

7/27/77 [2]

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FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
memo w/att.	From McIntyre to The President (12 pp.) re: Conventional Arms Transfer Cases / enclosed in Hutcheson to Lance 7/27/77 <i>2 pages opened per RAC, 1/30/13</i>	7/27/77	A

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START

Date: July 27, 1977

MEMORANDUM

FOR ACTION:

Bert Lance

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: ~~CONFIDENTIAL~~ - Brzezinski memo dated 7/27/77 re Request
for Decisions on Conventional Arms Transfer Cases.YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:TIME: 12:00 NOONDAY: FridayDATE: July 29, 1977

ACTION REQUESTED:

 Your comments

Other:

STAFF RESPONSE:

 I concur. No comment.*Please note other comments below:*

DECLASSIFIED
Per, Rac Project
ESDN; NLG-12C-8-267-4
EN K'S NARA DATE 1/30/13

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)



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

July 29, 1977

~~CONFIDENTIAL-GDS~~

MEMORANDUM FOR: THE PRESIDENT

FROM:

James T. McIntyre, Jr.
Deputy Director

James T. McIntyre, Jr.

SUBJECT:

Request for Decisions on Conventional
Arms Transfer Cases

OMB agrees with Secretary Vance and Dr. Brzezinski that these sales ought to be approved.

A note of interest--the Thai Government has subsequently withdrawn its request to purchase the four C-130 aircraft included in this request.

~~CONFIDENTIAL-GDS~~

DECLASSIFIED
Per, Rac Project
ESDN; NLC-126-8-2C-1-4
BY *KS* NARA DATE *1/30/12*

FINISH

Mts E
Rodino
7-27-77

THE WHITE HOUSE
WASHINGTON

9507080 Eilberg Sub Com
Policy → specifics
East - Stern - Byrd - Mc G - Riegle
Sparkman -

Civil → Crim
Move in Senate

600,000/yr immigrant
Non-deport - number(?)

Now deport 800,000/yr

Now: 7 yrs - non deport

1/1/70 permanent alien status
Since - register

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

C
/

Mr. President:

Dr. Brzezinski disagrees with me about this, but Jody is sympathetic and suggested that I raise the point with you.

I wish you would consider re-inserting the two paragraphs on human rights you cut from the previous version. (They are marked in red on page 11 of the draft I am attaching.) With cuts this severe, it seems to me, the section is too brief and sounds defensive. The main message it gives is that we're not backing down, rather than saying anything positive. I think you would be better served to add at least the first paragraph. To do so, I think, would leave you less vulnerable to stories about defensiveness in your human rights policy, or soft-pedaling it under pressure. It would suggest a steady-as-she-goes outlook on these issues. I should point out that Dr. Brzezinski feels exactly the opposite way, and thinks it is less defensive if it is briefer.

J. Fallon

**Electrostatic Copy Made
for Preservation Purposes**

7/20/77
11:30 a.m.

I am proud to meet with you today, here in one of the most gracious of our nation's cities, to talk about the problems and the hopes that we, as Southerners and as Americans, all share.

I feel a special kinship with you as state legislators. For four years I was a member of the Georgia State Senate, and I still prize state government not only for the talents of those who work in it, but for its closeness to the people it represents. Our Southern states have a proud tradition of local, independent government, of which you are now the heirs.

But we in the South have also felt, ^{perhaps} more directly than ~~anyone else in our nation~~ ^{many others, some} ~~one~~ ^{rapid} of the changes of the modern age. More and more our daily lives are shaped by events in other cities, decisions in other states, tensions in other parts of the world. As Americans, we cannot overlook the way our fate is bound to that of other nations. This interdependence stretches from the health of our economy to the security of our energy supplies. It is a new world, in which we cannot afford to be narrow in our vision, limited in our foresight, or selfish in our purpose.

When I took office, our nation was facing a series of problems around the world -- in Southern Africa, the Middle East, in our relations with our NATO allies, and on such

tough questions as nuclear proliferation, the Panama Canal, and world poverty. We have addressed difficult and controversial issues -- some of which have been delayed or avoided in the past. As I pointed out in my most recent press conference, a period of debate, disagreement and probing was inevitable -- especially since, in all our

foreign relations, our goal is not to reach quick or easy or ^{transient} ~~temporary~~ ^{meaningful} agreements, but to find solutions that are ^{balanced} and ^{lasting}.

~~[mean something for the future as well as for the present.]~~

Today I want to discuss a vitally important aspect of these foreign relations, the one that will most directly shape the chances for peace for us and for our children. That is our relationship with the Soviet Union.

For decades, the central problems of our foreign policy revolved around antagonism between two coalitions, one headed by the United States and the other by the Soviet Union. Our national security was defined almost exclusively in terms of competition with the USSR.

This ~~problem~~ ^{competition} is still critical, because it does involve issues of war and peace. But however important this relationship, it cannot be our sole preoccupation to the exclusion of other world issues. Even if we succeed in relaxing tensions with the USSR, we could still awake one day to find that nuclear weapons have spread to dozens of other

which could lead to war

nations. Or we could struggle to limit the arsenals of our two nations, in the name of reducing the danger of war, only to undo our efforts by continuing to export armaments *to other nations* without restraint. As two industrial giants, ^{we} [both of us] face long-term energy crises. Whatever our political differences, both of us are compelled to begin conserving ^{world} [our] energy supplies and developing alternatives ^{to oil and gas.} Despite deep and continuing differences in world outlook, both of us should accept the new responsibilities imposed on us by the changing nature of international relations.

Other great changes have transformed the nature of the international drama. Europe and Japan rose from the rubble of war to become great economic powers. Communist parties and nations became more widespread and more varied. Newly independent nations [e]merged into what has become known as the Third World. And the technological genius of mankind gave us [not only] the means of bringing the world's peoples closer together, ^(and) [but] also ever more sophisticated and prolific weapons of destruction.

Both the United States and the Soviet Union have learned that our countries and our peoples, in spite of [our] great resources [and our political traditions], are not [omnipotent] *all* *powerful.* We have learned that this world, no matter how technology has shrunk its distances, is nevertheless too large and too

varied to come under the sway of ^{either one or} two great super powers, ~~let alone of one~~ And -- what is perhaps most important -- we have, for our part, learned all of this in a spirit not of increasing resignation but of increasing maturity.

I mention these familiar changes because I think that to understand today's Soviet-American relationship we must place it in perspective, both historically and in terms of the overall global scene.

The whole history of Soviet-American relations teaches us that we will be misled if we base our long-range ~~assess-~~ ^{Policies} ~~ments~~ on the mood of the moment, whether that mood is euphoric or grim. All of us can remember times when relations seemed especially dangerous and times when they seemed bright. We have crossed those peaks and valleys before. And we can see that, on balance, the trend in the last third of a century has been positive.

The profound differences in what our two governments believe about freedom and power and the inner lives of human beings ^{are likely to} ~~will~~ remain, and so ^{are are other elements} ~~will~~ ~~the element~~ of ~~the~~ competition between the United States and the Soviet Union.

That competition is real and deeply rooted in ^{the} ~~history,~~ ^{and values} ~~philosophy,~~ ~~and even psychology.~~ ^{of our respective societies} But it is also true that our two countries ^{share many} ~~have some~~ important overlapping interests. Our job is to explore those interests and use them to enlarge the areas of cooperation between us, on a basis of equality and ^{mutual} ~~respect.~~

As we negotiate with the Soviet Union, we will be guided by a vision -- of a gentler, freer, more bountiful world. But we will have no illusions about the nature of the world as it really is. The basis for ^{complete} mutual trust does not ^{yet} ~~now~~ exist. Therefore the agreements we reach must be anchored on each side in enlightened self-interest. [~~A measure of trust may someday grow out of that process, but trust cannot initiate it.~~] That is why we search for areas ^{of agreement} where our real interests and ^{those} ~~the real interests~~ of the Soviets coincide.

