believe this record warrants your continued support.

Sincerely,

Robert Strauss

THE WHITE HOUSE

WASHINGTON

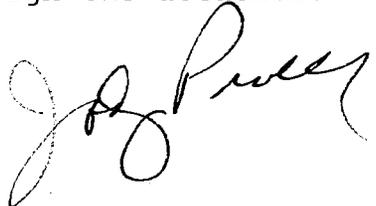
February 7, 1980

Mr. President --

Paul Keating, a photographer who was killed in New York earlier this week trying to hlep someone being mugged (see story), was a frequent contributor to TIME magazine.

Keating took the shots of you that were used on TIME's June 21, 1976 cover of you, Reagan and Ford, and its October 4, 1976 cover of you and Ford.

TIME has asked that you write his family a condolence note, and I think it is a good idea. If you agree, please sign the attached.

A handwritten signature in black ink, appearing to read "J. P. Rully". The signature is written in a cursive style with a large, looping initial "J".

THE WHITE HOUSE

WASHINGTON

February 7, 1980

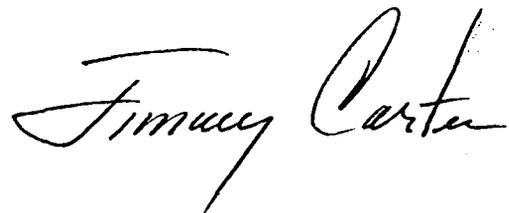
To Patricia and Paul Keating

Rosalynn and I wish to express our deepest sympathies to you and your family on the tragic death of your son Paul.

Although he had photographed me on several occasions, I did not know Paul. I regret that I did not. From all accounts, he was a sensitive, delightful and talented person.

He showed responsibility and great courage in coming to the aid of Daniel Schwab, and I hope the knowledge of that heroism will help comfort you at this very sad time. Our thoughts are with you and your family.

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned to the right of the typed name.

Mr. and Mrs. Paul Keating  
508 Grandview Avenue  
Suffern, New York 10901

New York, New Jersey, Connecticut

# Photographer Slain Helping Victim of 'Village' Mugging

By CAREY WINFREY

A 27-year-old freelance photographer was shot and killed when he came to the aid of a mugging victim in Greenwich Village early yesterday.

The police said the photographer, Paul Y. Keating, was killed instantly by a bullet that entered the back of his head when he intervened in a scuffle as two young men tried to mug Daniel Schwab, an 18-year-old freshman at New York University.

The attack occurred at 1:45 A.M. Tuesday when Mr. Schwab, walking south on Broadway after spending the evening at Village Skating, a roller-skating discotheque, turned into Waverly Place and was accosted by two men who brandished handguns and demanded his wallet, which contained \$110.

Mr. Schwab said later that while he argued with the men about keeping his identification card, Mr. Keating joined them.

"He was walking down the street, saw what was happening and decided not to let it happen," Mr. Schwab said of the slain photographer, who often handled spot news assignments for Time magazine.

### Believed 'Guns Were Toys'

When one of the muggers also demanded his \$215 roller skates, Mr. Schwab resisted.

"I spent six weeks breaking them in and I wasn't going to give them up," Mr. Schwab said. "I thought the guns were toys."

In the scuffle, which was joined by Mr. Keating, Mr. Schwab knocked one of the

pistols to the ground, then fled around a corner to the Delion Grocery, a Broadway delicatessen.

As he was asking the counterman to call the police, Mr. Schwab heard two shots, and emerged from the delicatessen

Continued on Page B5



Tony Suarez

Paul Y. Keating

for Preservation Purposes  
Electronic Copy Made

B5

# Man Slain Helping Mugging Victim

Continued From Page B1

to see Mr. Keating slumped to the ground. The muggers fled west on Waverly Place.

"I don't know why he stayed there," Mr. Schwab added. "He must have been trying to detain them until the cops came. He didn't have to stay."

Detectives said yesterday that they were pursuing "several substantial leads," including a description of the muggers by Mr. Schwab, but that no arrests had been made. They refused to disclose Mr. Schwab's address.

Mr. Keating, who lived at 238 West 10th Street, directly across the street from the Sixth Precinct police station, was pronounced dead on arrival at St. Vincent's Hospital.

Friends and professional associates described him as a diffident man dedicated to photography who enjoyed quiet evenings with friends.

### Pictures in Cover Montages

"He was very sweet," said Dorian Gosler, a neighbor who lives in the same building. "Sometimes when I would get off from work, he would walk me home from the subway. He does strike me as the kind of man who would do the thing he did. He liked people and liked to take care of people."

"This was such a typical Paul thing to do," said Rita Quinn, a picture editor who worked with him at Time. "He was always doing something for people."

A spokesman for Time Inc. said Mr. Keating had been employed in a number of full-time clerical positions on the picture desk between 1974 and 1977 and had covered spot news on a freelance basis for about six years.

Twice in the Presidential campaign of 1976, Mr. Keating's photographs of Jimmy Carter were included in Time cover montages. Mr. Keating's photograph of a Time chart designer appears in the "Publisher's Letter" of the current issue.

On Monday, Mr. Keating photographed magazine staffers for campaign-coverage identification cards, an assignment he was scheduled to have continued yesterday.

"Photography was his life," said John Durniak, the former picture editor of Time, who first hired Mr. Keating. "The guy was available 24 hours a day. He was a quick start. We used him on assignments other photographers wouldn't take. His work was maturing. I had a lot of hope for him."

"He was a very sensitive and gentle man, almost shy," said Arnold Drapkin, Time's picture editor. "He was a fine young photographer who had the potential for being one of the tops in the field. It's a shame to see him cut down as his talents were flowering."

Mr. Keating was the eldest son in a family of seven children. His father, Dr. Paul Keating of Suffern, N.Y., is an internist at Good Samaritan Hospital there.

THE WHITE HOUSE  
WASHINGTON

2-8-80

Jody

Stu

Go over again. Then  
see me.

I would like a TP  
re broader service - in  
addition to the military.

Maintain clear distinction  
between a) # to register  
now under existing law  
and b) Additional authority  
needed to streamline SSS  
& register women  
J

0888

DRAFT P-1

Draft Registration Announcement

On Monday, February 11, I will transmit to the Congress a comprehensive report on strengthening this nation's capacity for rapid mobilization in an emergency.

The United States is committed to peace -- a peace that allows every nation to live in an atmosphere free of coercion or intimidation. We pursue that goal through many kinds of national strength -- the strength of our ideals, the strength of our economy, the strength of our alliances and our relationships with other countries, the strength of our national will and unity, and the strength of our military forces.

We maintain a strong military establishment not for aggressive purposes, but as a bulwark to be used against aggression and war. Military readiness may be the best

guarantee that military force need never be used. Even in the nuclear age, we must be prepared for conventional conflict -- and deterring such conflict may depend on the timely availability of our forces.

The Soviet invasion of Afghanistan poses a serious threat to a region that is vital to the long-term interests of the United States and our allies. It represents the first time in decades that the Soviets have used their military force to invade an independent nation outside the sphere of the Warsaw Pact. This brutal act of aggression has called forth the condemnation of the whole world -- and a series of firm and measured responses from the United States.

These responses include continuing to increase necessary defense spending, restricting the sale of grain and high technology products to the Soviet Union, and seeking to prevent the summer Olympics being held in Moscow. We have made it clear

to the Soviet Union that it must pay a severe price for choosing the path of violence and aggression.

My decision to renew registration for the draft is needed to increase our preparedness and is a further demonstration of our resolve as a nation. It will improve our capacity, if circumstances require, to add further to the size and strength of our armed forces -- and that capacity will itself help to maintain peace and to prevent conflict in the region of the Persian Gulf and Southwest Asia.

Our objective is plain: to deter Soviet aggression. A vigorous effort to improve our current capabilities will help achieve that goal.

Accordingly, I will take the following actions to allow us to meet personnel requirements in an emergency:

-- I will seek from Congress (the authority and) funds to register American young men under existing law.

-- I will seek additional authority to register women for non-combat service to our nation.

-- I will take steps to enable the Selective Service System to carry out registration in the most economical and efficient way, using the U.S. Postal Service for the registration process, the Internal Revenue Service and the Social Security Administration for computer support, and the Department of State for overseas registration.

-- I will develop new procedures for the selection and training of local draft board members. Registration does not require that we reconstitute local boards now, but as part of our effort to revitalize the Selective Service machinery we are developing plans to select and train local board members for availability in the event of a mobilization emergency.

I will request additional funds from the Congress of \$ \_\_\_\_\_ in FY '80 and a total of \$ \_\_\_\_\_ for FY '81 for the Selective Service System to carry out this program.

In peacetime, our military manpower policy continues to rely on voluntary enlistment. I will continue to strengthen the All Volunteer Force. My 1981 budget requests \$500 million in new authority for better recruitment and retention in our active and reserve forces.

My decision to renew registration is in no sense a move away from the volunteer force, which is performing its mission well. We are maintaining our armed forces at close to their authorized levels with volunteers, and recruitment is holding up well.

In developing the All Volunteer Force, we have always recognized that it would have to be supplemented by the draft at a time of national emergency and mobilization.

Renewing registration for the draft now will save us critical time in the event of mobilization. This additional readiness could range from weeks to several months, depending on the state of the Selective Service machinery and the nature of the emergency.

The process of registration in peacetime is simple.

Individuals will go to their local post office and fill out a brief form. No draft card will be issued. No classification or examination of the person registering will be required.

If mobilization is required in the future, the Congress would authorize some registrants to be inducted into the armed forces.

We must be prepared if the need arises.

My decision to register women is a recognition of the reality that both women and men are working members of our society. It confirms what is already obvious throughout our society -- that women are now providing all types of skills in every profession. The military should be no exception.

In fact, there are already 150,000 women serving in our armed forces today, in a variety of duties, up from 38,000 only 10 years ago. They are performing well, and they have improved the level of skills in every branch of the military service.

There is no distinction possible, on the basis of ability or performance, that would allow me to exclude women from an obligation to register.

I am very much aware of the concern that many Americans feel about the issue of women in combat. There are almost as many job categories in the military services as there are in civilian life, and many of these categories do not involve combat. In the All Volunteer Force, women are now successfully carrying out tasks which, in the event of hostilities, would involve deploying them in or near combat zones. But women are not assigned to units where engagement in close combat would be part of their duties, and I have no intention of changing that policy.

In every area of our national life, women are meeting the responsibilities of citizenship. That is as true of the military services as it is of the political arena or the

economy of our nation. Just as we are asking women to assume additional responsibilities, it is more urgent than ever that the women in America have full and equal rights under the Constitution. Equal obligations deserve equal rights.

I urge the Congress to act on my proposals promptly.

The registration of young people is an important element in our overall response to Soviet aggression. It signals our resolve and enhances our military preparedness. This step, along with the others we have taken, displays our commitment to peace and our readiness to defend it.

