

**12/31/80**

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THE WHITE HOUSE  
WASHINGTON

12/31/80

Cissy Lawson --

President Carter asked me  
to send you the enclosed  
copy of your letter with  
his note -- along with his  
best regards.

*S*  
-- Susan Clough

DEMOCRATIC  
NATIONAL COMMITTEE

1625 Massachusetts Ave., N.W. Washington, D.C. 20036 (202) 797-5200

Jim Young  
Vice Chairman

cc: Cissy Lawson,

Thanks! You're Great!

Jim Young

December 15, 1980

Dear Mr. President

A few days before the Election we received this adorable medalion from some unknown school child. I was so touched by it, I just had to make sure that it reached you.

I'd just like to say I shall miss you so much. I've worked for you as a volunteer at DNC ever since you announced your campaign for the Presidency.

Can I hope of having the joy of shaking your hand before you leave Washington?

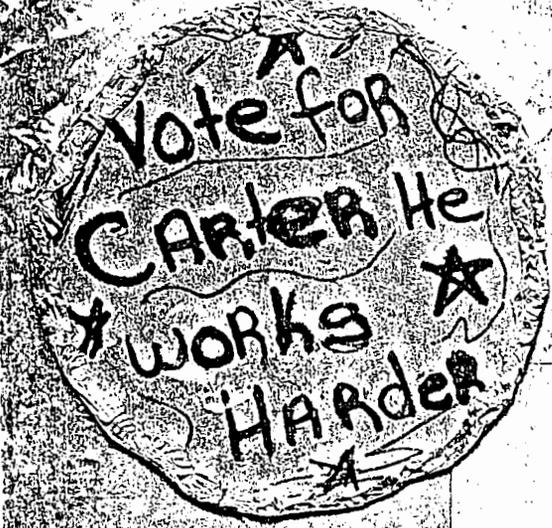
With deep affection,

Sincerely,

Cissy Lawson

Research

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THE WHITE HOUSE  
WASHINGTON

12/16

Suzanne

Anne Stuber met  
with Cery Lawson  
this morning. She  
left the attached  
for Susan and  
the President

Joyce

DEMOCRATIC

NATIONAL COMMITTEE

1625 Massachusetts Ave., N.W. Washington, D.C. 20036 (202) 797-5900

Coleman Young  
Vice Chairman

Dec 15, 1980

To: Susan Clough  
from: Cissy Lawson (Research)

Here is the transcript of Roger Mudd's  
tribute to the President which was so  
welcome.

To appreciate its significance you really  
need to see its accompanying film.

I do hope you'll bring this film  
to the attention of both the President and  
Mrs. Carter. They would enjoy it so much.



NBC News

A Division of  
National Broadcasting Company, Inc.

4001 Nebraska Avenue, N.W.  
Washington, D.C. 20016 202-686-4200

Cissy Lawson  
Democratic National Committee, Research  
1625 Massachusetts Avenue, N.W.  
Washington, D.C. 20036

Dear Ms. Lawson:

Enclosed please find a copy of Roger Mudd's script from  
the NBC Nightly News, Monday, November 24th.

Sincerely,

*Louise Arnheim*

Louise Arnheim

25 November 1980

Washington's favorite game these days is called Jumping on Jimmy.

It's been popular around here for several years, but it has now become the rage.

Most people in this town seem to have their own special lists of why Carter failed.

He was a bad manager, he was a lousy judge of people; he had NO priorities; he didn't serve cocktails; he refused to break bread with the Congress; he didn't socialize; he tried to tackle too much too soon..etc...etc...etc....

But there are some observers here who keep lists of the good things Carter has done.

First, he removed many of the imperial trappings of a presidency that had grown cold and contemptuous of the people.

His inauguration day walk down Pennsylvania Avenue was perfect.

He conducted a foreign policy that was based - NOT - on economic self-interest - but on a commitment to human rights that did, in fact, save some lives and open up some prisons.

He was NOT a jingoist and his backing of the Panama Canal Treaty was a welcome signal to the small nations of the world.

And except for the 8 men lost during the Iran raid, Carter was the first president since Hoover who did NOT commit men to combat.

Carter will probably become the first full term president never to make a Supreme Court appointment, but most in the legal profession think his other judicial nominations are truly outstanding.

40 per cent of all Federal judges are now Carter appointees.

And finally, if Jimmy Carter was anything, he was genuine. He did NOT take on airs; he did not hide his family in the closet; and if he wanted to listen to Willie Nelson, he went and listened to him.

(More)

The excitement of playing the Jump on Jimmy game will soon wear off, of course.

But by next May, Washington will have a new game of tag and you know who's going to be it.

Roger Mudd, NBC News, Washington

THE WHITE HOUSE  
WASHINGTON

12/31/80

Rick Hertzberg

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

Rick Hutcheson

LISTED IN WHO'S WHO

*x Univ. pres.*

UNIVERSITY OF SCRANTON

SCRANTON, PENNSYLVANIA 18510

Office of the President

*FBI only*

*Rick J*

December 23, 1980

**Electrostatic Copy Made  
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President Jimmy Carter  
The White House  
Washington, D. C. 20500

081821

Dear Mr. President:

I write to thank you for your service to the nation over the past four years. I voted for you in 1976 and again in 1980. You leave the White House with my thanks and my prayerful best wishes.

I would be very grateful to you if you could find space in your farewell address to the nation to mention the Report of your Presidential Commission on World Hunger. The Report is a good one. I fear that it will be forgotten when the new Administration takes office.

I think it would be a fitting conclusion to your White House years if your last act of leadership was a gesture of advocacy for the poorest of the poor.

Sincerely yours,

*William J. Byron, S.J.*

William J. Byron, S. J.  
President

WJB:mc

THE WHITE HOUSE  
WASHINGTON

December 30, 1980

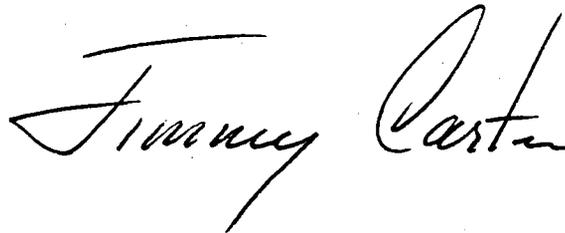
To Father William Byron

Thank you for your letter. I appreciate the prayerful support you have given me, and I value your friendship.

I will keep in mind your suggestion regarding my Farewell Address to the Nation.

You have my best wishes.

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,".

The Reverend William J. Byron, S.J.  
President  
University of Scranton  
Scranton, Pennsylvania 18510

THE WHITE HOUSE  
WASHINGTON

December 23, 1980

①

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR THE PRESIDENT

FROM:

FRANK MOORE *FM*

SUBJECT:

Weekly Legislative Report

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INTRODUCTION

This report summarizes legislative activities of the post-election session of the 96th Congress.

I. DOMESTIC POLICY ISSUES

1. DEPARTMENT OF THE INTERIOR

Alaska Lands

As you know, the major achievement of the Interior Department and your Administration during the post-election session was passage of the long-awaited Alaska Lands bill. H.R. 39, the Alaska National Interest Lands Act, is considered the most important environmental legislation of the century. While lacking the stature of the Alaska Lands bill, a number of other bills of significance to the Interior Department were enacted in the post-election session:

National Heritage Policy Act

H.R. 5496, the National Heritage Policy Historic Preservation Act, provides for a comprehensive heritage protection system for historical areas of national concern.

New Mexico Wilderness

H.R. 8298, New Mexico Wilderness, expands the Chaco National Monument, creating the Chaco National Historical Park, and protects 33 outlying areas of archeological significance.

Northwest Fisheries

S. 2163, the Northwest Fisheries bill, sets up a comprehensive grant program for the States of Washington and Oregon for the enhancement of salmon and steehead species in the area in order to offset the economic difficulties resulting from the Boldt decision.

Hawaiian National Park

H.R. 7217 establishes the Kaluapapa National Historical Park in Hawaii to memorialize the leper colony that once existed there and the work of Father Damien.

Georgia O'Keefe Historical Site

S. 2363, the Georgia O'Keefe Historical Site, contains a number of additions to and expansions of the National Park System, including the establishment of the James A. Garfield National Historic Site, the Women's Rights National Historical Park, and the Theodore Roosevelt Inaugural National Historic Site.

