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THE WHITE HOUSE
WASHINGTON

March 15, 1978

Stu Eizenstat

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

Rick Hutcheson

RE: WEEKLY STATUS REPORT

THE WHITE HOUSE
WASHINGTON

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

ACTION	FYI	
		MONDALE
		COSTANZA
/		EIZENSTAT
		JORDAN
		LIPSHUTZ
		MOORE
		POWELL
		WATSON
		McINTYRE
		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
	GAMMILL

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

THE WHITE HOUSE
WASHINGTON

March 15, 1978

*Stu - These
are strangely
dated - I prefer
them Friday - &
more current -
J*

MEMORANDUM FOR: THE PRESIDENT
FROM: STU EIZENSTAT *Stu*
SUBJECT: Domestic Policy Staff Weekly Status
Report

COMMUNICATIONS

Reorganization: We and OMB are finishing the Executive Order abolishing the Office of Telecommunications Policy and transferring most of its functions to Commerce. It should be ready for your signature about March 15.

INTEGRITY AND OPENNESS IN GOVERNMENT

Lobby Law Reform: We continue to work with Frank's staff to move the Senate Governmental Affairs Committee to mark up a stronger bill, and on House floor strategy.

CIVIL SERVICE MATTERS

Civil Service Reform Initiative: House hearings will begin on March 14.

NATURAL RESOURCES

Water Policy Study: North Dakota lawsuit has resulted in an injunction on transmittal which is being appealed. While prospects for a successful appeal are good, this may delay transmittal of memo to you past March 15.

OCS: Working with OMB, Interior, and other interested agencies to prepare for conference. Conferees have not yet been named because Jackson has been occupied with the energy bill and wants to carefully select the Senate conferees.

Deep Sea Mining: House Merchant Marine, Interior, and International Relations Committees deadlocked over a bill to take to the floor. Action has been put off for a month. Working with OMB, Commerce, Treasury and State.

Alaskan D-2 Lands: House Interior Committee continues to mark up legislation. Administration has won key votes on a substitute bill and wilderness, but some Administration proposals have been trimmed back.

Cross-Florida Barge Canal: Army and Agriculture have submitted recommendations to you on restoring Oklawaha River. After senior staffing, you will receive recommendations.

Redwoods: Conferees have agreed and conference report is being prepared.

AGRICULTURE AND RURAL DEVELOPMENT

Farm Policy Options: We are working with USDA, OMB, CEA, and other agencies to lay-out a farm policy options paper that should be ready for your consideration by this weekend.

HUMAN RESOURCES

Social Security: We are continuing to monitor sentiment on the Hill for rolling back the recent increases in social security taxes. Our initial view is that while many members favor doing something, there is little agreement on what the problem is and what the solution should be. We are working with the EPG to coordinate the Administration's position in this area.

Welfare: We will work with OMB, HEW and Labor to follow up on your meeting with Senators Long and Moynihan and Reps. Corman and Ullman.

HOUSING AND URBAN DEVELOPMENT

Urban Policy: DPS has been meeting almost around the clock with agencies to finalize their proposals for new initiatives and improvements in existing programs. You will have an options memo Wednesday, March 15.

ENERGY

National Energy Act (NEA): Natural Gas Conference discussions have resumed. DPS, OMB, Frank Moore, CEA and Schlesinger's staff continue to monitor closely and will make reports and/or recommendations to you as necessary.

Nuclear Licensing Reform: Decision memo is being revised at request of DOE. New date for submission is March 11.

Energy Impact Assistance: Preparation of options for decision proceeding. Final decision memorandum due to you week of March 13.

THE WHITE HOUSE
WASHINGTON

March 15, 1978

Chairman White

The attached was returned in
the President's outbox. It is
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Rick Hutcheson

bcc: Hamilton

THE WHITE HOUSE
WASHINGTON

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cc Tolson white

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	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

DEMOCRATIC

NATIONAL COMMITTEE

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

John C. White
Chairman

DEMOCRATIC NATIONAL COMMITTEE

LEGISLATIVE ANALYSIS

III. REFORMING THE GOVERNMENT

February, 1978

To John White:

We are on the verge of an explosion because women are being ignored & excluded & their efforts not financed in DNC. (List of Committee on last page is an example. They should be about 50% of participants on things of this kind). Please talk to Rosalynn about it. J.C.

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DEMOCRATIC ACHIEVEMENTS
AND INITIATIVES OF 1977 - 1978

III. REFORMING THE GOVERNMENT

Background

Over the years many programs initiated to make government more responsive to people have seemed sluggish and insufficient, hence frustrating the aims of good government and harassing citizens in their daily pursuits.

Democratic Achievements 1977

A. EFFICIENT GOVERNMENT

The following actions have been taken or proposed:

1. Reorganization Authority and Reorganization

- a. Reorganization Authority - legislation authorizing the President to reorganize executive departments, subject to congressional veto - was signed into law.
- b. Reorganizations - The Administration completed three individual reorganizations requiring Congressional assent:

- Department of Energy (legislation combining and streamlining eleven government entities into one new major department);
- Executive Office of the President (reorganization plan reducing size of Executive Office of the President by seven entities and reducing the White House staff by 28%, compared to the size of the staff inherited from the previous administration);
- International Communication Agency (reorganization plan combining and streamlining United States Information Agency and cultural functions of the State Department).

The Administration also completed numerous major intradepartmental and other reorganizations not requiring Congressional assent, especially regarding HEW, USDA, DOT and the intelligence functions of CIA and DOD.

The Administration eliminated, or proposed to Congress the elimination of, over 40% of the 1200 advisory committees extant at the beginning of the administration.

B. REFORMS INITIATED OR PROPOSED

Civil Service Reform

1. The Civil Service System is too often a bureaucratic maze which stifles the initiative of our dedicated Government employees while inadequately protecting their rights. Our 2.8 million civil servants are governed by outdated rules and institutions that keep them from being as efficient as they would like to be. No one is more frustrated by this system than hard-working public servants. Therefore, one of the major priorities in 1978 will be passage of the first comprehensive reform of the system since its creation nearly a century ago -- reforms developed with the direct involvement of civil servants. These reforms will:

- restructure the institutions that run the Civil Service;
- increase safeguards against abuses of official power;
- provide greater incentives for managers to improve the Government's efficiency and responsiveness;
- reduce the system's red tape and delays;
- speed the procedures for dealing with employee grievances and disciplinary actions;
- make equal employment opportunities more effective.

Last year the Administration acted to protect Federal employees from the loss of a job due to reorganization. Such protection will be maintained.

2. Hatch Act Reform

The President will continue to support reform of the Hatch Act, which would restore the right of most Civil Service employees to participate in the political process.

3. Part-time and Flexi-time Employment

To help obtain Federal jobs for the elderly, the handicapped, women, and others with family responsibilities, all Federal agencies will carry forward renewed efforts to increase part-time and flexi-time employment opportunities.

4. Equal Opportunity

The President has restructured equal employment programs to provide better protection for the rights of minorities and women, and to ease the burden of compliance on State and local governments, as well as business;

5. Disaster Assistance Program

The President has taken steps to reorganize our disaster assistance programs. Additional studies are under way in many other areas, and several of these will result in reorganization proposals later this year. Efforts to improve Federal cash management continue.

6. Federal Regulations Simplifications

The Administration is also vigorously pursuing the effort begun last year to ease the burden of outdated, ineffective and nit-picking regulations. For example, the Department of Health, Education and Welfare eliminated 5% of their regulations, the Federal Trade Commission rescinded 111 outdated sets of rules on trade practices and both the Civil Aeronautics Board and the Interstate Commerce Commission have moved to allow more competition, which has led to lower prices. In 1978, we will continue these efforts.

7. Federal Regulatory Reform

-- Worker Health and Safety - The Occupational Health and Safety Administration has already slashed its paperwork requirements by 50% and eliminated, 1,100 unnecessary regulations, while improving its capacity to protect workers. This spring the Task Force on Worker Safety will make further recommendations to increase protection for workers at minimum employer cost.

-- Airline Regulatory Reform - Last year, the President signed legislation deregulating all air cargo transportation. This year, the Administration will continue to work for passage of the airline regulatory reform bill for passengers. That bill will allow air carriers to compete through lower fares, new services and new markets, without excessive government interference or disruption of service to small communities.

-- Trucking Regulatory Reform - Forty years of tight government controls have not done enough to bring us competitive prices, good service and efficient use of fuel. The Administration will consider measures to bring more competition into the motor carrier area.

-- Drugs Regulatory Reform - The Administration will propose legislation to reform regulation of the drug industry, which will protect the consumer and make regulations fairer and less burdensome.

-- Regulatory Process Reform - The President has announced an Executive Order to improve the regulatory process. This Order will require officials responsible for regulations to sign them; assure that policy-level officials are fully involved in the process; require that regulations be written in plain English; make it easier for the public to participate in the process; increase cooperation between agencies with overlapping responsibilities; require a closer look at the cost of regulations before they are issued; and require "sunset" reviews of existing regulations. The President has also set up an interagency committee to help regulatory agencies review the economic effects of major regulations, so that we can be sure that the costs of each proposed regulation has been fully considered. In this way, the Administration will be able to identify the least costly means of achieving regulatory goals.

8. Paperwork Reduction

In 1977, the Democratic Administration decreased by 12% the paperwork burden the Government imposes on the American people. This was done by eliminating outright some reports and consolidating, simplifying and decreasing the frequency of others. That savings is the equivalent of 50,000 full-time workers filling out Federal forms for a full year. All departments and agencies are currently setting goals for further substantial reductions in 1978. All reporting requirements associated with grant-in-aid programs will be subject to "sunset" reviews and ended unless they are found necessary. In addition, the Administration is reviewing the recommendations of the Commission on Federal Paperwork.

B. OPEN, ACCOUNTABLE GOVERNMENT

Background

During recent years the nature of our Presidency began to change. Where once the President was our "first citizen", he was fast becoming a figure both larger than human, and less than human. He was larger than human in the proliferation of barriers that placed him above and beyond the concerns of ordinary citizens; he was becoming less than human because he was being treated as an institution and an office rather than as one capable of understanding, empathizing with, and feeling compassion for human concerns.

1. Accessibility

President Carter's walk down Pennsylvania Avenue on Inauguration Day was a signal that a new, more democratic, more human style was being adopted by the President, and the people who serve the President. As a practical reflection of this important change of emphasis, the President has made himself more accessible to the American people than any President in modern history and set a tone for the rest of his Administration by the following:

- holding a regular news conference every two weeks;
- meeting regularly for interviews with non-Washington editors;
- holding town hall meetings in Clinton, Massachusetts and Yazoo City, Mississippi;
- visiting each Cabinet Department and answering questions from its employees;
- holding a radio call-in show at the White House and a television call-in show in Los Angeles;
- providing complete financial disclosure of his income and assets;
- making trips to different parts of the country, staying in the homes of citizens and meeting with a broad range of citizens and officials;
- holding public policy conferences on energy, water policy and the problems of the poor.

2. Financial Disclosure -- the President required, for the first time, all Cabinet, sub-Cabinet and White House staff members to agree to disclose publicly their income and assets. This has been fully implemented.

3. Ethics Legislation -- the President proposed ethics legislation requiring public financial disclosure by all public officials; strengthening restrictions on post-government service activities of Federal officials and establishing an Office of Ethics in the Civil Service Commission. It has passed the Senate and is making good progress in the House.

4. Revolving Door -- the President required, for the first time, that all Cabinet, sub-Cabinet, regulatory agency and White House staff members pledge, when they leave government service, not to conduct business before their former employer for two years.

5. Security Classification -- initiated a comprehensive review of the Security Classification system; provided for public comment a draft Executive Order that would, if issued, greatly reduce unnecessary classifications.

6. Lobby Reform - The Administration will press for legislation requiring registration of lobbyists and thorough public disclosure of their lobbying activities. This long-overdue legislation will help reestablish confidence and trust in government.

C. LEGAL AND JUDICIAL REFORM

Last year, the Democratic partnership began a number of major efforts to improve our Nation's legal and judicial system, and we intend to pursue those and related efforts fully this year.

1. Criminal Code Reform

The Administration has worked closely with members of Congress to develop a proposed revision of the Nation's Criminal Code. That revision will codify in one part of the U.S. Code all Federal crime laws and will reform many outdated and inconsistent criminal laws. The Administration will work closely with Congress this year to seek passage of the first complete codification of the Nation's criminal laws.

2. Judicial Reform

The Federal judicial system has suffered for many years from an inadequate number of judges, and the Administration will continue to work with Congress on an Omnibus Judgeship Bill to correct this problem. The Administration will also continue its efforts to use judges more effectively through legislation which has been proposed to expand significantly the authority of magistrates, to increase the use of arbitration, and to tighten Federal jurisdiction. The Administration will work this year to complete Congressional action on these bills.

3. Wiretap Reform

Last year President Carter proposed legislation reforming our approach to electronic surveillance for foreign intelligence purposes, and affording greater protection to our citizens. Essentially, that legislation would require the government to obtain a court order before beginning any foreign intelligence wiretaps in this country.

4. Anti-trust Enforcement and Competition

The Nation's anti-trust laws must be vigorously enforced. Therefore, a Presidential Commission has been established to review Federal anti-trust enforcement, and to make its recommendations this year.

Last year, the Administration initiated a new program, administered by the Department of Justice, to provide grant funds to State Attorney Generals in order to strengthen anti-trust enforcement at the State level.