# # #

*P*  
*Draft A-2*

Draft Registration Announcement

On Monday, February 11, I will transmit to the Congress a comprehensive report on ~~actions I am taking to~~ strengthen this nation's capacity for rapid manpower mobilization in an emergency. 8

The United States is committed to peace -- a peace that allows every nation to live in an atmosphere free of coercion or intimidation. We pursue that goal through many kinds of national strength -- the strength of our ideals, the strength of our economy, the strength of our alliances and our relationships with other countries, *the strength of our national will and unity,* and the strength of our military forces.

We maintain a strong military establishment not for aggressive purposes, but as a bulwark <sup>to be used</sup> against aggression and war. Military readiness may be the best guarantee that military force need never be used. Even in the nuclear age,

we must be prepared for conventional conflict -- and deterring such conflict may depend on the timely availability of our forces.

The Soviet invasion of Afghanistan poses a serious threat to a region that is vital to the long-term interests of <sup>The United States</sup> ~~ourselves~~ and our allies. This brutal act of aggression has called forth the condemnation of the whole world -- and a series of firm and measured responses from the United States. It represents the first time in decades that the Soviets have used their military force to invade an independent nation outside the sphere of the Warsaw Pact.

These responses include continuing to increase necessary defense spending, restricting the sale of grain and high technology products to the Soviet Union, and seeking to <sup>prevent the</sup> ~~organize~~ *Summer olympics being held in Moscow.* a ~~boycott of the Moscow Olympics.~~ We have made it clear to the Soviet Union that it must pay a severe price for choosing the path of violence and aggression.

My decision to renew registration for the draft <sup>is needed</sup> ~~is part~~  
~~to increase our preparedness and~~  
~~of this range of political, economic and military actions.~~

~~It~~ is a further demonstration of our resolve as a nation.

It will <sup>improve our</sup> ~~help us develop~~ a capacity, if circumstances require,  
to add further to the size and strength of our armed forces  
-- and that capacity will itself help <sup>to maintain peace and</sup> to prevent conflict in  
the region of the Persian Gulf and Southwest Asia.

Our objective is plain: to deter Soviet aggression. A  
vigorous effort to improve our current capabilities will  
help achieve that goal.

Accordingly, I will take the following actions, <sup>to allow us</sup>  
<sup>to meet personnel requirements in an emergency:</sup>

I will seek from Congress [the authority and] funds to  
register <sup>American young men under existing law,</sup> [19- and 20-year-olds -- men and women alike  
-- in mid-1980. This will include all those who  
will reach their 19th birthday this year. Those who

I will seek <sup>additional</sup> ~~authority~~ <sup>to register both men and</sup>  
<sup>non-combat</sup> women for ~~armed~~ <sup>services</sup> to our nation.

~~turn 19 during 1981 will register in January, and continuous registration of 18-year-olds will begin on January 1, 1981. These actions will allow us to meet defense personnel requirements in an emergency.~~

¶ I will take steps to enable the Selective Service System to carry out registration in the most economical and efficient way, <sup>using</sup> ~~This will involve~~ the U.S. Postal Service for the registration process; the Internal Revenue Service and the Social Security Administration for computer support; and the Department of State for overseas registration.

¶ I will develop new procedures for the selection and training of local <sup>draft</sup> board members. Registration does not require that we reconstitute local boards now, but as part of our effort to revitalize the Selective Service machinery, we are developing plans to select and train local board members for availability in

the event of a mobilization emergency. ~~These procedures~~  
~~will ensure that people who serve on local boards~~  
~~are representative of their communities, and that~~  
~~they have the training to apply the law in a fair~~  
~~and consistent way.~~

I will request additional funds from the Congress of  
\$ \_\_\_\_\_ in FY 80 and a total of \$ \_\_\_\_\_ for FY 81  
*Selective Service System*  
for the ~~SES~~ to carry out this program.

In peacetime, our military manpower policy continues to  
rely on voluntary enlistment. ~~I believe in and~~ I will continue  
to strengthen the All Volunteer Force. My 1981 budget requests  
\$500 million in new authority for better recruitment and  
retention in our active and reserve forces.

My decision to renew registration is in no sense a move  
*volunteer force, which*  
away from the ~~AVF~~. ~~This force~~ is performing its mission well.

We are maintaining our armed forces at close to their authorized levels with volunteers, and recruitment is holding up *x well.*

In developing the All Volunteer Force, we have always recognized that it would have to be supplemented by the draft at a time of national emergency and mobilization.

Renewing registration for the draft now will save us critical time in the event of mobilization. This additional readiness could range from weeks to several months, depending on the state of the Selective Service machinery and the nature of the ~~national~~ emergency.

The process of registration in peacetime is simple.

Individuals will go to their local post office and fill out

*brief*  
a ~~form.~~ The form will ask for their name, sex, current  
~~address and permanent address, birth date and social security~~  
~~number.~~ ~~The form will be bilingual --- English and Spanish.~~

~~After the Selective Service System receives the form, a letter acknowledging receipt will be sent to the registrant.]~~ No draft card will be issued. No classification or examination of the person registering will be required. If mobilization <sup>is</sup> ~~were to be~~ required at some time in the future, I <sup>the</sup> ~~would have~~ ~~to go back to~~ Congress, <sup>would grant</sup> ~~for additional~~ <sup>authorize some</sup> ~~before anyone~~ <sup>to</sup> ~~in the pool~~ of registrants could be inducted into the armed forces. ~~I have no intention of doing so under current~~ circumstances. ~~But~~ <sup>We</sup> must be prepared if the need arises.

My decision to register women is a recognition of the reality that both women and men are working members of our society. It confirms what is already obvious throughout our society -- that women are now providing all types of skills in every profession. The military should be no exception. In fact, there are already 150,000 women serving in our armed forces today, in a variety of duties, up from 38,000

only 10 years ago. They are performing well, and they have improved the mix<sup>level</sup> of skills in every branch of the military service.

There is no distinction possible, on the basis of ability or performance, that would allow me to exclude women from an obligation to register.

I am very much aware of the concern that many Americans feel about the issue of women in combat. There are almost as many job categories in the military services as there are in civilian life, and many of these categories do not involve combat. In the All Volunteer Force, women are now successfully carrying out tasks which, in the event of hostilities, would involve deploying them in or near combat zones. But women are not assigned to units where engagement in close combat would be part of their [primary] duties, and I have no intention of changing that policy.

In every area of our national life, women are meeting the responsibilities of citizenship. This is as true of the military services as it is of the political arena or the economy of our Nation. X

I urge the Congress to act on my proposals promptly. The registration <sup>of</sup> ~~by~~ young people is an important element in our overall response to Soviet aggression. It signals our resolve and enhances our military preparedness. This step, along with the others we have taken, displays our commitment to peace and our readiness to defend it.

###

THE WHITE HOUSE  
WASHINGTON  
February 7, 1980

MEMORANDUM FOR THE PRESIDENT

FROM: STU EIZENSTAT

Stu

I had to leave between 7 and 11 p.m. tonight, before returning to the White House, during which time the section on women was drafted and included in the statement before you without my final review.

I suggest the following:

1. The paragraph on page 8 should be strengthened to make it clear that women not be assigned to direct combat duties. The word "primary" in the next to the last line on page 8 should be deleted. In addition, you should indicate that you share the concern that many Americans feel about the issue of women in combat.
2. There is no language on the ERA. You need not and should not condition registration of women on passage of the ERA but you should make the point affirmatively -- "Just as we are asking women to assume additional responsibilities, it is more urgent than ever that the women in America have full and equal rights under the Constitution. Equal obligations deserve equal rights." This is a point that all of the women's groups urged us to include, and in fact it is appropriate substantively.

Sarah Weddington agrees to these modifications.

THE WHITE HOUSE  
WASHINGTON

08 Feb 80

Jack Watson  
Anne Wexler  
Esther Peterson

The attached was returned in  
the President's outbox today  
and is forwarded to you for  
your information.

Rick Hutcheson

ORIGINAL TO STRIPPING FOR  
HANDLING AND DELIVERY

THE WHITE HOUSE

WASHINGTON

February 7, 1980

MEMORANDUM FOR THE PRESIDENT

FROM: JACK WATSON *Jack*  
ANNE EXLER *AW*  
ESTHER PETERSON *EP*

SUBJECT: Letter to John Filer, Chairman of Aetna Life Insurance Company

The recent letter (attached) that you sent to the Governors on the merits of the FTC Life Insurance Code has caused concern within the life insurance industry on both substantive and process grounds.

Substantively, the industry believes that the efforts it has already made to improve cost disclosure are not adequately reflected in the letter. The industry also believes the letter unfairly implies that it has earned excessive profits because of the current disclosure practices. And finally, industry leaders feel the letter implies support for the repeal of the McCarran-Ferguson Act, which has not been our position (the Act leaves regulation of the insurance industry to the States).

The industry leaders' process concerns center around their view that, for at least two reasons, they should have been consulted about the letter before it was sent. First, they believe that a Presidential letter affecting their industry should, in the normal course of business, have been discussed with them before it was sent. Second, and of greater concern to us, is their view that the industry deserved to be consulted, in light of the industry's strong support for the Administration on a number of major issues (such as hospital cost containment, Panama implementing legislation, the windfall tax, the Energy Security Corporation).

This last concern cannot be underestimated. Working through John Filer, who in addition to being Chairman of Aetna is also President of the American Council of Life Insurance and your designated Chairman of the National Alliance of Business, the Administration has developed a very close relationship with the industry. Because of that, industry leaders have been persuaded, again largely through John Filer's efforts, to hold back on any public reaction from the industry to your letter.

However, the industry's trade association --- the American Council of Life Insurance --- has sent a letter to the governors criticizing the FTC proposals and the failure to give any recognition to the industry's disclosure efforts. To help him work with industry leaders and maintain credibility, Filer would like a letter from you acknowledging the industry's efforts. Although he also desires that we announce support for continued state regulation, that position is contrary to the recommendations of your antitrust commission and current policy positions.

We recommend that you sign the attached letter which commends the industry, but does not retreat from your earlier letter.

Stu Eizenstat concurs.

The Speechwriter's staff has edited the letter.

THE WHITE HOUSE

WASHINGTON

To John Filer

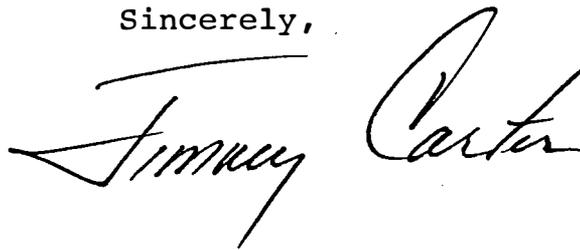
As you know, I have recently written to the state governors regarding life insurance cost disclosure. I believe it is equally important that the life insurance industry continue its work with the states and the public to improve information made available to purchasers of life insurance contracts.

