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| Notes | 2 pp., re: Foreign policy | [2]/1/77 | A |
| Note | Hutcheson to Moore, et al., w/attachments, 3 pp. Re: Personnel comments | 2/1/77 | C |
| Memo | Watson to Pres. Carter, 1 p. Re: Intelligence personnel | 2/1/77 | A |
| Memo | Hutcheson to Jordan, w/attachments, 10 pp. Re: Intelligence personnel | 2/1/77 | A |

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THE WHITE HOUSE
WASHINGTON

February 1, 1977

Stu Eizenstat -

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

Rick Hutcheson

*Status Report on
Pending Matters*

THE WHITE HOUSE
WASHINGTON

SM

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

January 31, 1977

To
Stu
J

MEMORANDUM FOR: THE PRESIDENT
FROM: Stu Eizenstat *Stu*
SUBJECT: Status Report on Pending Items

Late last week you sought action from me on three items. Here is a status report.

1. Reorganization Message. A draft will be in your hands later this afternoon. I have received from Bert Lance a package containing OMB's proposed bill to reactivate and demand the 1949 Act and accompanying materials. My staff has reviewed and is consulting with the OMB staff on some questions they have with the proposals. I am meeting with Bert later this afternoon. A complete package reflecting our views and OMB's views will be in your hands no later than tomorrow morning.

C
/

2. Elimination of Advisory Committees. Very shortly after I received your request to draft an executive order abolishing as many advisory committees as is possible without new statutory authority, my staff was given a preliminary draft of OMB's proposals for action on this issue. My staff is reviewing these proposals in consultation with the OMB staff. Our recommendation will be in your hands no later than Friday, February 4.

be
agressive
J

3. Universal Voter Registration. After receiving your request for a draft message to Congress on Universal Voter Registration, my staff contacted the Attorney General's staff to prepare the legislative proposal and message. The Office of Legal Counsel in Justice is now preparing the materials in consultation with my staff. In the meantime, I have received a memorandum to you from Dick Moe, which recommends that the administration

promote a package of four election reform concepts, including Universal Voter Registration. That memorandum, with my comments will be in your hands later this afternoon. My comments will recommend that the Office of the Vice President work with my staff and the Department of Justice to prepare Universal Voter Registration legislation on a priority basis.

de

THE WHITE HOUSE
WASHINGTON

CF
PL
91

31 January 1977

MEETING WITH JESS HAY, KEN
CURTIS, AND JOEL MCCLEARY

Tuesday, February 1, 1977
5:00 PM (15 minutes)
The Oval Office
From: Joel McCleary/Hamilton Jordan

I. PURPOSE

To encourage Jess Hay to become National Finance Council Chairman.

II. BACKGROUND, PARTICIPANTS, AND PRESS PLAN

A. Background: It is important that Jess Hay take the job. Money does not come in on its own - there needs to be an organization, a plan, and a structure.

Jess Hay is important to us because he can do this, and should be encouraged to take the job.

B. Participants: Jess Hay, Ken Curtis, Joel McCleary

C. Press Plan: No plan for coverage at this time

III. TALKING POINTS

- A. Hay is the most qualified person to be Chairman of the National Finance Council
- B. The President will help Mr. Hay in his job as much as time will allow -- the President will be supportive
- C. The President agrees to the participation of members of the Administration in NFC projects
- D. NFC members will receive some White House invitations

CENTRAL FILES

February 1, 1977

The attached is for your
information.

Hamilton Jordan
Stu Eizenstat
Bob Lipshutz
Vice President Mondale
Dick Moe

Rick Hutcheson

*Election Reform
Proposals*

THE WHITE HOUSE
WASHINGTON

PL
C/1

31 January 1977

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- D. NFC members will receive some White House invitations

CENTRAL FILES

CC : HAM
STU
LIPSHUTZ
V.P.
DICK MOE

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

To VP
Rick
J

INFORMATION

1 February 1977

TO: The President
FROM: Rick Hutcheson *R.H.*
SUBJECT: Dick Moe Memorandum on
Election Reform Proposals

Dick Moe proposes that Vice President Mondale take the lead in preparing an election reform package, dealing with several areas.

Bob Lipshutz has requested another week to study the four areas mentioned. Hamilton and Stu's comments are listed below. Both agree with the concept of Mondale taking the lead in this area, and working closely with your senior staff, Congress, and the DNC in developing proposals.

1. Universal Voter Registration.

Stu comments: "Prior to receiving Dick's memo, as you know, I received from you an instruction to draft a message on this issue. In response to your instruction, my staff has initiated contact with the Attorney General's staff to have a legislative proposal and message drafted.

"I would propose that Dick meet with me, with the relevant people at the Department of Justice, and with Frank Moore to prepare a proposal for your review. After this meeting, which should occur later this week, we will furnish you with a preliminary report and a target-date for completion of the materials."

ok

2. Congressional Public Financing.

Stu notes that Dick's proposal supports a matching system of public financing for congressional primaries and elections, as distinguished from the simple grant approach favored by Sen. Kennedy and others. Stu feels that more information is needed on this issue, and proposes that he, Dick, and Justice people meet to produce a proposal.

ok

3. Reform of the Presidential Nominating System.

Hamilton says: "I don't feel comfortable enough yet in terms of 1980 to make a front-end judgment as to what the nominating process should be.

"I could make an argument that regional primaries would be good for us. I could also argue that the present system would be better. I would prefer that we go slow on advocating basic structural changes in the nominating process."

4. Constitutional Amendment Abolishing the Electoral College

Stu says we need more information and time to study, and proposes that his staff meet with Justice and with the Vice President's staff.

OFFICE OF THE VICE PRESIDENT
WASHINGTON

TO: THE PRESIDENT
FROM: DICK MOE 
SUBJECT: Possible Election Reform Proposals

You will recall that in Vice President Mondale's memorandum to you a few months back regarding his possible duties, he mentioned his interest in coordinating and preparing for you a legislative package containing several election reform proposals. I am sending you this memo in his absence because efforts are already under way on the Hill in this area and, if you are agreeable to our coordinating these proposals for you, we would like to get your early guidance on which direction to take. I have had general discussions with Hamilton, Stu Eizenstat and Ken Curtis about this and all are in agreement that this effort should be made and all are eager to participate in the preparation of a comprehensive election reform package.

I. UNIVERSAL VOTER REGISTRATION

I know of your strong interest in making it as easy as possible for everyone to vote and I am pleased to report that there is new interest on the Hill already this Session in accomplishing this end. Previous Congressional efforts have focused almost exclusively on postcard registration, but never

successfully. It is widely believed, however, that even in those states where postcard registration exists, it alone is not sufficient to significantly increase voter participation. As a result, the focus is now shifting to the concept of Election Day registration, whereby it is possible for voters to register at their polling booths on Election Day with no other requirements.

We have had Election Day registration in Minnesota for several years now and it has been an unqualified success. Nearly 25% of those who voted in Minnesota this last November registered on Election Day, resulting in a 76% turnout which was the highest in the Nation. Wisconsin, Maine and several other states have similar systems which have also been successful.

Yesterday, Mark Siegel represented the White House at a meeting of Hill staff people, DNC and AFL-CIO representatives on this subject and he reports that there are efforts already under way to introduce legislation which would provide Election Day registration for Federal elections. It is uncertain at this point just how good the prospects of favorable action are this Session, but obviously the prospects will be greatly enhanced with your support.

With your permission, we propose to draft a Presidential Message to the Congress outlining the kind of program you would

like to see enacted and work with allies on the Hill to see that it became law. Without going into great detail at this time, we would suggest that your proposal would:

a.) allow states to enact their own systems of Election Day registration within federal requirements;

b.) establish a procedure which will prevail for federal elections in states which do not enact their own systems by December 31, 1979;

Why wait 3 years?

c.) provide severe criminal penalties for fraudulent registration in federal elections;

d.) provide financial assistance to states for the administration of Election Day registration; and

if any, minimal

e.) allow states to continue to:

*18 years old
(American citizen
(no others))*

- 1.) set basic voter eligibility requirements,
2.) use other methods to increase voter participation, and
3.) administer the election system.

