

**10/16/78**

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Memo	Vice-President to Pres. Carter, 1 pg., re:SALT negotiations	c. 0/16/78	A

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THE WHITE HOUSE  
WASHINGTON

October 14, 1978

1

MEMORANDUM FOR THE PRESIDENT

FROM:

FRANK MOORE

*f.m./pd*

For your information

There is no precedent, no procedure, no long-standing position in the closing of Congress except for the Speaker appointing a Committee that is required to call the President and ask if the President has any other business he wants them to do before they adjourn.

THE WHITE HOUSE

WASHINGTON

October 14, 1978

4:30 p.m.

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *F.m/pd.*

We have no estimate of when the Senate will finish energy taxes. One thing has been determined--the House will not start its 4-hour debate on energy until after they know they are going to get the energy tax bill from the Senate.

The House will continue to work on other legislation in the meantime. They are now working on endangered species---airline deregulation comes up soon. It looks like a 1:00 a.m. or 2:00 a.m. (Sunday morning) vote on energy and general taxes.

Our latest vote count now shows 202, but the House task force is just now beginning to lobby Member to Member and we are picking up a few. All indications are that the Republicans will supply whatever votes are needed (but not too many) to keep the bill from going down.

I will keep you informed of the progress.

(The House is now taking its first recorded vote of the day. We will get an attendance check off that tally sheet).

THE WHITE HOUSE  
WASHINGTON

October 14, 1978

10  
/

MEMORANDUM TO THE PRESIDENT

FROM: BOB LIPSHUTZ *BL*

RE: Process of disapproving enrolled bills  
after the adjournment of Congress

This memorandum outlines the process by which enrolled bills which have been presented to you may be disapproved after the forthcoming adjournment of the Congress.

For the reasons set forth below, this process will depend upon the form of the Congressional adjournment and also upon the possibility and timing of a call by you of a special session of Congress.

Following are the principal possibilities:

1. Congress adjourns sine die. This is the contingency most likely to occur according to present plans. If the President wishes to disapprove a bill, he can do so simply by refusing to sign the bill. He can in his discretion issue a Memorandum of Disapproval setting forth in as much detail as he may desire the reasons for his failure to approve the legislation. However, he is not required by law in this situation to give any reason at all for his disapproval of the enrolled bill. Because the Congress has adjourned sine die, without a date for reconvening, the Congress is at an end and there is no House to which to return a vetoed bill. With the President's refusal to sign, the bill is dead.

2. Congress adjourns to a day certain. In that event I would counsel that a disapproved bill be returned to the House in which it originated together with the President's objections, provided that House has appointed officers authorized to receive bills disapproved by the President during the adjournment.

3. Congress adjourns subject to a call by the Congressional leadership. In that event caution would indicate the same course of action, return of the vetoed bill to the House in which it originated.

4. The President recalls a Congress in special session after a Congressional adjournment (sine die or otherwise). If you actually issue your recall prior to the expiration of the constitutional veto period of 10 days (Sundays excepted) after the presentation of the bill, I would advise that the bill be returned to the House in which it originated in the same manner as set out in paragraphs 2 and 3 above. If you actually issue such a recall after the expiration of the 10-day veto period, then the disapproved bill is dead and Congress could effectively override the President's disapproval only by beginning the legislative process again with a new bill.

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Article I, §7, cl. 2, of the Constitution provides in substance that if the President does not approve a bill which has been presented to him he shall return it, with his objections, to the House in which it shall have originated. In that event the bill will become law only if approved by both Houses by a majority of two-thirds. The normal disapproval or veto of a bill thus requires: first, a return of the bill to the House in which it originated; this takes the form of an introductory clause "To the Senate of the United States (or to the House of Representatives)"; and, second, a recital of the President's objections to the bill.

The last sentence of the constitutional clause provides that if the President does not return a bill to the House in which it originated within ten days (Sundays excepted) after presentation, it shall become a law as if he had approved it, "unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law." The failure of the President to act on a bill within the prescribed period thus has the same effect as its approval, except in the situation where "the Congress by their adjournment prevent its [the bill's] return." In the latter case, commonly called a "pocket veto," Presidential inaction results in disapproval of the bill.

Since an adjournment of the Congress preventing the return of the bill changes the effect of Presidential inaction on a bill from approval to disapproval, it is important to determine what kind of adjournment prevents a bill's return. Further, since legislation does not survive from Congress to Congress, a subsequent Congress could not override a Presidential veto.