By reducing government regulation, competition can be increased and thereby lower consumer costs. This year the Democratic partnership will continue deregulatory efforts in the legislative and administrative areas in order to reduce anti-competitive practices and abuses.

5. Crime Reduction and Criminal Justice

This past year the Reorganization Project and the Justice Department have been developing proposals to reorganize and to improve our Nation's criminal justice system, in order to strengthen enforcement and ensure equal justice. This year, the President will be sending a Message to Congress on criminal justice and crime reduction. That message will include proposals to:

- reorganize the Federal Law Enforcement Assistance Administration;
- improve our criminal research efforts;
- develop better law enforcement methods against organized crime, white collar crime, drug abuse, and public corruption; and,
- develop minimum standards for Federal correctional institutions.

6. FBI and Intelligence Agencies' Charters

The President has issued a comprehensive Executive Order to govern the intelligence activities of the FBI, CIA, NSA and the Defense Department. That Executive Order will be the basis for the Administration's recommendations on legislative charters governing the activities of the FBI and various intelligence agencies.

7. Privacy

The Privacy Protection Study Committee recently proposed an extensive list of new legislative and regulatory safeguards. The Administration is analyzing these recent proposals and will develop this year a program to ensure that personal privacy is adequately protected.

8. District of Columbia

The President proposed last year a series of reforms, including full voting representation in Congress, designed to give the residents of the District significantly greater control over their local affairs. The Administration will continue to work for the passage of those reforms this year.

9. Anti-Foreign Boycott

President Carter strongly supported, and signed, legislation to prohibit American participation in secondary economic boycotts by foreign countries. That law will be strictly enforced by the Administration this year through the regulations issued by the Department of Commerce.

.10. Native Americans

The Administration has acted consistently to uphold its trusteeship responsibility to Native Americans. It has elevated the post of Commissioner of Indian Affairs to the level of Assistant Secretary of Interior. In 1978, the Administration will review Federal Native American Policy and will step up efforts to help Indian tribes to assess and manage their natural resources.

A MESSAGE FROM CHAIRMAN JOHN C. WHITE

On behalf of the Democratic National Committee I want to express our thanks and gratitude to the following members of the Issues Task Force, who have devoted so much of their time and talent to the preparation of this initial set of campaign materials and those which are being prepared for future distribution:

- Bob Barnett
- Sheldon Cohen
- Steve Engleberg
- Loyd Hackler
- Bob Hardesty
- Bob Healy
- Joel Jankowsky
- Harry McPherson
- William Sweeney, Democratic House Campaign Committee
- William Wester, Democratic Senate Campaign Committee
- Scott Wolf
- Gordon Wynne

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THE PRESIDENT HAS SEEN.

ADMINISTRATIVELY CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

March 15, 1978

1

MEMORANDUM FOR THE PRESIDENT

FROM: Bob Lipshutz *BL*
SUBJECT: Culver Kidd Matter

It is possible that on this Thursday or during the long weekend while you are in North Carolina and Georgia, that Culver Kidd and Sheriff Lingo will be indicted by the Federal Grand Jury in Macon.

It also is possible that, should they be indicted, there will be substantive charges against both of them as well as possibly perjury charges. When the matter then would go to trial, your testimony probably will be required, and if so, it can be given in one of three ways:

1. If both the prosecution and the defense, along with the judge, agree, there can be a stipulation that you would give your testimony by affidavit or written interrogatories.
2. Another alternative is to have you examined by both the prosecution and the defense here in Washington, in a typical deposition situation, and have the matter played before a jury at a later date by videotape. The judge has the discretion to require the defense to accept this kind of testimony, whether or not they object.
3. Should neither of these methods be employed, then it would be necessary for you to appear as a witness in the usual manner.

While nothing is certain, it seems very likely that you would be able to give testimony either by Number 1 or Number 2 method above.

Of course, should something develop publicly either while you are on this trip or afterwards, the only appropriate response would be that, "I have no comment on this matter because it is a case which is pending in the courts." I will keep you advised.

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE
WASHINGTON

C

March 15, 1978

MEMORANDUM: FOR THE PRESIDENT
FROM: TIM KRAFT

1. At the conclusion of your remarks at tonight's Democratic Congressional Campaign Committee Fundraising Dinner, the Vice President and Frank Moore have requested that you return to the holding room to meet with them and Senator Byrd for perhaps fifteen minutes.

APPROVE DISAPPROVE

2. Please note attached draft schedule for tomorrow, Thursday, March 16.

In addition to the breakfast which you have not yet approved, Frank Moore has asked for two fifteen-minute slots -----

10:00 a.m. Senators Ribicoff and Glenn
(15 min.) regarding Nuclear Terrorism
Approve Disapprove

11:00 a.m. Senators Baker, Sasser, and
(15 min.) Congresswoman Lloyd regarding
Clinch River
Approve Disapprove

9/11 see Frank →

THE PRESIDENT'S SECRET

THE WHITE HOUSE

WASHINGTON

March 14, 1978

MEETING WITH BOYS' CLUBS OF AMERICA

Wednesday, March 15, 1978

10:15 a.m. (10 minutes)

The Oval Office

From: MARGARET COSTANZA *m.c.*

I. PURPOSE

To announce and give recognition to the annual National Boy of the Year of the Boys' Clubs of America and to receive the Boys' Clubs' Status of Activities Report.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

A. Background: The President of the United States as Honorary President of the Boys Clubs of America traditionally presents the annual Boy of the Year award to the Boys' Clubs' national winner. Last year, President Carter presented the award to Gregory Baron of New Jersey. This year's winner, Ray Owens of Austin, Texas (biographical data attached), was selected from five regional finalists.

B. Participants: Boy of the Year, Ray Owens, Congressman Fred Rooney (D-Pa.), Four Runner-Up Boys: Russell D. Beck, Darrel Ford, Hieu Khac Ngo (Vietnamese Refugee), Rick Preister, Five Adult Boys' Club Counsellors, Mr. John Burns, President, Boys' Clubs of America, Mr. William Bricker, Boys' Clubs National Director, Mr. Martin Sereteian, Chairman of the Board, Six Staff Members, Boys Clubs of America, Mr. Edwin Van Billiard, requested by Congressman Rooney.

C. Press Plan: White House Photo

III. TALKING POINTS

To be provided by Jim Fallows

IV. CEREMONY

- A. President will meet Boys Club Executives and be introduced to Ray Owens, Boy of the Year.
- B. President to present award to Ray Owens.
- C. President will be introduced to Four Runner-Up Boys (Rick Preister, Omaha, Nebraska, is 1st Runner-Up).
- D. John Burns will present Boys Club Status Report to the President.

SOUTHWEST REGION

Ray Anthony Owens

Ray Anthony Owens of the Boys' Clubs of Austin and Travis County, Inc. Austin, Texas, is the finalist representing the Southwest Region.

No stranger to the B.O.Y. program, 17-year-old Ray also represents his region in 1977. The Boys' Club has played a major role in Ray's life since its inception, when he helped convert an old church building into the Boys' Club's home. He has served as officer in the Torch and Keystone Clubs, editor of the Club newspaper, and has worked with the member council, gamesroom staff, and reading and camping programs.

Growing up in a one-parent home left Ray with the responsibility of fathering his younger brother. He is a member of the St. James Missionary Baptist Church representing the church at area youth conferences, and currently serves as junior usher. Highlights of his extensive community involvement includes speaker before the city council, aid to the Press Corps, four-time winner in the Republican Club's essay contest, member of the Junior NAACP, and Boy of the Month of the Austin Exchange Club. Ray has held numerous offices in school, including Sergeant-at Arms in the National Honor Society. He also served in the French Club, Forensic Club, and Human Relations Committee, and was twice-elected to the All-District High School Marching Band. He lives at 409 W. Johanna Street in Austin.

TALKING POINTS

THE WHITE HOUSE

WASHINGTON
March 14, 1978

MEMORANDUM TO THE PRESIDENT

FROM: JIM FALLOWS JL

SUBJECT: Boys Club Boy of the Year, 3/15/78

1) The Boy of the Year--whose bio is coming separately--is an example not only of the kind of young people who will maintain our nation's strength and character in the years ahead, but also of the invaluable work these clubs do.

2) More and more, Americans are realizing the importance of the family, of the neighborhood, of the bonds of community that hold our people together. Our administration's policies have been designed to strengthen the family whenever possible. Yet there are millions of children who are denied this sustenance and care, not through any fault of their own, but simply because of where and to whom they happened to be born. Nearly half of the one million boys the Boys Clubs serve come from families headed by one parent. The majority have been affected by disadvantages of one kind or another -- poor housing, inadequate health care or education, sometimes just a shortage of attention and love. The purpose of the Boys Clubs is to help replace the bonds of attention and care that may be missing, and to give these young people the chance to make the fullest use of all their talents, developing the self-respect and independence that otherwise might be slow to bloom.

3) There are 1100 Boys Clubs across the country; their activities include:

- * programs to prevent abuse of alcohol and drugs;
- * training children in their future responsibilities as parents;
- * work training and vocational guidance, so that teenagers can learn skills that will help them get jobs;
- * health care -- delivering medical services to children who need them, and teaching boys the health habits that will help them avoid medical problems;
- * many other recreational activities, from group sports to training in crafts and arts.

4) The 1100 Boys Clubs across the nation employ more than 3000 professional workers; but their backbone is the more than 46,000 volunteer workers and 85,000 volunteer directors, alumni, and auxiliaries who keep the program going. For more than a century, the Boys Clubs have illustrated the way a partnership of professional workers and volunteers who care about their neighbors can give the sort of care and services that we otherwise could never afford to provide.



ACCOUNTABILITY UPDATE # 8-1978

THE YEAR AHEAD

What's Been Accomplished; What We Expect To Do

We all take rightful pride in the growth of the Boys' Club Movement over these past years. We now have almost 1,100 Clubs.

The last few years have also witnessed necessary and fundamental changes in the structure of the national organization—changes made to keep pace with the times and to better deliver the most appropriate services to local Boys' Clubs. 1977 witnessed its share of such evolutionary changes, and in 1978 we look forward to even greater progress as we develop our leadership for the 80's.

One little known fact about your national organization may be of interest. In 1977, 23 new Boys' Clubs met the requirements for membership in Boys' Clubs of America and so joined the national family. But 6 members were *dropped* because they did not continue to meet national requirements for membership as set up by the National Council.

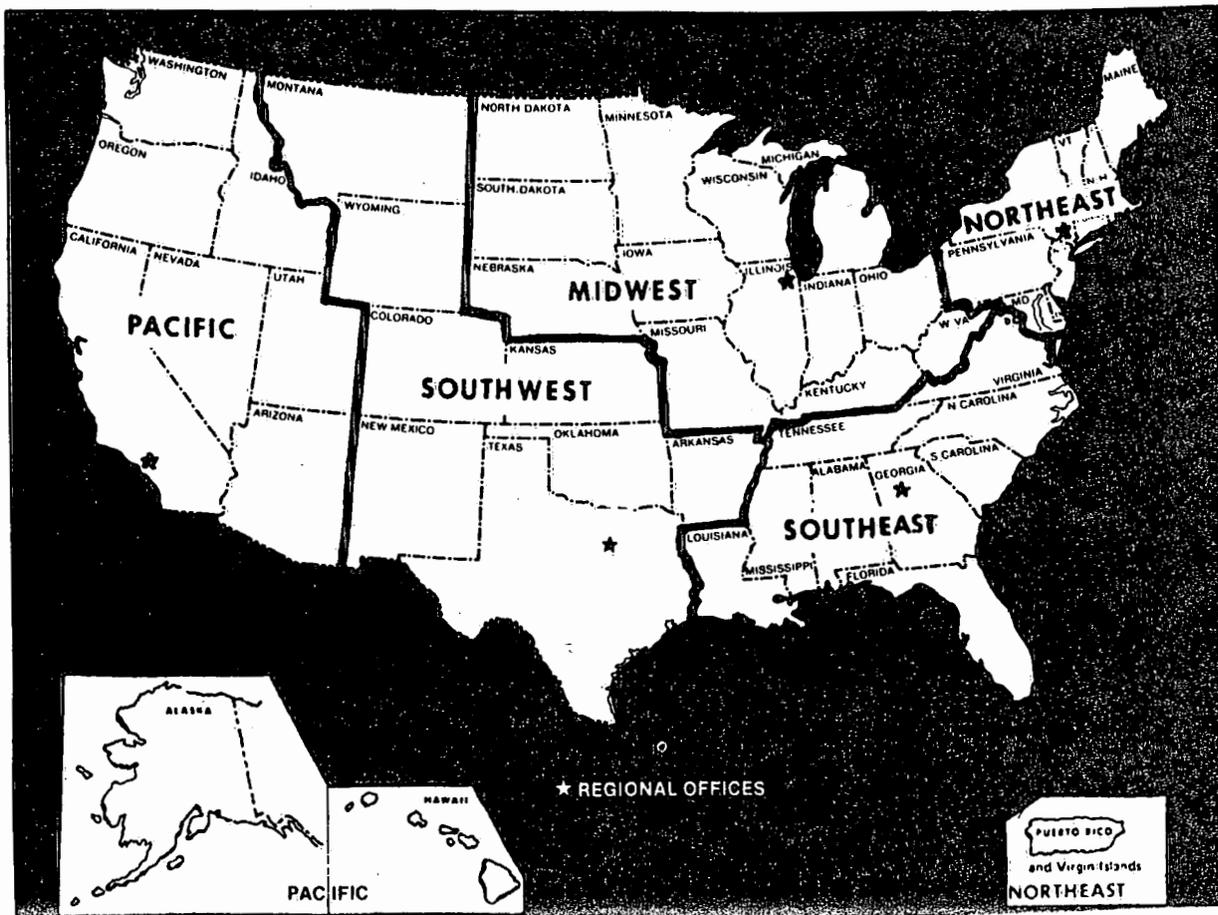
Equally important, it has become increasingly necessary that each organization desiring to join Boys' Clubs of America show concrete evidence of its quality, not just by meeting membership requirements, but by signs that it can demonstrate stability and permanence. Currently, there are at least 17 such applications that have not yet been recommended by our Field Service Division for inclusion in Boys' Clubs of America.