We want to ^{see} ~~engage~~ the Soviets ^{further engaged} in the growing pattern of international activities designed to deal with ~~common~~ human problems -- not only because they can be of real help, but also because we want them to have a ^{greater} stake in the creation of a constructive ^{and peaceful} world order.

When I took office -- exactly six months ago yesterday -- many Americans were growing disillusioned with detente -- and, by, extension, with the whole course of our relations with the Soviet Union. ^{World respect for the essential rightness of our foreign policy had been shaken by the events of a decade.} At the same time, we were ~~regaining~~ ^{beginning to regain} our sense of confidence ^{and purpose} as a nation. ^{decided that}

In this situation, I ~~felt~~ it was right for me to talk honestly about international issues with the American people. I felt that it was urgent to restore the moral bearings of American foreign policy. And I felt that it was important to put the U.S.-Soviet relationship, in particular, on a more

reciprocal, realistic, and ultimately more productive basis ^{for} both nations.

It is not a question of a "hard" policy or a "soft" policy, but of a clear-eyed recognition of how most effectively to protect our security and to realize our long-term ^{national} interests.

This is ^{our goal.} ~~[what I have sought.]~~

We have looked at the problems in Soviet-American relations freshly, and have sought to deal with them boldly and constructively _x with proposals intended to produce concrete results:

-- In the talks on strategic arms limitations, we advanced a comprehensive proposal for genuine reductions, limitations, and a freeze on new technology _x which would maintain ~~lead to~~ balanced strategic strength.

-- We have ~~[come out for]~~ ^{proposed} a complete end to all nuclear tests and ^{these} negotiations ~~[to this end]~~ are now underway. Agreement here could be a [major] milestone in U.S.-Soviet relations.

-- We are working ^{together} toward a ban on chemical, ^{biological and radiological} warfare and the elimination of ~~[all stocks]~~ ^{inventories of} these destructive materials.

-- We have proposed to curb the sales and transfer ^{Conventional weapons to other nations.} ~~of arms~~ countries.

-- We ~~[have proposed]~~ ^{are attempting} to halt the ^{threatening} proliferation of nuclear weapons _x among the nations of the world.

-- We have undertaken serious negotiations on arms limitations in the Indian Ocean. ~~[We hope that these talks will lead to restrictions on the kinds of weapons in the area that most concern each side.]~~

encouraged the Soviets to join us in signing
 -- We have ~~[discussed]~~ ~~[Soviet adherence to]~~ the Treaty of Tlatelolco, which would ban the introduction of nuclear weapons into the ^{southern part of the} Western Hemisphere.

795

-- ~~[In the Middle East]~~ We are continuing to consult with Soviet leaders as co-chairmen of the Geneva Conference ^{to establish peace in the Middle East,}

-- In southern Africa we have pressed for Soviet ^{and Cuban} restraint.

Throughout the non-aligned world, our goal is not to ^{encourage dissention nor to} ~~redivide~~ the world into two opposing ideological camps, but to expand the realm of independent, economically self-sufficient nations -- and to oppose attempts at new kinds of subjugation.

move to (B) p.10

~~[-- We would welcome constructive Soviet involvement in the dialogue between North and South.]~~

-- We and our allies are working together, with the Soviets, to reduce the level of armaments in Europe.

-- We have renewed the 1972 agreement for cooperation in science and technology and a similar agreement for cooperation in outer space.

-- Increased trade between the United States and the Soviet Union would help us both. I hope ^{that} ~~[the]~~ conditions can be created that will make possible steps toward expanded trade. The American-Soviet Joint Commercial Commission has resumed its meeting after a long interlude.

move (C)

-- We ^{are seeking} ~~[should also find]~~ ways to cooperate in improving world health and in relieving world hunger.

The Soviets are worried about our cruise missiles. We are concerned about ~~insuring~~ the security of our deterrent. Our cruise missiles are aimed at compensating for the growing threat to our deterrent, ^{capability} represented by the buildup of Soviet strategic offensive weapons forces. If these threats can be controlled, we are prepared to ~~sharply~~ limit our own strategic programs.

But if an agreement cannot be reached, there should be no doubt that the United States will do what it must to protect its security and insure the adequacy of its strategic posture.

Our ^{new} proposals are different from those that ~~any Administration~~ ^{have been} ~~has~~ made before. Building on Vladivostok, we are trying to reduce substantially ~~for the first time~~ the existing number of nuclear weapons. ~~We are trying to work for lasting peace.~~ ^{to ease tension and}

~~[We understand Soviet concerns and interests. We want them to understand ours. We are trying, for the first time, to bring about a complete end...]~~

In many areas we are in fact addressing the tough, complex core of longstanding problems.

Insert at (A)

U.S. Arms 28

ratify immediately the terms on which complete agreement was reached at Vladivostok and also to

* * *

In the Strategic Arms Limitation Talks we need to make steady progress toward our long-term goals of genuine reductions and strict limitations, ^{while maintaining the basic strategic balance.} We have outlined proposals incorporating significant elements of arms control: deep reductions in the arsenals of both sides, freezing of deployments and technology, and restraining certain elements in the strategic posture of both sides that threaten to destabilize the balance, ^{which now exists.}

The Vladivostok negotiations of 1974 left some issues unresolved and subject to honest differences of interpretation. Meanwhile, new developments in technology have created new concerns. ~~The Soviets are worried about our cruise missiles. We are concerned about their very large total ^{thought of their intended ballistic missile force} ballistic missiles which are being equipped with multiple warheads. We understand their interests. We want them to understand ours. We will continue to work for an agreement, built on Vladivostok, that clears up the unresolved issues and copes with the new technology.~~

challenging the security of our interests.

(Hard Brown)

~~Our proposals are different from those that any Administration has made before. We are trying, for the first time, to reduce substantially the existing number of nuclear weapons. We are trying, for the first time, to bring about a complete end to all nuclear tests, and negotiations to this end are under way.) We are trying, for the first time, to reach agreements that will not be overturned by the next~~

isect
fact

technological breakthrough. We are trying, in a word, for lasting peace.

Not one of these proposals involves a sacrifice of ~~[our]~~ security. All of them are meant to increase the security of both sides. Our view is that a SALT agreement cannot just reflect the lowest common denominator that can be agreed upon. This will ~~create~~ only an illusion of progress and, eventually, a backlash against the entire arms control process. Our view is that genuine progress in SALT will not merely stabilize competition in weapons, but ^{will also} provide a basis for ^{improvement} ~~[a change]~~ in political relations.

When I say that these efforts are intended to relax tensions, I am not speaking only ~~[in the abstract diplomatic language]~~ of military security. I mean as well the ^{tension among} individual ^{people} ~~[human tension]~~ that comes from the knowledge that the leaders of our two countries have the capacity to destroy human society through ~~misunderstandings~~ or mistakes. If we can relax this tension, ^{by reducing the nuclear threat} not only will we make the world a safer place, but ^{also} ~~[also]~~ we will free ourselves to concentrate on ^{constructive action to give the world a better life.} ~~[the things we should be doing.]~~

We have made some progress toward our goals. But, to be frank, we ^{also hear} ~~[have also heard]~~ some negative comments from the Soviet side about SALT and about our ^{more general} relations, ~~more~~ generally. If these comments are based on a misconception

redouble our efforts

of our motives, we will [~~do our utmost~~] to make them clear; but if they are merely designed as propaganda to put pressure on us, we will persevere.

ultimately

What matters ~~in the long run~~ is whether we can create a relationship of restraint and cooperation that will be rooted in the national interests of both sides. We [~~are shape adjusting~~] our own policies to accommodate the changing world, and we hope the Soviets will do the same. Together we can give this change a [~~constructive~~] *positive* direction.