You no doubt know that the Canadian system calls upon the government to register all eligible citizens, in effect shifting the burden from the individual to the government. While Canada has had some apparent success with this system, there is little interest in pursuing it here and it is my judgment that

the prospects of achieving Election Day registration are much greater and, if achieved, that it would be more successful.

You should know, however, there are some very real problems with Election Day registration, both financial and administrative. In order to sell this proposal to the states, and particularly to local election officials, I believe it will be necessary to provide some financial incentive for them to cooperate. This money would be used to cover the additional costs of registering persons on Election Day, costs which could be substantial.

Also, there is a potential problem, particularly in the larger cities, that the massive numbers of people registering on Election Day could cause great congestion and potentially threaten the whole system. For this reason, I believe it makes sense to couple this proposal with a postcard registration proposal so that as many people as possible can get registered before Election Day. This is what we have in Minnesota and the two systems have worked together very well. Ken Curtis says the same thing exists in Maine and he strongly agrees that the two should be coupled.

If you agree with this general approach, we would like to indicate your general interest in the subject to friendly

people on the Hill and begin coordinating with them and also to begin drafting a message for you to send up.

APPROVE ✓ as one suggestion. *N. Dakota has no registration, I've heard -*

DISAPPROVE _____

HOLD OFF: I WOULD LIKE MORE INFORMATION _____

II. CONGRESSIONAL PUBLIC FINANCING

Knowing of your support for the public financing concept, I think it would be helpful to draft and send up a message dealing with Congressional public financing. I believe that prospects are better than ever to achieve this goal this year, given the success of Presidential public financing in 1976.

The Vice President has had a bill in the Senate for several years providing for a matching system of public financing for Congressional candidates for both Primary and General elections. It is very similar to the concept of matching used in the Presidential primaries, a concept of which the Vice President was the principal sponsor in the Senate. You should know that there is a strong group of reform Senators led by Senator Kennedy who believe that the block grant system should be used in general elections instead of the matching concept. Under their plan, any person receiving his party's nomination

would receive from the Federal treasury the full amount of money that he is entitled to spend under the law. Private contributions would be prohibited. We have always strongly disagreed with this concept because:

a.) we think small private contributions are a healthy element in the political process,

b.) block grants artificially prop up otherwise weak candidates whereas matching more accurately reflects a candidate's popular support, and

c.) it has absolutely no chance of passage in the House because it would threaten the one-party nature of many House districts.

Again, if you are agreeable, we would like to develop a message to the Hill for you along these lines.

APPROVE ✓ - but we should permit Congress
DISAPPROVE _____ to lead & work with
Common Cause, etc.
HOLD OFF: I WOULD LIKE MORE INFORMATION _____

III. REFORM OF THE PRESIDENTIAL NOMINATING SYSTEM

Again, Vice President Mondale spent a lot of time on this subject and introduced a bill which provided for a series of regional primaries and which, you may recall, received a great deal of favorable attention a little more than a year ago. It provided for division of the country into six regions,

the states in each of which would hold their Presidential primaries on the same day. A state would not be compelled to hold a primary but if it did choose to do so, it would have to hold it on the day assigned by lot to its region. There would be six primary election days, two weeks apart, beginning in March and ending in June. The purpose of the plan is to bring some kind of rationality and order to a system which, as you know, is now governed by chaos. We regarded this as a minimal first step in that direction while leaving most traditional state prerogatives in state hands. I believe it has the added political advantage of making it difficult for a nonincumbent to challenge an incumbent President because the former would not be able to focus his resources on a single state and achieve the same public impact that is now possible under the present system (e.g., McCarthy in New Hampshire in 1968).

Because we had no hope of enacting this bill last year, we developed a fallback proposal which called for a joint Presidential-Congressional-Public Commission which would study the nominating system and report back its findings and recommendations within one year. This almost became enacted, but unfortunately, Wayne Hays singlehandedly killed it in a Conference Committee. Amazingly, there has never been such a comprehensive

study of the nominating process in the 200 years of our history. Our assumption behind this proposal was that any effort to study and bring some sense to the nominating process would lead inevitably to some form of regional primary system. The only real alternatives are some adaption of the present system, which everyone seems to abhor, and the national primary system which raises many serious problems with which I am sure you are familiar.

Again, we propose, at your direction, to begin preparation of a regional primary proposal along these general lines as part of a comprehensive election reform package.

APPROVE _____

DISAPPROVE _____

HOLD OFF: I WOULD LIKE MORE INFORMATION ✓

Go Carefully

IV. CONSTITUTIONAL AMENDMENT ABOLISHING THE ELECTORAL COLLEGE

As you can see in today's paper, there is considerable optimism on the Hill regarding passage of Senator Bayh's Constitutional Amendment which would abolish the Electoral College and allow Presidential elections to be determined solely by popular vote. This measure once passed the House overwhelmingly

but was stymied by a fillibuster in the Senate. There is real hope in the Senate that, under the new rules, such a fillibuster could be broken this session.

I think this measure deserves your support not only because of its merits but I think it is also advantageous politically. In 1980, you are bound once again to receive a higher popular vote in the South than in any other part of the country and that vote can count for more nationally under this proposal than it could under the Electoral College system. In this case, I don't think you need a Presidential Message to the Hill indicating your support but rather a public statement at some appropriate time indicating that you strongly favor this Constitutional Amendment. If you agree, we will prepare such a statement and look for an appropriate occasion for its delivery.

APPROVE _____

DISAPPROVE _____

HOLD OFF: I WOULD LIKE MORE INFORMATION _____

Finally, as part of a comprehensive legislative package, we propose to review the existing laws, particularly the finance laws, and propose several amendments on which there

Election Reform
Page Ten

is broad agreement and which would bring greater simplicity and effectiveness to the administration of these laws without in any way undermining their original purposes.

THE WHITE HOUSE
WASHINGTON

February 1, 1977

*Sent to
Pres 2/1
along w/ 5/1
+ comment by
Hessie 2/2/77
by [unclear] (C.M.H.)*

MEMORANDUM FOR: THE PRESIDENT
FROM: Stu Eizenstat *Stu*
SUBJECT: Memorandum of January 29, 1977
by Dick Moe on Election
Reform Proposals

Dick has written a most thoughtful memorandum proposing (a) that the Administration actively promote a series of election reforms and (b) that the Vice President coordinate these projects. I agree with Dick that Hamilton, Ken Curtis, and I should be involved, and urge that the Justice Department and Frank Moore be fully involved as well.

1. Universal Voter Registration

Prior to receiving Dick's memo, as you know, I received from you an instruction to draft a message on this issue. In response to your instruction, my staff has initiated contact with the Attorney General's staff to have a legislative proposal and message drafted. I would propose that Dick meet with me, with the relevant people at the Department of Justice, and with Frank Moore to prepare a proposal for your review. After this meeting, which should occur later this week, we will furnish you with a preliminary report and a target-date for completion of the materials.

2. Congressional Public Financing, Reform of the Presidential Nominating System, Abolition of the Electoral College

Dick proposes that we support a matching system of public financing for Congressional primaries and elections, as distinguished from the simple grant approach favored by Senator Kennedy and others.

He also recommends support for regional Presidential primaries and abolition of the electoral college. Dick's reasoning seems persuasive, but I think we need more information before we make our choices on these issues. I recommend again that Dick's staff consult with my staff, and with Justice's people, in order to produce a proposal for your review in the near future.