As indicated by *Accountability Update # 8*, we are as accountable to you and your needs as you are to our one million youth. A FOCUS ON QUALITY is both the aim of our plans for 1978 and the claim for our achievements in 1977.

Your observations, comments and critiques are wanted and welcomed.

William R. Bueber

BOYS' CLUBS OF AMERICA SERVICE DELIVERY SYSTEM, per 1977 reorganization



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What's Ahead for 1978

I. MANAGEMENT SERVICES TO NEW AND ESTABLISHED CLUBS

—Geographic Reorganization—Implement new Field Operations service-delivery system through five geographic areas, calling for increased participation by local board volunteers and based on BCA Operating Standards.

—Consultative Services—Provide assistance in the key areas of board development, budget preparation and presentation, United Way relations, supplemental fund raising, employment of administrative staff, program objectives and other administrative functions as requested by local Boys' Club organizations.

—Regional Advisory Committees—Establish groups of key professionals in each of five regions to better ascertain service needs.

—New Boys' Clubs—Establish 18 new Boys' Clubs serving 15,000 additional youth.

—Self-Evaluation for Local Clubs—Assist one-third of all Boys' Clubs to complete self-evaluations to fulfill BCA membership requirements.

—Annual Report Data—Provide Clubs with more pertinent and timely data on scope of Movement through redesign of annual report form.

—Area Councils—Review and reorganize present Area Council structure in light of new geographic boundaries.

—Board Volunteer Conferences—Conduct 35 Presidents' Seminars and 3 Regional Board Conferences.

—President's Handbook—Prepare and publish to help new local Club Presidents assume leadership responsibility.

—Administrative Conferences—Design and conduct five conferences for professional Boys' Clubs administrators.

—Minimum and Essential Benefits—Meet with as many key board volunteers as possible during field visits to discuss implementation of this BCA membership requirement.

—Keystone Service Awards—Review present program to recognize board volunteers and professionals for outstanding service, and redesign as necessary.

—Field Services Consultant Program—Conduct a pilot program in two regions (Pacific and Northeast) utilizing skilled local Club professionals and board volunteers to assist other Clubs in specific service areas.

—Endowment Acquisition—Hold 10 cluster meetings for local Boys' Club Board volunteers and professionals to encourage this key segment of a total resource development program.

—Manual of Boys' Club Operation—Develop and complete manuscript for a new comprehensive resource on Boys' Club operation.

—Data Collection on Leadership for the 80's—Compile and disseminate national trends information (external data) to assist Clubs in planning for the decade ahead.

—General Corporate Insurance—Continue exploration of alternatives for meeting insurance problems facing local Boys' Clubs.

—National Committee on Boys' Club Buildings—Provide more pertinent information to Clubs on appropriate building construction, design, renovation and maintenance through appointment of a national committee of consultants and Boys' Club professionals.

II. PROGRAM DEVELOPMENT

- Youth Employment—Conduct five regional workshops involving at least 120 board volunteers and Boys' Club professionals; seek funding to provide program of planned technical assistance to Clubs.
- Delinquency Prevention—Implement initial phases of National Project on Juvenile Justice (\$800,000 from L.E.A.A. over two years) in 9 local Club demonstration sites.
- Health Education and Services—Continue second year of National Health Project, establishing baseline data on physical examinations for young people and launching unique Health Advocate program; disseminate reports on several pilot Health Education activities.
- Alcohol Abuse Prevention—Publish new manual on *Alcohol Abuse Prevention: A Comprehensive Guide for Your Boys' Club*; complete field-testing of 7 prevention models in local Boys' Clubs; conduct 7-10 Project TEAM training workshops throughout the country, with assistance of 6 local Club trainers who will continue workshops beyond termination of national funding in December.
- Self-Help Programs for Pre-Adolescents—Appoint advisory committee of local Club professionals and define initial tasks in order to study and develop concept of self-help programs for 10-13 year-old Boys' Club members.
- Keystone Club Materials—Assess and improve content of regular Keystone Club materials for teenage Boys' Club members and adult advisors; complete content revision of Keystone Club manual; appoint Keystone Club youth advisory committees in each of five regions to determine regional program plans.
- National Keystone Club Conference—Conduct 11th Annual Keystone Conference for 500 teenagers and adult advisors in Houston, Texas, February 26-28 (Theme: "Keystoning: Youth Leadership in Action").
- Torch Club Seminars—Conduct 3 training seminars on Torch Club programs for pre-adolescent youth (two for 11-13 year-olds, one for adult advisors).
- Leadership Development Guide—Publish new program booklet on leadership development concepts for adults working with small groups of Boys' Club members.
- Regional Boys of Year—Conduct a face-to-face selection of National Boy of the Year finalists in each of BCA's five regions; select national winner from these five in Washington during National Boys' Club Week.
- National Boys' Club Week—Distribute new program kit for development of local Boys' Club National Boys' Club Week programming (Theme for March 12-18: C-areers, L-eadership, U-nderstanding, B-rotherhood, S-tamina).
- Reading Motivation Workshops—Conduct 4 two-day training programs in cooperation with Reading Is Fundamental.
- Matching Funds for Books—Expand local Boys' Club participation in Reading Is Fundamental's matching funds for books program to \$100,000.
- Epstein Memorial Foundation Fine Arts and Photography Programs—Conduct one national and 5 regional Fine Arts Exhibits, and sponsor the National Photography Contest.
- Sectional Tournaments—Expand by 10% local Boys' Club participation in sectional programs in swimming, basketball, olympics and games room activities.
- Program Guide—Promote and distribute new manual on program development philosophy and implementation in a local Boys' Club (*Guide to Quality Program Planning*).
- Building Manual—Publish revised edition of *Building Planning, Design and Construction*.

III. MANPOWER DEVELOPMENT

- New Training Course—Design and field test two-week course on operation and management of a Boys' Club for new Unit and Executive Directors in New York and Dallas.
- Training Events—Conduct more than 50 individual training events in cooperation with Regional Manpower Development Committees.
- Salary Administration—Provide consultation with Clubs on request regarding salary administration programs and the development of job descriptions.
- Career Assessment—Develop proposal and seek funding for a career assessment training program.
- Salary and Benefit Surveys—Conduct, publish and disseminate two surveys.
- Labor Laws—Develop and publish new chapter for the *Manual on Personnel Administration* on "Labor Laws."
- Orientation to Boys' Club Work, Phase Two—Develop and make available a supplement to the Basic Orientation Workshop.
- Regional Manpower Development Committees—Reorganize committee structure for consistency with new regional boundaries.
- Minority and Female Administrators—Convene a task group to identify methodology for increasing the number of minority and female administrators in Boys' Clubs.

IV. ADVOCACY AND URBAN FOCUS

- Government Relations Committee—Establish such a committee of National Board members to review and act on regulatory and legislative issues affecting individual Clubs and the National Movement.
- Information on Government Programs—Publish quarterly special WASHINGTON BULLETINS and other newsletters pertaining to Government funding sources, regulations and legislation.
- Spokesman for Youth—Assure continued leadership role for BCA through National Director's participation on key government committees, the National Collaboration for Youth, the National Assembly, and periodic meetings with key cabinet-level officials.
- Urban Report on Whom We Serve—Produce four-part series on "Why and Whom We Serve" with data clarifying the BCA approach.
- Urban Cluster Conferences—Conduct two cluster conferences for local Boys' Club board members and professionals on issues and trends impacting cities (Northeast and Pacific regions—dates and sites to be announced).
- Consultant Services—Provide counsel on request and briefing papers to help Clubs deal with concerns such as public accommodations litigation, school desegregation, civil disorder, volatile youth groups, racial polarization and staff relations, service to girls and Affirmative Action programs.
- Study Papers—Provide background information on topics of crisis intervention and contingency planning.
- Big Cities Conference—Organize and conduct annual meeting for Board volunteers and chief executive officers (Dallas, Texas—Date to be announced).
- Urban Fellows Program—Monitor participating organizations and continue efforts to fund expansion.
- National Civic Organization Survey—Conduct bi-annual poll to update degree of Boys' Club involvement.
- Urban Digest—Produce 3 newsletters on future trends and forecasting data.

V. COMMUNICATIONS AND MARKETING

- National Marketing Theme—Develop national theme and accompanying media materials for two-year use by BCA and local Boys' Clubs; provide local Clubs with methodology for adaptation and dissemination.
- National Media Placement—Establish avenues for continued placement and use of marketing theme at national level.
- Graphics Revisions and Standards—Complete program for revitalization of BCA logo and graphics on printed materials; develop standards for use of communications materials throughout the country.
- National Communications and Public Education Committee—Appoint committee of National Board members and obtain initial assistance with activities in advertising, public relations and special events.
- Timely Issues—Develop Boys' Clubs of America editorials on four major issues regarding service to youth for promotional distribution; share with local Clubs to maximize national impact.
- President's Report—Publish three issues of a newsletter for local Board volunteers from BCA President John Burns.
- Public Awareness Manual—Publish *Guide for Developing a Coordinated Local Boys' Club Public Relations Program*.
- Sound/Slide Program—Produce master script and basic slides for local Clubs to use in interpreting Boys' Club Movement to their communities.
- Public Awareness Seminars—Develop curriculum resulting from 1977 pilot seminar experiences; conduct additional seminars on request from Regional Manpower Development Committees.
- National Communications Recognition Program—Complete design and develop proposal to promote communications assistance to local Clubs; seek appropriate funding source.
- Alumni—Develop and update coordinated system for providing information on Boys' Club alumni to BCA and local Clubs.
- KEYNOTE—Produce four issues of national magazine; analyze and strengthen promotion and distribution system, and involvement of local Club personnel.
- Publicity Services—Provide ongoing publicity and promotion for national and local projects and personnel.
- Regional Talent Banks—Develop and implement network composed of Boys' Club professionals and media consultants.

Achievements for 1977

I. Management Services to New and Established Clubs

The Field Operations Division completed its plan for REORGANIZATION and implemented initial administrative stages. Four out of five Regional Directors were appointed. Nearly 250 Boys' Club organizations completed their SELF-EVALUATION using a test version of BCA's new Operating Standards. By end of year, "A Self-Evaluation for Boys' Clubs" was distributed to all local Boys' Club organizations. MINIMUM AND ESSENTIAL BENEFITS were accepted as a requirement for membership in BCA at the 1977 National Council meeting. The Salary Continuance Plan was amended to permit any Boys' Club to participate, even those not in the Pension Trust. The BCA Pension Trust Individual Insurance booklet was revised to reflect total benefits and to comply with Federal regulations, and the Group Insurance booklet was also revised. Field Services staff made 1,635 visits to member Boys' Clubs to provide administrative and management assistance. Other milestones include:

- 23 new Boys' Clubs established, serving 17,500 additional youth
- 137 more Clubs incorporated a formal corporate planning program (40% over projection)
- 5 states have established State Boys' Club Associations
- 2 Boys' Club Presidents' Seminars conducted
- 142 Keystone Awards presented to board volunteers and professionals
- 65 Area Council meetings held
- 8 Administrative Conferences held
- 14 Board volunteer conferences conducted
- 7 cluster meetings on Endowment Acquisition (56 Clubs) held

II. Program Development

PROJECTS: A major grant on Youth Development and JUVENILE DELINQUENCY PREVENTION from the Law Enforcement Assistance Administration was approved and nine local demonstration sites selected. The NATIONAL HEALTH PROJECT was launched in February, and initial stages implemented in seven demonstration sites following a week-long national health consultation. The second phase of Project TEAM in ALCOHOL ABUSE PREVENTION was completed, with pilot programs running in 36 key sites. Nearly 650 staff members participated in training programs. A National Board Task Force on YOUTH EMPLOYMENT was organized and initial meeting held.

GROUP CLUBS: The 10th annual NATIONAL KEYSTONE CONFERENCE took place in Orlando, Florida as the Keystone Club movement for older youth continued to grow (nearly 400 clubs by end of year, double that of two years ago). Materials related to TORCH CLUB PROGRAMS for 10-13 year-old youth were revised to encourage Club participation. The design for a GROUP DYNAMICS Keystone Lab was also completed.

SPECIAL PROGRAMS: Four KEYNOTE articles on programs for HANDICAPPED YOUTH were published and are available as reprints. A resource bank of successful COED ACTIVITIES was developed and is available on request. One HELP-A-KID training workshop was conducted and resource material provided on parenting and family life. The National BOY OF THE YEAR competition was conducted in March, and later redesigned to increase local, state and regional youth involvement for 1978. More than 60 SECTIONAL TOURNAMENTS were held in swimming, basketball, olympics and games room.

CULTURAL ACTIVITIES: Procedures and materials for the Epstein Memorial Foundation National PHOTOGRAPHY AND FINE ARTS PROGRAMS were reviewed and revised, and both national competitions conducted. The DISCOVERY READING PROGRAM was revised and a new version published. Two reading motivation workshops were held in cooperation with Reading Is Fundamental, and \$45,000 worth of books were obtained by local Clubs.