I am pleased that the life insurance industry has recognized the public's need for greater cost disclosure and has initiated efforts to this end. The work of the National Association of Insurance Commissioners and the cost disclosure practices voluntarily adopted by many major companies are two particularly significant examples. I commend these efforts.

Because the regulation of the business of insurance is a state matter under the McCarran-Ferguson Act, I have asked the governors to give careful attention to proposals to improve state regulation. The expertise and continued involvement of the life insurance industry will be crucial to the development of these various regulatory proposals, including those of the NAIC. Such a joint effort will serve the interests of the consuming public and, consequently, of the insurance industry.

The critical role played by the insurance industry in the areas of capital formation, private-sector investment, and individual financial security is a subject that industry leaders and I have often discussed in our meetings. I have sought to reinforce that role in my energy, health, and urban policies, among others. I am proud of the insurance industry's response and I look forward to a continued close working relationship with you and other insurance leaders.

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. John Filer  
Chairman  
American Council of Life Insurance  
Washington, D.C. 20006

THE WHITE HOUSE  
WASHINGTON

08 Feb 80

Jack Watson  
The attached was returned in  
the President's outbox. It is  
forwarded to you for your  
information.

Rick Hutcheson

cc: Arnie Miller

BERT LANCE

Jack  
info  
J

1-23-80

To The President:

As I have said to  
you before, Liddo Mc Peters  
of Miss. would be an  
excellent & outstanding choice  
as a Governor of The Federal  
Reserve System.

He is a fine, fine  
man & truly a man who  
wants to serve.

Raymond  
Durr

Electrostatic Copy Made  
for Preservation Purposes

THE WHITE HOUSE  
WASHINGTON

08 Feb 80

Hugh Carter

The attached was returned in  
the President's outbox today  
and is forwarded to you for  
appropriate handling.

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON  
February 8, 1980

*Hugh*  
*J*

MEMORANDUM FOR THE PRESIDENT

FROM: HUGH CARTER *HC*  
SUBJECT: Georgia Tech Athletic Center

Per our conversation last week, I am attaching some information on the Georgia Tech Athletic Center campaign.

Coach Dodd accepted the honorary chairmanship of the Campaign Committee, and is very enthusiastic about the whole project. He had lunch with me yesterday, and feels good progress has already been made.

To date, about \$2,800,000 has been raised -- a \$1,800,000 matching gift from the Callaway Foundation is the largest contribution. The target is \$4,000,000 by the end of March and another \$1,000,000 by the end of the summer. This amount will build the building and furnish it well with furniture and equipment.

I have been asked to see if you want to participate in the campaign with a contribution -- either individually or in a Carter family gift. A letter of intent is enclosed, and I was advised that your gift can be kept confidential if you desire.

*modest*

In my opinion Tech's football is definitely on the way back to national prominence. Membership in the Atlantic Coast Conference -- which will also boost our basketball program -- a new head coach (Bill Curry); a new athletic director (yet to be named); a new athletic facility; and a new unity among our alumni are all part of the rebuilding program. Hopefully, we can succeed in a reasonably short time.

THE WHITE HOUSE  
WASHINGTON

08 Feb 80

The First Lady

The attached was returned in  
the President's outbox today  
and is forwarded to you for  
appropriate handling.

Rick Hutcheson

*ROS  
see me  
J*

# Letter of Intent

Georgia Tech Athletic Association, Inc.  
Intercollegiate Athletic Center Campaign  
L.W. Robert Alumni/Faculty House  
190 North Avenue, N.W.  
Atlanta, Georgia 30332  
(404) 894-5020

Gentlemen:

In consideration of the gifts of others, this is to confirm my present intention to contribute the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_.) to the Intercollegiate Athletic Center Campaign of the Georgia Tech Athletic Association, Inc. at the rate of \_\_\_\_\_ dollars (\$ \_\_\_\_\_.) per year over a three year period, or as follows \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

President & Mrs. Jimmy Carter  
The White House  
Washington, D. C. 20500

Sincerely,

\_\_\_\_\_  
(Donor's Signature)

\_\_\_\_\_  
(Date)

Campaign Volunteer: \_\_\_\_\_

Other terms or conditions: \_\_\_\_\_

\_\_\_\_\_

THE WHITE HOUSE  
WASHINGTON

08 Feb 80

Jack Watson  
Arnie Miller

The attached was returned in  
the President's outbox today  
and is forwarded to you for  
appropriate handling.

Rick Hutcheson

THE WHITE HOUSE

WASHINGTON

February 7, 1980

C

MEMORANDUM FOR THE PRESIDENT

FROM:

JACK WATSON  
ARNIE MILLER

*Jack*  
*AM*

SUBJECT:

Federal Council on Aging

Nelson Cruikshank's term as member and Chairman of the Federal Council on Aging has expired. The Amendments to the Older Americans Act of 1978 require that the Chairman not be a full-time employee of the Federal Government.

Nelson recommends that you designate as Chairman Monsignor Charles J. Fahey who is a nationally recognized authority in the field of aging, especially the frail elderly. He is Director of the Gerontological Center at Fordham University, and until last summer had been affiliated with the Catholic Charities in Syracuse for a number of years. He has been a member of the Council for the past six years.

Secretary Harris and the First Lady concur.

RECOMMENDATION:

Reappoint Monsignor Charles J. Fahey as a member of the Federal Council on Aging.

approve  disapprove

Designate Monsignor Charles J. Fahey as Chairman.

approve  disapprove

# R E S U M E

REV. MSGR. CHARLES J. FAHEY

## BORN

April 13, 1933 - Baltimore, Maryland

## EDUCATION

Blessed Sacrament, Syracuse, New York  
Christian Brothers Academy, Syracuse, New York  
St. Andrews Seminary, Rochester, New York 1951 to 1953  
St. Bernards Seminary, Rochester, New York 1953 to 1959  
Catholic University, National Catholic School of Social  
Service, Washington, D.C. 1961 to 1963 - MSW

## ORDAINED

February 2, 1959

## HONORARY PRELATE

December 21, 1971

## ASSIGNMENTS

St. Vincent De Paul Church, Syracuse, New York - Assistant Pastor -  
February 1959 to February 1961  
Catholic Charities, Diocese of Syracuse, New York - Assistant Director -  
February 1961 to June 15, 1967  
Director - June 15, 1967 to July 1979  
Chaplain Family Court - February 1961 to October 1963

## PART TIME CLERICAL ASSIGNMENTS

St. Catherine's Church - Vernon, New York  
St. Patrick's Church - Oneida, New York  
St. Joseph's Church - Oxford, New York  
St. Paul's Church - Oswego, New York  
Immaculate Heart of Mary Church - Liverpool, New York  
Holy Family - Syracuse, New York  
St. Ann's Church - Syracuse, New York  
St. Margaret's Church - Syracuse, New York  
St. Lucy's Church - Syracuse, New York  
St. Rose of Lima Church - North Syracuse, New York

## SOCIAL WELFARE BACKGROUND

October 1961 to May 1962 - Social Service Department  
(Fieldwork) St. Elizabeth's Mental Hospital  
Washington, D.C.  
October 1962 to May 1963 - Commission on Aging  
(Fieldwork) City Hall  
Baltimore, Maryland

ORGANIZATIONSNational:

- Member - Federal Council on Aging
- Member - Commission on Aging for the National Conference of Catholic Charities - Secretary, 1964-1967 - Chairman, 1967-1972  
(Commission acts as a spokesman and co-ordinator for programs and facilities under Church sponsorship in the field of aging throughout the United States.)
- Member - Board of Directors, National Conference of Catholic Charities
- Member - Council on Health Services for the Aging - Catholic Hospital Association
- Member - Board and President of the American Association of Homes for the Aging (1975-76)
- Member - Technical Committee on Health for the 1971 White House Conference on Aging
- Chairman- Special Session on Long Term Care, 1971 White House Conference on Aging
- Member - Health Study Panel Evaluating Response to 1971 White House Conference on Aging
- Member - Cadre to study the National Conference of Catholic Charities
- Member - National Council on Aging

State:

- Member - New York Health Advisory Council
- Member - Council of Catholic Charities Directors, (Chairman, 1974)
- Member - New York State Catholic Conference
- President- New York State Welfare Conference (1974)
- Chairman- Task Force Long Term In-Patient Care, New York Health Planning Commission

Local:

## HEALTH

- Member - Board of Group Hospital Service, Inc. (Blue Cross)
- Member - Board of Health Systems Agency

Member - Metropolitan Commission on Aging (Vice Chairman 1974)

Former Member- Board of ALPHA (Area Comprehensive Health Planning Agency)

Former Member- Board and Executive Committee of CHIPS (Community Health Information and Planning Service and Member - Review Committee)

Former Member- Advisory Board and Executive Committee of the Central New York Regional Medical Program

Former Member- Board of Home Aides, Inc.

### SOCIAL WELFARE

Former Member- Board of the United Way of Central New York:

Member of its Planning and Priorities Committee  
Community Priorities Committee  
Merger Committee  
Children's Service Committee  
Aging Committee  
Speakers Bureau Committee

Former Consultant to Onondaga County Pastoral Counseling Service

Former Member- Board of Crusade for Opportunity (C.A.P. Agency)

Former Member- Citizen's Council on Urban Renewal

Former Member- Board of Onondaga Council on Alcoholism

Former Member- Advisory Board of Wagon Wheel Senior Citizen Center

### PROFESSIONAL

Member- National Association of Social Work and its Academy of Certified Social Work

Certified Social Worker, State of New York

Fellow, Gerontological Society

Fellow, American College of Nursing Home Administrators

ACTIVITIES:

As Executive Vice President of Catholic Charities, he has a role with some 100 agencies affiliated with the Diocese of Syracuse operating in the field of health and social welfare.

He has made numerous appearances before various committees of Congress, State Legislature and local government bodies.

Former member of the Priest's Senate (elected), Diocese of Syracuse.

He has been a guest lecturer at Syracuse University in the Maxwell School, the School of Nursing, School of Law, and School of Social Work, as well as at University College.

He has lectured at Catholic University in Washington; at Yale Divinity School; St. Elizabeth School of Nursing, Utica, New York; St. Joseph's School of Nursing, Syracuse, New York; Sloan School, Cornell University, Ithaca, New York; Maria Regina College, Syracuse, New York; Onondaga Community College, Syracuse, New York; Mary College, Bismark, North Dakota; D'Youville College, Buffalo, New York; College of St. Rose, Albany, New York.

He has been a resource person for the Utah, Florida and Connecticut State Offices on Aging, and the Pennsylvania, California, Wisconsin, Iowa, Florida, New Jersey, Nebraska, Virginia, Illinois, Indiana, Arizona, Colorado, Minnesota, Missouri, Carolina's and Massachusetts Homes for the Aging; the National Institute of Mental Health; the Gerontological Society; Veterans Administration; the Texas and Virginia Council of Churches, and Division of Long Term Care, H.E.W.