THE WHITE HOUSE
WASHINGTON

Kraft
Brezinski

THE WHITE HOUSE
WASHINGTON

February 1, 1977

Tim Kraft -

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

Rick Hutcheson

cc: Z. Brzezinski

MIA

THE WHITE HOUSE
WASHINGTON

2-1-77

Tim-

Re MIA's

Have a few representatives
of League of Families
see me (Vance attend)

J.C.

February 1, 1977

James Schlesinger

Sen. Metzgerbaum +
Natural Gas Legislation

cc: Frank Moore

TO SCHLESINGER
FRANK MOORE

THE WHITE HOUSE
WASHINGTON

2-1-77

To: Schlesinger

Sen Metzgerbaum
called. "Natural gas
companies are ripping
us off". He has
info. Please comment
briefly to me -

Thanks

J. C.

THE WHITE HOUSE
WASHINGTON

Mr. President:

Attached FYI are proposals on your Fireside Chat from members of your Cabinet. These have been forwarded to Stu and Jim Fallows, who are working on a draft.

Jody had the following comments:

Pat Harris suggestions: "Unless we can say something more specific on stimulating housing, I'd drop the topic."

Ray Marshall suggestions: "According to Pat Caddell, jobs and the economy are #1 in peoples' minds and also the top things they expect us to move on.

"We don't want to lose the audience with loads of statistics, but need to make our stimulus bill a major portion of the program. This memo seems to be a little strong on raising expectations. We need always to remind people of a long, tough road ahead."

Other Fireside Chat suggestions from:

Mike Blumenthal
Joe Califano
Cecil Andrus

---Rick



THE PRESIDENT HAS SEEN.

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D. C. 20410

January 26, 1977

C
/

MEMORANDUM TO: The President

FROM: Patricia Roberts Harris *Pat Roberts Harris*

RE: Proposed Section on Housing and Urban
Development for Fireside Chat

I suggest the following statement on housing and urban development for inclusion in your fireside chat.

"We pledge our commitment to the national goal, long ago established, of a decent home in a suitable environment for every American citizen. Suitable shelter for our people in dignified surroundings is an achievement that will stand on its own merits as the mark of a civilized and humanistic society. We, therefore, will use all the tools available to us, from direct loans and housing and interest subsidies for individuals, to construction of publicly owned housing and rehabilitation of our existing housing stock. Prompt implementation of these measures will serve to increase employment throughout the country and will help revive our ailing economy.

"This administration also has pledged itself to work with the urban areas of this nation to modernize the infrastructure on which both the cities and their suburbs depend, and we shall take all steps necessary to make certain that federal aid is provided so that all citizens can look proudly on our urban centers as symbols of a vibrant America."

✓

THE PRESIDENT HAS SEEN.

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

January 26, 1977

MEMORANDUM FOR THE PRESIDENT

FROM : Ray Marshall, Secretary of Labor-Designate

SUBJECT: Suggested Material for Fireside Chat

In response to your request, I submit the following suggestions highlighting our concerns for reducing unemployment and advancing the welfare of workers for your first fireside chat.

--In examining the many unmet challenges facing America today, we recognize our biggest challenge is to reduce unemployment and create new jobs for the almost 8 million men and women who are currently out of work.

I have proposed an economic recovery program designed to reduce unemployment in a number of ways. One part of this program would make available 800,000 job and training opportunities to the unemployed over the next two years. And it is designed to benefit those jobless workers who need help the most. This direct creation of jobs is designed to make meaningful use of the energies and skills currently being wasted in unemployment lines. It would create an immediate source of income for jobless workers and their families. And, most important, it would enable individuals to realize the sense of dignity and worth that comes with gainful, productive employment--a feeling that has been denied too many wage-earners for too long.

--In addition to creating jobs for many Americans who need them today, my economic recovery program is designed to create the economic conditions necessary to assure a continuing supply of jobs for the many people who will be entering our labor force in the future.

All of this will require long-term economic growth, greater productivity and a determined effort to hold down inflation. As we continually monitor the economy and attempt to gauge the effectiveness of our programs, we must be flexible in our policies so we can adapt to changing economic conditions.

If the economy appears to require additional stimulus, it must be provided.

--Quick action to create new jobs and restore full economic health to America must not overshadow the need to ensure quality in the jobs created. Our legal obligation is to ensure that the nation's wage-earners are protected by standards of decent pay and safe and healthful working conditions, and that they enjoy freedom from employment discrimination based on race, color, religion, national origin, sex, age or mental or physical handicaps.

Our moral obligation is to ensure that all Americans who work or seek work have full opportunity to earn an adequate standard of living for themselves and their families in a job that is not only meaningful and rewarding to the individual, but productive to our nation as a whole.

--To accomplish the goals that we, as Americans, have set for ourselves, we must have the broadest participation of the American people. A workable government is dependent on openness and the willingness of its leadership to listen to and act on the concerns of its citizens.

As President, I will strive to bring this type of government to the American people. Government not only must be accessible, but must actively seek out the views of the public it serves.

Above all, government today must simplify its many complex programs, regulations and services. We must assure that programs work and that people understand them. Only then can citizens take advantage of the many benefits and services that good government in a democracy can provide.



THE PRESIDENT HAS SEEN.

THE SECRETARY OF THE TREASURY
WASHINGTON 20220

January 26, 1977

10

MEMORANDUM FOR THE PRESIDENT

Subject: Your Fireside Chat

I. Tone and Mood

I suggest that the chat (1) emphasize to the American people the tone and mood under which you expect your Administration to work, and (2) outline your broad goals for 1977-1978, both domestic and international, but probably with more emphasis on the former.

It would be advisable to mention only a few of the high priority items of your early program, seeking to strike a happy medium between not presenting an overly long shopping list of priorities or, on the other hand, of seeming too slow in getting started.

The chat should not be too detailed concerning specifics of particular programs or even the timing of your initiatives. Rather, whereas the Inaugural Address provided a series of uplifting themes, your fireside chat might address those programs of particular priority over the next year.

I think it is most important that you again reiterate one basic theme -- your hope of pursuing policies which will create a period of stability in America; that the policies adopted will seek to do no more than we are able to do; that the policies will be predictable; that the choices will be presented honestly and openly; that there is necessity for cooperation by various interest groups and for sacrifices by all.

Some of the points which you made at the first Cabinet meeting, stressing the need for all senior Government officials to deepen their contact with people throughout the country, collaboration amongst us, admitting mistakes, etc., are equally important tonesetters for the new Administration and should be restressed.

II. Priority Programs

a. Growth of the Domestic Economy

I recommend that you stress the basic theme that we can do little else if we do not insure a healthy, growing economy, reducing unemployment, but doing so in a practical and financially responsible manner to avoid a rekindling of inflation.

Reference should be made to the goal of bringing the Federal budget into closer balance as soon as practical.

It is also important to reassure the business community that we recognize that private job creation is the key to continued and sustained economic growth. Here is where you may want to mention the high priority you attach to an effort to review and revise the tax system in terms of three goals: 1) simplification; 2) insuring its fairness; 3) stimulating private initiatives and incentives for business investment, capital formation, and research and development.

Reference to the economic stimulus package will, of course, have to be included. It would be important to stress that it is intended as only the first step of a series of initiatives of which tax reform is an important next step.

Regarding the stimulus, you may wish to note that it has been carefully assembled, with attention to increasing employment and consumer and business confidence. As the year progresses, further job-creating programs will be developed, particularly aimed at those who won't soon get jobs even if the economy expands.

b. Other Economic Policy Initiatives

You may wish to mention two additional programs as high priority items for the first part of your Administration. Specifically:

1. National Energy Policy

The present fuel crisis in some areas, caused by this unusually cold winter, only illustrates again the need for a national energy policy. Developing it is one of your earliest priorities. Conservation, expanding supplies and avoiding increased dependence on imported oil will be emphasized. Doing so will involve sacrifices, like your request to lower home heating temperatures, and you hope Americans will join together to make them.