(C)
(B)

~~[We must recognize that]~~ Part of the Soviet leaders' current attitude may be due to their apparent -- and incorrect -- belief that our concern for human rights is aimed specifically at them, *or is an attack on their vital interests.*

commitment to

There are no hidden meanings in our ~~stand on~~ human rights. ~~It~~ is exactly what it appears to be: the positive and sincere expression of our deepest beliefs as a people. It is addressed not to any particular *people* country or [~~group of~~ *area of the world,* countries], but to all countries equally, including our own. And it is specifically not intended to heat up the arms race, or bring back the Cold War, [~~or try to dictate to any~~ *nation,* country], including the [~~USSR~~ *Soviet Union*].

On the contrary, I believe that an atmosphere of peaceful cooperation is far more conducive to [~~the gradual growth~~ *an increased respect for* of] human rights than an atmosphere of belligerence or warlike

I stand on *what* I have said on this subject before. My ~~was~~ policy is

confrontation. The experience of our century has proved this over and over again.

Our belief in human rights springs from the same source, the same vision of a better world, as do our beliefs in arms control and in international cooperation. Our ultimate aim, in each instance, is to raise the general level of human conduct, and to reduce the role that raw force plays in human affairs.

And just as our stand on human rights is not aimed at any particular country, neither is a public commitment to human rights the exclusive property of any particular country, including the United States. Such rights as the right to be protected from torture and arbitrary imprisonment and the right to speak as conscience directs are firmly rooted in international commitments. In Article VII of the Helsinki accords, for example, the participating countries pledge to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion." We in the United States are willing to be judged by that standard.

We have no illusions that the process will be quick or that change will come easily. But we are confident that, *if we do not abandon the struggle,* *personal freedom and* ~~in the course of months and years,~~ the cause of human dignity will ~~not~~ prevail.

①

②

In my first six months in office, ^{we have made clear} ~~my Administration~~ ^{our determination} has gone beyond ~~our predecessors~~ -- both ~~[in our willingness]~~ to give voice to Americans' fundamental beliefs, and ~~[in our determination]~~ to obtain lasting solutions to East-West differences. If this chance to emphasize ^{peace and} cooperation instead of ^{animosity and division} ~~competition~~ is allowed to pass, it will not have been our choice.

I can summarize the themes that will underlie our relations with the Soviet Union this way:

First, our policy must be based on the knowledge that our relationship with the Soviet Union is a complex one that will continue to involve both competitive concerns and overlapping interests. We can afford no illusions on this point.

Second, in the period immediately ahead, our most important objective must be to manage this relationship so as to reduce the danger that it might lead to nuclear war. We must do this by stabilizing the strategic military competition through negotiation and by regulating the political competition in crisis areas of the world.

Third, in the longer run, our aim is to encourage the Soviet Union to participate with us in constructive efforts to deal with the urgent problems that affect life on this planet.

Fourth, in each step we take with the Soviet Union, we must seek specific actions based upon mutual self-interest.

We must not allow rhetorical abstractions and passing moods to deflect us.

Finally, at every point, we must ^{always} combine realism with principle. Our actions must be faithful to the essential values to which our society is dedicated, because our faith in these values is the source of our confidence that this relationship will evolve in a more constructive direction.

I cannot forecast whether all our efforts will succeed. But there are things which give me hope, and in conclusion I would like to mention them briefly.

This place where I now stand is one of the oldest cities in the United States. It is a beautiful town, of whose culture and urban charm all Americans are proud -- just as the peoples of the Soviet Union are justly proud of such ancient cities as Tbilisi or Novgorod which they lovingly preserve, and in^{to} which they infuse a new life that makes these cities far more than the dead remnants of a glorious past. Although there are deep differences in our values and ideas, we Americans and Russians belong to the same civilization whose origins stretch back hundreds of years.

Beyond all the disagreements between us -- and beyond the cool calculations of mutual self-interest that our two countries bring to the negotiating table -- is the invisible human reality that must bring us closer together. I mean

the yearning for peace, real peace, that is in the very bones of us all. I am absolutely certain that the people of the Soviet Union, who have suffered so grievously in war, feel this yearning. And in this they are at one with the people of the United States. It is up to all of us to help make that unspoken passion into something more than a dream -- and that responsibility falls most heavily on those, like President Brezhnev and myself, who hold in ^{our} [their] hands the terrible power conferred by modern engines of war.

Mr. Brezhnev said something very interesting recently. "It is our belief, our firm belief," he said, "that realism in politics and the will for detente and progress will ultimately triumph and mankind will be able to step into the 21st century in conditions of peace stable as never before." I see no hidden meanings in that. I credit its sincerity. And I share the hope and belief it expresses. With all the difficulties, all the conflicts, I believe that our planet must finally obey the Biblical injunction to "follow after the things which make for peace."

#

THE WHITE HOUSE
WASHINGTON

July 27, 1977

Stu Eizenstat

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

Rick Hutcheson

cc: The Vice President
Hamilton Jordan
Bob Lipshutz
Jack Watson
Bert Lance

RE: GUN CONTROL BILL

THE WHITE HOUSE
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
<input checked="" type="checkbox"/>	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION
FYI

<input checked="" type="checkbox"/>	MONDALE
	COSTANZA
<input checked="" type="checkbox"/>	EIZENSTAT
<input checked="" type="checkbox"/>	JORDAN
<input checked="" type="checkbox"/>	LIPSHUTZ
	MOORE
	POWELL
<input checked="" type="checkbox"/>	WATSON
<input checked="" type="checkbox"/>	LANCE
	SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

THE WHITE HOUSE
WASHINGTON

Mr. President:

Lipshutz concurs with
Eizenstat.

OMB recommends postponing a final decision on the content of the draft handgun control legislation until a memo is prepared fully describing the various options. OMB observes that the draft bill is very similar to the Ford Administration bill, which did not satisfy either side of the gun control issue.

Rick

THE PRESIDENT HAS SEEN.

Stu - Take option 2.

THE WHITE HOUSE

WASHINGTON

July 22, 1977

*Give OMB chance
to comment*

MEMORANDUM FOR: THE PRESIDENT
FROM: STU EIZENSTAT
SUBJECT: Gun Control Bill

[Signature]
Stu

Attached is a summary of the Justice Department bill on handguns which you indicated an interest in seeing.

If you would like options on any of the bill's elements, we will work with Justice to prepare them.

If you are satisfied with the bill as presently drafted, the Administration's position could be announced in one of three ways:

- (1) Separate Presidential Message to Congress - this alternative would clearly focus the most attention on the Administration's bill.
- (2) As part of a Message to Congress on criminal justice - such a Message, which Justice has been working on, will be ready by fall; some reference to gun control will be needed in the Message; such a vehicle could present the Administration's position as one of many solutions to the criminal justice problem.
- (3) Justice Department introduction - Justice could simply have the bill introduced as its bill, in the manner that the Magistrates and the Criminal Codification bills were introduced. This would place the Administration on record in support of gun control, but would distance you somewhat from any controversy that might arise.

My recommendation would be Option 2.

Because of the sensitivity of this subject, we have not contacted any interest groups or members of Congress about possible gun legislation. My impressions, though, are that:

- (1) The traditional advocates of gun control have been focusing on other issues this year but would welcome the proposed bill as an important first step toward broader gun control;

- (2) the traditional opponents of gun control will totally oppose the proposed bill, despite its limited focus, and will crank up their usual flood of mail;
- (3) Congress is unlikely to pass, or seriously consider, gun legislation in the near future; no one there seems to be talking about gun control; and
- (4) the introduction of our bill (in the view of Frank's staff) would not be likely to hurt any other Administration legislation.