OTHER: All Standard Detail CONSTRUCTION PLANS were reviewed and updated, and a new and more complete version of the PURCHASING SERVICE catalog was sent to all Clubs. MANUSCRIPTS were completed for a new Building Manual and *Guide to Quality Program Planning*. Information on an ENERGY MANAGEMENT PROGRAM was shared with Clubs after consulting with top authorities in government and private industry. PAINT-UP BOYS' CLUBS, the two-year effort through which local Clubs received \$1 million worth of painting from the Painting and Decorating Contractors of America, was completed. A continuing program to help Boys' Clubs has been adopted by PDCA.

National Services to Clubs

III. Manpower Development

NEW TRAINING COURSES were developed in Human Relations, How to Conduct In-Service Training, and Personnel Administration. The first stages of a course for new Unit and Executive Directors was completed with Task Group assistance.

PUBLICATIONS: A new chapter on job analysis and salary administration was developed as a supplement to the *Manual for Personnel Administration*. A *14 Hours* guide for in-service training was published, and the third edition of the BCA "Catalog of Training, Education and Development for Local Boys' Club Board Volunteers and Professional Staff" completed and distributed.

The National Council passed a proposal requiring Boys' Club professionals to RENEW THEIR CERTIFIED STATUS every three years. Other milestones include:

- 50 training events held in cooperation with Regional Manpower Development Committees
- 25 Worker Orientation Seminars held with Committee cooperation
- 4 Organizational Development Workshops held
- 175 professional vacancies filled through Placement Services
- 2,360 professionals participated in formal training seminars, 4,000 more in national and regional conference training opportunities

IV. Advocacy and Urban Focus

Quarterly WASHINGTON BULLETINS and periodic KEYNOTE articles on government funding and regulations were shared with all Clubs. The NATIONAL DIRECTOR REPRESENTED BCA on the President's Advisory Committee on Juvenile Justice, the National Collaboration for Youth, the National Assembly, and the National Institute for Juvenile Justice.

BRIEFING PAPERS were prepared and distributed to local Clubs on school desegregation, affirmative action programs and public accommodations litigation. The 10th annual BIG CITIES CONFERENCE for Board volunteers and chief executive officers was held in December, with a focus on planning for the 80's. An URBAN WORKSHOP was also conducted for board volunteers and administrative staff during the San Diego National Conference.

CONSULTANT SERVICES focused on public accommodations litigation, racial polarization and staff relations. Four URBAN DIGEST newsletters were disseminated.

V. Communications and Marketing

NEW BROADCAST AND PRINT MATERIALS, with a primary focus on marketing the Boys' Club Movement, were produced and made available during the spring. BCA participated in a NATIONAL GALLUP PUBLIC AWARENESS SURVEY with other youth organizations to gauge the depth of current public knowledge about Boys' Clubs.

Volunteer assistance was sought and obtained for a GRAPHICS REVISION of the national logo and graphic style. Final adaptations should be ready in 1978. A fundamental COMMUNICATIONS PLAN for Boys' Clubs of America publicly was developed, and initial stages implemented with contributor and local Club groups. Five PUBLIC AWARENESS SEMINARS were conducted across the country to help Clubs establish their own public relations programs. These were designed and conducted by a TASK FORCE of national staff and local Club PR professionals. A draft of a new PUBLIC AWARENESS MANUAL was completed and tested. (Final version by mid-1978.)

The new FILM, "The Better Way," was promoted and distributed through Regional Offices and Modern Talking Picture Service. PUBLICITY CAMPAIGNS testing a new BCA marketing theme were run in more than 70 cities in conjunction with our direct mail appeal. A new form of NATIONAL COMMUNICATIONS RECOGNITION was designed with Task Force assistance. Funding will be sought in 1978.

A new PRESIDENT'S REPORT from John Burns to local Club Presidents was designed and disseminated. Four issues of an improved KEYNOTE Magazine were published, and the billing system revised.

* * *

Some tasks planned originally for 1977 appear again in the goals for 1978 because of the demands of system reorganization and budget constraints.

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE
WASHINGTON

15 March 1978

TO: THE PRESIDENT
FROM: RICK HUTCHESON *R.H.*
SUBJECT: Memos Not Submitted

1. SECRETARY HARRIS sent you a copy of Sen. Proxmire's remarks praising the nomination of Ms. Gloria Jimenez (of North Carolina) to be Federal Insurance Administrator.
2. PETER BOURNE MEMO letting you know that the Food and Agriculture Organization (FAO) will give its annual Ceres Award to Miss Lillian.
3. SAM BROWN sent you a memo on the coal strike. He argues that it is an error not to accompany Taft-Hartley with seizure of the mines. Taft-Hartley alone appears to tilt toward the Republican party position, whereas most people who support the Democratic party support the mine workers. Brown adds: "I do not think the question is one of bargaining strategy, but of fundamental social and economic justice."
4. NSC, State, and ICA would like to add the following sentence to the ICA Charter which you have already approved. This would be inserted as noted on the attached page:

"Since all the Agency's activities bear a relationship to our foreign policies and interests, you will seek guidance on those policies and interests from the Secretary of State."

approve disapprove *JC*

5. LIPSHUTZ MEMO on the US v. Humphrey Spy Case. The judge inspected all of the documents involved in the case. As requested by the Attorney General, PD/NSC-19 was excluded from the evidence, and the copy returned to the Department of Justice. The other documents were admitted as evidence.

4. To assist in the development and execution of a comprehensive national policy on international communications, designed to allow and encourage the maximum flow of information and ideas among the peoples of the world. Such a policy must take into consideration the needs and sensitivities of others, as well as our own needs.

5. To prepare for and conduct negotiations on cultural exchanges with other governments, aware always that the most effective sharing of culture, ideas and information comes between individual people rather than through formal acts of governments.

In discharging these responsibilities, you must keep these goals in mind:

~~INSERT~~

You will be responsible for maintaining the scholastic integrity and nonpolitical character of the exchange programs within your Agency, and for maintaining the independence of Voice of America news broadcasts. At the same time, you will wish to assure that they reflect the broad interests of the United States and of the people served by these programs, and will seek the guidance of the Secretary of State to that end.

I look forward to your periodic accounting of your undertakings and your recommendations on the conduct of public diplomacy.

Finally, the Agency will undertake no activities which are covert, manipulative or propagandistic. The Agency can assume -- as our founding fathers did -- that a great and free society is its own best witness, and can put its faith in the power of ideas.

I'm sure the Congress and the American people join with me in wishing your every success in these important endeavors.

Jimmy Carter

THE WHITE HOUSE
WASHINGTON

March 13, 1978

The Vice President

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

Barry Jagoda has suggested that you present the attached to Reinhardt. This would "point to a successful, completed reorganizational process, and also give needed prestige to the agency at its start." Please advise.

Rick Hutcheson

cc: Zbig Brzezinski

RE: NEW MISSION STATEMENT FOR ICA



DIRECTOR

UNITED STATES INFORMATION AGENCY
WASHINGTON

March 8, 1978

sh.
cc V.P.
JC

MEMORANDUM FOR: THE PRESIDENT

FROM: JOHN E. REINHARDT *John*

SUBJECT: New Mission Statement for
the International Communication
Agency

Attached for your consideration is the draft of a proposed new mission statement for the International Communication Agency. The need for such a statement, I believe, arises from the following considerations:

- 1) The Administration has made it clear in Congressional testimony and public statements that USIA's most recent Presidential mission statement, issued by President Kennedy in 1963, is no longer applicable, having been superseded by Reorganization Plan No. 2 of 1977 and your message to Congress accompanying this plan.
- 2) Key Members of Congress and their staffs, as well as private citizens involved in ICA programs, continue to express an interest in and support for a replacement for the Kennedy mission statement.
- 3) The leadership and employees of ICA would benefit from and be inspired by a more specific Presidential statement of direction and intent than now exists with regard to the new Agency.
- 4) For the interested public, the Congress and other elements of the Executive Branch, the statement would help not only to define further your wishes but also to underscore the great importance you place in the work of the new Agency.

The attached draft is based on my understanding of your views of the new Agency. I believe it would both facilitate our work and reflect well on the Administration. I am not, however, wedded to the specific format or wording, and I would be delighted to work with your staff to make any changes you feel are desirable. Finally, I believe it would be of great benefit in launching ICA if its new mission statement could be officially transmitted in person by the Vice President (since you will be out of the country) in a brief visit to ICA headquarters on Monday, April 3, the first working day of the new Agency. #####

WASHINGTON

DATE: 09 MAR 78

FOR ACTION: ZBIG BRZEZINSKI
TIM KRAFT

JIM FALLOWS
BARRY JAGODA

INFO ONLY: THE VICE PRESIDENT
FRANK MOORE (LES FRANCIS)
JIM MCINTYRE

STU EIZENSTAT
JACK WATSON
FRAN VOORDE

SUBJECT: REINHARDT MEMO RE NEW MISSION STATEMENT FOR THE
INTERNATIONAL COMMUNICATION AGENCY

+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +
+ BY: 1100 AM SATURDAY 11 MAR 78 +

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: (X) I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

The previous agency mission statement--signed by Kennedy--was significantly outdated by decisions made in the reorganization of USIA into ICA. My reading of this proposed document indicates that the President has already signed off, in one form or another, on all the elements here presented.

If the Vice-President presented this charter to the new agency, there would be provided a good opportunity to point to a successful, completed reorganization process and also give needed prestige to the agency at its start

ser 3/90

DATE: 09 MAR 78

FOR ACTION: ZBIG BRZEZINSKI

JIM FALLOWS

TIM KRAFT

BARRY JAGODA

MANAGEMENT BUDGET

INFO ONLY: THE VICE PRESIDENT

STU EIZENSTAT

FRANK MOORE (LES FRANCIS)

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+ BY: 1100 AM SATURDAY 11 MAR 78 +

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

*Cutter
Jayne
Wilford
Sparton
Sauders int*

THE WHITE HOUSE
WASHINGTON

*Eric
Hirshhorn*

March 13, 1978

MEMORANDUM TO RICK HUTCHESON

FROM: JIM FALLOWS, ^{Jm}ACHSAH NESMITH *efet*
SUBJECT: International Communication Agency

The NSC would like to add a paragraph before the paragraph at the bottom of page 3 to read "Since all the Agency's activities bear a relationship to our foreign policies and interests, you will seek guidance on those policies and interests from the Secretary of State.

"You will be responsible for maintaining the scholarly integrity and nonpolitical character of the exchange programs within your agency, and for maintaining the independence of the Voice of America news broadcasts. You will wish to assure that they reflect the broad interests of the United States and of the people served by these programs."

That drops the "at the same time" at the beginning of the final sentence of that paragraph and "and will seek the guidance of the Secretary of State to that end," and changes "scholastic" to "scholarly".

There is also a place on page one where the ICA is called "Communications Agency". Drop the "s".

#

DRAFT STATEMENT OF MISSION
FOR THE INTERNATIONAL COMMUNICATION AGENCY

Dear Mr. Director:

As you and the International Communication Agency embark upon your new mission, I wish you to have my views with respect to the purposes and functions of the Agency, and the manner in which it should conduct its affairs.

As I said in transmitting to the Congress Reorganization Plan No. 2 of 1977, I intend that the principal function of the Agency shall be to reduce the degree to which misperceptions and misunderstandings in the minds of people complicate relations between the United States and other nations. In international affairs, as in our personal lives, an essential starting point for dealing effectively with others is the clearest possible understanding of respective points of view. The fundamental premise of the International Communication Agency is that it is in our national interest to facilitate the exchange and sharing of ideas among the people of the United States of America and the peoples of other nations.

Thus, given the power and importance of the United States, it is in the general interest of the community of nations -- as it is in our own -- that other nations and other peoples know where this great country stands and why; that they form an appreciation

of the vitality and possible relevance to their own experience of our culture, our values, our institutions; that we share both our successes and the reasons for our failures; and that people be given the opportunity to reason together on matters of common concern.

It is also in our interest -- as it is in the interest of the community of nations -- that Americans have the opportunity to understand the cultures, perceptions and problems of others; that we have a richer understanding of the contributions other societies have made and can continue to make to our own. It shall not be the role of the Agency to present to Americans the policies of other governments; but it shall be the Agency's role to facilitate our understanding of other peoples, their hopes, their histories and their cultures. In so doing, the Agency will contribute to our capacity as a people and as a government to manage our foreign affairs more sensitively and effectively and to act responsibly upon this shrinking globe.

You and your colleagues will pursue six main tasks:

-- You will assure that foreign peoples and their representatives have the clearest possible public understanding of our policies and our intentions, and sufficient information about American society and culture to comprehend why we have chosen one policy over another. In so doing you will wish to draw upon thoughtful and

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↓ Second item.

representative Americans, the communications strengths of radio, television, magazines and other versions of the printed word, seminars, personal contacts, the teaching of the English language where necessary and appropriate, the presentation of American art and culture -- all the resources of a diverse society.

-- You will encourage, facilitate and sponsor the broadest possible exchanges of people and ideas between our society and others.

~~The history of our~~ ^{Successful} government-sponsored exchange programs ~~is a~~
~~history of success.~~ These programs will be continued, ^{and,} Where you
~~find it possible, they will be~~ improved. You will encourage the private institutions of this country to develop their own forms of exchange, and you will facilitate and support those you judge to be in the broad national interest. These exchanges should strengthen not only mutual understanding but patterns of cooperation and collaboration on matters of common interest.