2. Urban Policy

Your Administration will be developing an urban policy designed to help cities directly, and to help them help themselves. In addition, all policies developed by your Administration will be weighed in the context of their effects on our troubled central cities.

Certain of these broad programs for 1977, intended for all Americans, particularly affect cities and their residents. These particularly include economy recovery, welfare reform and national health insurance, all of which are matters of high priority. Components of your urban policy itself will include, among others, countercyclical financial assistance, and measures for economic redevelopment.

III. A Final Note

Partly for "mood" and partly for substance, you will no doubt wish to mention your plans for Government reorganization.

I recommend that you mention your advice to the Cabinet: to take their own managerial steps, not requiring legislation, to improve the efficiency of their departments.

Perhaps you might mention one or two specific, illustrative examples of what has already been done. (By Thursday morning I will have some numbers on how the Office of the Secretary of the Secretary has been contracted and reorganized. If you wish to use these, I will be glad to provide the information to you.)



W. M. Blumenthal

14
SOME LIGHT CABINET HAS SEEN.



THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D. C. 20201

21
MEMORANDUM TO PRESIDENT CARTER

From: Joseph A. Califano, Jr. *JAC*

Subject: Fireside Chat

RH
On Monday, you requested that members of the Cabinet provide you with thoughts for your first fireside chat. I suggest the following:

First, it will be especially appropriate in the first fireside chat to stress the importance that you place on policies that promote the stability of the American family. If we restore the American family to its rightful place in our society, then we can also reduce the need for governmental involvement in so many facets of our national life.

Second, a first priority of the Administration will be to reduce unemployment, but we must not forget that despite all our efforts to that end, many millions of Americans-- the aged, the blind, the disabled, the ill, the victims of catastrophic events-- will never be able to work. It is thus extremely important that, as we endeavor to get America back to work, we also protect and nourish those vulnerable citizens who cannot work.

Third, you have constantly stressed the importance of restoring trust to American government. This not only means that the governed should trust the governors, but it means that government must trust its citizens. We must not write all regulations assuming the worst. We must trust that most of our people wish to obey the law-- as the striking record of the income tax system demonstrates. Let us not, therefore, burden our people with the heavy weight of bureaucratic measures if we can trust them to follow clear and simple rules. This perspective is important to bring to the delivery and monitoring of human services, where the goal is to help people directly and not to increase the tasks of the government or to swell the rolls of government employees.

✓



THE PRESIDENT HAS SEEN.

THE SECRETARY OF THE INTERIOR
WASHINGTON

January 27, 1977

10

Memorandum

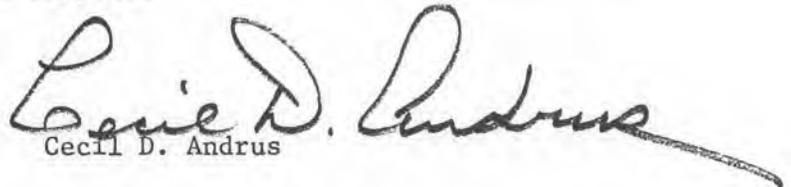
To: The President
From: Secretary of the Interior
Subject: Fireside Chat

Land and Water Conservation Fund. I recommend that you state your support for full funding of the Land and Water Conservation Fund administered by the Bureau of Outdoor Recreation. This is the backbone of thousands of park and recreation projects across the land as well as a source for funds to set aside natural areas for present and future generations.

National Parks and Wildlife Refuges. I urge you to emphasize a personal interest in leading the effort to correct years of neglect and deterioration in our national parks and wildlife refuges. Additional lands must be preserved for these systems. Your support for new park and refuge lands in Alaska is the single most important aspect of this issue. There is room to easily double the size of the parks and refuge programs with the Alaskan additions. This is a rare opportunity to preserve magnificent untouched resources for future generations. Manpower and operational funding are genuine critical needs, too.

Strip Mining Legislation. I am confident that Congress will pass a strip mine bill very quickly. You might consider stating your support for the measure and indicate that you would not veto it.

Energy Reorganization. There is justified concern about the potential consequences if we removed the land management responsibilities from Interior in a reorganization effort to create a Department of Energy. In particular, the leasing programs at Interior should not be pulled out and cast with a single purpose energy agency. A word from you indicating that you will not separate surface and subsurface management would be timely and helpful.


Cecil D. Andrus

THE WHITE HOUSE
WASHINGTON

2-1-77

To Zara Dyer

Joe Margluff was
my first classman at
the Naval Academy when
I was a plebe - in
1943 - 1944.

Captain Margluff
meant a lot to me then.
Tell Derek he can prove
he's truthful.

Jimmy Carter

275

594 Fruitland Ave.
Mayfield Hts Ohio 44124

6/1/54

Dear Mr. Carter,

SC

my grandson is having a small
problem at school concerning the following.
I thought perhaps you could help him out.

My Brother in law Captain Joseph O. Margluff
told him that you were a plebe under him
at Annopolis, and that he thought
you a very fine person. of course my
grandson repeated this to his classmates
and they including their teacher thought
it an untruth. If at all possible
could you write a few lines
stating that you did know
Capt Margluff?

Sincerely -
Zach Byer

Dear Mr. Carter
Dear Teacher

THE WHITE HOUSE

WASHINGTON

2-1-77

To Bert Lance

Wire off to a good
start - together. Your
willingness to help me
adds to my confidence.

Thank you for God's
admonition & promise to
Solomon. It's a good
reminder to me.

Jimmy

THE WHITE HOUSE
WASHINGTON

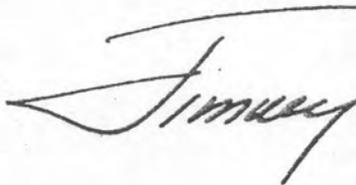
February 1, 1977

To Senator Hubert Humphrey

I deeply appreciate your sending me
a copy of your book, and look forward
to reading it and learning from it.

Thank you for sharing this with me.

Sincerely,



The Honorable Hubert H. Humphrey
United States Senator
Washington, D.C. 20510

p.s. I have already read
it. It's wonderfully personal -
about a great & good man.



x

THE WHITE HOUSE

WASHINGTON

February 1, 1977

To Mrs. Mary Zablocki

Rosalynn and I are delighted to send our warmest congratulations on your ninety-fifth birthday. Your birthday is a memorable occasion, and may the year ahead bring you the fullest blessings of health and happiness.

Sincerely,

Jimmy Carter

Mrs. Mary Zablocki
2754 South 44th Street
Milwaukee, Wisconsin 53219

*p.s. I'm also proud of
your son!*
J

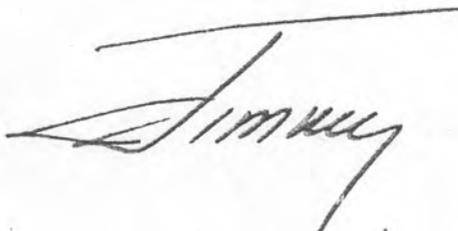
THE WHITE HOUSE
WASHINGTON

February 1, 1977

To Rildia Bee Cliburn
and Van Cliburn

Thank you for the long-stemmed red roses.
I deeply appreciate the kind note extending
your warm wishes. Your words of
support are encouraging!

Sincerely,



*ps I was listening to an old
recording of your Bachman and
3rd last night - J*

Mrs. Rildia Bee Cliburn
Mr. Van Cliburn
c/o Joy Palmer
540 Madison Avenue
New York, New York 10022

THE WHITE HOUSE
WASHINGTON

February 1, 1977

Frank Moore -

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

Rick Hutcheson

*Congressional Mail -
acknowledgments*

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

*Frank -
all ok -
but what is time
elapsed before
reply?
J*

1/29/77

TO: The President
FROM: Frank Moore *F.M.*
RE: Congressional Mail to The President

As a matter of policy, my office receives all Congressional Mail both addressed to The President and to members of the Congressional Liaison staff.