It follows from the foregoing that in the event of a sine die adjournment of Congress the President should not return a bill disapproved by him to the House in which it originated. On the other hand the Constitution does not foreclose him from publicly stating the reasons for his refusal to approve the legislation. This has been done quite frequently since at least the administration of President Truman by way of a memorandum of disapproval. These memoranda differ from regular vetoes only by their failure to contain the introductory "return" clause. On the other hand they usually state the reasons for the President's refusal to approve the legislation in as much detail as do regular vetoes.

In the case of an adjournment of Congress to a day certain, especially to a day within four to six weeks of the time of adjournment, the law is unsettled whether such adjournment prevents the return of the bill. However, it should be remembered that Presidential inaction has the same effect as an express approval unless the adjournment prevents the return of the bill. Hence, in order to prevent unintended approval of legislation, I would advise you to return the bill to the originating House -- provided, of course, that officers authorized to receive it have been appointed by the Congress -- rather than risk that the courts may hold later that the adjournment did not prevent the return of the bill, and that it has become law.

If Congress adjourns not to a date certain, but subject to the call of its leadership as it has done on several occasions in the past, there is no certainty that it will reconvene. For that reason this situation is analytically analogous to an adjournment sine die. However, Congress might adopt that form of adjournment for the very purpose of being able to override potential Presidential vetoes. In view of the risk involved in treating adjournment as one which prevents the return of the bill, I would recommend that in such a situation disapproved bills be returned to the originating House, again provided that officers to receive them have been appointed.

If Congress adjourns sine die and the President calls for a special session after he disapproved a bill by refusing to sign it during the veto period, no further action appears to be required. According to Article I, §7, cls. 2, of the Constitution, the result of a President's failure to sign a bill during the veto period is that the bill "shall not be a Law." The subsequent call of a special session would not have the effect of reviving the bill or requiring its return to Congress. The bill would be dead.

The result, however, may be different if the President calls for a special session prior to the expiration of the 10-day veto period. In that event, there would be a Congress to which the bill could be returned during the constitutionally provided veto period and that Congress would have an opportunity to attempt to override the veto. It is, however, probable that in the event of a sine die adjournment Congress will not appoint officers authorized to receive disapproved bills. This matter, of course, could be avoided by postponing the call for a special session until the expiration of the veto period for all bills to be disapproved.

---

In this memorandum I have discussed the forms of adjournment and other contingencies most likely to occur, and these conclusions would have to be reassessed should the adjournment take a form not foreseen by me. I suggest that this question be reviewed once again in the light of the precise adjournment resolutions when they have been adopted and implemented.

c.c.: Frank Moore



THE WHITE HOUSE  
WASHINGTON

cc me for  
my files

THE WHITE HOUSE  
WASHINGTON

①

October 14, 1978  
5:40 p.m.

MEMORANDUM FOR THE PRESIDENT

FROM:

FRANK MOORE *FM/eg*

1. The Senate passed the airline deregulation conference report by a vote of 82-4. Those voting against us were the two Senators from Montana (Paul Hatfield and John Melcher) and the two from Florida (Chiles and Stone). The House says it is scheduled for later in the evening.
2. The House Rules Committee is meeting to work on a rule for Humphrey-Hawkins. There are no problems foreseen.

Legislative Status of Major Administrative Priorities

1st Session, 95th Congress

Enacted

Economic Stimulus Package

\$4 billion public works program

\$6 billion tax reductions

expansion by 425,000 of PSE slots

\$1.5 billion youth employment program

Reorganization Authority

Minimum Wage Increase

Food and Agriculture Act

Social Security Reform

Department of Energy

Strip Mining Act

Clean Air Act Amendments

Water Pollution Control Act Amendments

Housing and Community Development

Act (created UDAG program)

Food Stamp Reform (in Farm bill)

Anti-Foreign Boycott Act

Reorganization Plans

-EOP

-ICA

Drought Assistance

Mandatory Retirement (65 to 70)

Mine Safety Act

Emergency Natural Gas Act

2nd Session

Panama Canal Treaties  
Civil Service Reform  
Mideast Arms Sales  
New York City Assistance Act  
Waterway User Fees  
Ethics Act  
Judgeship Bill  
ERA Extension  
D.C. Voting Amendment  
CETA  
Turkish Arms Embargo  
Foreign Intelligence Wiretapping  
Public Works Veto - Sustained  
DoD Authorization Veto - Sustained  
Nuclear Non-Proliferation  
Parks Bill  
Foreign Assistance  
Inspectors General