-- You will assist Americans -- as individuals, as institutions and as a Government -- to improve their capacity to play a knowledgeable and effective role in the affairs of concern to mankind. ^{-- You} We will

^{help} ~~look to you to~~ assure that the decisions of our government are taken with an adequate understanding of the climate of foreign opinion and culture where they are relevant to our policies and actions.

-- You will assist us to assure the broadest possible utility of the international exchange programs conducted by the Departments and Agencies of the United States Government, including those administered by the International Communication Agency. We will look to you for counsel and information with respect to our international exchange programs as a whole.

-- You will assist us in the development and execution of a comprehensive national policy with respect to international communication -- a policy intended to maximize the flow of information and ideas among the peoples of the world, a policy illuminated by the needs and sensitivities of others as well as ourselves.

~~-- Where appropriate and necessary, and with the guidance of the Secretary of State, you will prepare for and conduct negotiations intended to secure cultural agreements with other governments. You will be guided at all times by the principle that the most effective sharing of culture, ideas and information is the sharing that takes place despite governments, rather than because of them.~~

with the guidance of S/Sr.

As you discharge these responsibilities, I expect ~~your stewardship to be informed by several perspectives~~

you to share the following:

~~It is axiomatic that all of the activities of the International Communication Agency, and all of its posts abroad, shall be ~~purposeful and~~ conducted from the perspective of the national interest.~~

as best it can be defined. Your use of the taxpayer's monies will be prudent and designed to assure the broadest social utility of all that the Agency undertakes.

You will involve private American individuals, institutions, products and techniques wherever possible. I expect the Agency to draw upon, not to compete with, the strengths of our society.

I shall hold you personally accountable for the continued integrity of the ~~academic~~ ^{of persons} exchange programs and the news broadcasting of the Voice of America. You, in turn, will wish to assure that they reflect the broad interests of the United States and the people they serve.

I will look forward to having both a periodic accounting of your undertakings and your recommendations with respect to the conduct of our public diplomacy. You will acquaint me with your problems when you deem it necessary. Since all of the Agency's activities must bear a relationship to our foreign policies and interests -- in both the long and shorter term perspectives -- you will wish to have guidance with respect to those policies and interests from the Secretary of State.

Finally, the Agency will ^{undertake in} ~~eschew any~~ activities which are covert, manipulative or propagandistic. The Agency will assume that a great and free society is its own best witness. It will assist us to

WASHINGTON

DATE: 09 MAR 78

FOR ACTION: ZBIG BRZEZINSKI *Mc by phone*
TIM KRAFT

JIM FALLOWS
BARRY JAGODA

INFO ONLY: THE VICE PRESIDENT STU EIZENSTAT
FRANK MOORE (LES FRANCIS) JACK WATSON
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of the vitality and possible relevance to their own experience of our culture, our values, our institutions; that we share both our successes and the reasons for our failures; and that people be given the opportunity to reason together on matters of common concern.

It is also in our interest -- as it is in the interest of the community of nations -- that Americans have the opportunity to understand the cultures, perceptions and problems of others; that we have a richer understanding of the contributions other societies have made and can continue to make to our own. It shall not be the role of the Agency to present to Americans the policies of other governments; but it shall be the Agency's role to facilitate our understanding of other peoples, their hopes, their histories and their cultures. In so doing, the Agency will contribute to our capacity as a people and as a government to manage our foreign affairs more sensitively and effectively and to act responsibly upon this shrinking globe.

You and your colleagues will pursue six main tasks:

-- You will assure that foreign peoples and their representatives have the clearest possible public understanding of our policies and our intentions, and sufficient information about American society and culture to comprehend why we have chosen one policy over another. In so doing you will wish to draw upon thoughtful and

representative Americans, the communications strengths of radio, television, magazines and other versions of the printed word, seminars, personal contacts, the teaching of the English language where necessary and appropriate, the presentation of American art and culture -- all the resources of a diverse society.

-- You will encourage, facilitate and sponsor the broadest possible exchanges of people and ideas between our society and others. The history of our government-sponsored exchange programs is a history of success. These programs will be continued. Where you find it possible, they will be improved. You will encourage the private institutions of this country to develop their own forms of exchange, and you will facilitate and support those you judge to be in the broad national interest. These exchanges should strengthen not only mutual understanding but patterns of cooperation and collaboration on matters of common interest.

-- You will assist Americans -- as individuals, as institutions and as a Government -- to improve their capacity to play a knowledgeable and effective role in the affairs of concern to mankind. We will look to you to assure that the decisions of our government are taken with an adequate understanding of the climate of foreign opinion and culture where they are relevant to our policies and actions.

-- You will assist us to assure the broadest possible utility of the international exchange programs conducted by the Departments and Agencies of the United States Government, including those administered by the International Communication Agency. We will look to you for counsel and information with respect to our international exchange programs as a whole.

-- You will assist us in the development and execution of a comprehensive national policy with respect to international communication -- a policy intended to maximize the flow of information and ideas among the peoples of the world, a policy illuminated by the needs and sensitivities of others as well as ourselves.

-- Where appropriate and necessary, and with the guidance of the Secretary of State, you will prepare for and conduct negotiations intended to secure cultural agreements with other governments. You will be guided at all times by the principle that the most effective sharing of culture, ideas and information is the sharing that takes place despite governments, rather than because of them.

As you discharge these responsibilities, I expect your stewardship to be informed by several perspectives:

It is axiomatic that all of the activities of the International Communication Agency, and all of its posts abroad, shall be purposeful and conducted from the perspective of the national interest

as best it can be defined. Your use of the taxpayer's monies will be prudent and designed to assure the broadest social utility of all that the Agency undertakes.

You will involve private American individuals, institutions, products and techniques wherever possible. I expect the Agency to draw upon, not to compete with, the strengths of our society.

I shall hold you personally accountable for the continued integrity of the academic exchange programs and the news broadcasting of the Voice of America. You, in turn, will wish to assure that they reflect the broad interests of the United States and the people they serve.

I will look forward to having both a periodic accounting of your undertakings and your recommendations with respect to the conduct of our public diplomacy. You will acquaint me with your problems when you deem it necessary. Since all of the Agency's activities must bear a relationship to our foreign policies and interests -- in both the long and shorter term perspectives -- you will wish to have guidance with respect to those policies and interests from the Secretary of State.

Finally, the Agency will eschew any activities which are covert, manipulative or propagandistic. The Agency will assume that a great and free society is its own best witness. It will assist us to

put our faith -- as the Founding Fathers did before us -- in the power of our ideas. And it will assist us to maintain "a decent respect to the opinions of mankind."

I wish you every success in these important endeavors. I am confident that the Congress and the American people join me in doing so.

Sincerely,

Jimmy Carter

THE WHITE HOUSE

WASHINGTON

March 11, 1978

MEMORANDUM FOR THE PRESIDENT

FROM: PETER BOURNE *P.B.*

SUBJECT: AWARD OF THE CERES MEDAL TO
MISS LILLIAN.

I though you might want to be aware of the
attached.

PGB:ss

THE WHITE HOUSE

WASHINGTON

March 11, 1978

MEMORANDUM TO RICHARD HARDEN

FROM: PETER BOURNE *P.B.*

SUBJECT: THE CERES MEDAL

The Food and Agriculture Organization (FAO) wishes to award its annual Ceres Medal, given for outstanding contribution to the welfare of humanity to Miss Lillian. The timing and location of the award ceremony is completely open, although their preference would be to do it at their Headquarters in Rome at the beginning of the summer. Ambassador Gardner feels that if she would be willing to go to Rome it would be an important plus for us in dealing with the Italians. She could also meet with the Pope and do several other things while there to enhance U.S. Italian relations. This plan has the enthusiastic support of the State Department.

Probably the best time for the trip would be early in June, although we should be sure it does not coincide with the possible trip there by the President. If you could get a commitment from Miss Lillian I would be happy to work with you on developing the details.

PGB:ss



OFFICE OF
THE DIRECTOR

ACTION

WASHINGTON, D.C. 20525

March 8, 1978

MEMORANDUM FOR THE PRESIDENT

FROM: *Sam Brown*

There is, in coal country, an old union song which says in part, "they say in Harlan County there are no neutrals there, you'll either be a union man or thug for Sheriff Blair." Some people think the politics of that era have passed. I think the coal strike demonstrates otherwise. As you undoubtedly know, some of the striking farmers, as well as the united autoworkers, are heavily supporting the mineworkers. In addition, so long as the issue remains cast as one between labor and capital, I believe the vast bulk of those people who have traditionally been supporters of the Democratic party will support the mineworkers. I certainly do.

In that environment the action of the government based on hope for the goodwill of the miners while not simultaneously applying countervailing or co-equal pressure on the mine owners, can only be perceived as support for capital--the traditional position of the Republican party. I think in the current political context it is a fundamental error not to accompany the Taft-Hartley injunction with seizure of the mines. While it is true that seizure will diminish the miners willingness to negotiate, it will certainly increase the owners willingness to negotiate. It seem to me that such a balance is one that should be sought.

While the course is clearly established, I hope that you will seriously consider the question of an early mine seizure. I do not think the question is one of bargaining strategy, but of fundamental social and economic justice.



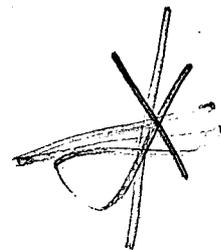
ID 781389

T H E W H I T E H O U S E

WASHINGTON

DATE: 14 MAR 78

FOR ACTION:



INFO ONLY: HAMILTON JORDAN

SUBJECT: SAM BROWN MEMO RE SEIZURE OF COAL MINES

+++++

+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: +

+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

THE WHITE HOUSE

WASHINGTON

March 15, 1978

MEMORANDUM FOR THE PRESIDENT

FROM: Bob Lipshutz *RLA*

SUBJECT: "Disclosure of Classified Documents
in U. S. v. Humphrey Spy Case"

The Justice Department has advised me as follows relative to the court proceedings in the above case.

At the hearing in the United States District Court the judge inspected all of the documents in camera, including Presidential Directive/NSC-19 of August 25, 1977.

Pursuant to the wishes of the Attorney General, PD/NSC-19 was excluded from the evidence, and the only copy of it then submitted was returned to the Department of Justice, and the other documents were admitted as evidence in the case.

While this ruling of the court is of course subject to appeal, the case is proceeding on the basis of the action taken to date.



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, D. C. 20410

THE SECRETARY

March 14, 1978

Dear Mr. President:

I thought you would be interested in seeing the enclosed statement of Chairman Proxmire concerning your nomination of Ms. Gloria Jimenez of North Carolina to be Federal Insurance Administrator. I am pleased to be able to inform you that your nomination of Ms. Jimenez was confirmed by unanimous consent, and I know that many of the people you may be seeing in North Carolina this week are particularly pleased by your choice of Ms. Jimenez.

—Respectfully,

Pat

Patricia Roberts Harris

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

It also presents one of the most complex personal questions of our lives. Unfortunately, after 14 years of negotiations, we find ourselves in a situation where neither ratification nor rejection of the treaties are acceptable answers. But an answer must be given. This situation is not the fault of anyone; it is the fault of history and our times.

The building of the canal was "going to the Moon" for my father's generation. I caught the imagination and motivation of the country and much of the world just as did Apollo of the 1960's. It brought out what was best in the American spirit; a positive approach to civilization.

The canal began, as did Apollo, with a challenge to American technology and pride. If others fail, we will succeed; if others say it cannot be done, we say it can. The canal was successful only when the new technology of the age, the technology of the railroads was applied to moving mountains rather than crossing them. Apollo was successful half a century later because of a use of the technology of airplanes to fly above the atmosphere rather than through it.

On top of the base of railroads were created new steels, new engineering, electrical power, and remote control. This play was reenacted by Apollo upon the base of the airplane with the development of new materials, electronics, communications, energy ideas, and environmental systems.

The control of a hostile climate was essential for the building of the canal just as controlling the environment of space was essential to the movement of men to the Moon. The conquering of yellow fever and malaria in the jungles of Panama, as with the protection of human life in space, have benefited medical science and mankind beyond any dream.

The sheer scale and cost of building the canal was comparable to Apollo. The numbers still stagger the mind; 262 million cubic yards of earth were moved at a cost of about 650 million 1910 dollars by a work force that probably totaled several hundred thousand people. Apollo's effort was measured in different terms—6.5-million-pound space vehicles, a cost of about 23 billion 1965 dollars and about 400,000 workers—clearly the two projects were in the same league.

The most critical element in the construction of a canal in Panama, as in landing men on the Moon, was the motivation of young Americans who believed that it should be done. They believed that nothing they could do with their lives would be more worthwhile or more rewarding. It is this motivation that literally moves mountains and conquers other worlds. It is this motivation that has created our positive civilization and which will see us through our present and future trials.

Today, among most Americans, we find an emotional involvement in the Panama Canal issue that seems to defy any quantitative explanation. In addition to hearing about its role in the lives of our fathers or grandfathers, most Americans have some direct or indirect attachment

to the canal. It may have been childhood history books, civil or military service by a member of the family, a vacation, a Christmas card, or stamp collection that implanted the image of an "American Canal in Panama."

Mr. President, the Senate has debated the proposed treaties for over 15 days now. I fear, however, that we have too often lost sight of our mission. As Alexander Hamilton wrote in the *Federalist* No. 75, the power of making treaties:

Relates neither to the execution of the subsisting laws, nor to the enactment of new ones, and still less to an exertion of the common strength. Its objects are contracts with foreign nations, which have the force of law, but derive it from the obligations of good faith.