In this memo I will attempt to present a method of handling Congressional correspondence to The President. I would like your approval or comments on this system.

I. COMPOSITION OF THE MAIL: Mail to The President presently seems to fall into five categories. They are as follows:

1. Resumes and recommendations and letters of endorsement
2. Invitations for The President
 - a. to appear outside of Washington
 - b. requests for appointments at the White House
3. Requests for photographs and other Presidential memorabilia; tie-clips, pens, etc.
4. Congratulatory messages: these are primarily requests by Members for messages to go to constituents for birthdays and wedding anniversaries. There are also "special" requests - (Boy Scouts who make Eagle Scout, scholastic and athletic winners, etc.). Also in this category fall congratulatory messages to Congressional Members on their birthdays and anniversaries, get-well messages, etc. Although these do not appear on the in-coming mail log they have traditionally been handled and sent

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

1/28/77
The President
Page -2-

out by the Congressional Correspondence Section.

5. Substantive Mail: This is presently smallest in amount but undoubtedly the most important section of the mail. Examples from the first few days' of mail are: (obviously not inclusive)

Members' positions on granting The President authority to re-organize the government.

Members' positions on supplying arms to Israel

Members' positions on Amnesty.

Members' positions on federal relief to their districts (or states) due to the cold weather.

This kind of mail will undoubtedly reflect the new programs put forth by The President and other issues of the day.

II. PROPOSALS FOR DEALING WITH EACH OF THE ABOVE CATEGORIES OF MAIL

1. Resumes and recommendations and letters of endorsement: Resumes and letters of recommendation to The President would first be acknowledged in the name of Frank Moore and then routed to Jim King, Special Assistant to The President for White House Personnel for processing (see attached sample letter of acknowledgment) ATTACHMENT #1

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

1/28/77
The President
Page -2-

- II. 2. Invitations for The President to:
- a. Appear outside Washington: These requests should be sent to Fran Voorde for acknowledgment and processing.
 - b. Requests for appointments with The President at the White House. These requests should be sent to Tim Kraft for acknowledgment and processing.
3. Requests for photographs and other Presidential memorabilia; tie-clips, pens, etc. These requests might be sent directly to Mrs. Mary Beckman at the "photo" desk. The fulfillment of the request will serve as acknowledgment of receipt.
4. Congratulatory messages:
- a. Requests by Members for messages to go to constituents for Birthdays and Wedding Anniversaries might be sent directly to Mrs. Ann Bovelsky at the "birthday" desk. The fulfillment of the request will serve as acknowledgment of receipt.
 - b. "Special" requests - that is for letters to Boy Scouts, messages to be read at the opening of Conventions, congratulatory messages to scholastic and athletic winners, etc. might go to Mrs. Eliska Hasek at the "commemorative" desk. The fulfillment of the request will serve as acknowledgment of receipt.
 - c. Messages to Members on their Birthdays and Wedding Anniversaries: The Congressional Correspondence Section can maintain a Calendar and send out an appropriate message in The President's name for the occasion.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

1/28/77
The President
Page -3-

II. 2. c. continued

Members' illnesses, family births and deaths and other non-scheduled events can be tracked by the Congressional Liaison staff and responded to accordingly.

5. Substantive Mail: All substantive mail to The President would first be acknowledged in the name of The President on receipt and then routed for processing. Attached are some sample acknowledgments for substantive mail to The President. (SEE ATTACHMENT #2)

At the time of the acknowledgment, a decision should be made if the follow-up, substantive reply should be sent out in The President's name or under the auspices of a particular Secretary or the head of an Agency or White House Staffer.

One means to distinguish in whose name the reply should go out would be to have all replies to questions on Policy go out in The President's name and replies to questions on Programs go out in the name of the appropriate Agency or Department head.

Letters of Policy: After letters dealing with policy have been acknowledged they will be sent to the appropriate Agency, Department or White House Staffer for a draft response with instructions that this is a draft for The President's signature. They will then be returned to Congressional Correspondence for final editing. The letter will then go to General Correspondence for "clean" typing. The original and one carbon will go to Susan Clough

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

1/28/77
The President
Page -4-

II. 5. continued.

for signature. One carbon will be returned to Congressional Correspondence for filing in the Member's file.

Letters on Programs: After letters pertaining to Programs have been acknowledged in The President's name, they will be sent to the appropriate Agency, Department or White House Staffer for a follow-up letter over the signature of the appropriate person referred to in the original letter of acknowledgment. A carbon of the Agency's reply will be returned to Congressional Correspondence for filing in the Member's file.

III. THE LOG: Attached you will find copies of the mail log to date. The disposition column is filled in in the way in which we have handled the mail to date.

You may also wish to receive a weekly summary of the log showing the trend of Congressional mail on particular issues.

FOR EXAMPLE:

| Week ending | Subject | # of letters | Pro | Con |
|-------------|---------|--------------|-----|-----|
|-------------|---------|--------------|-----|-----|

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

1/28/77
The President
Page -7-

SAMPLE DRAFT INTERIM ACKNOWLEDGMENTS OF A
LETTER TO THE PRESIDENT FROM A MEMBER OF
CONGRESS

(When the follow-up substantive answer is to go out over
the signature of an Agency head or another appropriate
person)

To _____ (name of Senator or Congressman):

Thank you for bringing to our attention the question/matter
of _____.

I have asked _____ (name of person to whom the
letter will be referred) to look further into the matter
and report back directly to you.

OR

To _____ (name of Senator or Congressman):

Thank you for sharing with us your concern over _____
(subject). (When appropriate - I agree with the points you
have raised)

I would like _____ (person to whom the letter will
be referred) to be aware of your interest and have asked
him/her to review the matter.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

1/28/77
The President
Page -8-

DRAFT INTERIM ACKNOWLEDGMENT OF A LETTER TO
THE PRESIDENT FROM A MEMBER OF CONGRESS

(When the follow-up substantive reply is to
go out in The President's name)

To _____ (Senator or Congressman):

Thank you for bringing to my attention your views on
_____ (subject).

I would like to spend some time reviewing the points you
raised and will be back in touch with you regarding _____
/or on this subject soon.

OR

To _____ (Senator or Congressman):

Thank you for sharing with me your views on _____
(subject).

I wish to consider the points you raised in greater detail and
will send you my further ideas on the subject.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

1/28/77
The President
Page -9-

ADDENDUM TO SUBSTANTIVE MAIL: There will be some substantive mail which does not require a follow-up letter. The letter of acknowledgment will terminate the correspondence.

This letter of acknowledgment will be drafted by the Congressional Correspondence Section. It will then be typed by General Correspondence. The original and one copy will be returned to Susan Clough for signature. One carbon will be returned to Congressional Correspondence to be filed in the Member's file.

THE WHITE HOUSE
WASHINGTON

February 1, 1977

J. Watson

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

Rick Hutcheson

cc: J. King

*Annual Essay
Commission*

THE WHITE HOUSE
WASHINGTON

THE WHITE HOUSE
WASHINGTON

J. King
J. Watson (to Blumenthal)

Mr. President:

Secretary Blumenthal proposes that you not appoint members to the Assay Commission, scheduled to meet in Philadelphia February 9.

The Commission has the largely ceremonial job of approving newly minted coins.

Jim King disagrees with Blumenthal, on the grounds that:

1. some Members of Congress have already made nominations to the Commission in good faith;
2. there is little cost to the government, as individuals pay their own expenses for the meeting, and most arrangement costs have already been incurred;
3. he opposes a single-shot abolition of a Commission before the Reorganization Study Group has a chance to review the Commission.