National Visitor Center

S. 2729, legislation authorizing certain emergency repairs at the National Visitor Center, provides \$11 million to the Secretary of the Interior for repair of the roof of the National Visitor Center.

Indiana Dunes

The Congress passed S. 2261, Indiana Dunes legislation, which establishes the Indiana Dunes National Seashore.

2. DEPARTMENT OF TRANSPORTATION

With the start of the post-election session, the unfinished transportation business on the Congressional agenda included the Airport Development Aid Program (ADAP) reauthorization, the National Highway Traffic Safety Administration (NHTSA) Authorization, and the new Transit Authorization. None of these issues was resolved prior to Congress' adjournment.

We were successful, however, in our efforts to reach agreement on a FY '81 Transportation Appropriations bill. With one hour to spare, an acceptable bill was passed before the end of FY '80.

3. ENVIRONMENTAL PROTECTION AGENCYSuperfund

Superfund, reduced in scope from our original proposal but still an important first step in the ongoing effort to deal with hazardous wastes, passed early in the post-election session. The new law is now undergoing intensive implementation activity within EPA. Briefings have been conducted for Congressional staff of the authorization and appropriations committees. An appropriation will be needed early in the next Congress since no cleanup funds can be expended from the Trust Fund without an appropriation.

In addition to an appropriation of funds and personnel, possible technical and substantive changes to the law are being reviewed.

4. ENERGY DEPARTMENT

In addition to passing DOE's authorization and appropriations bills, the post-election session of Congress reached agreement on the following measures:

Nuclear Waste Management

As passed by the Congress, S. 2189, the Nuclear Waste Management Act, gives the states the responsibility for burying low-level radioactive waste. Efforts to pass a more comprehensive bill to deal with the more difficult problems of high-level nuclear waste disposal and storage of spent fuel were unsuccessful, and the issue will await the attention of the 97th Congress.

Pacific Northwest Electric Power Planning and Conservation Act

During the post-election session, agreement was reached on the Pacific Northwest Power Planning and Conservation Act. As you know, this bill takes major steps to resolve the power shortages experienced by the Pacific Northwest.

Nuclear Safety Research and Development Act of 1980

The 96th Congress also cleared legislation to accelerate Federal research efforts into the safety of nuclear power plants.

5. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The sad saga of the Fair Housing legislation provided our greatest disappointment in the post-election period.

6. DEPARTMENT OF TREASURY

Revenue Sharing

On December 12, Congress completed work on a three year extension excluding the states in FY '81 and imposing new restrictions on state grants in subsequent years.

7. DEPARTMENT OF HEALTH & HUMAN SERVICESPneumococcal Vaccine

H.R. 8406 amends Title XVIII of the Social Security Act to provide for Medicare coverage of pneumococcal vaccine.

Biomedical Research

The Health Programs Extension Act of 1980, S. 988, provides for the continued operations of programs in the areas of biomedical research, health planning and health manpower. It includes authorizations for the National Cancer Institute and the National Heart, Lung and Blood Institute for FY '81 and '82.

Indian Health Care Improvement Act

S. 2728 amends the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care programs.

Juvenile Justice and Delinquency Prevention Authorization

H.R. 6704 amends the Juvenile Justice and Delinquency Prevention Act of 1974 to extend authorization of appropriations.

8. DEPARTMENT OF EDUCATIONIMS Reauthorization

The Arts and Humanities Act of 1980 reauthorizes the Institute of Museum Services until 1985.

IMS and Indian Education Appropriations

H.R. 7724, the FY '81 Department of the Interior Appropriations bill, includes funding for two programs administered by the Education Department, Indian Education and the IMS.

Anti-Busing

The anti-school desegregation provision was deleted from the second continuing resolution. You vetoed H.R. 7548, the Justice appropriations bill, which contained an anti-busing amendment.

9. DEPARTMENT OF COMMERCEPatent Policy

The Administration's Patent Policy bill, H.R. 6933, was passed and signed into law.

Trade

H.R. 7942, ratifies the protocol of the Customs evaluation agreement to the Multilateral Trade negotiations. The lifting of the grain embargo did not receive final Congressional approval.

II. BUDGET AND APPROPRIATIONS1. AppropriationsContinuing Resolution

The continuing resolution cleared Congress in excellent shape with almost all of the special interest provisions and objectionable riders deleted. In addition, the proposals to tie the continuing resolution to the budget resolution and to mandate unachievable overhead reductions were omitted in the final version.

1981 Regular Bills

Enacted earlier in the year:

Transportation  
 Military Construction  
 Energy and Water Development

Enacted during the lame duck session:

Agriculture  
 Defense  
 HUD-Independent Agencies  
 Interior  
 D.C.

Covered under the Continuing Resolution:

State-Justice  
 Treasury-Postal  
 Labor-HHS  
 Foreign Assistance  
 Legislative

With the exception of Agriculture and Defense, the enacted Appropriations bills were either at or below the President's budget level in policy terms. This reflects general acceptance of the President's March budget reductions or, in some cases, suitable alternative program cuts.

2. Reconciliation

You signed this bill on December 5th in ceremony. It is one of the most significant bills enacted during your Administration. It embodies a revolutionary approach to reducing entitlement spending.

### 3. Second Budget Resolution

While Congress did complete action on the second budget resolution, there is general agreement that its totals are not realistic. Nevertheless, approval helped to keep the Congressional budget process viable for the next session of Congress.

### 4. Troublesome Bills

Only a handful of our November 12 list of 25 troublesome bills has become enrolled (e.g. tourism, death benefits to families of police and firefighters). More importantly, we are not aware of any budget busting authorization bills which cleared the Congress during the lame duck session. The combined White House/OMB effort to delay enrollment of seriously troublesome bills continued to pay off.

## III. FOREIGN POLICY ISSUES

### 1. DEPARTMENT OF STATE

Foreign policy programs fared somewhat better than had been anticipated. The foreign aid authorization bill contains several provisions which lessen restrictions on the President's ability to act quickly in foreign crises. It also authorizes economic and military assistance program levels close to the requested amounts, and provides funding formulas for FMS and IMET which will permit expansion of the programs. Ironically, the House's failure to act on a foreign aid appropriations bill, thereby throwing the funding into the Continuing Resolution, resulted in higher funding than would have been likely otherwise. Several high-priority programs not previously requested were included in the CR, including \$40 million for Jamaica and increases for Israel and Egypt.

On other issues, the Conference Committee dropped the Senate attempt to repeal the partial embargo on grain shipments to the Soviet Union. The lame duck session addressed the crisis in Poland responsibly, passing a resolution concerning Poland after assuring itself that the Administration did not object. Briefings were conducted in both Houses throughout the period, the most significant being the Senate Foreign Relations Committee meeting with Secretary Muskie prior to his departure for NATO meetings; most senators present supported the types of retaliatory measures that the Secretary described in case of Soviet intervention.

Even the emotionally-charged issue of imports of Japanese autos died in the Congress without specific action being taken. And the Coffee Agreement, a small but significant gesture toward the Administration, was passed.

2. DEPARTMENT OF DEFENSE

Military Pay and Benefits

H.R. 7626, which cleared Congress on December 5, included several programs to increase military pay by about \$130 million in FY '81 and \$285 at the end of the next four years.

Reserve Call-up Authority

This legislation permits the President to call up 100,000 reservists without declaring a national emergency.