Not Enacted

Labor Law Reform  
Consumer Protection Agency  
Hatch Act Reform  
Welfare Reform  
Lobby Reform  
Voter Registration  
Undocumented Aliens  
Criminal Code Reform  
Department of Education  
Alaska D-2 lands  
Endangered Species Act Amendments  
Labor Intensive Public Works

To Be Decided Today

- > Energy - Senate must approve energy taxes  
House must approve whole package

Tax Bill - in conference

- > Airline Deregulation - conference report must be approved  
Humphrey-Hawkins - House needs to accept Senate bill

- > Hospital Cost Containment - House must vote on Senate-passed bill  
Sugar - in conference

Counter-cyclical Assistance - must be approved by Rules  
Committee and House

Highways Mass Transit - Conference report must be approved  
by Senate and House

THE WHITE HOUSE  
WASHINGTON

9  
/

October 13, 1978

MR. PRESIDENT:

Re: Attached Memorandum on Hospital  
Cost Containment

We are having other Administration officials and outside interest groups work these same 5 votes. You should know that Delaney and Bolling have both told the Speaker we do not have the votes in the Rules Committee to get it on the floor. You may or may not want to raise the issue at the Presidential level of getting these votes with the almost certain knowledge that we cannot get it to the floor of the House. It depends on whose doorsteps you want to leave the dead cat--Ways and Means or Rules.

Frank Moore

THE WHITE HOUSE  
WASHINGTON

October 13, 1978

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *F. M.*  
TERRY STRAUB

SUBJECT: TELEPHONE CALLS ON HOSPITAL COST  
CONTAINMENT

Chairman Ullman has agreed to call the House Ways and Means Committee back together tonight to take a vote on hospital cost containment if we can find an extra 5 votes (he has 14 or 15; he needs 19).

Secretary Califano and we feel that your calls to the following 5 members--all of whom are undecided at this moment--could make the difference:

Sam Gibbons (D-Fla)

He has never advised anyone of his position (for or against) on this legislation. *Thank Him for Public Works Vote*

Ed Jenkins (D-Ga)

Same as Gibbons.

Richard Gephardt (D-Mo)

He seems to be leaning against. He fears that the bill is too complicated at this late point in the session.

Jim Guy Tucker (D-Ark)

Joe Califano and Terry Straub have talked to Tucker. He listened and advised he would review during the next hour.

Jim Jones (D-Okla)

Califano talked to him earlier today. He used to work with Joe in the LBJ White House. Joe could not get a commitment earlier today when he talked with him.

3 → 2

5



THE WHITE HOUSE  
WASHINGTON

Phil has  
seen —



Floping done  
Sat. 10/14

THE WHITE HOUSE  
WASHINGTON  
October 13, 1978

*Jerry -  
revise  
texts -  
J*

TO: The President  
FROM: Phil *PHL*  
RE: Campaign Spots for Congressional Candidates.

1. for Congressman Jerry Patterson (D-Ca.)

A commitment was made in your behalf during the public works veto override effort to tape a 1-2 minute audio message for a campaign dinner which was postponed so that Patterson could be here to vote.

Text of proposed message at Tab A.

2. for Keith McLeod, candidate in 11 D/Michigan

When he was in for a photo opportunity Oct. 3, you apparently told him to send text for a 20-30 second spot for use in his final radio effort.

Text of proposed message at Tab B.

The dinner for Patterson is next Thursday in California.

It should take no longer than 10 minutes to do both.  
We suggest doing it tomorrow (Saturday) at 10:00 a.m.

approve

disapprove

*J*

If you approve, we'll have the text typed on speech type.

*not  
necessary*

Vol. A

SUGGESTED TEXT FOR RECORDED MESSAGE

Good Evening, Friends.

I appreciate this opportunity to address you this evening to let you know how much your willingness to postpone this dinner honoring Congressman Patterson means to me.

As you all know, passage of legislation this year to help us come to grips with our national energy problems was absolutely necessary for the future of our Country. Unfortunately, final Congressional action on the energy legislation could not take place until October 12th, the same evening that Congressman Patterson had planned this dinner.

I consulted with Jerry and other Congressional leaders and asked that they assist me in getting this critical piece of legislation through the Congress this session. Jerry was kind enough to agree to change his plans for this dinner and assume a leading role in steering the energy bill through the House.