He has given papers at the Annual Meetings of the National Conference of Social Welfare, the National Conference of Catholic Charities, the Catholic Hospital Association, the Priests Directors of Catholic Charities, the Protestant Hospital Association, United Church of Christ, the American Association of Homes for the Aging and the New York State Conference on Social Welfare. He has written numerous articles in various social welfare and health journals.

He has conducted retreats for lay persons, sisters, seminarians, and priests in the Dioceses of Ogdensburg, Buffalo, Los Angeles, Chicago, Rochester, Philadelphia, Brooklyn, Pittsburgh, as well as Syracuse.

He was awarded the Junior Chamber of Commerce "Man of the Year" Award in February, 1967. In November, 1972 he was awarded the American Association of Homes for the Aging National Award of Honor.

He was just appointed to chair a Joint Executive and Legislative Task Force on Medicaid Reimbursement of Residential Health Care Facilities.

He was recently appointed by the Vatican to represent North America in the planning of a world-wide Catholic Conference on Aging in 1981 preparatory to the United Nations World Conference on Aging in 1982.

Msgr. Fahey serves as special advisor to Governor Carey on aging and health issues.

He is a member of the New York Public Health Council and chairs the Committee on Governance of Health Care Facilities.

OFFICE ADDRESS:

Director  
All University Gerontological Center  
Fordham @ Lincoln Center  
PO Box 169  
New York, New York 10023

(212) 841-5349

Revised 8/21/79

FEDERAL COUNCIL ON THE AGING

Independent

AUTHORITY:

P.L. 93-29 of May 3, 1973, Title II, Sec. 205  
(37 Stat. 33)

METHOD:

Ex officio and nominated to the Senate

MEMBERS:

Secretary of Health, Education, and Welfare, ex officio  
Commissioner on Aging, ex officio  
and  
FIFTEEN members appointed by the President with the  
advice and consent of the Senate

NOTE: Members shall be appointed so as to be  
representative of older Americans,  
national organizations with an interest  
in aging, business, labor, and the general  
public. At least five of the members  
shall themselves be older persons.

CHAIRMAN:

Designated from among the members appointed to the  
Council.

TERM:

THREE YEARS, except of the members first appointed,  
five shall be appointed for a term of one year, five  
shall be appointed for a term of two years, and five  
shall be appointed for a term of three years, as  
designated by the President at the time of appointment.  
Any member appointed to fill a vacancy occurring prior  
to the expiration of the term for which his predecessor  
was appointed shall be appointed only for the remainder  
of such term. Members shall be eligible for reappoint-  
ment and may serve after the expiration of their terms  
until their successors have taken office. (HOLDOVERS)

FEDERAL COUNCIL ON THE AGING

Independent

SALARY:

Daily rate of GS-18 while serving on business of the Council, including traveltime, and may be allowed travel expenses, including per diem in lieu of subsistence.

PURPOSE:

The Council shall meet at the call of the Chairman but not less often than four times a year to advise and assist the President and the Commissioner on Aging on matters relating to the needs of the elderly and to serve as a spokesman on behalf of the elderly by making recommendations to the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging and the Congress. Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

THE WHITE HOUSE  
WASHINGTON

08 Feb 80

Jim McIntyre

The attached was returned in  
the President's outbox today  
and is forwarded to you for  
appropriate action.

Rick Hutcheson

cc: Hedley Donovan  
Stu Eizenstat  
Zbig Brzezinski



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

FEB 7 1980

MEMORANDUM FOR: THE PRESIDENT  
FROM: James T. McIntyre, Jr. *Jim*  
SUBJECT: The Asia Foundation Budget

*Jim -  
Let's keep them  
going this year,  
Let State have sole  
responsibility in next budget,  
& make them face  
ZBB screening  
then*

The memorandum from Hedley Donovan, Stu Eizenstat, and Zbig Brzezinski points out that the 1981 Budget contains no funding for basic support for the Asia Foundation. However, rather than being the result of a "budgetary-bureaucratic snarl", the ZBB process forced the State Department to rank the Foundation explicitly against competing requirements. *J*

The State Department, after conducting a major staff study of the Foundation, ranked it last of the Department's 169 ZBB packages. While the regional bureaus continue to support the Foundation, we believe the Department, viewing its world-wide responsibilities, will continue to assign these activities a low priority. If we fund the Foundation this year, we will have the same priority problem next year, because State is very concerned about maintaining its ongoing programs.

There are two long-term alternatives for funding the Asia Foundation outside the State Department.

The first is to place it under the International Communication Agency. ICA appears reluctant to assume responsibility for the Foundation, because it engages in activities outside the ICA mandate. Furthermore, ICA has indicated it too would rank the Foundation lower than its ongoing activities.

The second alternative is to remove the Foundation from the ZBB process. This would require establishing a separate statutory agency to provide Federal grants to the Foundation. We would not support the creation of a new government agency to carry out programs ranked very low by the relevant agencies.

We believe that the unwillingness of agencies to rank the Foundation above their marginal programs is the best available measure of its lack of relative priority. To approve this funding now would weaken the priority setting feature of the ZBB process. Therefore, we recommend against forcing State or ICA to modify their ZBB ranking and against creating a new government agency.

# THE ASIA FOUNDATION

550 Kearny Street, San Francisco, California

Telephone: (415) 982-4640  
Mail: P.O. Box 3223  
San Francisco, CA 94119  
Cable: ASIAF SANFRANCISCO

January 30, 1980

The President of the United States  
The White House  
Washington, D.C.

Dear Mr. President:

The immediate threat to the survival of The Asia Foundation resulting from the decision to cut all funds for the Foundation from the State Department budget for FY 1981 makes it imperative for the Trustees to accept at this time, your kind invitation extended to the Board in April 1978, to be in direct touch with you on matters of importance to the Foundation and American interests in Asia.

The Foundation has had a unique and close association with the United States Government since its founding in 1951, at the initiative of the Truman Administration. Now beginning its 29th year, the Foundation has programs in 14 countries in Asia, more than any other American foundation, and is in the process of extending its activities into new Asian areas with the direct encouragement of the Department of State, the International Communication Agency and the Agency for International Development.

The Foundation continues to be dependent upon the USG for its annual basic funding as it has been since its creation. Private support, in cash and in-kind, has been growing and now equals in approximate value the annual funds received from the public sector. But, basic annual support from the USG remains essential to the Foundation's continuance.

The recent and totally unexpected decision to deny the State Department's request for \$4.1 million for the Foundation for FY 1981 will therefore force, unless changed, the dissolution of the organization. Without basic support the Foundation will have to close down by the end of this calendar year. All activities in Asia, including several multi-year major development assistance programs already underway in several Asian countries funded by special grants from AID and approved by the Congress, will be terminated. All other Foundation commitments will have to be dropped and the exploration of new opportunities in South, Southwest Asia and in the People's Republic of China will have to be abandoned reluctantly.

The decision to cut off all basic support funds will more specifically wipe out among other things the following:

- . Moslem programs underway and planned, and the opportunity to develop new programs with Islamic institutions and scholars with whom the Foundation has established relationships in all of the Moslem countries in Asia from Pakistan to Indonesia.
- . The largest and most successful on-going American books distribution program in Asia which has already placed more than 18 million books in nearly every major library in Asia - needed books - donated to the Foundation by the American publishing industry and by other private sources with an estimated average value of approximately \$5 million annually.
- . The most extensive American supported human rights program in Asia built on the Foundation's long years of experience and concern with legal reform, legal aid to the poor, the administration of justice and the advancement of the rights of minorities and women, funded by a special three-year Congressionally approved grant running to 1983.
- . The newest major bi-national effort to improve communications between Japan and the United States made possible, in part, by grants from agencies of both governments (the Japan-US Friendship Commission and the Japan Foundation) and private contributions for the translation and publication in the US of important contemporary Japanese writings on timely subjects - trade, energy, security - a project conceived and administered by the Foundation.
- . Twenty-eight years of effort and success in establishing the Foundation's presence and acceptability in Asia, status agreements with most of the Governments of Asia, deep roots and strong friendships, and the Foundation's unusually wide range of associations with Asian leaders in and out of power, and at all levels of Asian society. These tangible and intangible assets would be difficult and costly to replace once lost.

Given the Foundation's recent encouragement from the Government to expand its work in Asia; the large number of current special multi-year grants awarded the Foundation by AID; ICA's strong interest in future cooperative programs with the Foundation; and considering, also, the significant investment the USG had made in establishing and sustaining the organization over the years, the Trustees find it difficult to believe that the Federal Government would now, perhaps unknowingly, make it impossible for the Foundation to continue by cutting off its basic support.

The totally unexpected prospect of the Foundations' forced liquidation is all the more surprising to the Trustees, coming just at a time when challenges to American interests in Asia, especially South-west Asia, are on the rise. The foundation is in a position to help

meet, in modest ways, some of these challenges. Its elimination now would deprive the U.S. of a small, but well-established, and positioned alternative low-cost channel through which American interests in Asia can continue to be served.

The U.S. Missions in Asia and the Near East Africa and the East Asia Pacific Bureaus of the Department of State have recently reviewed and strongly endorsed the value of the Foundation's work in Asia to broadly conceived, long-term U.S. foreign policy interests. With this support the Department of State requested that needed basic support funds for the Foundation be added to its FY 1981 ceiling. This request was denied by OMB. Subsequent appeals by State to restore funds for the Foundation were also denied.

Mr. President, we must now turn to you for help. The problem is both an immediate and long-term one. Unlike Radio Free Europe and Radio Liberty whose funding was taken care of by legislative action, the funding of The Asia Foundation since 1967 has been on a year-to-year ad hoc basis. This is the root of the problem. A longer term solution is needed, and all indications are that the Congress would welcome an initiative on the part of the Administration to provide such a solution. But first the Foundation must appeal to you for base support and the addition of \$4.1 million to the Department of State's FY 1981 budget - without which the Foundation simply will not be able to survive.

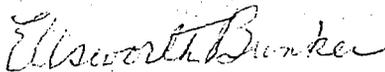
This urgent request is made in the sincere belief that the Foundation has the capacity and the opportunities to continue to serve the purposes and ideals of your Administration, and, just as importantly, the desire to do so.

Respectfully yours,

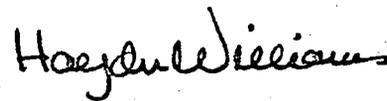
For the Trustees of The Asia Foundation



Barry Bingham



Ellsworth Bunker



Haydn Williams

THE WHITE HOUSE

WASHINGTON

February 6, 1980

MEMORANDUM FOR: THE PRESIDENT

FROM: HEDLEY DONOVAN *HD*  
STU EIZENSTAT *SE*  
ZBIG BRZEZINSKI *ZB*

SUBJECT: Asia Foundation Budget

At the request of NSC and DPS, you met with the trustees of the Asia Foundation on April 10, 1978 in the Roosevelt Room. Your praise of their program and offer of support was enthusiastically received by them and through their programs and information network by the constituency they serve. Their program is described in the attached letter.