VIA LDX

MEMORANDUM

NATIONAL SECURITY COUNCIL

CONFIDENTIAL

October 24, 1979

MEMORANDUM FOR:

Mr. Peter Tarnoff  
Executive Secretary  
Department of State

SUBJECT: Extra-Governmental Efforts in Central  
America and the Caribbean (U)

Please prepare a report describing activities undertaken by US non-governmental groups which contribute to the development (economic, political, or social) or democratization of Central America and the Caribbean. The report should be organized on a country-by-country basis, and include the following countries or dependencies:

Bahamas, Barbados, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Lucia, St. Vincent, Trinidad & Tobago, Antigua, St. Christopher-Nevis-Anguila, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama. (C)

The groups that are of interest are based in the US with an important out-reach to the countries in the two regions. Groups, such as the following, should be included:

US Chambers of Commerce, Partners of the Americas, Friendship Force, Church-related groups, labor-related groups, voluntary organizations like the Rotary Club or United Way, US universities or research institutions with a component or branch in any of these countries, etc. (C)

Describe the mission (purpose, main activities) of the group, the size of its membership, the nature of its impact and the history of its involvement in the host country, the name of the head of the national organization and any ideas on areas in which we might want to encourage these organizations to expand their activities. (C)

Please transmit this report to the National Security Council by October 31, 1979 with a short summary analysis on the

CONFIDENTIAL  
Review 10/24/85

THE WHITE HOUSE  
WASHINGTON

31 dec 80

Jack Watson  
Lloyd Cutler

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

Rick Hutcheson

THE WHITE HOUSE

WASHINGTON

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cc Jack  
Lloyd  
J

December 29, 1980

MEMORANDUM FOR THE PRESIDENT

FROM: JACK WATSON  
LLOYD CUTLER *Inc*

SUBJECT: PRESIDENTIAL PAPERS -- CABINET

In Lloyd's memorandum to you dated November 19 he advised you we were checking into the legal status of Cabinet Members' file copies of their advice memoranda to you, and whether they could be treated as Presidential Papers.

After consulting the Attorney General we have concluded that the Cabinet Members' copies are official records of their departments, and are not "Presidential Papers" in the sense that they are under your ownership and control. This is also true of any memoranda you have sent to Cabinet Members now in their files (including their memoranda you returned with your marginal notes).

While these documents must remain in the possession of the departments, they are still subject to executive privilege and can, of course, be specially placed in secure files with extremely limited access. The State Department has already taken such steps for the Secretary's "night notes" to you. The counterparts of these night notes in previous administrations are still retained by the State Department and have been closely held.

There remains the further question of whether Cabinet Members should be allowed to take with them copies of such papers for their own personal files. We have concluded you have no right to bar them from doing so, but, if asked, most of them would probably agree to take copies only of those papers you approved. If you agree that such a request should be made, we think the requests should be made orally rather than by memorandum, and we will divide the making of the calls between us.

ok  
J

**The NSC has waived their classification equity for information within this White House/NSC document.**

**Your agency has been determined to be the agency of primary interest.**

**Please review for your agency's equities and obtain any necessary concurrences.**

THE WHITE HOUSE  
WASHINGTON

12/31/80

Mr. President:

Pat Cunningham called today to let you know that he is running for Chair of the DNC.

Phil

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THE WHITE HOUSE  
WASHINGTON

December 31, 1980

Mr. President -

Ambassador Bill Schwartz called this morning to send along his and Sonja's best wishes for a Happy New Year - they look forward to seeing you in a couple of weeks.

fran

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MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

LDX

December 24, 1980

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TO: PHIL WISE  
FOR: THE PRESIDENT

Phil,

State has prepared the attached proposed Christmas message from the President to the families. We have just received it. If the President is available and can approve it, we will send it out as soon as possible as a telegram to each family.

Thanks for your help.

  
Les Denend

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all  
J

MESSAGE FROM THE PRESIDENT TO THE FAMILIES

I deeply regret that Christmas will be less bright and less cheerful in every American home this year because the hostages are still held in captivity. But every American has faced this difficult year with greater courage and ~~stronger~~ resolve because of the strong example of steadfastness and faith that you and the other families have shown through fourteen long and very hard months. I thank you for the service you have rendered to your country. I am proud to have stood with you during this ordeal. When things have seemed particularly dark and without hope, I have had only to reflect on your persisting fortitude to know that we must continue our efforts. I have no more fervent wish than freedom for the hostages with honor for our country. I join my prayers with yours that the time ahead will soon bring the results that we have long sought and that your families can be reunited in a triumph of your steadfast faith.

IMMEDIATE  
PRECEDENCE

UNCLASSIFIED  
CLASSIFICATION

FOR COMMCENTER USE ONLY

FROM: LES DENEND  
TO: PHIL WISE FOR  
THE PRESIDENT

INFO:

DEX \_\_\_\_\_  
DAC 09 \_\_\_\_\_ GPS \_\_\_\_\_  
LDX \_\_\_\_\_ PAGES 2 \_\_\_\_\_  
TTY \_\_\_\_\_ CITE \_\_\_\_\_

DTG: 24 1740Z DEC 80

RELEASED BY: [Signature]

TOR: 241747Z DEC 80

SPECIAL INSTRUCTIONS:

12:47 PM 24 DEC 80 EST

COMMEN PLAINS: PLEASE DELIVER AS SOON AS POSSIBLE

James M. Wall, Editor

407 Sout Dearborn Street  
Chicago, Illinois 60605  
312-427-5380 home 312-279-7166



Angels We Have Heard on High. C

The Angel  
Came Through

Browne Barr

Friendship  
Tested

Martin E. Marty



- Carols in the Classroom
- The Ugly Face of Apartheid
- Growing Up with Lennon

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THE WHITE HOUSE

WASHINGTON

December 29, 1980

*File*  
*no copies*

MEMORANDUM FOR JACK WATSON

FROM: MICHAEL H. CARDOZO *MC*  
SUBJECT: Recess Appointment of Walter Heen

Attached please find:

- (1) Commission for the President's signature to make a recess appointment of Walter Heen as United States District Judge for Hawaii. As you know, all the President has to do is sign the Commission, have it certified by the Attorney General, and Heen becomes a Judge.
- (1) A factual memorandum from Lloyd Cutler and myself to the President on the Heen recess appointment. The memorandum does not make a recommendation on the merits of the appointment.
- (3) A draft Press Release, which I have written and which I believe is accurate. Lloyd recommended that the last paragraph explaining the operation of a recess appointment be included.

cc.: Lloyd N. Cutler

*Rich -*  
*Please forward to the*  
*President for his signature*  
*1 the Commission*  
*JW*

THE WHITE HOUSE  
WASHINGTON

12/23/80

Lloyd -

The attached is self-explanatory. The President spoke to me about it this morning & wants the interim appointment to be made - Will you please prepare the necessary papers, etc -

Thanks -

JW -

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THE WHITE HOUSE

WASHINGTON

December 22, 1980

*PRIVATE* ✓ *Jack.*

*Let's do so -  
out delay*

*J*

MEMORANDUM FOR THE PRESIDENT

FROM: Frank Moore *FM*  
Dan Tate

SUBJECT: Interim Appointment for U.S. District Judge for Hawaii

As you know, Senator Danny Inouye very badly wants you to make an interim appointment of the man he nominated for the U.S. District Judgeship in Hawaii.

A strong case can be made for this course of action due to the unusual circumstances which exist in the case of Judge Heen.

According to the U.S. Judicial Council and based on the territorial and caseload size, Hawaii should be served by three district judges. Presently, there are only two such judgeships and only one of those is filled. That particular judge's caseload is so onerous that during the last several months he has suffered a breakdown which his doctors attribute to overwork. His caseload has been so great that for the last year-and-a-half he has only heard criminal cases; his civil calendar has not been attended to at all.

If an interim appointment is not made it could be another year before the judgeship is filled. It is quite possible that Judge Heen would be nominated by President Reagan since any nominee would have to be approved by both U.S. Senators who are Democrats and since we understand that Hawaii Republicans signed off on Judge Heen in the first place. These circumstances exist in only one other judgeship situation left unresolved by the U.S. Senate. In every case except Ohio, there is at least one Republican Senator from the state involved. Naturally, the incoming Administration would seek the recommendations of those Republican Senators for judgeships in their states.

There is also little doubt that Judge Heen was not cleared by the Judiciary Committee in large part because Senator Inouye was openly and actively supportive of you during the primary campaign. Ostensibly, the Committee did not take final action on this nominee for 11 months because of allegations of organized crime connections which arose during the confirmation hearings. Such allegations were made, but they were thoroughly investigated and have been laid aside.

I recommend that you make this interim appointment. Danny Inouye is the best friend you have in the United States Senate and he will continue to be a friend. I am confident that had he not been so loyal and so open in his support of you, this judgeship problem would not have arisen in the first place. He needs to have this matter resolved in his favor by you.