As the Senate approaches the vote next week on the first of the two treaties, I believe we would be prudent to remember Hamilton's analysis.

If we agree to remember Hamilton's thoughts, we also will agree to consider these treaties in their proper historical and "good faith" context. We must not only examine these treaties in the terms of the United States and Panama, but also in the terms of every nation that uses the canal.

In this respect, Mr. President, my efforts will continue to be directed towards what I believe is the most acceptable answer to these treaties. I call that answer "INTERSEA." Specifically, the treaties must be designed to allow for international users of the canal to participate in the operational decisions. By expanding the sole control and operational responsibilities of the canal from one nation, be it Panama or the United States, to the nations of the Western Hemisphere, it is my belief that not only will America's vital interests be protected, but the necessary "good faith," the necessary moral obligation that we have toward our friends in the hemisphere, can be assured.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period, as in legislative session, for the transaction of routine morning business of not to exceed 1 hour, with statements therein limited to 10 minutes.

The Senator from Wisconsin (Mr. PROXMIRE) is recognized.

NOMINATION OF MRS. GLORIA CUSUMANO JIMENEZ TO BE FEDERAL INSURANCE ADMINISTRATOR

Mr. PROXMIRE. Mr. President, I have been critical toward many nominations made by President Carter and other Presidents, but I wish to say a word in approbation about a nomination I am about to submit to the Senate from the Committee on Banking, Housing, and Urban Affairs.

The other day we had before our committee the nomination of Mrs. Gloria Cusumano Jimenez, of North Carolina to be Federal Insurance Administrator.

As Mrs. Jimenez came before our committee, I was most impressed by her background, her qualifications, and her record in the area of insurance regulations in North Carolina. She had a fine record there of several years of activity.

And she was a woman of considerable intelligence and one of the most remarkable things about her was her frankness and straightforwardness in answering questions, and, Mr. President, there were no false hopes, there were no doubts about where she stood. She was clear and decisive, and on the basis of her testimony and on the basis of her record, on the basis of her experience, I am convinced she is going to be an outstanding Federal Insurance Administrator.

And I hope that this nomination will be the first of a number of the nominations which will be based on qualifications and not in political connections or on some other irrelevant element that has nothing to do with the requirements of the job. This is a most difficult and exacting job, incidentally, she is being nominated for, and it is one that has been constantly under controversy from Senators and from others, because, of course, the national flood insurance program is especially controversial. So it is important that we have somebody who has that kind of experience and capability handling the job.

HUMAN RIGHTS AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I am proud of this administration's commitment to the importance of human rights. I find it discouraging that in this day and age, there are still places in this world where there is virtually no respect for human rights. I have spoken in the Senate several times of the atrocities which occur daily in Uganda and in Cambodia. Idi Amin and Khmer Rouge provide us with vivid evidence of how power can be used to carry out genocide today.

The United States is known throughout the world for the respect which it accords individual freedom. The founders of this country had the foresight to write into the Constitution guarantees of rights which they felt should be basic to human existence. These included the right to freedom of expression, freedom of religion, and many others.

But there are other countries where even the most basic of all human rights, the right to live, is not guaranteed. Several years ago, after the horrible lessons learned at the hands of Nazi Germany, the United Nations drafted a treaty which makes the commission of genocide an international crime. It had the foresight to know that as the world progressed, there would still be a real need for a document stating clearly the signers' resolve to insure that genocide would never occur again, and yet genocide continues, and it continues in part because that treaty has not been made effective throughout the world.

And why? Because the Senate of the United States has not acted.

President Truman concurred with the

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, D. C. 20410

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The President
The White House
Washington, D. C. 20501



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THE WHITE HOUSE
WASHINGTON
March 15, 1978

Secretary Vance
Secretary Blumenthal

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

Rick Hutcheson

THE WHITE HOUSE
WASHINGTON

March 15, 1978

Bob Lipshutz

The attached was returned in the President's outbox today and is forwarded to you for appropriate handling. Secretaries Vance and Blumenthal have also been forwarded copies of the attached.

Rick Hutcheson

cc: Stu Eizenstat
Zbig Brzezinski

RE: SECRET SERVICE COVERAGE FOR
FIVE MISSIONS TO UN IN NYC

THE WHITE HOUSE
WASHINGTON

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

cc VANCE
BLUMENTHAL

ACTION	FYI	
		MONDALE
		COSTANZA
/		EIZENSTAT
		JORDAN
/		LIPSHUTZ
		MOORE
		POWELL
		WATSON
		McINTYRE
		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
		GAMMILL

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

Bob.
cc: Mike & Cy
J

THE WHITE HOUSE
WASHINGTON

March 14, 1978

MEMORANDUM FOR THE PRESIDENT

FROM: Bob Lipshutz *BL*

SUBJECT: United States Secret Service Uniformed
Division Coverage for Five Missions to
the United Nations in New York City

You have approved an extension of this coverage for a 30-day period which expires on Tuesday, March 21. You also asked me to give you an analysis of what our responsibilities are to foreign governments-U. N. personnel-City of New York.

With reference to the coverage itself, after meeting with the representatives of the Department of State and the Treasury (including the Secret Service), we have agreed that you will not be requested for personal authorization for any additional coverage in this situation. Instead, when coverage is required, the parties have agreed on a different method of handling this matter, as I will outline below.

With reference to the question of our obligations, the Department of State has furnished me with a detailed summary of the pertinent law, a complete copy of which I have given to Rick Hutcheson should you wish to refer to it. The basic conclusions are that the United States is obligated to protect permanent missions to the United Nations and to protect the premises of the United Nations itself; and, further, the Federal government has accepted responsibility for the protection of these permanent missions and the premises of the United Nations.

Neither international law nor the United States Statutes specify any particular means of discharging this responsibility of the Federal government.

As you are aware, much of the protection in this regard is furnished by the City of New York. However, the City consistently has declined to furnish protection of United Nations missions above the street levels of the buildings in which they are located. The State Department has felt it

unwise to ask for this protection even on a reimbursable basis because it feels that offering such reimbursement for this relatively small proportion of the coverage which is involved might well precipitate a demand for reimbursement not only for protection furnished in New York, but also by cities throughout the country who presently are furnishing protection to consulates, etc.

With reference to the methods of furnishing this protection we have considered the following:

1. To continue authorizing this protection by the Secret Service through your broad authorization. All of us desire to find some other method.

2. At least on a temporary basis, and in emergencies which might arise in the future, for the Department of State to obtain the authorization of the Secretary of the Treasury under the required "extraordinary" conditions, which can be done if the local police authorities decline to give protection; this authority is limited to those cities in which there are more than twenty permanent missions. For the time being, should an extension of the present coverage be necessary on a short-term basis and until a more permanent arrangement can be made (as I will outline below), the Secretary of the Treasury is willing to exercise this authority. We all are in accord that this is desirable.

3. To provide this kind of protection on a long-term basis, when necessary, we have considered several alternatives: having the Department of State provide such protection by its own security forces (which the Department has rejected on legal grounds); providing protection by contracting with private security firms (which the Department of State strongly opposes for some very sound functional & security reasons, with which we concur); or having the Department of State contract with the Federal Protective Service of the General Services Administration for what actually is routine guard duty (all of us concur in trying to obtain this kind of coverage, and we are following up with this idea with Jay Solomon of GSA).

This can degenerate into a permanent, routine, unnecessary service. Be sure we follow rules of "temporary" "extraordinary" & "in emergencies".

*Keep me informed
J.C.*

Should you wish to discuss this matter further, please let me know. In the absence of your directions to the contrary, I will assume that you concur with the procedures outlined above, both for the temporary protection and for any long-term required protection.

THE DEPUTY SECRETARY OF STATE
WASHINGTON

March 4, 1978

MEMORANDUM FOR: The Honorable
Robert J. Lipshutz
Counsel to the President

FROM: Warren Christopher *WC*

SUBJECT: U. S. Secret Service Uniformed Division
Protection of Missions to the United
Nations

You have requested that the Department of State review the appropriate law, regulations, and protocol relating to the United States' responsibilities for the protection of Missions to the United Nations. These materials have been collected and are attached as TABS 2-8.

Attached at TAB 1 is a paper prepared by the Department's Legal Advisor which reviews the Department's responsibilities in this area.

I hope that these will prove helpful for our Monday meeting.

Attachments:

- TAB 1 - Department of State Legal Advisor's Memorandum
- TAB 2 - Article 6, Headquarters Agreement between the United States and the United Nations
- TAB 3 - Executive Protection Service (3 U.S.C. 202)
- TAB 4 - Act for the Protection of Foreign Officials and Official Guests of the United States (P.L. 92-539)

- TAB 5 - Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons (P.L. 94-467)
- TAB 6 - Protection of Property Occupied by Foreign Governments (19 U.S.C. 970)
- TAB 7 - United Nations Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents
- TAB 8 - Article 22, Vienna Convention



DEPARTMENT OF STATE

Washington, D.C. 20520

LIMITED OFFICIAL USE

March 2, 1978

Analysis of the Legal Responsibilities of
the United States to Protect Permanent
Missions in New York and the United Nations

In connection with an examination of the continued use of the U.S. Secret Service Uniformed Division to protect several UN missions in New York, the Counsel to the President has asked for a review of our legal responsibilities to foreign governments, and to United Nations personnel. This memorandum responds to that request. We conclude that under international law the United States is obligated to protect both permanent missions in New York and the UN headquarters district.* We conclude also that under two domestic statutes the Federal Government has accepted at least some direct responsibilities in this area.

I. THE UNITED STATES IS OBLIGATED TO PROTECT
PERMANENT MISSIONS TO THE UNITED NATIONS

Article 22(1) of the Vienna Convention on Diplomatic Relations, to which we became a party in 1972, provides that the premises of a diplomatic mission "shall be inviolable." Article 22(2) provides:

* Independently of any legal obligations to provide protection, there are of course powerful policy reasons for doing so, one of which is reciprocity. At most of our posts overseas -- particularly in the critical areas of Southern Europe and the Middle East -- host governments provide a level of protection significantly higher than that provided by the United States. We are frequently reminded of this by foreign representatives in the United States when they see gaps in protection of their establishments.

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The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

The 1963 Vienna Consular Convention contains a similar provision.

At hearings held in connection with Senate consideration of the Convention, the Department of State noted:

The inviolability of the premises of a diplomatic mission is fully recognized in United States practice, although it is not the subject of a statute. Hearings, Subcommittee on Foreign Relations, U.S. Senate, 89th Cong., 1st Sess., July 6, 1965, p. 49.

See also D.C. Code §22-1115, which makes it a criminal offense under certain conditions to picket or congregate within 500 feet of a diplomatic mission.

The Vienna Convention applies by its terms to diplomatic missions rather than to permanent missions to the UN, but there is little doubt that both are entitled to the same degree of protection.

Swiss law, for example, has long extended to permanent missions the same privileges and immunities as are extended in Bern to diplomatic missions. See United Nations Legislative Series, St/Leg/Ser.B/10, p. 92. (Switzerland, like the United States, is a major host country for international organizations.)

General Assembly Resolution 2819 (XXVI) refers to the "international obligations" of the United States, as the host country, to take "all requisite measures to ensure...the protection and security of the United Nations Headquarters, of the missions accredited

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to it and of their personnel...".*

Article 23(2) of the draft Convention on Relations between States and International Organizations (not yet in force) is identical to article 22(2) of the Vienna Convention on Diplomatic Relations. The commentary of the International Law Commission on the draft Convention states:

(1) The requirement that the host State should ensure the inviolability of permanent missions' premises, archives and documents has been generally recognized in practice.

And finally, the diplomatic status of permanent missions would in any event follow from the diplomatic status of UN representatives, which is expressly recognized by international agreement. Section 15 of the Headquarters Agreement between the United Nations and the United States confers upon permanent representatives to the United Nations the same privileges and immunities as are accorded by the United States to foreign diplomatic officers. See also, Convention on the Privileges and Immunities of the United Nations, section 11 (the United States became a party in 1970), and Article 105 of the UN Charter.

In a letter sent to the legal adviser of one of the specialized agencies in 1964, the Legal Counsel of the United Nations stated that:

There is no specific reference to mission premises in the Headquarters Agreement and the diplomatic status of these premises therefore arises

* The United States voted for Resolution 2819 (it was adopted unanimously) without objection to its characterization of our international obligations as host country. And the legislative history of P.L. 92-539, enacted in 1972 in response to Resolution 2819, contained a similar reference to the "international obligations" of the United States, as a host country, for protection; see page 5 below.

from the diplomatic status of a resident representative and his staff.*

We thus conclude that under customary international law the United States, as host country, owes a "special duty" to take appropriate steps to protect the premises of UN permanent missions in New York "against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity."

II. THE UNITED STATES IS OBLIGATED TO PROTECT THE UNITED NATIONS PREMISES

Article 16 of the Headquarters Agreement between the United States and the United Nations imposes on the United States the specific obligation to "exercise due diligence to ensure that the tranquility of the headquarters district is not disturbed" by entry of persons into the district or by disturbances in the immediate vicinity of the district. This obligation runs to "the appropriate American authorities," defined in article 1, section 1(b) as "such federal, state, or local authorities in the United States as may be appropriate in the context and in accordance with the laws and customs of the United States."

And section 3 of the Convention on Privileges and Immunities of the United Nations provides that the premises of the United Nations shall be inviolable.