THE WHITE HOUSE

WASHINGTON

July 18, 1977

MEMORANDUM FOR: THE PRESIDENT

FROM: STU EIZENSTAT *Stu*
ANNIE M. GUTIERREZ

SUBJECT: SUMMARY OF DRAFT HANDGUN CONTROL
LEGISLATION

I. Bars the sale, manufacture, importation or transfer of Saturday Night "Specials"

- o The definition of Saturday Night "Specials" is related to size, quality of materials for safety purposes, and other safety and quality features of handguns. (This is the same definition as contained in the bill that passed the House Judiciary Committee last year.)
- o The bill makes it illegal to manufacture or transfer short barrels for revolvers (Revolvers barrels are frequently interchangeable and the provision is intended to hamper the alteration of large handguns into Saturday Night Specials.)

II. Procedures for Transferring Handguns

Certain categories of persons (primarily felons) would be prohibited from purchasing handguns. All handgun transactions would involve a mandatory check on the eligibility of the purchaser to receive the handgun.

- o In states which do not have licensing or permit systems meeting federal standards, the local dealer would be required to run a name check with the FBI and local police.
- o In any state which has a license or permit system that meets federal standards, a buyer would be required only to produce a valid license and to prove that he is the named license holder. (State licensing systems would meet federal standards if a license is issued only after an applicant's eligibility is checked -- principally his lack of a felony conviction; if the license itself can be used to determine identity -- by containing a

photograph or fingerprint; if the license cannot be altered or its alteration is a state criminal offense; and if the list of license or permit holders is regularly purged of newly ineligible persons.)

Three facts about this system should be noted:

- (1) If the police agencies checking the eligibility of the purchaser delays more than 21 days, the handgun could be transferred without awaiting their report.
 - (2) An effort is made to assure that the purchaser is in compliance with the law in the place in which he resides. (Under current law a resident of Cleveland, which has rather restrictive gun laws, can legally go to a neighboring community and evade Cleveland's laws in purchasing a handgun. This act enforces local laws by telling federally licensed firearms dealers that they cannot knowingly permit a person to violate his own local laws.)
 - (3) The system establishes de facto, decentralized registration. Theoretically (if all persons comply with the law) within one generation any handgun could be traced to its owner by a single call from Treasury to the dealer who last transferred the weapon. Treasury would have no central list of names (a major fear of handgun advocates) but would have a list of serial numbers by transferring dealer.
- o It would be unlawful to fail to report loss or theft of a handgun. This provision parallels an existing explosives provision and is intended to help enforce the provisions requiring notice of private transfers of handguns.

III. Tightened Requirements for Handgun Dealers

The bill tightens qualifying requirements for handgun dealers, but does not affect dealers who sell only long guns.

- o Pawnbrokers are removed from eligibility as dealers because of a long established history of abuse.

- o Under the 1968 Gun Control Act individuals (non-dealers) are prohibited from making interstate purchases of handguns. With the fee for dealers at \$10, thousands of individuals have bought licenses to be able to purchase handguns interstate. The Treasury Department has therefore recommended that the annual fee for licensed handgun importers and manufacturers be increased from \$10 to \$1000; and for dealers from \$10 to \$500.
- o A provision requiring applicants for dealers' licenses actually to be engaged in this business is intended to allow the Bureau of Alcohol, Tobacco, and Firearms to concentrate its enforcement resources (which are extremely limited) on handgun dealers.

IV. Criminal and Civil Penalties for Handgun Violations

These provisions leave intact the present five-year penalty for most handgun offenses. However, lower penalties (\$10,000 fine and two years in prison) are provided for bodyguards who unlawfully possess firearms in the course of their employment, knowing that their employer is prohibited from possessing such firearms.

- o Failure to report a loss or theft of a handgun could result in a fine of \$1000 and 6 months in jail.
- o Violations of the handgun transfer section are treated as civil violations with a \$100 fine limit. However, if the illegally transferred handgun is later used in a felony, a misdemeanor penalty is available; and if the illegal transferor was in reality an unlicensed dealer in guns, the five year penalty would remain available as it is under current law.
- o Mandatory imprisonment for those who use handguns in federal felonies is provided for. Unlike current law the mandatory sentence applies to the first offense.

The mandatory sentence language is adopted from the proposed new federal Criminal Code (S. 1437). This provision sets realistic minimums for first offenders (one year) and for subsequent offenders (two years) but lifts the mandatory sentence requirement if the actor was less than 18 years of age;

mentally impaired; under unusual and substantial duress; or merely a minor participant in the offense.

V. Restriction on Multiple Purchases of Handguns

These provisions are designed to thwart a known phenomena -- that an unusually high proportion of multiple sales of handguns are made to persons who misuse them criminally. A would-be gun-runner who travels from New York to Virginia to make illegal purchases of handguns with false identification will find it economically impractical to do so if he can purchase only one gun at a time.

- o The draft permits two purchases in 365 days, but no more than one in any 30 days.
- o The Secretary of the Treasury may waive the requirement, as he would do routinely in cases involving legitimate collectors, estate transfers, security agency purchases, shooting club purchases, and similar situations.

VI. Miscellaneous

There are several technical sections in the bill which are designed to clean up the 1968 handgun control legislation. In addition, the bill contains:

- o Congressional findings which serve to explain the proposal and are designed to bring into play the full extent of the interstate commerce clause, overruling a recent Supreme Court case which severely restricted the government's ability to prosecute the felon in possession of a handgun;
- o The 1968 Act is amended to give the Secretary of the Treasury the power to suspend firearms or explosives licenses upon good cause and to impose a civil fine upon offending licensees. The 1968 Act permitted only the drastic remedy of revocation for licensee violations, and thus sanctions were rarely imposed;
- o A new provision is added which permits those who are ineligible to possess handguns because of a history of mental illness to have their ineligibility removed upon a court order.

THE WHITE HOUSE

WASHINGTON

Date: July 21, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan
Bob Lipshutz *concur*
Frank Moore
Jack Watson *nc*

FOR INFORMATION:

The Vice President
Bert Lance

*see comments
attached*

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Eizenstat memo dated 7/20/77 re Draft Handgun Control
Legislation

**YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:**

TIME: 12:00 NOON

DAY: Saturday

DATE: July 23, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

being rewritten by SC

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required

THE WHITE HOUSE
WASHINGTON

<input checked="" type="checkbox"/>	FOR STAFFING
<input type="checkbox"/>	FOR INFORMATION
<input type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input type="checkbox"/>	IMMEDIATE TURNAROUND

ACTION	FYI	
	<input checked="" type="checkbox"/>	MONDALE
		COSTANZA
		EIZENSTAT
<input checked="" type="checkbox"/>		JORDAN
<input checked="" type="checkbox"/>		LIPSHUTZ
<input checked="" type="checkbox"/>		MOORE
		POWELL
<input checked="" type="checkbox"/>		WATSON
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	LANCE
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUL 22 1977

MEMORANDUM FOR: RICK HUTCHESON
THRU: BO CUTTER
FROM: DENNIS O. GREEN
SUBJECT: Handgun Control Legislation

I agree with Stu Eizenstat's recommendation to postpone a final decision on the content of the draft handgun control legislation until a memorandum is prepared which fully describes the various options.

While the draft bill fulfills the President's campaign promises regarding gun control (including decentralized registration of all handgun transfers), it is very similar to the Ford administration proposal which became the basis for the gun control bill finally approved by the House Judiciary Committee in April 1976.