THE WHITE HOUSE

WASHINGTON

December 29, 1980

MEMORANDUM FOR THE PRESIDENT

FROM: LLOYD N. CUTLER *LNC by me*  
MICHAEL H. CARDOZO *MC*

SUBJECT: Judicial Vacancy in Hawaii

There are two Federal District court judgeships in Hawaii; one is vacant, caused by the death of the incumbent judge. Almost a year ago, Senator Daniel Inouye proposed that you appoint Walter Meheula Heen to fill the District Court vacancy. Heen has served as the United States Attorney for Hawaii since May 31, 1978. On February 27, 1980, you nominated Heen to fill the existing district court vacancy. Although the Senate Judiciary Committee held a hearing on Heen's nomination on September 24, 1980, the nomination was never reported out of committee.

Senator Inouye has asked that you use your recess appointment authority to appoint Heen to the existing judicial vacancy. Senator Inouye's letter of December 17, 1980 is attached at Tab A.

The Senate Judiciary Committee has conducted a lengthy investigation of Heen. Allegations have been made suggesting that Heen was associated with "criminal elements", with organized crime figures. While a State Court judge, Heen was overruled three times in 1977, including one case in which he ruled in favor of a known organized crime figure. As a result, some law enforcement officials in Hawaii do not trust Heen. The Department of Justice says that although the allegations exist, there is no proof that Heen associates with organized crime figures.

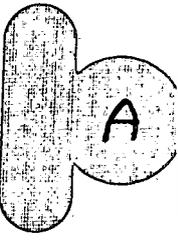
In his letter to you, Senator Inouye cites a backlog of cases in the district court as a reason to make a recess appointment. In the absence of a second federal district court judge, Judge Samuel P. King, the sitting district court judge, has refused to hear any civil cases, focusing his attention instead on criminal cases. As a result, the chief judge of the 9th Circuit has assigned district judges from that circuit to sit in Hawaii to hear civil cases.

As of September 30, 1980, of all cases pending in Hawaii, 12.9% were three years old or older. The national average is 11.7%, so Hawaii is slightly behind the national average in the processing of cases. During the past year, there has been an increase of 31% in civil cases filed in Hawaii, and a decrease of 21% in criminal cases filed.

The Department of Justice advises that no President since FDR has made recess judicial appointments after an election in which administrations changed, other than recess appointments for certain territorial or District of Columbia courts. Available information suggests that some Presidents have made recess judicial appointments at the end of the first two years of a Presidential term, but not at the end of the term if the administration is changing.

If you make a recess appointment to a Federal District Court judgeship, the appointee, if not confirmed by the Senate, will remain on the bench until the end of the first session of the next Congress, unless the Senate confirms a different person for the vacancy. If Heen were made a District Court judge by a recess appointment, and was then rejected by the Senate, he could remain on the bench until the end of the first session of the next Congress. Whether he could continue to be paid if the Senate rejected his nomination is not clear.

cc.: Frank Moore



## United States Senate

ROOM 105, RUSSELL SENATE BUILDING  
WASHINGTON, D.C. 20510  
(202) 224-3934

December 17, 1980

AJ FM/Carter  
CONGRESSIONAL  
LIAISON

DEC 22 1980

004739CL

The Honorable Jimmy Carter  
President  
The White House  
Washington, D.C.

Dear Mr. President:

cc: Tade

The 96th Congress has now adjourned sine die, and your nomination of Mr. Walter Heen for the Federal District Court bench in Hawaii will become just a footnote in history unless some action is taken.

In December of 1978, one of Hawaii's two district court judges passed away. The Judicial Selection Commission in May of 1979 submitted its recommendations. Those names were then transmitted to you. After extensive screening by the Department of Justice and by the American Bar Association, Mr. Walter Heen, was nominated by you in February of 1980.

The Senate Judiciary Committee held hearings on the nomination in September, but it is now clear that no action will be taken by the Committee during the current session. The reasons for this failure to act seem to be entirely political, and no allegation has been made that your nominee is in any way unfit for this position.

The vacancy on the Hawaii Federal District Court bench has had severe consequences and it is my belief that the situation will only worsen unless extraordinary action is taken.

The two most substantial problems that have resulted from the long vacancy are to the health of the one remaining judge and to the calendar of cases that the remaining judge is able to hear. Judge Samuel P. King suffered a brief period of amnesia this summer, a condition that his doctors feel was brought on by overwork. Furthermore, because of the pressures on Judge King's time, he has had to suspend the civil calendar entirely and only hear criminal cases.

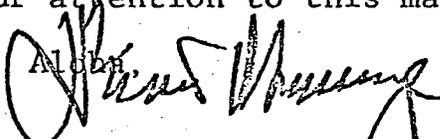
The Honorable Jimmy Carter  
December 15, 1980  
Page 2

Even if the new session of Congress acts promptly on a new nomination, it will probably be another year before a new judge can be confirmed. I am certain you will agree that the possibility that the present conditions should last another year, in addition to the two years that have already passed, is unacceptable.

I, therefore, respectfully request that you exercise your powers under Article II, Section 2, Clause 3 of the Constitution to fill this vacancy by appointing Mr. Walter Heen to the position of U.S. District Court Judge for the District of Hawaii until a permanent nominee can be confirmed.

While I am aware of the extraordinary nature of this request, it is my firm belief that the extraordinary circumstances in this case merit action on your part.

I deeply appreciate your attention to this matter.

  
ALUJDA  
DANIEL K. INOUE  
United States Senator

DKI:bhm

THE LEGAL AUTHORITY FOR THE RECESS APPOINTMENT OF A  
FEDERAL DISTRICT COURT JUDGE

The source of the power to make a recess appointment of a Federal Court District Judge lies in Article II, Section 2, Clause 3 of the Constitution which provides that: "The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

While there is little doubt at this point that the President may fill a vacancy by using the power granted in this provision, the importance of the vacancy involved makes it worth reviewing the construction that has been given to the recess appointment clause.

The language of the clause has been the subject of some dispute over the last two hundred years. The disputes have centered on four basic issues: (1) to what positions does this clause apply; (2) what do the words "may happen" mean, (3) what does the term "recess" mean, and (4) when does such a recess appointment expire?

It must be noted at the outset that there is not a significant body of either legislation or case law concerning this clause and the most abundant sources of comment are the Opinions of the Attorney General.

(1) What positions are included in this clause?

As the Circuit Court of Appeals for the Second District discussed in U.S. v. Allocco, 305 F.2d 704 (1962), this question was directly addressed by Alexander Hamilton in the Federalist Papers, No. 67. In Hamilton's view, the positions

covered by the recess appointment power were the same as covered by the preceding clause, (Art.II,Sec.2,C1.2) which provides for the President's appointment power in general. It was Hamilton's view that a second listing of the positions covered would simply have been redundant.

The Circuit Court in U.S. v Allocco, supra., supported Hamilton's view and found that a federal judgeship was among the "vacancies" to which the President could make a recess appointment. 305 F.2d 704,708.

It has been argued that the provisions of Article III Section 1 which concern judicial tenure are more specific and must therefore override the more general recess appointment provisions of Art. II, Sec. 2, C1.3. This construction of the two provisions was specifically rejected by the court in the Allocco case. The court also noted the words of Senator Phillip Hart:

If there ever was ground for the argument that the more specific language of Article III of the Constitution should be construed as excluding judicial appointments from the general authorization given the President in article II, time has answered it. The President does have such power and this resolution does not argue otherwise. 106 Congressional Record 18130 (86th Congress, 2nd Session, 1960.)

The Allocco case also notes that 15 U.S. Supreme Court Judges were initially seated as recess appointees. The first was Justice Rutherford in 1795, and even though the Senate later rejected his nomination, no question appears to have been raised as to the legality of the recess appointment

In the only official review of a recess appointment to the Court, Attorney General Edward Bates advised the President that he had the power to fill a vacancy on the Supreme Court during the recess of the Senate. 10 Op.Att'y.Gen.365 (1862). Mr. Justice Davis was then appointed by President Lincoln.

Given this pattern of practice and the fact that neither the legislative nor the judicial branch has disputed the practice, it is clear that the President may fill vacancies in the federal judiciary pursuant to Art.II, Sec.2,Cl.3.