* The "status" of the premises of missions to the United Nations is also not specifically dealt with in the United Nations Charter, or the U.N. Privileges and Immunities Act, presumably because permanent missions were just being established when these documents were drafted (1946-47). The focus at that time was on protection of representatives and their staffs rather than on protection of premises.

III. THE FEDERAL GOVERNMENT HAS ACCEPTED
RESPONSIBILITY FOR THE PROTECTION OF
PERMANENT MISSIONS AND THE UNITED NATIONS

Under international law, the obligation to protect permanent missions and the United Nations lies with the United States as a state; the responsibility may be charged by federal, state, or local authorities. To the extent that obligations of protection are not or cannot be discharged by New York City police, the federal government must act if we are to meet our obligations. (General Assembly Resolution 2819, cited above, refers to the "international obligations" of "the Government of the United States of America, the host country of the United Nations...")

Two statutes expressly recognize federal responsibility in this area. In response to General Assembly Resolution 2819, the Federal Government sought authority to prosecute attacks on foreign officials and premises as federal offenses. P.L. 92-539, enacted in 1972, established concurrent federal jurisdiction over specified violent crimes directed against officials and property of foreign governments and international organizations. The Senate Report recommending enactment of P.L. 92-539 stated:

Provisions for increased protection of diplomatic, consular and other foreign government personnel and their families would permit a direct discharge by the United States of its international obligations as a host country, whereas presently, in most instances of interference with such persons, the Federal Government can only encourage local enforcement of the law. S. Rep. 92-1105 (92d Cong. 2d Sess. 1972); U.S. Code Cong. Service, p. 4317.

In 1973, the General Assembly adopted the Convention on Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents. Article 2 of the Convention, inter alia, requires that a violent attack upon the

official premises of an internationally protected person be made a crime under the internal law of the parties. Article 4 requires that parties cooperate in prevention of Article 2 crimes by "taking all practical measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories."

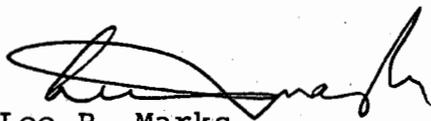
To implement this Convention, to which the United States became a party in 1977, P.L. 94-467 was enacted in 1976. Section 5 of P.L. 94-467 amends 18 U.S.C. 112(a) by, inter alia, making criminal: violence to a foreign official, a violent attack upon the premises of a foreign official, or "attempts to commit any of the foregoing."*

*

*

*

Obviously, neither international law nor the two statutes discussed above specify any particular means of discharging our responsibility to protect the United Nations and permanent missions thereto. They do, however, support the proposition that the Federal Government has an obligation to ensure that such protection is provided and has assumed at least some direct burdens in this respect.



Lee R. Marks
Deputy Legal Adviser

* P.L. 94-467 also adds a new subsection 112(f), which authorizes the Attorney General, in the course of enforcing subsection (a), to request assistance "from any federal, state, or local agency, including the Army, Navy, and Air Force...."

UNITED NATIONS HEADQUARTERS AGREEMENT

ARTICLE VI—POLICE PROTECTION OF THE HEADQUARTERS DISTRICT

SECTION 10

(a) The appropriate American authorities shall exercise due diligence to ensure that the tranquility of the headquarters district is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its immediate vicinity and shall cause to be provided on the boundaries of the headquarters district such police protection as is required for these purposes.

(b) If so requested by the Secretary-General, the appropriate American authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters district, and for the removal therefrom of persons as requested under the authority of the United Nations. The United Nations shall, if requested, enter into arrangements with the appropriate American authorities to reimburse them for the reasonable cost of such services.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of the rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

TITLE 3.—THE PRESIDENT

Chapter 3.—PROTECTION OF THE PRESIDENT; THE EXECUTIVE PROTECTIVE SERVICE

Sec.

202. Executive Protective Service; establishment, control, and supervision; privileges, powers, and duties.
 203. Personnel, appointment, and vacancies.
 204. Grades, salaries, and transfers of appointees.
 205. Appointment in accordance with civil-service laws.
 206. Privileges of civil-service appointees.
 207. Participation in police and firemen's relief fund.
 208. *Reimbursement of State and local governments.*
 [208.] 209. Appropriation to carry out provisions.

§ 202. Executive Protective Service; establishment, control, and supervision; privileges, powers, and duties.

There is hereby created and established a permanent police force, to be known as the "Executive Protective Service". Subject to the supervision of the Secretary of the Treasury, the Executive Protective Service shall perform such duties as the Director, United States Secret Service, may prescribe in connection with the protection of the following: (1) the Executive Mansion and grounds in the District of Columbia; (2) any building in which Presidential offices are located; (3) the President and members of his immediate family; (4) foreign diplomatic missions located in the metropolitan area of the District of Columbia; (5) the temporary official residence of the Vice President and grounds in the District of Columbia; (6) the Vice President and members of his immediate family; [and] (7) *foreign diplomatic missions located in metropolitan areas (other than the District of Columbia) in the United States, where there are located twenty or more such missions headed by full-time officers, except that such protection shall be provided only (A) on the basis of extraordinary protective need, (B) upon request of the affected metropolitan area, and (C) when the extraordinary protective need arises in association with a visit to or occurs at a permanent mission to an international organization of which the United States is a member or an observer mission invited to participate in the work of such organization, provided that such protection may be extended at places of temporary domicile*

(5)

in connection with such a visit, and (8) foreign diplomatic missions located in such [other] areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct. The members of such force shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia.

§ 203. Personnel, appointment, and vacancies.

*(a) The Executive Protective Service shall consist of such number of officers, with grades corresponding to similar officers of the Metropolitan Police force, and of such number of privates, with grade corresponding to that of private of the highest grade in the Metropolitan Police force, as may be necessary but not exceeding [eight hundred and fifty] *twelve hundred* in number.*

§ 208. Reimbursement of State and local governments.

(a) In carrying out the functions pursuant to Section 202(7), the Secretary of Treasury may utilize, with their consent, on a reimbursable basis, the services, personnel, equipment, and facilities of State and local governments, and is authorized to reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. The authority of this subsection may be transferred by the President to the Secretary of State.

(b) There is authorized to be appropriated not more than \$3,500,000 under this section for the purposes of reimbursement for any fiscal year, to remain available for expenditure as provided in appropriation acts.

[[§ 208.] § 209. Appropriation to carry out provisions.

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of sections 202-204, 207, and 208 of this title.

Oct. 24 PROTECTION OF FOREIGN OFFICIALS P.L. 92-539

poses", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

Section 7(a) is amended to read as follows:

"Sec. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act until February 15, 1973, \$3,356,000, of which not to exceed \$2,400,000 shall be for grants-in-aid pursuant to section 9(1) of this Act."

Sec. 2. Section 9 is amended by the addition of the following new subsections:

"(2) make grants to nonprofit entities including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof) to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

"(3) in any case where money or property is donated, bequeathed, or devised to the Commission, and accepted thereby for purposes of assisting a specified nonprofit entity, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), for a bicentennial program or project, grant such money or property, plus an amount not to exceed the value of the donation, bequest, or devise: *Provided*, That the recipient agrees to match the combined value of the grant for such bicentennial program or project."

Approved October 23, 1972.

ACT FOR THE PROTECTION OF FOREIGN OFFICIALS
AND OFFICIAL GUESTS OF THE UNITED STATES

For Legislative History of Act, see p. 4316

PUBLIC LAW 92-539; 86 STAT. 1070

[H. R. 15883]

An Act to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

This Act may be cited as the "Act for the Protection of Foreign Officials and Official Guests of the United States".

STATEMENT OF FINDINGS AND DECLARATION OF POLICY

Sec. 2. The Congress recognizes that from the beginning of our history as a nation, the police power to investigate, prosecute, and punish common crimes such as murder, kidnapping, and assault has resided in the several States, and that such power should remain with the States.

The Congress finds, however, that harassment, intimidation, obstruction, coercion, and acts of violence committed against foreign officials or their family members in the United States or against of-

official guests of the United States adversely affect the foreign relations of the United States.

Accordingly, this legislation is intended to afford the United States jurisdiction concurrent with that of the several States to proceed against those who by such acts interfere with its conduct of foreign affairs.

**TITLE I—MURDER OR MANSLAUGHTER OF FOREIGN
OFFICIALS AND OFFICIAL GUESTS**

Sec. 101. Chapter 51 of title 18, United States Code,⁹² is amended by adding at the end thereof the following new sections:

“§ 1116. Murder or manslaughter of foreign officials or official guests

“(a) Whoever kills a foreign official or official guest shall be punished as provided under sections 1111 and 1112 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life.

“(b) For the purpose of this section ‘foreign official’ means—

“(1) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

“(2) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

“(c) For the purpose of this section:

“(1) ‘Foreign government’ means the government of a foreign country, irrespective of recognition by the United States.

“(2) ‘International organization’ means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

“(3) ‘Family’ includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official stands in loco parentis, or (b) any other person living in his household and related to the foreign official by blood or marriage.

“(4) ‘Official guest’ means a citizen or national of a foreign country present in the United States as an official guest of the government of the United States pursuant to designation as such by the Secretary of State.

“§ 1117. Conspiracy to murder

“If two or more persons conspire to violate section 1111, 1114, or 1116 of this title, and one or more of such persons do any overt act to

92. 18 U.S.C.A. §§ 1116, 1117.

effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life."

Sec. 102. The analysis of chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new items:

- "1116. Murder or manslaughter of foreign officials or official guests.
- "1117. Conspiracy to murder."

TITLE II—KIDNAPING

Sec. 201. Section 1201 of title 18, United States Code,⁹³ is amended to read as follows:

"§ 1201. Kidnaping

"(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when:

"(1) the person is willfully transported in interstate or foreign commerce;

"(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

"(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)); or

"(4) the person is a foreign official as defined in section 1116(b) or an official guest as defined in section 1116(c) (4) of this title,

shall be punished by imprisonment for any term of years or for life.

"(b) With respect to subsection (a) (1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

"(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life."

Sec. 202. The analysis of chapter 55 of title 18, United States Code, is amended by deleting

"1201. Transportation.",

and substituting the following:

"1201. Kidnaping."

93. 18 U.S.C.A. § 1201.

TITLE III—PROTECTION OF FOREIGN OFFICIALS AND
OFFICIAL GUESTS

Sec. 301. Section 112 of title 18, United States Code,⁹⁴ is amended to read as follows:

“§ 112. Protection of foreign officials and official guests

“(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official or official guest shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

“(b) Whoever willfully intimidates, coerces, threatens, or harasses a foreign official or an official guest, or willfully obstructs a foreign official in the performance of his duties, shall be fined not more than \$500, or imprisoned not more than six months, or both.

“(c) Whoever within the United States but outside the District of Columbia and within one hundred feet of any building or premises belonging to or used or occupied by a foreign government or by a foreign official for diplomatic or consular purposes, or as a mission to an international organization, or as a residence of a foreign official, or belonging to or used or occupied by an international organization for official business or residential purposes, publicly—

“(1) parades, pickets, displays any flag, banner, sign, placard, or device, or utters any word, phrase, sound, or noise, for the purpose of intimidating, coercing, threatening, or harassing any foreign official or obstructing him in the performance of his duties, or

“(2) congregates with two or more other persons with the intent to perform any of the aforesaid acts or to violate subsection (a) or (b) of this section,

shall be fined not more than \$500, or imprisoned not more than six months, or both.

“(d) For the purpose of this section ‘foreign official’, ‘foreign government’, ‘international organization’, and ‘official guest’ shall have the same meanings as those provided in sections 1116(b) and (c) of this title.

“(e) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.”

Sec. 302. The analysis of chapter 7 of title 18, United States Code, is amended by deleting

“112. Assaulting certain foreign diplomats and other official personnel.” and adding at the beginning thereof the following new item:

“112. Protection of foreign officials and official guests.”

94. 18 U.S.C.A. § 112.

TITLE IV—PROTECTION OF PROPERTY OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Sec. 401. Chapter 45 of title 18, United States Code,⁹⁵ is amended by adding at the end thereof the following new section:

“§ 970. Protection of property occupied by foreign governments

“(a) Whoever willfully injures, damages, or destroys, or attempts to injure, damage, or destroy, any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign government or international organization, by a foreign official or official guest, shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

“(b) For the purpose of this section ‘foreign official’, ‘foreign government’, ‘international organization’, and ‘official guest’ shall have the same meanings as those provided in sections 1116(b) and (c) of this title.”

Sec. 402. The analysis of chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new item:

“970. Protection of property occupied by foreign governments.”

Sec. 3. Nothing contained in this Act shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia.

Approved October 24, 1972.

VIETNAM ERA VETERANS' READJUSTMENT
ASSISTANCE ACT OF 1972

For Legislative History of Act, see p. 4331

PUBLIC LAW 92-540; 86 STAT. 1074

[H. R. 12828]

An Act to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

This Act may be cited as the “Vietnam Era Veterans’ Readjustment Assistance Act of 1972”.

95. 18 U.S.C.A. § 970.

ACT FOR THE PREVENTION AND PUNISHMENT OF
CRIMES AGAINST INTERNATIONALLY
PROTECTED PERSONS

For Legislative History of Act, see p. 4480

An Act to amend title 18, United States Code, to implement the "Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance" and the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents", and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons".

SEC. 2. Section 1116 of title 18, United States Code, is amended to read as follows:

"§ 1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons

"(a) Whoever kills or attempts to kill a foreign official, official guest, or internationally protected person shall be punished as provided under sections 1111, 1112, and 1113 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

"(b) For the purposes of this section:

"(1) 'Family' includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official or internationally protected person stands in loco parentis, or (b) any other person living in his household and related to the foreign official or internationally protected person by blood or marriage.