King's full comments are attached FYI.

---Rick



THE PRESIDENT HAS SEEN.

OFFICE OF THE SECRETARY OF THE TREASURY
WASHINGTON, D.C. 20220

JAN 22 1977

*My inclination
is to eliminate
many commissions
immediately & not
to appoint Assay
people
J*

Dear Mr. President:

This letter is to recommend that you not exercise your discretionary authority to appoint members to the Assay Commission which will meet in Philadelphia on February 9, 1977. I believe this decision is consistent with your desire to reduce Federal spending and to eliminate unnecessary Government commissions.

Under the Statutes (31 U.S.C. Section 363) the Assay Commission is required to meet annually on the second Wednesday in February. The duty of the Commission is to test the weight and composition of the coins reserved by the Denver and Philadelphia Mints and the San Francisco Assay Office during the preceding calendar year in order to determine whether they conform to established specifications.

The Statutes designate members of the Commission to be:

- (1) The (chief) judge of the Federal District Court in Philadelphia;
- (2) The Comptroller of the Currency;
- (3) The Assayer of the New York Assay Office;
and
- (4) "such other persons as the President shall, from time to time, designate."

Traditionally, the President has designated several persons to serve as Commissioners for this occasion, who receive a Presidential Commission complete with Federal Bureau of Investigation checks.

REPRODUCTION MADE FOR
PRESIDENTIAL SERVICES

The function of the Assay Commission in recent years has become largely ceremonial and the three statutory members of Commissions can adequately perform the duties assigned to the Commission. Therefore, since the appointment of other members is only ceremonial in nature, I recommend that you do not appoint such additional Commissioners.

This would not only save the time and expense of FBI and IRS investigations of such members, but would also be consistent with the policy of eliminating unnecessary Commissions, since even the continued existence of this statutory Commission should be reviewed at an early date.

Faithfully yours,



W. Michael Blumenthal

The President
The White House
Washington, D. C. 20500

THE WHITE HOUSE

WASHINGTON

MEMORANDUM

January 30, 1977

TO: The President

FROM: James B. King *JK*

RE: Annual Assay Commission

The Annual Assay Commission, which is required by law to meet on the second Wednesday of February every year, is made up of approximately twenty-five citizen members, all of whom are coin collectors or numismatists. The members serve without compensation, and they pay their own expenses for the one day meeting in Philadelphia.

The selection process begins with nominations from members of Congress and other elected officials. The Treasury Department then screens the nominations and places on a lower priority list (a) people who do not have enough expertise in the field, and (b) people who have previously served on the Commission. The nominations are then forwarded to the President for his approval.

The first two steps have already been completed, and the DNC and Frank Moore's office have already been given the lists for their information. A final report on the names will be ready within a couple of days.

Even though the merits of having an Assay Commission are questionable, I do not agree with the recommendation from the Treasury Department that the members should not be appointed for this year's meeting. To me, this would give the appearance that the Carter Administration is going to approach reorganization on a case-by-case basis, rather than as a single, coordinated approach that reviews each component in light of all the others.

Furthermore, I wonder whether the Treasury Department has consulted with the Reorganization Study Group with respect to this particular Commission. Do you want the first instance of a commission abolishment to be initiated and carried out apart from the group that was specifically set up to study these questions?

In summary, I see three main consequences if the Treasury Department's recommendation is accepted:

1. Several members of Congress who had made the nominations in good faith and on the premise that the process would not be overturned at the final step would probably be upset.

2. There would be little or no savings to the government. The Bureau of the Mint has already made the arrangements for the meeting, and most costs have already been incurred.

3. The credibility of the Reorganization Study Group may be undermined if they have not participated in this decision.

The convening of the Assay Commission in two weeks would not affect any future decision on whether to keep it or not. That decision should be deferred until it can be included in a comprehensive reorganization package.

THE WHITE HOUSE
WASHINGTON

February 1, 1977

Jack Watson.

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

Rick Hutcheson

Papaver Bracteatum

THE WHITE HOUSE
WASHINGTON

Thru J Watson
to Sam
Bell
California
England

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

January 29, 1977

MEMORANDUM TO: The President

FROM: Peter Bourne *P.B.*

Attached is the memo you asked me to prepare on Papaver bracteatum for circulation to Secretaries Bell, Bergland, Califano and Vance.

PGB:mp

For comment to

Vance

Bell

Califano

Bergland

J.C.

MEMORANDUM FOR THE PRESIDENT

FROM: Peter G. Bourne

SUBJECT: PROPOSED DOMESTIC CULTIVATION OF PAPAVER BRACTEATUM

As you requested, this memorandum provides additional background concerning the proposal to permit limited commercial cultivation of Papaver bracteatum in the United States.

Background

Historically, the principal raw material for codeine - a drug widely used for mid-level pain relief and as a cough suppressant - has come from opium poppy (Papaver somniferum). Since this plant is also the raw material for heroin, United States and international policy has always been to keep worldwide supply and demand in close balance, lest some excess legitimate production find its way into illicit channels. Thus, there is not much slack in the system, and when the growth in worldwide demand unexpectedly quickened at the same time that a number of major producing countries had crop reversals, a tight supply situation developed in 1973.

We were able to avert an actual shortage in the United States by first releasing part of our strategic stockpile in December, 1973* and then by authorizing the importation of alternative derivatives of the opium poppy in December, 1974**. These steps were successful, and stocks in both the United States and worldwide have begun to return to levels more appropriate to providing adequate safety margins. But, as could be expected in a period of tight supplies, prices rose sharply; the price for codeine more than doubling between 1974 and 1976, largely due to raw material price increases.

During the time that these emergency steps were being taken to avert an actual shortage, efforts intensified to reduce the supply vulnerability to a single crop traditionally grown in relatively primitive areas (Turkey, India). One promising area of research was with another type of poppy, Papaver bracteatum; a potential substitute raw material which appeared to have a significantly lower potential for abuse (heroin cannot be made from it) and which promised lower agriculture costs (Yield per acre is estimated at several times that of the traditional opium poppy).

* Recommended by President Nixon and approved by Congress

** Done administratively in Justice, with President Ford informed of the action.

The Bracteatum Proposal

Requests to authorize the domestic cultivation and processing of bracteatum have become increasingly urgent (1) as agricultural and processing experiments have demonstrated its cost advantage over world prices, and (2) as questions about the potential abusability of bracteatum and its derivatives have been answered negatively. The rationale for these requests has been that bracteatum would offer a cheaper and more dependable raw material supply, and that even limited domestic production would help bring world prices for traditional raw material supplies back to more normal levels.

In response to these requests, the Administrator of the Drug Enforcement Administration (Justice) published a notice in the Federal Register on November 19, 1976 which proposed extremely tight regulations for cultivation of sufficient bracteatum to meet 5 percent of United States needs in 1977, growing to 20 percent in 1980. Papaver bracteatum has been grown experimentally on federal reservations in Colorado and Montana. Two drug companies with an interest in commercial cultivation, Mallinckrodt and the Endo Division of DuPont, have grown small quantities in several other states. The final sites for possible commercial cultivation have not yet been selected.

The Federal Register notification invited all interested parties to comment or object to the proposal by December 21, later extended to January 28, 1977. A total of 48 formal responses were received, divided as follows:

- ..43 for implementing the proposal
 - Seven from prominent academics or researchers in the field of drug abuse;
 - Six from various medical associations, including the American Medical Association, the American Dental Association, the American Academy of Family Physicians, and the Pharmaceutical Manufacturers Association;
 - 25 Pharmaceutical manufacturers, including all of the major firms; and
 - Two members of Congress: Senator Helms and Congressman Walter Jones.