(2) What construction should be given the words "may happen"?

The earliest disputes arose as to the construction that should be given to those two words. The two alternative views were that the vacancy must have arisen during the recess, or that the vacancy must simply exist during the recess.

Attorney General William Wirt, in the first of the attorney general opinions construing this clause held the latter interpretation was the correct one. According to that opinion:

The Constitution does not look to the moment of the origin of the vacancy, but to the state of things at the point of time at which the President is called on to act. Is the Senate in session? Then he must make a nomination to that body. Is it in recess? Then the President must fill the vacancy by a temporary commission. 1 Op.Att'y.Gen.631 at 633 (1823).

This opinion has been upheld in a long line of subsequent Opinions and is still the accepted view. 2 Op.Att'y.Gen.525, 3 Op.Att'y.Gen.673, 4 Op.Att'y.Gen.523, 7 Op.Att'y.Gen.186, 10 Op.Att'y.Gen.356, 11 Op.Atty'Gen.179, 12 Op.Att'y.Gen.32, 12 Op.Att'y.Gen.455,

14 Op.Att'y.Gen.563, 15 Op.Att'y.Gen.207, 16 Op.Att'y.Gen.522,  
16 Op.Att'y.Gen.538, 18 Op.Att'y.Gen.28,29, 19 Op.Att'y.Gen.261,  
23 Op.Att'y. Gen.599, 26 Op.Att'y.Gen.234, 30 Op.Att'y.Gen.314,  
33 Op.Att'y.Gen.20, 41 Op. Att'y. Gen. 463.

The Allocco opinion, discussed earlier, cites this long line of Opinions and holds that the view expressed therein is the correct one. 305 F 2d.704, 709-714.

One argument which has been raised in opposition to the use of the recess appointment clause is that it interferes with the rights of the Senate. This argument is probably strongest in the case where a nomination has been before the Senate and upon which no action was taken prior to the recess.

Attorney General Roger B. Taney specifically addressed this point in an 1832 opinion which stated:

In this case, the Senate have had a full opportunity of acting, but have not acted, and have held the nomination under advisement, and left it to fall vacant as soon as they adjourned. They must be supposed to have had sufficient reasons for keeping the nomination in their power, and suspending their action upon it. The President could not nominate another person for the same office until this was disposed of, and was either withdrawn by him or finally acted on by the Senate. And as the Senate have had an opportunity of acting, but have determined to suspend their decision, I cannot see how an appointment now made by the President can be supposed to interfere with the rights of the Senate. There is nothing in the case that can be construed into a desire to avoid their constitutional control. 2 Op.Att'y.Gen. 525, 529.

This question was also discussed in detail by Acting Attorney General Lawrence E. Walsh in 4 Op.Att'y.Gen. 463(1960). Among the justifications for the validity of such appointments, Mr. Walsh cites a 1948 Comptroller General decision that recess appointees to the federal bench could be paid. See 28 Comp.Gen. 30,34(1948). The fact that the Comptroller General was an arm

of the legislative branch was emphasized by Mr. Walsh as a sign of legislative acquiescence to this Presidential power

Perhaps the clearest current example of legislative acquiescence is to be found in 5 U.S.C. §5503 which provides for the payment of compensation to certain temporary appointees. The section addresses only the question of payment for the services and does not purport to interfere in the President's right to appoint. In fact the language of §5503 (a) states that "Payment for services may not be made from the Treasury of the United States to an individual appointed during the recess of the Senate..."and goes on to provide three exceptions to that rule. By the plain language of the section, the appointment is assumed to have been made, with the provision addressing only the issue of compensation.

Therefore the recess appointment clause can be summarized as providing the President with the power to fill any vacancy that exists during the recess. As shown above there is evidence of both legislative and judicial acceptance of that interpretation.

(3) What does the term "recess" mean?

While the meaning of this term has been the subject of dispute between the legislative and executive branches, most of the problems have arisen in cases involving attempts to fill vacancies during brief adjournments of the Senate. There seems to be little dispute that once a session is adjourned sine die, a recess appointment is clearly in order.

The Senate Judiciary Committee has stated that: "It (recess)

means, in our judgment, in this connection the period of time when the Senate is not sitting in regular or extraordinary session as a branch of Congress, or in extraordinary session for the discharge of executive functions; when its Chamber is empty; when because of absence, it cannot receive communications from the President or participate as a body in making appointments" See page 2, Senate Report No.4389,58th Congress,3rd Session, (from the Judiciary Committee).

Thus if the Senate of the 96th Congress adjourns sine die on December 5, 1980, the power to make recess appointments will clearly exist immediately thereafter.

It should be noted briefly that the Attorneys General have given the President varying advice on the meaning of the term recess. Attorney General P.C. Knox in a 1901 opinion seemed to restrict the term "recess" to that period following the termination of an existing session. See 23 Op.Att'y.Gen.599. He did, however, indicate that a lengthy adjournment during a session might allow the President to exercise this power.

On the other hand, Attorney General Harry Daugherty in a 1921 opinion argued that the term "recess" should be given a practical definition and not a technical one. He argued further that it was entirely within the President's discretion to determine when there was a "real and genuine recess" See 33 O'Att'y.Gen.20.

Regardless of which interpretation is followed, it is clear that the period following the termination of one session and the commencement of the next session, would be a "recess" with the meaning of Art.II,Sec.2,Cl.2.

(4) When does a recess appointment expire?

The language of the recess appointment clause states that it "shall expire at the end of their next session." In earlier Congresses, where the Senate was in session for shorter periods and there were special and extraordinary sessions, this meant that such an appointment could be relatively short-lived.

However, in the present context of year-long "regular session" the appointment should last until the end of the 1st session of the 97th Congress. The most recent of the Attorney General's Opinions so advised President Eisenhower. See 41 Op. Att'y.Gen.463, 480 (footnote 23) (1960).

The other probable terminating event would be the confirmation of a permanent appointee by the Senate. As stated by Attorney General Wirt, "...the President shall have the power of filling it by an appointment to continue only until the Senate shall have passed upon it; or in the language of the Constitution, till the end of the next session." See 1 Op.Att'y.Gen.631,632, (1823) (emphasis added).

It can be argued from the language of the clause that the recess appointment should last until the end of the next session irrespective of the intervening confirmation of a permanent appointee. The potential conflict has either never happened or at least, never been directly addressed. Attorney General Wirt, however, assumes in the language quoted above, that once the Senate has acted upon a nomination, that that event should override the temporary appointment.

As this potential for conflict between clauses 2 and 3 has never been addressed directly, it must remain an open question. Attorney General Wirt's interpretation, however, does remove the conflict between the two provisions, and does so by giving precedence to the procedure which involves Senate participation. Read in this manner the provision would be that the appointment shall expire no later than at the end of the year next session.

There remain two further questions which are raised by the use of the recess appointment clause: (5) Is there any restriction as to who may be appointed to the vacancy; and (6) can the recess appointee be compensated for his services.

(5) Is there any restriction as to who may be appointed?

Attorney General Williams addressed this point in an 1875 opinion in which he stated:

Touching the other questions submitted, namely, as to whether there are any restrictions on the President in regard to the persons who may thus be appointed, and whether he is at liberty to appoint those whom the Senate failed to confirm: to the former I answer, that I know of no such restriction on his power of appointment. See 14 Op.Att'y.Gen.563,564.

The 1960 opinion of Acting Attorney General Lawrence Walsh agreed, and advised President Eisenhower that the nominees pending before the Senate could be given recess appointments. See 41 Op.Att'y. Gen. 463(1960).

This appointment of a person whose nomination was pending at recess might be assumed to be the most objectionable to the Senate. Yet 5 U.S.C. §5503 seems to implicitly approve of this practice.

Under the provisions of 5 U.S.C. §5503(a)(2), an appointee may be compensated if there was a nomination pending before the Senate at recess. No restriction is placed at this point that the appointee must be someone other than the pending nominee. Were such a restriction contemplated, this would be the logical place to put it.

The subsection goes on to deny compensation to a person who was appointed during the preceding recess, and on which vacancy no action was taken during the last session. This is a clear statement that successive recess appointments of the same person are disapproved, at least to the extent of barring compensation to such an appointee.