In the FY 81 budget, a program was not included in the State Department which we feel should have been. The Asia Foundation, whose major operating funds traditionally come from the U.S. Government, was previously funded by AID. Since their programs were not solely directed to the poorest of the poor, the present mission of AID, the Congress ordered last year that the Asia Foundation not be funded in AID for 1981. Nor were the Asia Foundation's programs entirely cultural, which would logically place them in the International Communications Agency. State and ICA indicated support in principle for the Asia Foundation but refused to fund the program within their budgets. OMB then instructed State to consider the Asia Foundation in its budget. Given the constraints on all budgets this year and the fact that State had not asked for the Asia Foundation, State therefore did not rank it high on its list of priorities. When the final budget was arrived at, it was not included as an item. When OMB asked State to reconsider its ranking, it declined, and did not appeal this issue to you. The result of this budgetary-bureaucratic snarl is that there are no funds in the budget for the Asia Foundation.

The consequence is that the Asia Foundation will go out of business. All relevant area bureaus at State, and the Secretary of State, as well as NSC and ICA, had agreed that its functions were important and that it should be continued. If we are to continue to use the Foundation in support of our policy goals, we ought to find a way to continue our support. We ask your decision on the following options:

\_\_\_\_\_ Allow the Asian Foundation to go out of  
existence. (OMB)

\_\_\_\_\_ Include funds (\$4 million) for the Asia  
Foundation in a supplemental budget request  
early enough in the budget cycle to allow its  
continuation with some reprogramming at State  
Department to bridge the gap. (Donovan, NSC,  
State, DPS)

OMB COMMENT

THE WHITE HOUSE  
WASHINGTON

08 Feb 80

Stu Eizenstat

The attached was returned in  
the President's outbox today  
and is forwarded to you for  
appropriate handling.

Rick Hutcheson

cc: The First Lady  
Frank Voorde  
Phil Wise

THE WHITE HOUSE  
WASHINGTON

February 7, 1980

TO: The President  
FROM: Stu Eizenstat *Stu*  
RE: Scheduling Request

Event: White House Reception  
Purpose: to mark the 15th anniversary of  
the Head Start Program  
Date: Wednesday, March 12  
Invitees: 500-600 people  
Your time: 15-20 minutes

This proposal has been cleared through Phil Wise and Gretchen Poston. We request approval now so that necessary lead time is available to us in working with other White House and departmental staff in developing appropriate list of invitees.

approve  disapprove

*Stu*

Electrostatic Copy Made  
for Preservation Purposes

THE WHITE HOUSE

WASHINGTON

February 8, 1980

MEMORANDUM FOR THE PRESIDENT

FROM: LLOYD N. CUTLER LNC

SUBJECT: Winpisinger, et al

Attached is the Opinion dismissing the Kennedy suit alleging misuse of the incumbency by the Cabinet and White House staff. The main paragraph on page 4 is both enjoyable and useful.

Copies to:

The Vice President  
Hamilton Jordan  
Ambassador Strauss  
Jody Powell

Attachment

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WILLIAM W. WINPISINGER, et al :  
Plaintiffs :  
v. : Civil Action No. 79-3471  
JACK WATSON, et al :  
Defendants :

FILED

FEB - 7 1980

MEMORANDUM OPINION

JAMES F. DAVEY, Clerk

Plaintiffs, seven voters and supporters of the Presidential campaign efforts of Senator Edward M. Kennedy, have filed this action alleging that defendants, seven Cabinet officers and seven Presidential assistants have misused federal funds and abused federal power and thereby diminished the value of their efforts to promote Senator Kennedy's candidacy. Although numerous instances of misconduct are recited, plaintiffs' complaint can be summarized as alleging that defendants have used federal funds for the campaign travel salaries of various administration officials; they have conditioned public employment of high level federal employees on their support for the President, and used federal grants and loans to states and municipalities to coerce political support.

Defendants have moved to dismiss this action on grounds of lack of standing. After careful consideration of defendants' motions, plaintiffs' opposition, defendants' replies, and the oral argument of counsel at the hearing in this matter, the Court for the reasons set forth below, concludes that defendants' motions must be granted and that this action must be dismissed.

Discussion

"[A] 'fundamental aspect of standing' is that it focuses primarily on the party seeking to get his complaint before the federal court rather than 'on the issues he wishes to have adjudicated'"... United States v. Richardson, 418 U.S. 166, 174 (1974), quoting from Flast v. Cohen, 392 U.S. 83, 99 (1968).

A plaintiff, in order to invoke the authority of the federal court, must allege a "distinct and palpable injury to himself," Warth v. Seldin, 422 U.S. 490, 501 (1975), which must be direct and concrete, not abstract, remote or speculative. O'Shea v. Littleton, 414 U.S. 488 (1974). In addition, plaintiffs must also establish injury "that fairly can be traced to the challenged action of the defendant, and not injury that results from the independent action of some third party not before the Court," Simon v. Eastern Kentucky Welfare Rights Org., 426 U.S. 26, 41-42 (1976); Duke Power Co. v. Carolina Env. Study Group, 438 U.S. 59 (1978). According to the law of this Circuit, "[t]he determination [of] injury must necessarily proceed on an ad hoc scrutiny of the facts." Harrington v. Bush, 553 F.2d 190, 206 (D.C. Cir. 1977).

Plaintiffs claim that defendants' improper activities have produced inequalities in the election process which have interfered with their equal right to election participation. These inequalities allegedly dilute or diminish the effectiveness of their support for Senator Kennedy. In arguing that they have standing to maintain this action, they rely on a line of cases beginning with Baker v. Carr, 369 U.S. 186 (1962), where standing is granted in cases where dilution of the effectiveness of the vote is alleged. See also, Reynolds v. Sims, 377 U.S. 533 (1964).

The Court, however, does not construe plaintiffs' allegations of injury as falling within this line of cases. In contrast to what plaintiffs complain of here, Baker and its progeny concentrate on the direct and concrete injury that occurs when election districts are malapportioned; that is, when districts with greatly varying populations elect the same number of representatives. It is plain that in those cases the vote of people in districts with larger populations is diminished considerably. See Wesberry v. Sanders, 376 U.S. 1 (1964). Here, plaintiffs complain, in effect, that President Carter's misuse of the incumbency

has rendered them unable to garner the support they had anticipated for Senator Kennedy. Plaintiffs complain, in other words, of their inability to persuade people to vote for Senator Kennedy. How other people vote, in the Court's view, does not in any way relate to plaintiffs' own exercise of the franchise and further does not constitute concrete and specific judicially cognizable injury. The Court finds the admonition of the Court of Appeals in Daughtrey v. Carter, 584 F.2d 1050 (D.C. Cir. 1978) particularly instructive. In denying plaintiffs' standing where similarly vague and abstract claims of injury were made, the Court remarked, " ... Baker v. Carr does not make every alleged dilution of voting rights a sufficient injury to confer standing." Id. at 1056. This language is equally applicable to this case.

Nor is the Court convinced that the Seventh Circuit's opinion in Shakman v. Democratic Organization of Cook County, 435 F.2d 267 (7th Cir. 1970) lends plaintiffs any assistance. In Shakman, the Court found in an exceedingly brief discussion of the issue, that plaintiffs who made similar claims to those made in this case had standing to bring the action. It is doubtful, however, whether this case is controlling authority in the Seventh Circuit in light of the Court's more recent analysis of standing set forth in Mulqueeny v. National Commission on the Observance of International Women's Year, 549 F.2d 1115 (7th Cir. 1977). There the Court held in accordance with later Supreme Court decisions on the law of standing <sup>1/</sup> that plaintiffs' failure to establish both injury in fact and the causal connection between the injury and defendant's conduct deprived them of standing.

Equally fatal to plaintiffs' claim here is the lack of a clear causal connection between defendants' conduct and plaintiffs'

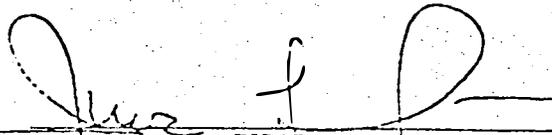
<sup>1/</sup> See Duke Power Co. v. Carolina Env. Study Group, 438 U.S. 59 (1978); Simon v. Eastern Kentucky Welfare Rights Organization, *supra*, 426 U.S. 26 (1976); Warth v. Seldin, 422 U.S. 490 (1975); Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208 (1974); United States v. Richardson, *supra*, 418 U.S. 166 (1974).

injury, the second requirement of standing. This causal connection, as stated previously, must establish that the injury is traceable to the challenged action of the defendant and not to the independent action of some third party not before the Court. Simon, supra, 426 U.S. at 41-42.

Plaintiffs' inability to influence the elections process, or to induce support for Senator Kennedy may turn on a number of factors that are unrelated to defendants' alleged abuses. President Carter's recent rise in the polls, for example, may be attributable to the country's support of his efforts to negotiate a release of the hostages in Iran. Senator Kennedy's standing in the polls may reflect public perception of his campaign performance. Because of the variety of factors that operate on the electorate at any given time, it is only through "reliance upon the most speculative of inferences," Mulqueeny, supra, 549 F.2d at 1121, that a relationship between defendants' conduct and plaintiffs' injury may be established. This type of speculation is clearly prohibited.

The Court, having concluded that plaintiffs lack standing in the constitutional sense to bring this action, it is not necessary to discuss whether prudential limitations would also bar plaintiffs' claims.

For the foregoing reasons, the Court concludes that these plaintiffs lack standing to bring this action and that plaintiffs' complaint must be dismissed. An appropriate order is entered herewith.

  
\_\_\_\_\_  
JUNE L. GREEN  
U.S. District Judge

Dated: February 7, 1980

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WILLIAM W. WINPISINGER, et al :

Plaintiffs :

v. :

Civil Action No. 79-3471

JACK WATSON, et al :

Defendants :

FILED

FEB - 7 1980

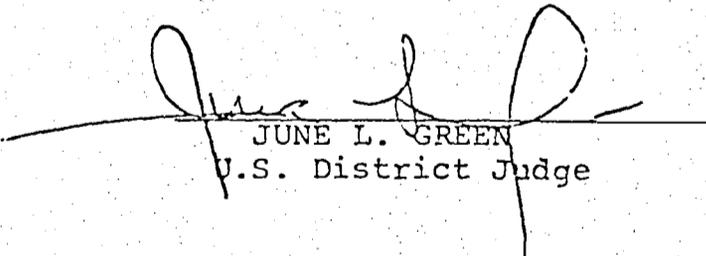
ORDER

JAMES F. DAVEY, Clerk

Upon consideration of defendants' motions to dismiss, plaintiffs' opposition, defendants' replies, the oral arguments of counsel at the hearing in this matter and the entire record herein, and the Court having concluded for the reasons set forth in the accompanying memorandum opinion that plaintiffs lack standing to bring this action, it is by the Court this 7<sup>th</sup> day of February 1980,

ORDERED that defendants' motions to dismiss are hereby granted, and it is further

ORDERED that the instant action is dismissed.