- ..Three against implementing the proposal
 - State Department: signed by Dr. Kissinger on January 20
 - The since-retuned Secretary of the United Nation's International Narcotic Control Board
 - Canadian Government: in a note "expressed concern" and "urged all due caution...in weighing the possible effect of the introduction of this new narcotic crop"

Because of the disparate responses, the Administrator of the Drug Enforcement Administration has scheduled public hearings before an administrative law judge for March 15, 16 and 17. These hearings were originally scheduled for January 27, but were postponed at my request so that your appointees would have time to formulate their own positions on the issue, and so a better assessment of reaction by foreign governments to an affirmative decision could be made at the meeting of the United Nations Commission on Narcotic Drugs to be held in Geneva in February.

The Arguments For and Against

The core of the argument for this limited domestic production is that it will: (1) be at least 25 percent and perhaps 50 percent cheaper than prevailing world prices; (2) will act as incentive for foreign producers to reduce the prices for their raw materials to levels more consistent with production costs; and (3) eliminate our total reliance on uncertain foreign supplies without reducing the absolute amount we import (because of the sliding scale on production, which is slightly lower than the rate of growth in demand). In addition, the argument has been raised that in the absence of a compelling reason to prohibit limited domestic production, the current policy represents unwarranted government interference in the market resulting in an unjustifiable cost burden to the consumer. Technically, the pharmaceutical companies have the legal right to proceed with domestic cultivation, but claim they are not doing so out of deference to their desire to act responsibly and in accord with overall federal narcotic policy.

The Department of State, particularly Ambassador Vance (the outgoing Senior Adviser to the Secretary for Narcotics Matters) has vigorously opposed domestic production, discussing the above arguments as relatively insignificant in comparison to the possible international consequences. These are: (1) that even this small amount of United States production will add to a potential oversupply which may be developing due to large increases in Turkish, French, and Australian production and more limited increases elsewhere; (2) that the "moral force" of the United States would be weakened in its efforts to convince countries less able to control production or to prohibit production; (3) that the Governments of Afghanistan, Pakistan and Thailand might seize the United States decision as an excuse to accede to local political pressure to merely "legalize" currently illegal, uncontrolled growth of opium poppies; and (4) that this limited phase-in of United States production is merely the opening gambit in an attempt by the United States pharmaceutical industry to take over a profitable industry from underdeveloped foreign nations.

My personal opinion is that the arguments on both sides are usually overstated, and that the real impact of domestic growth on domestic prices and the international narcotic control system will be slight.

The economic impact on India and Turkey will be significantly ameliorated by the slow phase-in of domestic cultivation. At present, on balance, I support the proposed regulations as a very conservative response to legitimate concern by the medical community - one which can be modified or even reversed if developments warrant. However, before a final decision is made, I believe the following steps should be taken:

(1) Obtain the opinions of those cabinet officers likely to be affected by the decision; Secretaries Bell, Bergland, Califano and Vance.

(2) Proceed with the hearings already scheduled by the Justice Department for March 15, 16 and 17, to allow all parties with an interest in the decision to express their opinions in a public forum.

(3) Seek to define more specifically the extent of the negative reaction by foreign governments to a decision to allow domestic cultivation. I have asked the members of the United States delegation to the meeting of the United Nations Commission on Narcotic Drugs scheduled to begin meeting in Geneva on February 7 to ascertain informally the intensity of feelings on this issue.

The final decision should be made before the end of March. If the decision is affirmative, then I believe a small delegation should visit each of the countries that would be affected to explain why the decision was made, and hopefully ameliorate the reaction.

THE WHITE HOUSE
WASHINGTON

February 1, 1977

Greg Schneiders -

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

Rick Hutcheson

cc: Robert Linder

*Form Resignation
Letter from P.*

THE WHITE HOUSE
WASHINGTON

to Greg

THE WHITE HOUSE
WASHINGTON

Mr. President:

Form letter for acceptance
of resignation submitted
for your approval by Greg.

_____ Approve

_____ Disapprove

---Rick

THE WHITE HOUSE

WASHINGTON

February 1, 1977

Bob Lipshutz -

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

Rick Hutcheson

cc: Jack Watson
Tim Kraft
Stu Eizenstat
Jody Powell
Midge Costanza
Ham Jordan
Frank Moore
Bert Lance

*Congressional Veto
Matter*

THE WHITE HOUSE
WASHINGTON

All ^{top} staff
Tim Kraft

Bell Tom Watson

Note to Lipshutz from JC
on revising last para

APPROVE



DISAPPROVE

Attachment

A large, stylized handwritten signature or initials are written in the bottom right corner of the page.



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

January 31, 1977

The President
The White House
Washington, D. C.

Dear Mr. President:

I have the honor of responding to your request for my opinion on the constitutionality of Section 906(a) of the executive reorganization statute, 5 U.S.C. § 901, et seq., which provides that an executive reorganization plan shall become effective 60 days after its transmittal to Congress by the President unless during that 60-day period either House passes a resolution disapproving the reorganization plan.

For the reasons set forth below, I am of the opinion that the procedures provided in Section 906(a) of the reorganization statute are constitutionally valid. I should emphasize at the outset that my opinion is limited to this particular statute, as explained below, and is to be taken in no manner as approving the constitutionality of the procedure of Congressional disapproval of executive action by resolution in other statutes.

Article I, § 7, clause 3 of the Constitution provides that "every Order, Resolution, or Vote" to which concurrence of both Houses is necessary shall be presented to the President for his approval or veto. Section 906 of the reorganization statute authorizes Congress to take action by simple resolution of either House, a form of Congressional action which is outside the legislative procedures set out in Article I. That statute authorizes Congress to exercise procedural power not explicitly granted to it by the Constitution. However, the statement in Article I, § 7, of the procedural steps to be followed in the enactment of legislation does not exclude other forms of action by Congress.

The first Congress contemplated Congressional action outside the normal Article I legislative process when it provided in the act creating the office of Secretary of the Treasury that either House could require the Secretary to make reports and furnish it certain information. Act of September 2, 1789, ch. XII, § 2, 1 Stat. 65-66 (1789). In 1789 the House of Representatives acting by simple resolution directed Secretary Alexander Hamilton to conduct certain studies and report the findings to the House. 2 Annals of Congress 904 (1789).

In 1897 the Senate Judiciary Committee specifically addressed the question whether Article I, § 7 required that congressional resolutions be submitted to the President for his approval or veto. Citing past practices of the Congress, the Committee took the position that the requirement of submission to the President of every vote for "which the concurrence of the Senate and the House of Representatives may be necessary" applied only where there was constitutional necessity. The Committee further determined that such constitutional necessity existed only in the case of the enactment of legislation. S. Rep. No. 1335, 54th Cong., 2d Sess. 8 (1897). The procedures prescribed in Article I, § 7, for Congressional action are not exclusive. That has been the consistent interpretation of Article I by Congress since 1789.

The constitutional question, therefore, is not whether the Congressional action contemplated by Section 906 of the reorganization statute literally conforms with the procedural steps specified in Article I, § 7, cl. 3. Rather, the question is whether the provision in the reorganization statute authorizing single House disapproval of an executive reorganization plan respects the constitutional checks on legislative power provided by the Framers of the Constitution in the presidential veto and the principle of bicameralism.

Congressional action outside the check of the presidential veto should be constitutionally suspect as it carries the potential for shifting the balance of power to Congress and thus permitting the legislative branch to dominate the executive. If a statute authorizing control by Congress over executive action by later resolution has the effect of evading the constitutional safeguards of concurrence of both Houses and the presidential veto, then it violates Article I, § 7 of the Constitution.

However, if the procedures provided in a given statute have no effect on the constitutional distribution of power between the legislative and the executive -- that is, the power of presidential veto is effectively preserved and the principle of bicameralism is respected -- the fact that the procedure is not explicitly authorized by the language of Article I is not enough to render the statute unconstitutional. I am of the opinion that the procedure provided in the reorganization statute for congressional disapproval of a reorganization plan submitted by the President satisfies this test and, therefore, is constitutional.