In the absence of any legislative disapproval of this construction of the clause, the Attorney General's Opinions are the only source of interpretation and they clearly hold that the President may appoint any person, including the person whose nomination was pending before the Senate.

(6) May such an appointee be compensated for his services?

5 U.S.C. §5503(a) provides that recess appointees shall not be compensated except in three instances; where the vacancy arose within 30 days of the end of the session, where there was a nomination pending but not acted on (except in the case of successive recess appointments of the same person), and, where the nomination was rejected within 30 days of the end of the session and the appointment goes to someone other than the rejected nominee.

As discussed previously, the second section would seem to allow the President to appoint the person whose nomination was pending, and allow that appointee to be compensated. The Attorney General has read the language in that manner. See 41 Op.Att'y.Gen.463(1960). The Comptroller General has also upheld that construction 28 Comp.Gen.30,34,(1948). Lastly, it should be noted that this construction of the second exception is the one which is assumed by the Administrative Office of the U.S. Courts, the agency who must compensate the Federal District Court Judge.

In summary, the recess appointment clause, as applied to the specific case for which this was prepared, would allow:

1. The President to appoint a Federal District Court Judge to a vacancy which existed during the recess of the Senate;
2. The President to appoint the person whose nomination was pending when the Senate went into recess;
3. The appointed judge to sit until the end of the 1st Session of the 97th Congress, or till the confirmation of a permanent appointee if that came earlier, and
4. Allow the appointed judge to receive compensation.

THE WHITE HOUSE  
WASHINGTON

12/31/80

Jack Watson:

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

Rick Hutcheson

To: *Pres. Carter*

*Fabricator investigation*

*2 hour meeting about David Schulte*  
ck

# LEADERS

**Electrostatic Copy Made  
for Preservation Purposes**

9 December 1980

*J Watson  
info  
J*

Charles Kirbo, Esq.  
King & Spalding  
2500 Trust Company Tower  
Atlanta, Georgia 30303

Dear Mr. Kirbo:

I am writing to you because there is a major time problem, and also because this is not a political matter but rather one that is in the best interests, in my opinion, of the nation as a whole.

Some years ago, President Ford appointed David Schulte as U.S. representative and national correspondent to the United Nations committee on the prevention of crime and treatment of offenders. This was a non-political appointment because David Schulte is one of the outstanding experts in this field, as the enclosed curriculum vitae will show.

David Schulte has no political connections. He has not been involved in politics and has served without any compensation, including expenses, on some of the most distinguished boards and organizations in this area. He is one of the fore most experts in the nation on crime and the correction and treatment of offenders.

His term expires at the end of this year and it is a Presidential appointment.

David Schulte has not contacted anyone in this regard because he feels it would be improper for him to do so. He is not one to be "politicizing."

However, his loss would be unfortunate. He would be happy to continue serving, but it would be up to the President to make a decision to reappoint him before he leaves office.

Charles Kirbo, Esq.  
9 December 1980  
Page Two

I wanted to bring this to your attention with the hope that the President would reappoint him. He is a fine citizen who had dedicated himself to public service without compensation and, I think, his kind are harder and harder to find these days.

Very truly yours,

A handwritten signature in black ink, appearing to read "Henry O. Dorman". The signature is written in a cursive style and is positioned above the typed name.

HENRY O. DORMANN  
President & Editor-in-Chief

DAVID A. SCHULTE, JR.

Born in 1917 in New York City. Attended the Horace Mann School, then the Horace Mann School for Boys. Graduated Phillips Andover Academy in 1936. Bachelor of Arts degree in Political Science from Yale University, 1940. Married and has one child. Residence - 1125 Park Avenue, New York City; office - 501 Fifth Avenue, New York City.

Active for many years in various Schulte enterprises, including Dunhill of London, Inc., Park & Tilford, etc. Presently engaged in independent investment research and finance.

Volunteered for duty with the United States Navy. Served for four years with overseas duty. Present rank - Lieutenant Commander, U.S. Naval Reserve (Ret.).

Active in numerous civic and philanthropic endeavors, including Chairman of the Washington Heights B'nai B'rith, United Jewish Appeal Committee, Chairman of the Americanism Committee of McNally Post, American Legion, Director and Chairman of the Board Members Institute of the New York City Urban League, member of the New York City Regional Advisory Board of the Anti-Defamation League of B'nai B'rith.

In 1952 he was cited by the Washington Heights Lodge B'nai B'rith for services in support of worthy community causes and was named Honorary Chairman of the New York County Catholic War Veterans Annual Entertainment and Ball. In 1953 presented with the Veteranism Award by the Department of New York, Catholic War Veterans for philanthropic and charitable work for veterans, regardless of race, creed or color. 1956 - Guest of Honor, Joint Defense Appeal, Washington Heights Division. 1959 - Award and Citation by the Fred H. Meyer D.S.C. Post 403, Veterans of Foreign Wars, for outstanding work in various civic functions. 1961 - Manhattanville Post, American Legion Committee Service Award.

Served February 13, 1958 to June 21, 1959 as a member of the New York State Commission of Correction. This state service entailed inspection of state, city and county prisons, penitentiaries, jails, police lock-ups, houses of detention, court pens, to improve their management and insure that their administration was in compliance with the correction law. Also served on the Plans Committee of the Commission and in this capacity was charged with supervising and approving plans for new construction and alterations to existing institutions.

During the summers of 1958 and 1959, while in Europe, surveyed French and Italian penal institutions and correctional administration on behalf of New York State Commission of Correction.

On April 22, 1960 appointed Member of the New York City Board of Correction and is presently performing for the City the same functions as he did for the State. During the summer of 1960 was a participant in the Second United Nations Congress on The Prevention of Crime and the Treatment of Offenders, held in London.

Member of the Executive Committee of the Correctional Association of New York; member of the American Correctional Association, the National Jail Association, and the Federal Grand Jurors Association for the Southern District of New York.

- 1962- Delegate to the White House Conference on Narcotics and Drug Abuse.
- 1962- Appointed by President Kennedy to the President's Committee on Equal Employment Opportunity.
- 1963- Appointed by Mayor Wagner as Vice Chairman of the Board of Sponsors of JOIN (Job Orientation in the Neighborhood).
- 1964- Honored by the New York Regional Advisory Board of the Anti-Defamation League of B'nai B'rith for, "not only his many accomplishments in securing new levels of human dignity, but also for the friendship, warmth and human understanding he brings to all his many endeavors."
- 1964- Appointed by President Lyndon B. Johnson a member of the National Citizens Committee for Community Relations to work for the fair and full implementation of the new Civil Rights Law of 1964.
- 1964- Elected President of the Urban League of Greater New York. Served for the year 1964- 65.
- 1965- Recipient of the Brotherhood Award February 24, 1965 by the New York Council of the Jewish War Veterans of the United States.
- 1965- Appointed by Mayor Wagner a member of the Mayor's Temporary Commission on Narcotics Addiction. Subsequently selected as a member of its Executive Task Force, and Chairman of the Sub-Committee on Legislation.
- 1965- Received a Certificate of Appreciation from President Lyndon B. Johnson and Vice-President Hubert H. Humphrey for his "meaningful contribution to the welfare of the Nation and its youth through participation in the 1965 Youth Opportunity Campaign".
- 1965- Participation in the Third United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
- 1965- On October 13, 1965, Mr. Schulte was reappointed by Mayor Wagner to membership on the New York City Board of Correction with a term expiring October 13, 1971.
- 1966- Appointed a member of the Advisory Council to the Joint Legislative Committee on Metropolitan and Regional Area Studies. This appointment made by Hon. Anthony J. Travia, Speaker, The Assembly, State of New York.
- 1967- Appointed by the Honorable Percy Sutton, Borough President of Manhattan, Advisor on Waterfront-Labor Management policy; appointed a member of Manhattan Planning Board No. 8. Also a member of the 23rd Precinct Policy Community Council and the 23rd Precinct Policy Youth Council.
- 1967- Appointed as a Member of the Joint Legislative Committee on Penal Institutions.
- 1967- Appointed by Mayor Lindsay to Membership on the Criminal Justice Coordinating Committee.