The Ford bill, which was a compromise, did not satisfy either side of the gun control issue. The objective of the bill was to ban commerce in cheap, concealable handguns which are often used in violent crimes, and place certain procedural requirements on the sale of other handguns to insure they would not be sold to known criminals and mental incompetents. The potential impact on crime of that legislation--even after a number of years--was uncertain because there would probably be 40 million-plus handguns remaining in circulation.

Because of the similarity of the bills, we might be criticized if we did not first fully explore all approaches to handgun control, e.g., centralized registration of handguns. We may still end up with the same bill, but at least we shall have the answers as to why the other options were not chosen.

Dennis O. Green
Associate Director for
Economics and Government

THE WHITE HOUSE
WASHINGTON

July 20, 1977

MEMORANDUM FOR: THE PRESIDENT
FROM: STU EIZENSTAT *Stu*
SUBJECT: Draft Handgun Control Legislation

Attached is a summary of the Justice Department bill on handguns which you indicated an interest in seeing.

If you are interested in proposing a bill, or a message, along these lines, I recommend postponing a final decision on content until we can prepare, with Justice, a memo describing options on the more controversial parts of the bill.

Stu

- This is my redone
version - to meet
Landon's concerns
about appearing too
negative

David - The attachments are
w/ Amine's original memo that
was given to you to be redone
same

MEMORANDUM FOR: THE PRESIDENT
FROM: STU EIZENSTAT
SUBJECT:

Attached is a summary of the Justice Department bill on handguns which you indicated an interest in seeing.

If you would like options on any of the bill's elements, we will work with Justice to prepare them.

If you are satisfied with the bill as presently drafted, ~~an announcement of Administration support~~ ^{the} ~~might~~ ^{is} ~~be~~ ^{could} ~~announced~~ ^{position} in one of three ways:

- Presidential
- (1) Separate Message to Congress - this alternative would clearly focus the most attention on the Administration's bill.
 - (2) As part of a Message to Congress on criminal justice, such a Message, which Justice has been working on, will be ready by fall; some reference to gun control will be needed in the Message; such a vehicle could present the Administration's position as one of many solutions to the criminal justice problem.
 - (3) Justice Department introduction -- Justice could simply have the bill introduced ~~to~~ ^{as} its bill, in the manner that the Magistrates and the Criminal Codification bills were introduced. This would

place the Administration on record in support of gun control, but would distance you somewhat from any controversy that might arise.

Because of the sensitivity of this subject, we have not contacted any interest groups or members of Congress about possible gun legislation. My impressions, though, are that:

- (1) the traditional advocates of gun control have been focusing on other issues this year but would welcome the proposed bill as an important first step toward broader gun control;
- (2) the traditional opponents of gun control will totally oppose the proposed ~~bill~~^{bill}, despite its limited focus, and will crack up their usual flood of mail; (n)
- (3) Congress is unlikely to pass, or seriously consider, gun legislation in the near future; no one there seems to be talking about gun control; and
- (4) the introduction of our bill ^(in the view of Frank's staff) would ~~probably have~~ ~~no adverse impact on~~ any other Administration legislation.

would not
be likely
to hurt

WASHINGTON

Date: July 21, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan
Bob Lipshutz
Frank Moore
Jack Watson

FOR INFORMATION:

The Vice President
Bert Lance

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Eizenstat memo dated 7/20/77 re Draft Handgun Control
Legislation

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 12:00 NOON

DAY: Saturday

DATE: July 23, 1977

ACTION REQUESTED:

 Your comments

Other:

STAFF RESPONSE:

 I concur. No comment.*Please note other comments below:***PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

Date: July 21, 1977

MEMORANDUM

FOR ACTION:
 Hamilton Jordan
 Bob Lipshutz
 Frank Moore
 Jack Watson

FOR INFORMATION:
 The Vice President
 Bert Lance

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Eizenstat memo dated 7/20/77 re Draft Handgun Control Legislation

YOUR RESPONSE MUST BE DELIVERED TO THE STAFF SECRETARY BY:
 TIME: 12:00 NOON
 DAY: Saturday
 DATE: July 23, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

Copy: McIntyre
 Cutter
 Green ✓
 Frey

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

Jimmy Carter Presidential Campaign

JIMMY CARTER ON GUN CONTROL

I favor national registration of handguns, a ban on the sale of cheap handguns, and prohibition of ownership by anyone convicted of a crime involving a gun and by those not mentally competent.

P.O. Box 1976, Atlanta, Georgia 30301, Telephone 404/897-5000

Paid for and authorized by 1976 Democratic Presidential Campaign Committee, Inc.

D. JUSTICE

1. Crime

a. Gun Control

- (1) Proposing ban on cheap handguns (of the Saturday Night Special type), while preserving a citizen's right to purchase quality handguns (Guns and Hunting Statement, Pre-Convention No. 74)
- (2) Proposing registration, reasonable waiting periods and appropriate licensing provisions for handguns (Ibid); opposing rifle registration (Statement reported in L.A. Times, 2/2/76)
- (3) Prohibiting the purchase of guns by mental incompetents and gun-using criminals. (Guns and Hunting Statement, Pre-Convention No. 74)

b. Federal Assistance at Local Level

- (1) Stopping the waste of millions of dollars of LEAA funds (Detroit Speech 10/15/76)
- (2) Supporting federal criminal assistance to local government's programs with fewer strings (Platform Presentation 6/16/76)
- (3) Providing better street lighting and better recreation opportunities in areas where juvenile crime rates are high. (Detroit Speech 10/15/76)

Date: July 21, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan
Bob Lipshutz
Frank Moore
Jack Watson

FOR INFORMATION:

The Vice President
Bert Lance

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Eizenstat memo dated 7/20/77 re Draft Handgun Control Legislation

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 12:00 NOON

DAY: Saturday

DATE: July 23, 1977

ACTION REQUESTED:

Your comments

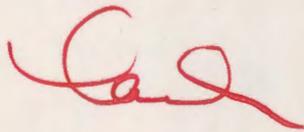
Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

Rick -
I DISCUSS POSSIBLE MEANING
OF THIS DIRECTLY WITH DAVID PUTSKINSON -


PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

Date: July 21, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan
Bob Lipshutz
Frank Moore
Jack Watson

FOR INFORMATION:

The Vice President
Bert Lance

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Eizenstat memo dated 7/20/77 re Draft Handgun Control
Legislation

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 12:00 NOON

DAY: Saturday

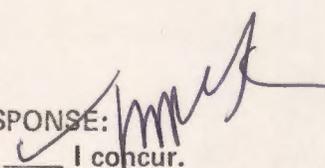
DATE: July 23, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:



I concur.

No comment.

Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

July 27, 1977

*For our file
P.L.*

MEMORANDUM

TO: Rick Hutcheson

FROM: Bob Lipshutz *BL*

SUBJECT: Judicial Appointment to the First Circuit Court of Appeals

On Tuesday afternoon of this week, the Attorney General, Hamilton Jordan and I met with the President concerning the above matter. The President has now approved the appointment of United States District Court Judge Hugh Bownes of New Hampshire for the First Circuit Court of Appeals; attached is a xeroxed copy of the original July 14 memorandum with the actual written approval of the President that was signed by him on Tuesday, July 26.

The Attorney General and White House Personnel office are proceeding with the usual processing of this matter. Also, I have notified Frank Moore so that he can give the necessary information both to the New Hampshire senators and to Senator Pell of Rhode Island, some of whose constituents were included in the list of nominees submitted to the President.

cc: Attorney General Griffin Bell
Hamilton Jordan
Frank Moore

*100 in
to Mrs
Sobay*

THE WHITE HOUSE
WASHINGTON
July 27, 1977

*Rick,
Five taken
this up to
Kraft*

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *F.M.*

The Senate Banking Committee has just reported the McKinney nomination, 12 yeas, 3 nays. Those Senators voting nay were: Proxmire, Sarbanes, and Brooke. Senator Proxmire is quite upset that Senator Riegle changed his mind and voted in the affirmative.