Under the reorganization statute procedure the two Houses of Congress and the President possess the same relative power as under the normal Article I legislative process. First, the President has ultimate veto power in his formulation of the reorganization plan. The President will submit to Congress only plans which he approves and rather than be forced to accommodate the demands of Congress as to the shape of the plan, he can decide to submit no plan at all.

This power to take no action with respect to reorganization plans should be carefully distinguished from the situation created by statutes which provide for subsequent resolutions disapproving presidential actions in the administration of continuing programs. The pressures of an ongoing program with prior commitments force the President to act. And he must take action acceptable to Congress if that action is to stand. This urgency for action which pervades the administration of continuing substantive programs subjects presidential decisions to increased congressional influence and effectively compromises the President's control over his actions. Such statutes frustrate the constitutional check of the presidential veto in violation of Article I and infringe on the doctrine of separation of powers.

Second, the principle of bicameralism, that each House of Congress has the right that there be no change in the law without its consent, is respected by the reorganization statute as no reorganization plan can take effect if opposed by either House. Both Houses have equal power with respect to the congressional decision to accept or reject the reorganization plan.

Third, in contrast to statutes which authorize subsequent congressional resolutions disapproving executive action in continuing programs, under the reorganization statute there is no assumption by Congress of discretionary control over administration of the law, and, consequently, no invasion of the traditional role of the executive branch. The reorganization statute does not involve creation of a new substantive program or congressional interference with authorized administrative discretion in an ongoing program. The doctrine of separation of powers is not violated.

THE WHITE HOUSE
WASHINGTON

THE WHITE HOUSE
WASHINGTON

February 4, 1977

Rick:

*This page should
be substituted for the
original page 4 sent
to the President.*

*Please handle it
with him or with Tim.*

RJF

*Bid - check the log - see if the
only news from Zell to Pres
has been returned from him yet.
(I don't think it has) - L.C.*

b Lipshutz

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

Rick Hutcheson

THE WHITE HOUSE
WASHINGTON

51

Mr. President:

The Department of Justice
sent this over after
you left your office
Thursday night.

The fourth page of the
letter to you from Judge
Bell contained some errors.

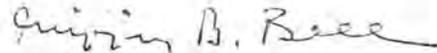
This replaces that page.

Rick

In conclusion, I reiterate that my opinion as to the constitutionality of the legislative veto device is limited to the narrow context of the reorganization statute. This procedure is uniquely appropriate to executive reorganization. The reorganization statute does not affect the rights of citizens or subject them to any greater governmental authority than before. It deals only with the internal organization of the executive branch, a matter in which the President has a peculiar interest and special responsibility.

For the above reasons it is my conclusion that the procedure provided for in Section 906(a) of the reorganization statute does not violate the Constitution.

Respectfully,



Griffin B. Bell
Attorney General

In conclusion, I reiterate that my opinion as to the constitutionality of the legislative veto device is limited to the narrow context of the reorganization statute. This procedure is uniquely appropriate to executive reorganization. The reorganization statute deals only with the internal organization of the executive branch and does not affect the rights of citizens or subject them to any greater governmental authority than before. On the one hand, the President has a peculiar interest in the organization of the executive and, on the other, Congress has demonstrated an institutional inability, resulting from sectional and departmental pressures and jealousy of Congressional committees to protect their respective jurisdictions, to enact legislation effectively reorganizing the executive branch. See The Public Papers and Addresses of Franklin D. Roosevelt, 1938, p. 179, at 180, 182. See also S. Rep. 638, 79th Cong., 1st Sess., pp. 10-12.

For the above reasons it is my conclusion that the procedure provided for in Section 906(a) of the reorganization statute does not violate the Constitution.

Respectfully,

Griffin B. Bell

Griffin B. Bell
Attorney General

THE WHITE HOUSE
WASHINGTON

February 1, 1977

Tim Kraft -

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

Rick Hutcheson

cc: Bunny Mitchell
Landon Butler - fyi

*Meeting Herman Russell,
Vernon Jordan &
Jesse Hill*

THE WHITE HOUSE
WASHINGTON

T Kraft

Bunny Mitchell

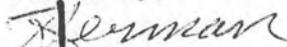
London Butler - info

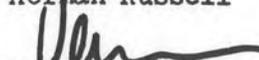
30 January 1977

Dear President Carter: ~~THE PRESIDENT HAS SEEN.~~

It is most urgent that you convene a meeting with Herman,
Vernon and Jesse, at your earliest convenience along with
Hamilton Jordan, in a quiet session. We believe this meeting
to be in the best interest of our country, 'our President and
our best interest.

Sincerely,


Herman Russell


Vernon Jordan


Jesse Hill, Jr.

Tim -
do this
J

THE WHITE HOUSE
WASHINGTON

February 1, 1977

Bob Lipshutz -

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

Rick Hutcheson

*Community Services
Administration*



THE WHITE HOUSE
WASHINGTON

Lipshutz

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE
WASHINGTON

January 31, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: BOB LIPSHUTZ

SUBJECT: Appointment of Director of
Community Services Administration

Joe Aragon has been named Acting Director of the Community Services Administration, the successor agency to OEO. Four years ago a court enjoined Howard Phillips from serving as Acting Director of OEO, reasoning that both the Constitution and governing statute required the Director to be confirmed by the Senate and made no provision for interim appointment of an Acting Director. ✓

To minimize both the legal and political risks, we recommend:

1) That it be announced that the Deputy Director of CSA, Bob Chase, will serve as Director for a short period; Senate staffers indicate that Chase is solid and cooperative; ✓

2) That Aragon continue in his two week assignment to evaluate CSA and report directly to the President; ?

3) That any public statements emphasize our intention to comply quickly with the constitutional requirement for Senate confirmation of a new Director (e.g., that the name of a nominee will be submitted within two weeks), but also point out the necessity of having someone in charge of CSA immediately in order to cope with the fuel/weather crisis. ✓

✓ The suit was brought by four Senators -- Williams, Pell, Hathaway, and Mondale. Key Senate staffers have been contacted concerning the present situation.

February 1, 1977

To Senator Bob Byrd

I'm glad to know that your schedule will permit you to join us for dinner. We're looking forward to being with you and Erma this Thursday evening at 7:00.

Sincerely,

The Honorable Robert C. Byrd
United States Senator
Washington, D.C. 20510

JC/sc

bcc: Rosalynn Carter
Frank Moore

THE WHITE HOUSE

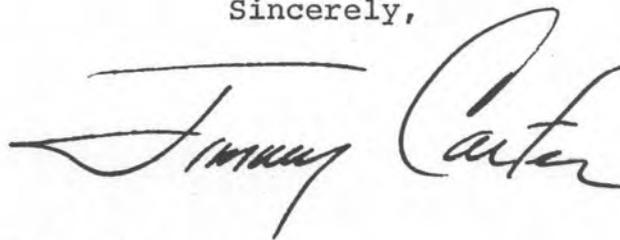
WASHINGTON

February 1, 1977

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Sincerely,



The Honorable Robert C. Byrd
United States Senator
Washington, D.C. 20510

*New letter sent making
date for Friday evening*

ELECTROSTATIC REPRODUCTION MADE FOR
PRESERVATION PURPOSES

THE WHITE HOUSE
WASHINGTON

JANUARY 31, 1977

MR. PRESIDENT

FRANK MOORE HAS CLEARED THURSDAY
NIGHT WITH THE SPEAKER'S STAFF AND
FRIDAY NIGHT WITH SENATOR BYRD'S
STAFF.

WE URGE YOU TO CALL THEM AND INVITE
THEM TO DINNER AT 7:00 P.M.

TIM KRAFT

*Muskie - C Warren
Gus Speth
—
Doug Coste*