- 1967- Honored by the Gibborim Society of the New York City Department of Correction with a plaque, "In Recognition of Outstanding Service to the Department".
- 1967- May 31, Had bestowed upon him by the President of the Italian Republic the rank of Knight in the Order of Merit of the Republic. This honor was in recognition of the Italian Government's appreciation for activities in favor of the Italian community and for warm feelings always shown towards Italy.
- 1967- Elected Chairman of the New York Board of the Anti-Defamation League of B'nai B'rith to serve for one year. Re-elected in 1968.
- 1968- January- Became a member of the permanent panel of the Long John Nebel Discussion Show on NBC radio, appearing thereafter on an average of four hours per week, discussing topics of civic importance.
- 1969- Appointed Chairman of the National Urban Affairs Committee of the Anti-Defamation League of B'nai B'rith.
- 1970- Appointed an Advisor to the State of New York Joint Legislative Committee on Environmental Management and Natural Resources.
- 1970- Appointed a member of the Advisory Committee to the Borough President of Manhattan on Narcotics Addiction Control.
- 1970- Appointed Special Counsel to the United States Sub-Committee on Juvenile Delinquency.
- 1970- Awarded a Golden Jubilee Award by the Fred H. Meyer D.S.C. V.F.W. Post No. 403 "In recognition of his long and dedicated service on major national and community committees dedicated to human dignity and a more meaningful life".
- 1970- Elected to active life membership in the National Sheriffs' Association in appreciation of personal interest and activity in behalf of the Association and in the advancement of progressive Law Enforcement.
- 1971- Appointed by Mayor John V. Lindsay to the New York City Criminal Justice Coordinating Council for a term ending December 31, 1973.
- 1971- Recognized by the Urban League of Greater New York for 20 years service as a member of the Board of Directors. Named an Honorary Director for life.
- 1971- Re-appointed as a member of the Environmental Advisory Panel of the State of New York Joint Legislative Committee on Environmental Management and Natural Resources.
- 1971- Re-appointed by Senator Birch Bayh to the United States Sub-Committee to investigate Juvenile Delinquency.
- 1972- Re-appointed by Mayor John V. Lindsay as a member of the New York City Board of Correction for a term expiring October 13, 1973.
- 1972- Elected to serve a three year term as a Director of the Wolf Trap Foundation for the Performing Arts of Washington, D. C.

- 1972- Guest lecturer at the John Jay College of Criminal Justice for the year 1972.
- 1972- Elected for a three year term membership on the New York Board of the National Conference of Christians and Jews, Inc. and served as a member of the Education Task Force of the Colloguy.
- 1973- Re-Elected as a member of the American Jewish Committee National Executive Council.
- 1973- Re-invited as Guest Lecturer at the John Jay College of Criminal Justice.
- 1974- Re-Appointed by Mayor Beame to a term on the Board of Correction ending October 13, 1975.
- 1974- Elected to serve as a member of the Anti-Defamation League National Advisory Council.
- 1974- Re-invited as Guest Lecturer at the John Jay College of Criminal Justice.
- 1975- Elected by the American Jewish Committee to serve as a member-at-large on their National Executive Council for a one year term from May 1975 to May 1976.
- 1975- Re-appointed to the Wolf Trap Foundation Board of Directors.
- 1975- Re-appointed by Mayor Beame to a six year term as a member of the New York City Board of Correction, ending October 13, 1981.
- 1975- Re-invited as Guest Lecturer at the John Jay College of Criminal Justice.
- 1976- Re-elected as a member-at-large of the National Executive Council of the American Jewish Committee for the year May 1976 to May 1977.
- 1976- Re-invited as Guest Lecturer at the John Jay College of Criminal Justice.
- 1976- Appointed by Senator Birch Bayh as a consultant to the Subcommittee to Investigate Juvenile Delinquency.
- 1976- Appointed by Borough President Percy E. Sutton as a Manhattan Borough chairman to "I Love a Clean New York, Inc.", the City's new clean-up campaign.
- 1976- APPPOINTED BY PRESIDENT GERALD R. FORD AS A REPRESENTATIVE OF THE UNITED STATES TO PARTICIPATE, AS A NATIONAL CORRESPONDENT, IN THE UNITED NATIONS PROGRAM FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS FOR A TERM EXPIRING DECEMBER 1, 1980.

THE WHITE HOUSE  
WASHINGTON

12/31/80

Jody Powell

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

Rick Hutcheson

# LEADERS

*For info*  
*Jody*  
*info*  
*J*

17 November 1980

Mr. Charles Kirbo  
Attorney  
King & Spalding  
2500 Trust Company Tower  
Atlanta, Georgia 30303

**Electrostatic Copy Made  
for Preservation Purposes**

Dear Mr. Kirbo:

It certainly is a small world. When I returned to New York who came by to visit my office late Friday afternoon but Gene Milner of Lanier. He said to be sure to mention to you that he is trying his best to think up some law suits so that he can get you a little business.

In regard to the matter we discussed, it seems to me that President Carter has done a great deal for the nation and for the world, and since my Magazine not only goes to the Leaders throughout the world, but is also used in schools, universities as well as libraries, we would like to make his good record a part of history.

Therefore, in one of our future issues we would like to print something in regard to his "legacy to the world."

As you know, in the three and a half years we have been chatting I have never had the opportunity of meeting Mr. Carter and I would like very much to pay my respects, and to obtain the information for an article either in an interview which we would send back for approval prior to publication, or I would like to meet with him to discuss the possibility of his writing such a commentary.

It may be that it would be better as far as history, for us to put it together for President Carter's approval.

# LEADERS

To  
for President  
Carter

Jody  
info  
J

17 November 1980

Mr. Charles Kirbo  
Attorney  
King & Spalding  
2500 Trust Company Tower  
Atlanta, Georgia 30303

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Mr. Charles Kirbo  
17 November 1980  
Page Two

In any case, I am guided by your kind thoughts, and I look forward to hearing from you.

Cordially yours,



HENRY O. DORMANN  
President & Editor-in-Chief

*file*

THE WHITE HOUSE  
WASHINGTON

31 dec 80

Gene Eidenberg:

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

Rick Hutcheson

THE WHITE HOUSE

WASHINGTON

January 2, 1981

To Governor Carlos Romero

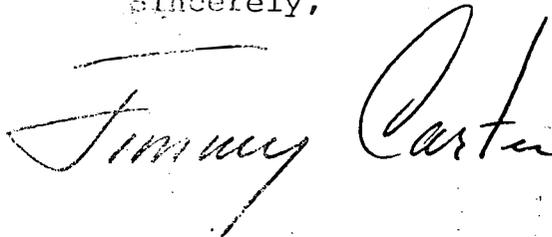
Please accept my congratulations and best wishes on the occasion of your inauguration to a second term as Governor of Puerto Rico.

During my term as President, I have cared deeply about the people of Puerto Rico and their future. My proclamation of July 25, 1978 -- reaffirming the principle of self-determination in deciding Puerto Rico's ultimate political and legal status -- is a decision of which I am personally proud and a benchmark to guide the continuing dialogue on this important question.

The people of Puerto Rico are a dynamic and productive force in our nation and hemisphere. Their wishes ought to set the direction of both the debate and the decisions to be made in the years ahead on Puerto Rico's status.

I have appreciated the opportunity to work with you over the past four years. I am confident that the people of Puerto Rico will make significant progress in the next four years on Puerto Rico's further economic and political development.

Sincerely,



The Honorable Carlos Romero-Barcelo  
Governor of Puerto Rico  
San Juan, Puerto Rico

THE WHITE HOUSE

WASHINGTON

December 30, 1980

MEMORANDUM FOR THE PRESIDENT

FROM:

GENE EIDENBERG

*Gene*

SUBJECT:

Message to Governor Carlos Romero  
of Puerto Rico on the Occasion of  
His Inauguration

Your policy of self-determination for Puerto Rico has been a highlight of your overall Caribbean policy. The reaction in Latin America and the United Nations, as well as in Puerto Rico, has been very positive.