THE WHITE HOUSE
WASHINGTON

July 27, 1977

②
/

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *F.M.*

The following Members of Congress and their families have indicated that they will attend tonight's Congressional picnic:

Senate

Wendell Anderson (Minn.)
Henry Bellmon (Oklahoma)
Lawton Chiles (Florida)
Dick Clark (Iowa)
Alan Cranston (California)
Mike Gravel (Alaska)
Orrin Hatch (Utah)
John Heinz (Penna.)
Paul Laxalt (Nevada)
Russell Long (Louisiana)
Richard Lugar (Indiana)
Spark Matsunaga (Hawaii)
Robert Morgan (North Carolina)
Robert Packwood (Oregon)
William Scott (Virginia)
Robert Stafford (Vermont)
Ted Stevens (Alaska)

House

James Abdnor (South Dakota)
Joseph Addabbo (New York)
Daniel Akaka (Hawaii)
Jerome Ambro (New York)
John Anderson (Illinois)
Frank Annunzio (Illinois)
Doug Barnard (Georgia)
Adam Benjamin (Indiana)
Tom Bevill (Alabama)
Jonathan Bingham (New York)
David Bowen (Mississippi)
John Breckinridge (Kentucky)
Jack Brinkley (Georgia)
Jack Brooks (Texas)
John Buchanan (Alabama)
Bill Burlison (Missouri)
Bruce Caputo (New York)

**Electrostatic Copy Made
for Preservation Purposes**

Tim Lee Carter (Kentucky)
Thad Cochran (Mississippi)
Tom Coleman (Missouri)
Cardiss Collins (Illinois)
Barber Conable (New York)
David Cornwell (Indiana)
William Cotter (Connecticut)
Philip Crane (Illinois)
Ron Dellums (California)
Ron de Lugo (Virgin Islands)
Edward Derwinski (Illinois)
Tom Downey (New York)
Jack Edwards (Alabama)
John Erlenborn (Illinois)
Billy Lee Evans (Georgia)
Paul Findley (Illinois)
Hamilton Fish (New York)
Floyd Fithian (Indiana)
Walter Flowers (Alabama)
John Flynt (Georgia)
Bill Frenzel (Minnesota)
Richard Gephardt (Missouri)
Robert Giaimo (Connecticut)
Benjamin Gilman (New York)
James Hanley (New York)
Cecil Heftel (Hawaii)
Carroll Hubbard (Kentucky)
Henry Hyde (Illinois)
Richard Ichord (Missouri)
James Jeffords (Vermont)
Edgar Jenkins (Georgia)
Jack Kemp (New York)
John LaFalce (New York)
Norman Lent (New York)
Stanley Lundine (New York)
David Marriott (Utah)
Romano Mazzoli (Kentucky)
Larry McDonald (Georgia)
Matthew McHugh (New York)
Matthew McHugh (New York)
Gunn McKay (Utah)
Ralph Metcalfe (Illinois)
Abner Mikva (Illinois)
Donald Mitchell (New York)
Toby Moffett (Connecticut)
Robert Mollohan (W. Virginia)
G. V. Montgomery (Mississippi)
John Murphy (New York)
Morgan Murphy (Illinois)
John Myers (Indiana)
Bill Nichols (Alabama)
Richard Nolan (Minnesota)
James Oberstar (Minnesota)

George O'Brien (Illinois)
Richard Ottinger (New York)
Ed Pattison (New York)
Carl Perkins (Kentucky)
Larry Pressler (S. Dakota)
Melvin Price (Illinois)
J. Danforth Quayle (Indiana)
Albert Quie (Minnesota)
Charles Rangel (New York)
Henry Reuss (Wisconsin)
Teno Roncalio (Wyoming)
Benjamin Rosenthal (New York)
Martin Russo (Illinois)
Ronald Sarasin (Connecticut)
James Scheuer (New York)
Phil Sharp (Indiana)
George Shipley (Illinois)
Paul Simon (Illinois)
B. F. Sisk (California)
John Slack (W. Virginia)

Cabinet

Secretary Adams
Secretary Bergland
Secretary Marshall

P.S. The reaction to last week's picnic has been tremendous.

THE WHITE HOUSE
WASHINGTON

7/27/77

TO: RICK HUTCHESON

FROM: Eleanor Connors

The attached was being hand
delivered by Dan Tate of
Frank Moore's office today
at 2:00 p.m. Dr. Schlesinger
has a copy.

THE WHITE HOUSE
WASHINGTON

copy to Schlesinger
orig to F.M. over to
Belver 7/27

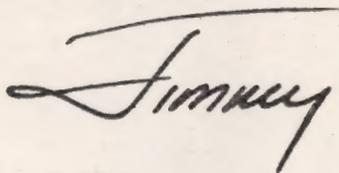
July 27, 1977

To Senator Henry Jackson

As the Congress is close to final action on the energy legislation, I wanted you to know of my intention to nominate Dr. James Schlesinger for the position of Secretary of the Department of Energy.

I thought that this information might be helpful to you and your Committee as you make your plans.

Sincerely,



The Honorable Henry M. Jackson
United States Senate
Washington, D. C. 20510

p.s. Thanks - This is personal
& confidential for now -



~~THE WHITE~~ HOUSE
WASHINGTON

8/10

HAMILTON'S OFFICE IS WRITING
MEMO TO REPLACE RAY MARSHALL
MEMO. HOLD.

~~THE~~ WHITE HOUSE
WASHINGTON

filed
8/27

MEMORANDUM FOR THE FILE

This memo is being withdrawn ---
will never go to the President.
A new memo will be submitted but
not until a great deal more work has
been done on this subject.

GBF (per Karen &
Becky)
8/15/77

THE WHITE HOUSE
WASHINGTON

HJ will rewrite exp mem of the
rewritten on Ham's desk hope to get today. Truly 8/4

Date: July 27, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan

FOR INFORMATION:

Jack Watson *They will write*
Jim King - *concur*

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Marshall's memo dated 7/26/77 re the National Commission on Unemployment Compensation.

YOUR RESPONSE MUST BE DELIVERED TO THE STAFF SECRETARY BY:

TIME: 9:00 A.M.

DAY: Friday

DATE: July 29, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

8/9
Per. Becky - Hamilton has send memo to Jim Hammell to review - in future all personnel items should go to Jim before they go to Hamilton. Truly

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

5
U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

JUL 26 1977

ACTION

RL
MEMORANDUM FOR THE PRESIDENT

FROM: The Secretary of Labor *Ray Marshall*
SUBJ: The National Commission on Unemployment
Compensation

In a memorandum I sent you on February 10, 1977 (copy attached - Tab A) I recommended that action be taken to vacate the seven appointments President Ford made to the National Commission on Unemployment Compensation (list of the Ford appointments attached - Tab B). This action is necessary in order to establish a balance of membership consistent with statutory authority. Two questions were raised by your staff concerning that memorandum: (1) could you legally remove the seven Ford appointees and (2) had President pro tempore Eastland and Speaker O'Neill been consulted about this plan?

In response to the first question, the Solicitor of Labor's office has informed me that you do have the power to remove the Ford appointees. Where the term of a public officer is not fixed by law and the removal is not governed by constitutional or statutory provision, the general rule is that the power of removal is incident to the power to appoint. Although I recommend that you first ask these individuals to voluntarily relinquish their appointments, it is clear that you have the power to remove them if necessary.