"(2) 'Foreign government' means the government of a foreign country, irrespective of recognition by the United States.

"(3) 'Foreign official' means—

"(A) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

"(B) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

"(4) 'Internationally protected person' means—

"(A) a Chief of State or the political equivalent, head of government, or Foreign Minister whenever such person is in a country other than his own and any member of his family accompanying him; or

"(B) any other representative, officer, employee, or agent of the United States Government, a foreign government, or

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Prevention and
Punishment of
Crimes Against
Internationally
Protected
Persons.
18 USC 112
note.

18 USC 1111-
1113.

Definitions.

international organization who at the time and place concerned is entitled pursuant to international law to special protection against attack upon his person, freedom, or dignity, and any member of his family then forming part of his household.

“(5) ‘International organization’ means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

“(6) ‘Official guest’ means a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State.

“(c) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).

“(d) In the course of enforcement of this section and any other sections prohibiting a conspiracy or attempt to violate this section, the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.”

SEC. 3. The analysis at the beginning of chapter 51 of title 18, United States Code, relating to section 1116 is amended to read as follows:

“1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons.”

SEC. 4. Section 1201 of title 18, United States Code, is amended as follows:

(a) by deleting subsection (a) (4) and inserting in lieu thereof the following:

“(4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title;” and

(b) by adding at the end thereof new subsections (d), (e), and (f) as follows:

“(d) Whoever attempts to violate subsection (a)(4) shall be punished by imprisonment for not more than twenty years.

“(e) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).

“(f) In the course of enforcement of subsection (a)(4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a) (4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.”

18 USC 5, 7.

Assistance for Attorney General.

Ante, p. 1997.

Punishment.

Jurisdiction.

18 USC 5, 7.

Assistance for Attorney General.

SEC. 5. Section 112 of title 18, United States Code, is amended to read as follows:

“§ 112. Protection of foreign officials, official guests, and internationally protected persons

“(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“(b) Whoever willfully—

“(1) intimidates, coerces, threatens, or harasses a foreign official or an official guest or obstructs a foreign official in the performance of his duties;

“(2) attempts to intimidate, coerce, threaten, or harass a foreign official or an official guest or obstruct a foreign official in the performance of his duties; or

“(3) within the United States but outside the District of Columbia and within one hundred feet of any building or premises in whole or in part owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by—

“(A) a foreign government, including such use as a mission to an international organization;

“(B) an international organization;

“(C) a foreign official; or

“(D) an official guest;

congregates with two or more other persons with intent to violate any other provision of this section;

shall be fined not more than \$500 or imprisoned not more than six months, or both.

“(c) For the purpose of this section ‘foreign government’, ‘foreign official’, ‘internationally protected person’, ‘international organization’, and ‘official guest’ shall have the same meanings as those provided in section 1116(b) of this title.

“(d) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

“(e) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).

“(f) In the course of enforcement of subsection (a) and any other sections prohibiting a conspiracy or attempt to violate subsection (a), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary, notwithstanding.”

Definitions.

Ante, p. 1997.

Jurisdiction.

18 USC 5, 7.

Assistance for Attorney General.

SEC. 6. The analysis at the beginning of chapter 51 of title 18, United States Code, relating to section 112 is amended to read as follows:

"112. Protection of foreign officials, official guests, and internationally protected persons."

SEC. 7. Section 970 of title 18, United States Code, is amended:

(a) by relettering subsection "(b)" as subsection "(c)" and amending the subsection to read as follows:

Definitions.

Ante, P. 1997.

"(c) For the purpose of this section 'foreign government', 'foreign official', 'international organization', and 'official guest' shall have the same meanings as those provided in section 1116(b) of this title."; and

(b) by inserting a new subsection "(b)" as follows:

"(b) Whoever, willfully with intent to intimidate, coerce, threaten, or harass—

"(1) forcibly thrusts any part of himself or any object within or upon that portion of any building or premises located within the United States, which portion is used or occupied for official business or for diplomatic, consular, or residential purposes by—

"(A) a foreign government, including such use as a mission to an international organization;

"(B) an international organization;

"(C) a foreign official; or

"(D) an official guest; or

"(2) refuses to depart from such portion of such building or premises after a request—

"(A) by an employee of a foreign government or of an international organization, if such employee is authorized to make such request by the senior official of the unit of such government or organization which occupies such portion of such building or premises;

"(B) by a foreign official or any member of the foreign official's staff who is authorized by the foreign official to make such request;

"(C) by an official guest or any member of the official guest's staff who is authorized by the official guest to make such request; or

"(D) by any person present having law enforcement powers;

shall be fined not more than \$500 or imprisoned not more than six months, or both."

SEC. 8. Chapter 41 of title 18, United States Code, is amended by adding a new section 878 as follows:

18 USC 878.

"§ 878. Threats and extortion against foreign officials, official guests, or internationally protected persons

Ante, pp. 1997, 1999.

18 USC 1201.

"(a) Whoever knowingly and willfully threatens to violate section 112, 1116, or 1201 by killing, kidnapping, or assaulting a foreign official, official guest, or internationally protected person shall be fined not more than \$5,000 or imprisoned not more than five years, or both, except that imprisonment for a threatened assault shall not exceed three years.

"(b) Whoever in connection with any violation of subsection (a) or actual violation of section 112, 1116, or 1201 makes any extortionate demand shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both.

“(c) For the purpose of this section ‘foreign official’, ‘internationally protected person’, and ‘official guest’ shall have the same meanings as those provided in section 1116(a) of this title.

“Foreign official.”
Ante, p. 1997.

“(d) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).”

18 USC 5, 7.

SEC. 9. The analysis of chapter 41 of title 18, United States Code, is amended by inserting at the end thereof the following new item:

“878. Threat and extortion against foreign officials, official guests, and internationally protected persons.”

SEC. 10. Nothing contained in this Act shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia, on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia, including the obligation of all persons having official law enforcement powers to take appropriate action, such as effecting arrests, for Federal as well as non-Federal violations.

18 USC 112 note.

SEC. 11. Section 11 of title 18, United States Code, is amended by inserting after the word “title” the words “except in sections 112, 878, 970, 1116, and 1201”.

Approved October 8, 1976.

LEGISLATIVE HISTORY:

- HOUSE REPORT No. 94-1614 (Comm. on the Judiciary).
- SENATE REPORT No. 94-1273 accompanying S. 3646 (Comm. on the Judiciary).
- CONGRESSIONAL RECORD, Vol. 122 (1976):
 - Sept. 21, considered and passed House.
 - Sept. 24, considered and passed Senate.
- WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 12, No. 42:
 - Oct. 10, Presidential statement.

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

§ 970. Protection of property occupied by foreign governments

(a) Whoever willfully injures, damages, or destroys, or attempts to injure, damage, or destroy, any property, real or personal, located within the United States and belonging to or

utilized or occupied by any foreign government or international organization, by a foreign official or official guest, shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

(b) Whoever, willfully with intent to intimidate, coerce, threaten, or harass—

(1) forcibly thrusts any part of himself or any object within or upon that portion of any building or premises located within the United States, which portion is used or occupied for official business or for diplomatic, consular, or residential purposes by—

(A) a foreign government, including such use as a mission to an international organization;

(B) an international organization;

(C) a foreign official; or

(D) an official guest; or

(2) refuses to depart from such portion of such building or premises after a request—

(A) by an employee of a foreign government or of an international organization, if such employee is authorized to make such request by the senior official of the unit of such government or organization which occupies such portion of such building or premises;

(B) by a foreign official or any member of the foreign official's staff who is authorized by the foreign official to make such request;

(C) by an official guest or any member of the official guest's staff who is authorized by the official guest to make such request; or

(D) by any person present having law enforcement powers;

shall be fined not more than \$500 or imprisoned not more than six months, or both.

(c) For the purpose of this section "foreign government", "foreign official", "international organization", and "official guest" shall have the same meanings as those provided in section 1116(b) of this title.

(Added Pub. L. 92-539, title IV, § 401, Oct. 24, 1972, 86 Stat. 1073, and amended Pub. L. 94-467, § 7, Oct. 8, 1976, 90 Stat. 2000.)

AMENDMENTS

1976--Subsec. (b). Pub. L. 94-467, § 7(b), added subsec. (b), and redesignated former subsec. (b) as (c).

Subsec. (c). Pub. L. 94-467, § 7(a), redesignated former subsec. (b) as (c), and as so redesignated, struck out reference to section 1116(c) of this title.

7

7

Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents

Convention adopted by the General Assembly of the United Nations at New York December 14, 1973;
Signed on behalf of the United States of America December 28, 1973;
Ratification advised by the Senate of the United States of America October 28, 1975;
Ratified by the President of the United States of America October 8, 1976;
Ratification of the United States of America deposited with the Secretary-General of the United Nations October 26, 1976;
Proclaimed by the President of the United States of America March 18, 1977;
Entered into force February 20, 1977.

The States Parties to this Convention,

Having in mind the purposes and principles of the Charter of the United Nations [1] concerning the maintenance of international peace and the promotion of friendly relations and co-operation among States,

Considering that crimes against diplomatic agents and other internationally protected persons jeopardizing the safety of these persons create a serious threat to the maintenance of normal international relations which are necessary for co-operation among States,

Believing that the commission of such crimes is a matter of grave concern to the international community,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention and punishment of such crimes,

Have agreed as follows:

Article 1

For the purposes of this Convention:

1. "internationally protected person" means:

(a) a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever any such person is in a foreign State, as well as members of his family who accompany him;

¹TS 993; 59 Stat. 1031.

(b) any representative or official of a State or any official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household;

2. "alleged offender" means a person as to whom there is sufficient evidence to determine prima facie that he has committed or participated in one or more of the crimes set forth in article 2.

Article 2

1. The intentional commission of:

(a) a murder, kidnapping or other attack upon the person or liberty of an internationally protected person;

(b) a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty;

(c) a threat to commit any such attack;

(d) an attempt to commit any such attack; and

(e) an act constituting participation as an accomplice in any such attack shall be made by each State Party a crime under its internal law.

2. Each State Party shall make these crimes punishable by appropriate penalties which take into account their grave nature.

3. Paragraphs 1 and 2 of this article in no way derogate from the obligations of States Parties under international law to take all appropriate measures to prevent other attacks on the person, freedom or dignity of an internationally protected person.

Article 3

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set forth in article 2 in the following cases:

(a) when the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) when the alleged offender is a national of that State;

(c) when the crime is committed against an internationally protected person as defined in article 1 who enjoys his status as such by virtue of functions which he exercises on behalf of that State.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these crimes in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 4

States Parties shall co-operate in the prevention of the crimes set forth in article 2, particularly by:

(a) taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories;

(b) exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

Article 5

1. The State Party in which any of the crimes set forth in article 2 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to all other States concerned, directly or through the Secretary-General of the United Nations, all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever any of the crimes set forth in article 2 has been committed against an internationally protected person, any State Party which has information concerning the victim and the circumstances of the crime shall endeavour to transmit it, under the conditions provided for in its internal law, fully and promptly to the State Party on whose behalf he was exercising his functions.

Article 6

1. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its internal law so as to ensure his presence for the purpose of prosecution or extradition. Such measures shall be notified without delay directly or through the Secretary-General of the United Nations to:

- (a) the State where the crime was committed;
- (b) the State or States of which the alleged offender is a national or, if he is a stateless person, in whose territory he permanently resides;

- (c) the State or States of which the internationally protected person concerned is a national or on whose behalf he was exercising his functions;
- (d) all other States concerned; and
- (e) the international organization of which the internationally protected person concerned is an official or an agent.

2. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:

- (a) to communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights or, if he is a stateless person, which he requests and which is willing to protect his rights; and
- (b) to be visited by a representative of that State.

Article 7

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

Article 8

1. To the extent that the crimes set forth in article 2 are not listed as extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every future extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may, if it decides to extradite, consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the procedural provisions and the other conditions of the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the procedural provisions and the other conditions of the law of the requested State.

4. Each of the crimes shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with paragraph 1 of article 3.

Article 9

Any person regarding whom proceedings are being carried out in connexion with any of the crimes set forth in article 2 shall be guaranteed fair treatment at all stages of the proceedings.

Article 10

1. States Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of the crimes set forth in article 2, including the supply of all evidence at their disposal necessary for the proceedings.

2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty.

Article 11

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

Article 12

The provisions of this Convention shall not affect the application of the Treaties on Asylum, in force at the date of the adoption of this Convention, as between the States which are parties to those Treaties; but a State Party to this Convention may not invoke those Treaties with respect to another State Party to this Convention which is not a party to those Treaties.

Article 13

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court. ^[1]

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

¹ TS 993; 59 Stat. 1055.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 14

This Convention shall be open for signature by all States, until 31 December 1974 at United Nations Headquarters in New York.

Article 15

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 16

This Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 17

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.
2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 18

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
2. Denunciation shall take effect six months following the date on which notification is received by the Secretary-General of the United Nations.

Article 19

The Secretary-General of the United Nations shall inform all States, inter alia:

- (a) of signatures to this Convention, of the deposit of instruments of ratification or accession in accordance with articles 14, 15 and 16 and of notifications made under article 18.
- (b) of the date on which this Convention will enter into force in accordance with article 17.

Article 20

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on 14 December 1973.

VIENNA CONVENTION

Article 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.