The current situation of the Puerto Rican political system is critical. Democratic Party institutions are in a shambles because of the recount of the gubernatorial election and the legal suits resulting therefrom. The end result could be a stalemate between a pro-statehood coalition and an anti-statehood coalition. As you know, the Republican platform categorically calls for resolving the status issue in favor of statehood. This one-sided policy of the next Administration will increase the volatile nature of the situation in the next four years.

I, therefore, recommend that you send the attached message to Governor-elect Romero on January 2, 1981, upon his inauguration and authorize its release. The text has been cleared by NSC and Speechwriter staff.

Jack Watson concurs in this recommendation.

*file*

THE WHITE HOUSE  
WASHINGTON

12/31/80

Gene Eidenberg  
Jim McIntyre  
Zbig Brzezinski  
Stu Eizenstat

The attached was returned in  
the President's outbox today  
and is forwarded to you for  
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Rick Hutcheson



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

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MEMORANDUM FOR: THE PRESIDENT

FROM: James T. McIntyre, Jr.   
Director

SUBJECT: Transfer of Refugee Resettlement Grants

The attached memorandum from the U.S. Refugee Coordinator, Victor Palmieri, requests your decision on whether administration and funding of refugee resettlement grants should remain with the State Department or be transferred in FY 1982 to the Director of the Office of Refugee Resettlement in the Department of Health and Human Services, as provided by the Refugee Act of 1980. These grants are made to voluntary agencies to cover the costs of finding sponsors and providing initial reception and placement services for refugees when they arrive in this country. Even though the Act requires that a study of this question and your determination be provided to the Congress by March 1, 1981, a decision is needed now to be reflected in the 1982 Budget.

The Refugee Coordinator (with State Department concurrence) recommends that, for the time being at least, the administration of the resettlement grants be retained with the Department of State because he believes that:

- the refugee program is undergoing extensive change with the implementation of the Refugee Act of 1980 and that shifting responsibility for these grants would further complicate the process of change;
- keeping the grant program in State better ensures the full participation of the private sector (voluntary agencies) in the refugee resettlement process; and,
- State can better coordinate the initial reception and placement activities funded by these grants with our overseas refugee programs.

It should also be noted that the private voluntary resettlement agencies favor retaining the grants with State because of their long association with the Department and their "concern" about dealing with the grant-making apparatus of HHS which they believe would overburden and "federalize" their programs.

HHS, DPS, and NSC recommend this function be transferred to HHS but that the authority be vested in the Secretary rather than the Director of the Office of Refugee Resettlement as current law provides.

HHS believes it is the more appropriate agency to administer the grants because:

- HHS administers the bulk of federal domestic refugee assistance programs under the Refugee Act of 1980 and would be better able to integrate these initial reception activities with existing longer-term resettlement programs.
- HHS has proven grants management expertise.
- HHS has an organizational network in place that will permit greater cooperation and sensitivity to the needs of local communities where refugees are being resettled.
- Most state and local public agencies dealing with refugee matters favor transfer to HHS.

I concur in Mr. Palmieri's recommendation because of the longstanding and vitally important role played by the private voluntary agencies in the refugee resettlement process. In addition, State has recently developed improved grant agreements with the volags which should provide better management control and accountability. Finally, transferring the grants at this time might cause program disruptions that could jeopardize our already strained resettlement system.

According to the Refugee Act, authority for this program is permanently assigned (by statute) to the Director of the Office of Refugee Resettlement in HHS. However, the Act states that if you determine that the Director should not have this direct authority, then the authority... "shall be exercised by such officer as the President may from time to time specify." Therefore, by assigning this authority to either the Secretary of State or the Secretary of HHS (but not the Director) you preserve Presidential authority to reassign the function at a later time if desired.

Recommendation

1. That you approve retaining the administration of initial resettlement grants with the Secretary of State. (U.S. Refugee Coordinator, State, OMB)  
(Watson, Eidenberg)  
Approve            ✓
2. That you approve transferring the administration of initial resettlement grants to HHS, but under the authority of the Secretary of HHS. (DPS, NSC, HHS)  
  
Approve
3. That you approve transferring the administration of initial resettlement grants to HHS under authority of the Director of the Office of Refugee Resettlement as provided in the Refugee Act of 1980. (Current law)  
  
Approve



UNITED STATES COORDINATOR  
FOR REFUGEE AFFAIRS  
WASHINGTON, D.C. 20520

November 28, 1980

MEMORANDUM FOR: THE PRESIDENT

From: Victor H. Palmieri *VHP*

Subject: Recommendation on the Organizational  
Location of Refugee Reception and  
Placement Grants

The attached report on the "Organizational Location of Refugee Reception and Placement Grants" is in response to the 1980 Refugee Act which requires a study be made on whether the Department of State or the Department of Health and Human Services is best able to administer the Reception and Placement Grant program. The Office of Management and Budget assigned the preparation of the report to the Office of the United States Coordinator for Refugee Affairs and asked for my recommendation on the issue.

My examination of this question has convinced me that the issue of the organizational location of R&P grants is a fundamental policy question rather than a mere administrative or management matter. My recommendation, therefore, is aimed at ensuring that the more basic policy considerations are advanced by your decision on this matter.

Refugee resettlement programs are unique in at least two major ways. First, they represent a blend of vital domestic and foreign policy interests with critical humanitarian concerns. Second, they are heavily dependent on the human and financial resources of the private sector agencies concerned with refugees.

It is my conviction that maintaining the center of gravity in the private sector and decreasing reliance on public resources must be among our primary goals. I therefore recommend that, for the time being at least, administration of R&P grants be retained with the Department of State.

Two reasons lead me to this position. One is the sense that we have barely begun to construct a coherent framework to cope with the new imperatives that confront our refugee policy. The most pressing of these is the worldwide eligibility for refugee status created by the Refugee Act of 1980, and the problems underscored by our recent experience as a nation of first asylum. The second reason is the strong feeling that in developing this framework, we must produce a policy that is compatible with our responsibilities to our own disadvantaged minorities who bear a disproportionate share of the burden involved in absorbing refugee flows into the community. This clearly points toward increasing reliance on private voluntary organizations and suggests the need to distance ourselves from measures that appear to create competition between public assistance resources and mechanisms in place for domestic needs and refugee programs.

The intensity and scale of both traditional offshore refugee programs and our new first asylum problems are more likely to increase than diminish in the years ahead. Under these conditions, I believe State Department management of R&P grants is more compatible with the premium we must place on the private sector role. The bureaucratic culture and fundamental mission of HHS clash with the objective of restraining the growing tendency to rely on public resources. The managerial considerations--that HHS is better equipped to operate than State, that State can or cannot develop this capacity, and others--are inconclusive for either Department on administrative grounds alone. Whichever Department takes responsibility, there must be better management and greater accountability by all segments of the resettlement system, public and private alike.

It may be that later events will necessitate a change. But for FY 1982 I can see no sound purpose to be served by a transfer of R&P grants administration out of the State Department.

Recommendation

That you approve Option 1, favored by the Coordinator's Office and the Bureau of Refugee Programs in the Department of State: Continued administration of the reception and placement grants by the Bureau of Refugee Programs in the Department of State.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

Prefer Option 2, favored by the Department of Health and Human Services: Administration of the reception and placement grants by the Office of Refugee Resettlement in the Department of Health and Human Services.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_



THE WHITE HOUSE

WASHINGTON

December 19, 1980

MEMORANDUM FOR THE PRESIDENT

FROM:

GENE EIDENBERG

*Gene*

SUBJECT:

Administrative Location of Resettlement  
Grants to Voluntary Agencies -- Refugees

I understand that you are considering a proposal to move the budget and administrative authority for refugee resettlement grants from the State Department to HHS. I strongly recommend that you not take this step at this time.

There is no doubt a good argument for placing responsibility for these funds and the services they support with the domestic agency responsible for refugee resettlement in the United States.

However, this would be an ad hoc decision taken outside of the context of an overall review of the management of refugee policy. Moving these funds would seriously disrupt the relations that have developed between the voluntary agencies (that actually do resettlement work) and officials in State. We cannot afford to have such a disruption while we are still dealing with the effects of the Cuban and Haitian exodus.

The refugee program would be better served by maintaining the status quo until and unless a comprehensive review of refugee programs and their management is completed and a judgment is rendered about resettlement grants and their relation to overall policy and administration of the program.