In response to the second question, we have contacted both the President pro tempore and the Speaker and they are agreeable to asking the previous Presidential appointees to step down. Additionally, since February both the President pro tempore and the Speaker have appointed their three members to the Commission. The three members appointed by the President pro tempore are:

2--The President; National Commission on Unemployment Compensation

Mr. Walter Bivins, retired official of the Mississippi Employment Security Commission and active on several boards and commissions of both Hinds County and the City of Jackson - local government.

Mr. Warren Cooper, official of the Kaiser Aluminum and Chemical Company - employer.

Honorable Alphonse Jackson, Jr., member of the Louisiana Legislature - public.

The Speaker's appointees are:

Honorable Mary Rose Oakar, U.S. Representative from Ohio - Federal government.

Mr. John Crosier, Executive Director, Division of Employment Security, Massachusetts and President of the Interstate Conference of Employment Security Agencies - State government.

Mr. Edward Sullivan, President, Service Workers Union of Massachusetts - labor.

This leaves seven members to be appointed by you after the previous Presidential appointments are vacated. A chairperson is to be designated by you from among the full membership.

I recommend the following actions be taken sequentially:

1. Letters should be sent by you to the previous Presidential appointees. A draft of the letter is attached (Tab C) that might be used in requesting the resignations of the present appointees in order to bring about a balance on the Commission.
2. After these individuals have responded, my staff should contact the following individuals and ask if they wish to serve on the new Commission:

3--The President; National Commission on Unemployment Compensation

John W. Byrnes, Washington, D.C., former U.S. Representative, attorney, lobbyist for several business interests, Ford appointee - employer.

Dean Wilbur J. Cohen, University of Michigan, former Secretary of Health, Education and Welfare; to be Chairman - public.

Beatrice Coleman, New York, President of Maidenform, Inc. - employer.

Wilbur Daniels, New York, Executive Vice-President of the International Ladies Garment Workers, Ford appointee - labor.

J. Eldred Hill, Jr., Washington, D.C., lobbyist for large business on unemployment compensation, Ford appointee - employer.

Kenneth Morris, Michigan, regional director of the United Auto Workers, member of the Federal Advisory Council on Unemployment Compensation - labor.

James O'Brien, Washington, D.C., Assistant Director, Department of Social Security, AFL-CIO, Ford appointee - labor.

3. If these individuals agree to serve, letters of appointment would be sent to them.

A list of the Commission membership which would result from these actions is attached (Tab D). Please let me know if you have any questions regarding this matter.

2/10/77

A

MEMORANDUM FOR: THE PRESIDENT
SIGNED RAY MARSHALL
FROM: THE SECRETARY OF LABOR
SUBJECT: Appointments to the National Commission
on Unemployment Compensation

One of President Ford's last acts in office was to appoint seven of the thirteen members to the National Commission on Unemployment Compensation established by Public Law 94-566. Pursuant to that Act, the remaining six appointments are to be made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Although a chairman is to be chosen by the President, Mr. Ford did not make this selection.

Of the seven members appointed by President Ford, five clearly appear to represent large employer interests, and the remaining two clearly represent labor interests. The statute directs that the three appointing authorities consult to insure a balanced representation of interested parties on the Commission, including at least one representative of labor, industry, the Federal Government, State government, local government, and small business. We do not know if such consultations took place. However, since four of the interests are not represented by the seven appointments, it is clear that a balanced representation cannot be obtained. Since there is a potential for only two representatives of labor yet to be appointed, the Commission would be structured to include six employer, four labor, and three government representatives.

Since the mandated balance of interests may not be obtained, we recommend that the two other appointing authorities be asked to concur in requesting the seven appointees to relinquish their membership. This will permit a review and consultation process to insure that the required balance of interests is achieved by future appointments or reappointments.

If you agree, we would recommend your approval of the enclosed proposed letter designed to accomplish the above.

President Ford's Appointments to the National Commission
on Unemployment Compensation

Robert C. Baker, New York, real estate owner and builder - employer.

Perkins Bass, New Hampshire, former U.S. Representative, attorney - employer.

John W. Byrnes, Washington, D.C., former U.S. Representative, attorney, lobbyist for several business interests - employer.

Wilbur Daniels, New York, Executive Vice President of the International Ladies Garment Workers - labor.

J. Eldred Hill, Jr., Washington, D.C., lobbyist for large business on unemployment compensation - employer.

Don E. Marsh, Indiana, grocery store owner - employer.

James R. O'Brien, Washington, D.C., Assistant Director, Department of Social Security, AFL-CIO - labor.

F

7-16-2

C

Dear

I am sure you join with me in recognizing the great importance of the work to be done by the National Commission on Unemployment Compensation to which you accepted appointment from former President Ford. I appreciate your willingness to serve in this capacity.

Public Law 94-566, in establishing the Commission, required that: "there will be a balanced representation of interested parties on the Commission." It is further stipulated that there be: "at least one representative of labor, industry, the Federal Government, State government, local government, and small business."

After reviewing the appointments made by the President pro tempore of the Senate and the Speaker of the House, these, in addition to the prior Presidential appointments, do not constitute a balanced group.

I can find no means to resolve this dilemma other than to ask that the Presidential appointees relinquish their membership on the Commission to permit me to constitute the Commission in the required manner. In making new appointments, full consideration will be given to the high calibre of President Ford's appointees and, where appropriate, new appointments will be tendered.

Thank you for your thoughtful consideration of this very sensitive matter, and I would appreciate your advising me of your decision within the next week. I hope that I can continue to call upon you to be of service in this and other undertakings of importance to us all.

Sincerely,

The Commission line up would then be:

Public

Wilbur J. Cohen, Chairman
Alphonse Jackson, Jr.

Federal Government

Mary Rose Oakar

State Government

John D. Crosier

Local Government

Walter Bivins

Employer

John W. Byrnes
Beatrice Coleman
Warren Cooper
J. Eldred Hill

Labor

Wilbur Daniels
Kenneth Morris
James R. O'Brien
Edward Sullivan

THE WHITE HOUSE
WASHINGTON

X	FOR STAFFING
	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION	FYI	
		MONDALE
		COSTANZA
		EIZENSTAT
X		JORDAN
		LIPSHUTZ
		MOORE
		POWELL
	X	WATSON
		LANCE
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

		ARAGON
		BOURNE
		BRZEZINSKI
		BUTLER
		CARP
		H. CARTER
		CLOUGH
		FALLOWS
		FIRST LADY
		HARDEN
		HUTCHESON
		JAGODA
	X	KING

		KRAFT
		LINDER
		MITCHELL
		MOE
		PETERSON
		PETTIGREW
		POSTON
		PRESS
		SCHLESINGER
		SCHNEIDERS
		STRAUSS
		VOORDE
		WARREN

THE WHITE HOUSE

WASHINGTON

Date: July 27, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan

FOR INFORMATION:

Jack Watson
Jim King

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Marshall's memo dated 7/26/77 re the National Commission
on Unemployment Compensation.

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 9:00 A.M.

DAY: Friday

DATE: July 29, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the response, please contact the Staff Secretary.

5
U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

JUL 26 1977

ACTION

RL
MEMORANDUM FOR THE PRESIDENT

FROM: The Secretary of Labor *Ray Marshall*
SUBJ: The National Commission on Unemployment
Compensation

In a memorandum I sent you on February 10, 1977 (copy attached - Tab A) I recommended that action be taken to vacate the seven appointments President Ford made to the National Commission on Unemployment Compensation (list of the Ford appointments attached - Tab B). This action is necessary in order to establish a balance of membership consistent with statutory authority. Two questions were raised by your staff concerning that memorandum: (1) could you legally remove the seven Ford appointees and (2) had President pro tempore Eastland and Speaker O'Neill been consulted about this plan?