  
JUNE L. GREEN  
U.S. District Judge

THE WHITE HOUSE  
WASHINGTON

For All

2-20-80

- > Olympics
- > Reg data → DoD
- > Cy → Greece 1hr
- > Afghanistan - weather inactive
- Athletics -
- > El Salvador - others helping = CD/Puerto
- Hostages = Tr → Paris =
- > Cyprus = Greek ~~side~~ = Cypriot aid → Turkey
- > Canadian fisheries - Hearings
- > Tim Spain → Turkey
- > Pakistan = Econ/consortium = Mil/Wait
- > Somalia, Kenya

THE WHITE HOUSE  
WASHINGTON

2/8/80

bill simon --

thanks....you may want  
to just file ... if chanin  
calls, or if you want to  
let him know -- anne,  
like the rest of the  
president's senior staff,  
will receive a personally  
signed note from the president  
upon the occasion of her  
birthday

(lordy-be!) (does this shed  
any light on the "need" for  
the other phone calls which  
people around here ask the  
president to make?)

thanks--susan

NAME ANNE WEXLER

TITLE \_\_\_\_\_

CITY/STATE \_\_\_\_\_

Phone Number--Home (202) 338-7353

Work (  ) 456-2270

Other (  ) Signal line at home

Requested by MAC Mike Chanin

Date of Request 2/6/80

INFORMATION (Continued on back if necessary)

Anne's birthday is Sunday, February 10.

A telephone call would be very much appreciated.

NOTES: (Date of Call \_\_\_\_\_)



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

February 6, 1980

ADMINISTRATIVELY CONFIDENTIAL -- SENSITIVE

MEMORANDUM FOR THE PRESIDENT

FROM:

James T. McIntyre, Jr. 

SUBJECT:

Selective Service Revitalization Issues

You have reviewed my memorandum of February 2, 1980 on whether to seek legislative authority to register women. This memorandum places that decision in the context of Selective Service Revitalization and the military manpower issues considered by PRM-47, due the Congress by February 9, and presents options for decision on several sensitive registration implementation issues. We will send the final report incorporating relevant decisions to you for final approval on Friday, February 8.

PRM-47 Context:

Congress posed the women's registration issue last fall in the debate on return to peacetime registration. Subsequent events in Southwest Asia and your decision on resuming male registration heightened the immediacy of the issue; it was no longer a decision that could be put off until mobilization.

Registration of women, because of the strong emotions it evokes, should not obscure the fact that it is but one aspect of the Selective Service System revitalization and of the other military manpower issues you have considered. PRM-47 will point out that with respect to trained manpower, the AVF remains our fundamental policy. The FY 1981 budget calls for \$500 M of new authority to continue strengthening the AVF. The improvements which have been achieved or are planned for this year for Selective Service include: the execution of interagency support agreements with the Post Office and Social Security (a first in your Administration); expanded ADP support capability (to be on line this year); and selection, appointment and training of local board members in accordance with principles of community representativeness, equity and consistency of decisionmaking (to be implemented for the first time in your Administration).

2

Legislative Actions

To implement registration, we will submit an appropriation request with sufficient funds to register males and females. It will be accompanied by a bill seeking authority to register women under the Military Selective Service Act. To meet our registration schedule for men, we will need quick approval for reprogramming and subsequently of the supplemental by the Appropriations Committee.

ISSUES:

1. WHAT AGE GROUPS SHOULD BE REGISTERED?

The Military Selective Service Act permits you to register all males between age 18 and 26 or any age group within that population. Steps taken to revitalize the Selective Service System are sized to register up to three age groups. If a decision were made to register all eligible age groups, it could not be completed until next year.

Selective Service is planning to operate under the 1971 reforms which eliminated student and occupational deferments, instituted the national random lottery and replaced the "oldest first" policy with a one year of vulnerability/20 year olds first policy. This reduced the unfairness and the years of uncertainty which characterized earlier drafts.

We estimate that registering 19 and 20 year olds will create a pool large enough to meet DOD needs and would reinforce our position that we are reinstating registration only to support the mobilization needs of DOD. Following initial registration, we would institute continuous registration of 18 year olds next year.

Including older age groups would delay implementation and significantly add to costs. It could not be justified by the needs of Defense, would generate greater demands for occupational and hardship deferments, and would rekindle the controversy that was successfully addressed by the 1971 reforms which limited the prime vulnerability to a single year.

RECOMMENDATION

OMB, NSC, Jack Watson, Anne Wexler, DOD, and SSS recommend that only 19 and 20 year olds be registered now.

DECISION

       ✓ Approve

       Disapprove

## 2. WHEN SHOULD REGISTRATION BE CONDUCTED?

Selective Service and the Postal Service recommend that registration commence in June to assure smooth implementation. This would facilitate registration by spreading the workload more evenly around the country, since the resident college population would be generally dispersed to their home communities.

### RECOMMENDATION

OMB, SSS, NSC, Jack Watson, Anne Wexler and the Postal Service recommend that we announce publicly that registration will commence as soon as it is administratively feasible and that this will not be before the end of May. We should plan on June.

### DECISION

           / Approve

           Disapprove

## 3. ENFORCEMENT PROVISIONS

The present law, enacted in 1948, defines a knowing failure to register as a felony, with penalties upon conviction ranging up to five years in prison or a \$10,000 fine or both. While we should not highlight our approach to enforcement, since careful and detailed guidance should be issued by the Attorney General, we should be prepared for questions contending that this penalty may be unduly harsh.

We recommend that no legislative changes to this provision be proposed at this time. Seeking to raise the penalty would overemphasize the confrontational aspects of the enforcement problem, and reducing it would send the wrong signal about how you view the seriousness of the duty to register. Rather, we recommend that the following be said in response to questions:

We expect that, as has been true in the past, those Americans who are required by law to register will comply with the law. For those few who fail to do so, the President will ask the Attorney General to provide guidance to United States Attorneys on an enforcement policy appropriate for peacetime registration.

To ensure that those who should register for the draft do so, we will work with the Director of Selective Service and the Attorney General to develop a more structured, consistent but not a highly publicized program to identify those who have failed to register, and report to you as appropriate.

RECOMMENDATION

OMB, Jack Watson and SSS recommend that no legislative proposals on enforcement be made at this time. Anne Wexler concurs but recommends an alternative to the statement on prosecutorial discretion: that we announce a study of the enforcement issue to be completed before registration starts. At that time, we will have developed a policy that strongly recognizes the various aspects of enforcement in a peacetime situation.

DECISION

Approve (no legislative proposal at this time)

Disapprove

4. DEFENSE ACCESS TO REGISTRATION DATA

Defense has asked for a policy decision on whether Selective Service should be required to turn over to Armed Services recruiters the names and addresses of those registrants who consent to release of this information. This action would help recruiting and would not violate the Privacy Act. On the other hand, we must assure that the Selective Service is an independent (non-Defense) agency that reports to the President. Direct cooperation with Defense of this sort can be seen as moving Selective Service too close to Defense.

RECOMMENDATION

DOD asks that you approve release of registration data of consenting persons to Defense for use by military recruiters. NSC concurs with the DOD request in support of the AVF. Stu Eizenstat, Jack Watson, Anne Wexler, OMB and SSS oppose this policy.

DECISION

Approve policy

Disapprove policy

THE WHITE HOUSE  
WASHINGTON

2/5/80

Mr. President:

As you requested,  
I am attaching a copy  
of Dick Celeste's memo on  
Registration, The Draft &  
National Service. I am  
also attaching a cover  
note from Sam Brown  
which I received this  
morning -

Jack



# ACTION

WASHINGTON, D.C. 20525

OFFICE OF  
THE DIRECTOR

February 5, 1980

## MEMORANDUM

TO: Jack Watson

FROM: Sam Brown

SUBJECT: Registration and the Draft

Attached is Dick Celeste's memo to the Vice President. I believe it succinctly summarizes a view widely shared not only at ACTION but among voluntary organizations, churches and community service groups. I would only add that any Commission such as the one recommended should have a "name" chairperson so that it would become the "Harriman Commission" not the Carter Commission.

A study team for John White has written a report on models of national service which may be of interest. Unfortunately the study is drafted exclusively from a military manpower point of view and consequently tends to underplay the significance of other forms of community service. For instance, it says that "finding appropriate jobs would be very difficult." This is an assumption that the military makes but which people concerned about the service sector of our economy know is not true. Hundreds of thousands of dollars have been spent over a period of years in order to explore this subject and none of that work is reflected in the study.

The report itself seems to have been short-circuited by the decision on registration two weeks ago. As a consequence, the draft report was never circulated to members of the study team and no discussion has taken place on it. Nonetheless, it lays out the options and their potential cost. Dick's memo is essentially an argument in favor of the "voluntary broad-based national service" model which is outlined in that study.

Please call if you need additional information.

Attachment

# Peace Corps

Washington, D.C. 20525

January 24, 1980

## PERSONAL AND URGENT

### MEMORANDUM

TO : The Vice President

FROM : Richard F. *Trick* *Wester* ~~Telesie~~ Peace Corps Director

SUBJECT: Registration, The Draft and National Service

The resumption of registration is difficult to distinguish in the minds of most young Americans from a reinstitution of the draft. Registration is the first shoe. And when (as indicated in the January 24 press briefing) we begin to "select and train local (draft) board members," many citizens--especially young citizens--will hear the other shoe dropping.

Let there be registration. We need it, and most Americans will support it. Let it include women. The military will be better for their presence and a majority of Americans will support that.

But let's not slide down the slippery slope toward the draft without seriously considering alternatives, especially those that:

- tap this country's resurgent patriotism;
- reaffirm our strong tradition of voluntary action (which this Administration has re-vitalized by its extraordinary commitment); and,
- broaden our responses to world crises beyond solely a military one.

Recommendation: That on February 9th, the President appoint a Commission on National Service and the Draft, as part of his response to the recommendations he will receive from the Selective Service Commission. (Note: On December 20, 1979, Senator Paul Tsongas introduced S.2159 which seeks the establishment of a Presidential Commission on National Service.)



The mandates to the Commission should be clear: to propose appropriate terms and conditions for a National Service System which will be sufficient to meet this Nation's military manpower needs in times of emergency and at the same time flexible enough to provide socially useful service alternatives.

Can this be done on a voluntary basis?

Can we afford it?

How do we move from where we are to where we want to be?

The Commission should be expected to report back to the President with answers to these and other questions in a short period of time (four to six months) and with a single plan or alternatives which can be put before the Congress for immediate implementation.

#### ADVANTAGES:

1. Reaffirms the President's preference for voluntary service, while opening the door to a draft.
2. Taps the current tide of patriotism of young people by a call to meaningful national service without necessarily limiting that service to the military.
3. Aims to generate a more substantial and well-prepared military manpower system without waiting for a specific emergency to set it in place.
4. Ties in with the problems of youth unemployment in a positive and constructive fashion.

#### DISADVANTAGES:

1. Tackles head-on the dilemma of mandatory vs. voluntary service, which many people would like to finesse for the time being.
2. Appears to cost a great deal.

I believe the advantages far outweigh the disadvantages.

The crises in Iran and Afghanistan have sparked a sense of national unity, an earnest rather than frivolous patriotism and a willingness to sacrifice in the public interest which make this a unique moment in our history. With bold leadership such moments yield new institutions that have lasting meaning.

I hope the President can be persuaded to sieze this extraordinary opportunity.

THE WHITE HOUSE  
WASHINGTON

2/2/80

Mr. President:

Lloyd Cutler sees no legal obstacle to registering women at a later time and recommends this option (#3).

Passed to me by phone

Phil

per your request from JACK WATSON



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

February 2, 1980

MEMORANDUM FOR THE PRESIDENT

FROM: James T. McIntyre, Jr. *J. McIntyre*

SUBJECT: Announcement of Your Decision on Registering Women (Memorandum attached).

As you and I discussed yesterday, we will need at least 24 hours to lay the groundwork for the announcement of your decision. We will need to prepare a statement for you that carefully presents your position on the highly-charged, related issues of combat restrictions, equal advancement for women in the military, and your ERA commitment.

Should you decide to propose registering women now (Option 2), we will need to do more Congressional consultation next week on the legislative strategy. The wording of the announcement on this point would therefore also have to be very carefully chosen.

I will work with Frank, Jody, Stu and others to prepare the announcement as soon as we learn of your decision.

Attach:  
Memo



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503  
FEB 2 1980

Q

ADMINISTRATIVELY CONFIDENTIAL -- SENSITIVE

MEMORANDUM FOR THE PRESIDENT

FROM: James T. McIntyre, Jr.

SUBJECT: Registration of Women for Selective Service

This memorandum seeks your decision on the most controversial issue following your January 23 announcement on registration for the draft -- whether or not to seek legislative authority to register women. Your decision on this issue is necessary to and will be reflected in the Report to Congress on Selective Service Reform which we are preparing in PRM-47 and must transmit by February 9.

There are several other sensitive issues on which we will request your decision next week. These include:

- . Age Groups. Only a portion of the 32 million young men and women aged 18-26 are needed in the registration pool. We do not have the capacity to register and process more than a few age groups in 1980. We shall probably recommend initial registration only of 19 and 20-year old youths.
- . Timing: The specific date for registration, which can be accomplished no earlier than late May, must be set.
- . Enforcement: An approach to enforcement is needed to prevent people from exempting themselves from some future draft by simply failing to register.
- . Access to data by recruiters: DOD has requested that its recruiters have access to registration records, subject to permission by the individual. OMB disagrees. This issue must be resolved before registration forms can be designed.

ISSUE: SHOULD WE SEEK REGISTRATION OR INDUCTION AUTHORITY FOR WOMEN?

Introduction

The Administration supports affirmative action to expand the role of women in the military. Women are now serving in both traditional and non-traditional roles. The percentage of women in our forces is programmed to grow from 8 percent today to 12 percent by 1985 under peacetime assumptions.

Background

1. Present Law

The Military Selective Service Act authorizes the President by proclamation to register 18 to 26 year old males. On March 29, 1975 President Ford terminated registration. Registration requirements can be reimposed without additional authorizing legislation, but additional appropriations are required. The Act does not permit the induction of any person nor does it authorize registering women. Either decision would require a statutory change.

2. Equal Protection Challenges

Constitutional challenges to drafting only males were not successful during the prior draft, but since that time, stricter scrutiny has been directed to sex-based distinctions, requiring that the government demonstrate a more compelling purpose and need for the distinction. These cases have not definitively considered sex-based distinctions in the military context. Since the expiration of the draft in 1973, the percentage of women serving in the Armed Forces has greatly increased. Because women are now performing most military jobs, the burden of proof on those defending sex-based distinctions has increased. Nevertheless, the Justice Department estimates that while the chances for a successful challenge to male only registration are greater, the current statutory provisions for the registration of males only would probably be upheld.

### 3. Department of Defense Needs

#### Peacetime:

The maximum number of women who can be used in the Armed Forces is subject to: (1) legislative prohibitions, (2) policy to reserve combat roles for men and (3) the need to reserve a substantial number of non-combat positions for men in order to provide a pool of ready replacements for ground combat positions. These constraints place a ceiling in peace or war on the number of women who could be effectively utilized.

If the number of female volunteers reaches this ceiling, there would be no induction of women. On the other hand, if the number of female volunteers were below the ceiling and if draftees were required, there would be strong equity arguments for drafting women as well as men. This would especially be the case in some specialized skills, for example, in the medical area, where women comprise a substantial proportion of the draft age professionals.

#### At Mobilization:

The Department of Defense projects that of the 100,000 inductees needed 60 days after mobilization, virtually all would be trained and used in combat occupational specialties. Of the 650,000 inductees who would be needed within 180 days, most would probably be trained in combat or combat-related specialties. There would, however, be a need to draft doctors and other health professionals, which could include women. The Military Services would have a limited capacity to accept female inductees in the first 60 days after mobilization. The Services could accept approximately 80,000 women, volunteers or inductees, for non-combat positions between 60 and 180 days after mobilization. At the present time, the Department of Defense has no requirement to add additional females to the force after mobilization. Unless the present policy prohibiting women from close combat-related positions were to be changed, the needs of the military for the first few months after a mobilization will be overwhelmingly for men.

### 4. ERA Issues

Many women's groups have pacifist roots and oppose registration in general, but most favor registration of women if men are registered. ERA activists generally feel that the registration debate will complicate ERA ratification, and anti-ERA groups will fight women's registration directly. If women are

registered and potentially draftable without an ERA, it destroys a basic anti-ERA argument. Ratification of the ERA would probably result in requiring women to be registered and inducted if men are.

## OPTIONS

### OPTION 1. PEACETIME REGISTRATION OF MEN ONLY

A decision to register only males requires no new legislation, though it does require an appropriation, which will undoubtedly become a subject of heated debate. This option would neither prohibit women from registering voluntarily nor preclude a change in registration obligations for women later. It would avoid inflaming both those who oppose involuntary conscription of women and those who are concerned about the alleged impact of women's presence and values on the basic military combat mission. This option could be justified also on the grounds that DOD's emergency manpower requirements can be satisfied exclusively by men.

The main argument against this option is that it simplistically reinforces stereotypes of inequality between the sexes. There are many military jobs that women fill as well as men. Registration of men alone ignores this fact. Further, this option may be said to be contrary to the thrust of ERA that equal rights also involve equal obligations. Finally, it risks a possibly successful court challenge to the system on the grounds of denial of equal protection of the laws.

### OPTION 2. EXPEDITIOUS REGISTRATION OF MEN WHILE SEEKING PROMPT ENACTMENT OF AUTHORITY TO REGISTER WOMEN

A decision to apply an obligation to register equally on men and women would be consistent with Administration support for ERA and other sexual equality issues. The act of registration could be distinguished from the steps of classification, examination, and induction. At the same time, we could restate our policy to exclude women from combat, while continuing to seek legislative changes to permit increased opportunity and flexibility for women in the military. It would recognize the important role women now play in the military; and reduce the possibility of a successful court challenge to the system.

The disadvantages of this option are that it would require a controversial legislative change. The Congressional debate would be emotional and certainly expose the option's weakness that it is unnecessary from any military viewpoint. Also, it would double the population required to register and thus nearly double the administrative costs and difficulty of operating the

system. If you approve this option, further consultations on the Hill will be required to determine whether the best vehicle is separate legislation or inclusion in the appropriation request.

OPTION 3. PEACETIME REGISTRATION OF MEN ONLY, BUT WITH A STATEMENT OF INTENTION TO REGISTER WOMEN UPON MOBILIZATION

This option would defer imposing the obligation to register on women until mobilization. It would be justified on the grounds of inadequate induction need and capacity upon mobilization, and the absence of present legislative authority. This step would formally signal the Administration's intention to seek authority to register women. It would avoid the political and administrative costs of registering women now for a need which has not been stated by the military. It keeps options open for the future. No legislation would be required. It would recognize the principle underlying ERA but give the nation time to debate and consider the role of women after mobilization. Defense of registration in the courts would be helped by this option, which would expose women in principle to registration at mobilization but exempt them temporarily for practical reasons.

The major disadvantage of this option is that it may appear to be indecisive and a purely political compromise. Those who object to any involuntary obligation for women would still express concern, although we would not give them a legislative vehicle as a rallying point. The need to enact authorizing legislation in a national emergency might detract from other priorities including induction authority for men.

Staff and Agency Positions

OMB favors Option 2. DOD favors Option 2 and regards Option 3 as the worst of the alternatives. Jack Watson, Sarah Weddington, and Anne Wexler also favor Option 2. Watson and Wexler add that women should be handled in separate legislation. NSC recommends a variation of Option 3 that would defer the question of registering women until further study has conclusively demonstrated its need and practicality. Stu Eizenstat and the Vice President are communicating their views to you directly.

Congressional and Interest Group Positions

While there is significant support in both Houses, it is unlikely legislation to register women could pass the Congress. The bill would probably encounter a filibuster in the Senate, it is questionable whether it could be reported out

of the House Armed Services Committee, and the Speaker of the House has stated he does not want to consider the issue in an election year. Women members of Congress are split on the issue because many oppose registration for either men or women.

Should a decision to register women be made, Frank Moore believes it is very important for the Administration to reaffirm its opposition to women serving in combat.

Senator Nunn, who is strongly opposed to the registration of women, asked that he have a chance to talk with the President before any final decision is made.

Interest groups consulted so far, including veterans, favor the registration of women now, generally with a combat exclusion statement. Veterans groups warn that a bill to register women would create serious Congressional problems. Conservative religious groups disagree with registering women. Student, minority, and moderate religious groups, although generally opposed to registration, favor registering women if men are registered.

#### DECISION

\_\_\_\_\_ OPTION 1. Register men only.

✓  
\_\_\_\_\_ OPTION 2. Register men and promptly seek authority to register women. 

\_\_\_\_\_ OPTION 3. Register men only but state future intention of registering women upon mobilization.

## Poll Reports U.S. Divided on Drafting of Women

By The Associated Press

Americans are solidly in favor of resuming the draft but are divided over whether women should be drafted, according to an Associated Press-NBC News poll.

On both issues, however, those most directly affected by the possible changes are the ones who are most opposed to such changes. Young people 18 to 24 years old, who would be the first to go, are the most significant group to oppose a new draft. And women oppose being drafted, while men favor drafting them.

Talk about reviving the draft has been stimulated by the crises in Iran and Afghanistan. President Carter announced in his State of the Union Message that he wanted to register young people in the event a draft was needed.