In response to the first question, the Solicitor of Labor's office has informed me that you do have the power to remove the Ford appointees. Where the term of a public officer is not fixed by law and the removal is not governed by constitutional or statutory provision, the general rule is that the power of removal is incident to the power to appoint. Although I recommend that you first ask these individuals to voluntarily relinquish their appointments, it is clear that you have the power to remove them if necessary.

In response to the second question, we have contacted both the President pro tempore and the Speaker and they are agreeable to asking the previous Presidential appointees to step down. Additionally, since February both the President pro tempore and the Speaker have appointed their three members to the Commission. The three members appointed by the President pro tempore are:

2--The President; National Commission on Unemployment Compensation

Mr. Walter Bivins, retired official of the Mississippi Employment Security Commission and active on several boards and commissions of both Hinds County and the City of Jackson - local government.

Mr. Warren Cooper, official of the Kaiser Aluminum and Chemical Company - employer.

Honorable Alphonse Jackson, Jr., member of the Louisiana Legislature - public.

The Speaker's appointees are:

Honorable Mary Rose Oakar, U.S. Representative from Ohio - Federal government.

Mr. John Crosier, Executive Director, Division of Employment Security, Massachusetts and President of the Interstate Conference of Employment Security Agencies - State government.

Mr. Edward Sullivan, President, Service Workers Union of Massachusetts - labor.

This leaves seven members to be appointed by you after the previous Presidential appointments are vacated. A chairperson is to be designated by you from among the full membership.

I recommend the following actions be taken sequentially:

1. Letters should be sent by you to the previous Presidential appointees. A draft of the letter is attached (Tab C) that might be used in requesting the resignations of the present appointees in order to bring about a balance on the Commission.
2. After these individuals have responded, my staff should contact the following individuals and ask if they wish to serve on the new Commission:

3--The President; National Commission on Unemployment Compensation

John W. Byrnes, Washington, D.C., former U.S. Representative, attorney, lobbyist for several business interests, Ford appointee - employer.

Dean Wilbur J. Cohen, University of Michigan, former Secretary of Health, Education and Welfare; to be Chairman - public.

Beatrice Coleman, New York, President of Maidenform, Inc. - employer.

Wilbur Daniels, New York, Executive Vice-President of the International Ladies Garment Workers, Ford appointee - labor.

J. Eldred Hill, Jr., Washington, D.C., lobbyist for large business on unemployment compensation, Ford appointee - employer.

Kenneth Morris, Michigan, regional director of the United Auto Workers, member of the Federal Advisory Council on Unemployment Compensation - labor.

James O'Brien, Washington, D.C., Assistant Director, Department of Social Security, AFL-CIO, Ford appointee - labor.

3. If these individuals agree to serve, letters of appointment would be sent to them.

A list of the Commission membership which would result from these actions is attached (Tab D). Please let me know if you have any questions regarding this matter.

2/10/77

MEMORANDUM FOR: THE PRESIDENT

SIGNED RAY MARSHALL

FROM: THE SECRETARY OF LABOR

SUBJECT: Appointments to the National Commission
on Unemployment Compensation

One of President Ford's last acts in office was to appoint seven of the thirteen members to the National Commission on Unemployment Compensation established by Public Law 94-566. Pursuant to that Act, the remaining six appointments are to be made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Although a chairman is to be chosen by the President, Mr. Ford did not make this selection.

Of the seven members appointed by President Ford, five clearly appear to represent large employer interests, and the remaining two clearly represent labor interests. The statute directs that the three appointing authorities consult to insure a balanced representation of interested parties on the Commission, including at least one representative of labor, industry, the Federal Government, State government, local government, and small business. We do not know if such consultations took place. However, since four of the interests are not represented by the seven appointments, it is clear that a balanced representation cannot be obtained. Since there is a potential for only two representatives of labor yet to be appointed, the Commission would be structured to include six employer, four labor, and three government representatives.

Since the mandated balance of interests may not be obtained, we recommend that the two other appointing authorities be asked to concur in requesting the seven appointees to relinquish their membership. This will permit a review and consultation process to insure that the required balance of interests is achieved by future appointments or reappointments.

If you agree, we would recommend your approval of the enclosed proposed letter designed to accomplish the above.

President Ford's Appointments to the National Commission
on Unemployment Compensation

Robert C. Baker, New York, real estate owner and builder - employer.

Perkins Bass, New Hampshire, former U.S. Representative, attorney - employer.

John W. Byrnes, Washington, D.C., former U.S. Representative, attorney, lobbyist for several business interests - employer.

Wilbur Daniels, New York, Executive Vice President of the International Ladies Garment Workers - labor.

J. Eldred Hill, Jr., Washington, D.C., lobbyist for large business on unemployment compensation - employer.

Don E. Marsh, Indiana, grocery store owner - employer.

James R. O'Brien, Washington, D.C., Assistant Director, Department of Social Security, AFL-CIO - labor.

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Dear

I am sure you join with me in recognizing the great importance of the work to be done by the National Commission on Unemployment Compensation to which you accepted appointment from former President Ford. I appreciate your willingness to serve in this capacity.

Public Law 94-566, in establishing the Commission, required that: "there will be a balanced representation of interested parties on the Commission." It is further stipulated that there be: "at least one representative of labor, industry, the Federal Government, State government, local government, and small business."

After reviewing the appointments made by the President pro tempore of the Senate and the Speaker of the House, these, in addition to the prior Presidential appointments, do not constitute a balanced group.

I can find no means to resolve this dilemma other than to ask that the Presidential appointees relinquish their membership on the Commission to permit me to constitute the Commission in the required manner. In making new appointments, full consideration will be given to the high calibre of President Ford's appointees and, where appropriate, new appointments will be tendered.

Thank you for your thoughtful consideration of this very sensitive matter, and I would appreciate your advising me of your decision within the next week. I hope that I can continue to call upon you to be of service in this and other undertakings of importance to us all.

Sincerely,

The Commission line up would then be:

Public

Wilbur J. Cohen, Chairman
Alphonse Jackson, Jr.

Federal Government

Mary Rose Oakar

State Government

John D. Crosier

Local Government

Walter Bivins

Employer

John W. Byrnes
Beatrice Coleman
Warren Cooper
J. Eldred Hill

Labor

Wilbur Daniels
Kenneth Morris
James R. O'Brien
Edward Sullivan

THE WHITE HOUSE
WASHINGTON

DET

Date: July 27, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan

FOR INFORMATION:

Jack Watson
Jim King

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Marshall's memo dated 7/26/77 re the National Commission
on Unemployment Compensation.

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 9:00 A.M.

DAY: Friday

DATE: July 29, 1977

ACTION REQUESTED:

Your comments

Other:

We approve of the recommendations.

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

88

THE WHITE HOUSE
WASHINGTON

Date: July 27, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan

FOR INFORMATION:

Jack Watson
Jim King

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Marshall's memo dated 7/26/77 re the National Commission
on Unemployment Compensation.

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 9:00 A.M.

DAY: Friday

DATE: July 29, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required

All original & comments - ZB on 7/27 & 7/28

THE WHITE HOUSE
WASHINGTON

Date: July 22, 1977

MEMORANDUM

FOR ACTION:

Stu Eizenstat *AC*
Hamilton Jordan *- no comment*
Frank Moore *concur but add*
Jody Powell
Bob Lipshutz

FOR INFORMATION:

The Vice President

not to
Senior duty group as essential component

FROM: Rick Hutcheson, Staff Secretary

SUBJECT:

A. Brzezinski memo dated
July 22, 1977 re Status Reviews for
Servicemen Missing in Southeast Asia

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: NOON

DAY: MONDAY

DATE: July 25

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

CONFIDENTIAL ATTACHMENT

See file in safe.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)