### Support Is Overwhelming

The poll, taken Tuesday and Wednesday, found overwhelming support for such a registration proposal. Seventy-eight percent favored registration and 17 percent opposed it. One percent said that they would favor registration if women were not included, and 4 percent were not sure of their stand.

On the question of resuming the draft, and not just registration, 62 percent fa-

vored a new conscription program. Twenty-nine percent opposed one, and 9 percent of the 1,600 adults interviewed nationwide by telephone were not sure of their stand.

Almost a year ago, in February 1979, public opinion was much more closely divided on the subject of the draft. In the Associated Press-NBC News poll that month, 49 percent favored resumption of the draft and 43 percent were opposed. Eight percent were not sure.

Support for resuming the draft is broad, running through almost every group of Americans. The only significant exception is young people, those 18 to 24 years of age. They opposed the draft by a margin of 40 to 55. By contrast, those 25 and over backed the draft by a margin of 68 to 25. In each case, the rest were undecided.

No Americans have been drafted since Dec. 31, 1972. On Jan. 27, 1976, President Ford stopped the requirement that all young men register with their draft boards.

Mr. Carter indirectly raised the question of drafting women when he used the term "young people" in his State of the Union Message in referring to those who would be asked to register.

An even 50 percent of the public favors drafting women. Forty-four percent agreed overall with drafting women, and 6 percent said that they favored drafting women only for noncombat roles.

### Women Oppose Drafting Women

Forty-five percent opposed drafting women and 5 percent were not sure.

While women overall favor resuming the draft by a margin of 56 to 33, they oppose being drafted. Thirty-nine percent of the women favored drafting women, but 50 percent opposed it. Men, on the other hand, narrowly favored having women join them in the armed services. They favored drafting women by a margin of 49 to 41.

As with every sample survey, the results of the Associated Press-NBC News poll can vary from the opinions of all those with telephones across the country because of chance variations in the sample.

For polls with 1,600 interviews, the results should vary no more than 3 percentage points either way simply because of sample error. That is, if one could talk to all adults in the country, there is only one chance out of 20 that the results would vary from the findings of this poll by more than 3 percentage points.



THE WHITE HOUSE

WASHINGTON

February 2, 1980

MEMORANDUM FOR THE PRESIDENT

FROM:

STU EIZENSTAT



SUBJECT:

Selective Service Reform and Registration

I frankly have some serious concern, both philosophically and politically, with registering women. Registration is an obligation, not a right, and I see no particular inconsistency between being for equal rights without insisting that all responsibilities must be equal as well. I believe the registration of women will hurt you badly. Your New Hampshire supporters recently at the White House felt it would as well.

We have the unusual situation on this issue in which those who favor your decision for registration largely oppose registering women, while those who oppose registration of men seem to feel that if it is necessary to register men, women should be included. This latter view does comport with the opinion expressed by the great majority of representatives of women's groups with whom Sara Weddington and I met this week (before your own meeting with them) and those I met with today at the Carter-Mondale event in Washington. Again, most probably oppose the whole idea of registration.

Frank Moore has given John White, Sara Weddington and me his memo on Congressional consultation. While he concludes that there is significant support for the concept of registration "as long as it is made clear that women will not be drafted for combat," he further concludes that "legislation authorizing the President to register women is not likely to get out of the Armed Services Committee of either House."

Whereas the decision to exclude women from registration would not likely bring any political wrath down upon you (since most of those who favor the registration of women oppose registration in general), a decision to register women will be highly unpopular among many of your moderate-to-conservative supporters.

In addition, the OMB memo makes it clear that there is no actual need to register women and that indeed the military services cannot even accommodate women until at least 60 days after mobilization (and then only 80,000, including volunteers).

Further, the OMB memo pointed out that the Justice Department continues to believe that a registration of just males would likely be upheld in the courts. Thus, there are no Constitutional objections.

In sum, any decision to register women cannot be defended on the grounds of military need or legal requirement; and in addition I truly believe there will be a very considerable political fallout from registration of women. The sole premise for registration would have to be that exclusion would be inconsistent to your support of ERA. As I indicated, I do not think this is a terribly strong argument--but it is probably the only substantive basis for registration, along with the fact that registration may help eliminate the current restrictions on women that prevent their promotion within the military.

Although I would prefer Option I (a registration of men only and women as needed), in light of your own statements and the public statements of The First Lady, the Secretary of Defense and the Secretary of the Army, I assume this option does not reflect your views. Therefore, I recommend Option III for the following reasons:

- A. To introduce registration for women now would serve as a lightning rod for Congressional debate, create an unnecessary point of controversy and would set you up for an almost certain Congressional defeat.
- B. Further study needs to be done on ways in which women can better be placed in roles which will provide them greater upward mobility in the armed forces.
- C. Since there is no capability for the military services to take women until 60 days after mobilization, a registration now is unnecessary to accomplish the purposes for which you are registering men.
- D. Such a position will give you the opportunity in your statement to urge that ERA be passed--not as a necessary precondition to registration of women--but with the thought that women should be extended the full rights of citizens as they are asked to assume these new obligations.

I would agree with the OMB memo that this may have the downside of seeming to be a political compromise, but this argument is far outweighed by the arguments mentioned above.

Whatever your decision on registration of women, I believe it is a mistake to announce this decision apart from the remaining decision package. We should not allow debate over this relatively subsidiary point to divert attention from the basic issue: the need to resume draft registration in order to send a clear message of national purpose in response to the Russian invasion of Afghanistan and to be prepared for a mobilization if necessary. Separate announcement of this would get the debate focused on the wrong issue--since any registration of women accomplishes none of the purposes of a draft of men. Therefore, I recommend that, if you feel a need to make this announcement next week, the announcement be done in the context of the whole registration package.

WEXLER COMMENT

THE WHITE HOUSE

WASHINGTON

February 2, 1980

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ADMINISTRATIVELY-CONFIDENTIAL

MEMORANDUM FOR JIM MCINTYRE

FROM: ANNE WEXLER *AW*

SUBJECT: Presidential Decisions on Selective Service Reform

1. Registration of Women

The interest groups which we have consulted so far favor the registration of women (generally with a combat exclusion), except for certain conservative religious groups. However, I believe as a political matter that this should not be a serious problem, particularly given the support of the veterans organizations.

I support option two--to proceed with the registration of men and women--provided that we propose separate legislation and provided that we deal up front with the fact that the registration of women is not needed from a manpower standpoint.

2. Age Group to be Registered

I concur with the proposal to register only 19 and 20 year-olds. However, at the time of announcement we should make clear that the entire pool between 18 and 26 is subject to registration based on manpower needs as they develop and that the major reasons that only 19 and 20 year olds are being registered are first, our present determination of manpower needs in the event of mobilization and second, the cost involved.

3. Time of Registration

I concur with an early June date.

4. Additional Comments

(a) I believe you should add a paragraph to the memorandum to the President suggesting that the announcement statement place the registration decision in context by reviewing the situation in Southwest Asia, and the other actions which he has taken.

This recommendation is based on experience in the briefings we conducted this week. People don't understand the seriousness of the situation and need to see the whole picture.

(b) For your information, the veterans groups pointed out that many Vietnam veterans will not be good role models for the young people whom we are asking to register because of the way they perceive that they have been treated since Vietnam. This is particularly a problem among minorities. They also point out that we have no "GI Bill", etc. to induce people to serve as we have in the past. Although this is only registration, the concern is that without role models and "the second pay check after service", some young people might unnecessarily violate the law and not register.

NSC COMMENT

## THE WHITE HOUSE

WASHINGTON

February 2, 1980

MEMORANDUM FOR

JAMES MCINTYRE

Presidential Decisions on Selective  
Service Reform

I have reviewed your draft memorandum and have the following recommendations:

The premium on purposeful near term action on all aspects of our response to the challenge posed by the Soviets is enormous. Thus, no matter what the merits of the case for registering women, we should avoid any course of action that could lead to a situation where moving forward with registration of men became hostage to a messy Congressional debate over the appropriateness of registering women, drafting them, using them in combat positions, etc.

Nonetheless, I think that there is considerable merit in registering women -- and in making much greater use of them in the services, both in peacetime and in war. I also suspect that with a little ingenuity there are ways to make good use of women almost immediately upon mobilization.

I would therefore recommend that the President (1) proceed immediately with registration of men, but (2) state his strong support for making greater use of women in the Services both in peacetime and in war, (3) call for a thorough study of the practicality and value of immediate induction of women upon mobilization, and (4) announce his intention to seek legislation authorizing peacetime registration of women if the study shows immediate induction of women would be useful.

Finally, the courses of action you recommend with respect to which age group should be registered and when registration should be conducted seem prudent.



David Aaron

## THE WHITE HOUSE

WASHINGTON

February 4, 1980

TO: THE PRESIDENT

FROM: SARAH WEDDINGTON *S.W.*

SUBJECT: REGISTRATION OF WOMEN

You have before you a memorandum from James McIntyre, Jr., relating to Selective Service Reform and Registration.

I urge you to adopt Option 2 which would include peacetime registration of men and women. I understand that several alternative ways of presenting that option to Congress will be included in a subsidiary memo if you select Option 2, so I will not deal at this time with the various subsidiary issues.

In our consultations with the presidents of women's organizations this past week, in our work with the women attending the Saturday conference, and in various conversations with leading women (including Administration appointees), the general consensus that has emerged is a strong preference for including women in a registration (although many have added "if we do have registration"). Military leaders, including Secretary Brown and Secretary Alexander, according to the press, are in accord with this option.

I believe this option is consistent with the principles we have worked toward, is legally the most defensible, and is supportive of future progress in other areas. I am the first to recognize that we will have a tough selling job with some segments and some Members of Congress, but I am certainly willing to be an active part of the Administration team working to succeed for you on this issue.

THE WHITE HOUSE

WASHINGTON

February 6, 1980

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MEMORANDUM FOR THE PRESIDENT

FROM: STU EIZENSTAT *Stu*

SUBJECT: Selective Service Revitalization Issues

Through an error, my views were not fully reflected in the OMB memo that came to you today on revitalizing the selective service. Briefly, these are my views:

On the first two issues, the age group to be registered and the timing of registration, I concur with OMB's recommendations that 19 and 20 year-olds be registered now and that the registration begin in June.

On the enforcement issue, I also concur with OMB's view that no changes should be made now in the enforcement penalties. However, like Anne Wexler, I would go beyond OMB's recommendation and suggest a statement announcing a study of the enforcement issue, to be completed prior to the beginning of registration. Such a study will enable us to examine the merits of changing the enforcement penalties and can, if you later desire, serve as the basis for a legislative recommendation to change the penalties before registration actually begins.

On the final issue, DOD access to registration date, I feel very strongly that it would be a mistake to allow the Defense Department access to this type of data even if the registrants are willing to have the information provided. Allowing the Department of Defense to get this information would undercut severely our ability to continue making the argument that registration is needed on its own merits, and has not been proposed to help with some other purpose.