Having had Jerry on my team proved to be invaluable. His assistance helped to insure a favorable vote on the Bill and renewed vitality for our Country's economic position in the World.

I do hope postponement of the dinner was not an inconvenience. Your support of Jerry Patterson is important to me because I need him in the 96th Congress to help sustain the momentum we now have for prosperity at home and peace abroad.

Thank you very much.

Tal B

For Sola Nelson

# McLEOD for Congress

P.O. Box 411 906/226-6556

Marquette, Michigan 49855

CALL TOLL FREE 1-800-882-7838



October 11, 1978

Ms. Ronna Frieberg  
Congressional Liaison  
West Wing  
The White House  
Washington, D.C. 20500

Dear Ms. Frieberg:

The radio spots we discussed for the President and Vice President follow:

Cut # 1 (The President)

This is Jimmy Carter. I want to talk to you about Keith McLeod. Keith has talked with me in Washington about the problems and opportunities in the Upper Peninsula and Northern Michigan. Keith McLeod will get my attention and support here in Washington. He will be an effective and responsive congressman. With your help...Keith McLeod will be the next congressman representing Michigan's 11th Congressional District.

Cut # 2 (The Vice President)

This is Vice President Walter Mondale. I want to talk to you about Keith McLeod. Keith and I have a special feeling for the Upper Peninsula and Northern Michigan. Because he lives and works there, Keith represents your best opportunity to have an impact in Congress. I urge you to vote for Keith McLeod on November 7th...he will be your strong new voice in Washington.

Cut # 3 (The President and Vice President)

This is.....I want to talk to you about Keith McLeod...Democrat for Congress. Very shortly you will be going to the polls to vote. It is important to you...to me...and the rest of the United States that you vote for Keith McLeod. Your support and that of your friends and neighbors will have a positive impact on our great country. Vote for Keith McLeod...Democrat for Congress.....he will be your strong new voice in Washington.

Sincerely,

*Keith Smyth*  
Keith Smyth  
Campaign Manager

*[Handwritten signature]*

5222

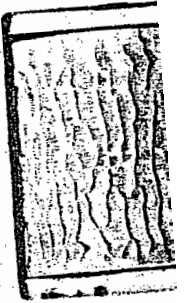
THE WHITE HOUSE  
WASHINGTON

Oct. 14, 1978

Jody Powell  
Anne Wexler

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

Rick Hutcheson



Last Day - Monday, October 16

THE WHITE HOUSE  
WASHINGTON  
October 13, 1978

*Jody  
PR E  
interest groups  
J*

MEMORANDUM FOR: THE PRESIDENT  
FROM: STU EIZENSTAT *Stu*  
SUBJECT: Enrolled Bill H.R. 1337  
Miscellaneous Tax Code Provisions  
(sponsored by Rep. Steiger, R-  
Wisconsin)

THE BILL

The enrolled bill contains five unrelated amendments to the tax code:

- o Revises the method of determining the amount of excise tax to be paid on the sale of a vehicle directly from a manufacturer to a consumer. The revision benefits the small manufacturer who operates at a low profit margin. It will cost approximately \$1 million in FY 79 and \$500,000 annually thereafter.
- o Expands the current law that permits the head of a family to produce up to 200 gallons of wine annually for family use without paying excise taxes to all adults. This will cost less than \$1.5 million annually.
- o Currently, farmers may obtain refund or credit of excise taxes paid on gasoline or special fuels used in cropdusting or agricultural spraying. This bill would permit the aircraft operator to claim the refund or credit instead of the farmer, if the farmer consents. This would cost \$1 million annually.
- o Would permit an employee to transfer less than the full amount of a lump-sum payment from a pension plan to another pension plan without suffering severe tax penalties. However, the recipient would still be taxed for the portion not put into the new pension plan.
- o The bill would permit HEW to continue cash payments to Supplemental Security Income recipients in California in lieu of food stamps. Proposition 13 has forced California to suspend cost-of-living increases in the State's supplemental payment, making it ineligible for the "cash-out" program under current law. Although the cash program will cost an additional \$10 million,



because of reduced administrative costs, the cash program will provide an additional \$30 million annually in direct benefits.

The total cost of the enrolled bill is estimated to be \$13 million in FY 79 and \$12.5 million annually thereafter. Its provisions are explained in more detail in the attached OMB memo.

#### VOTES IN CONGRESS

The bill passed both houses by voice vote.

#### AGENCY AND STAFF RECOMMENDATIONS

OMB, HEW, Treasury, and all affected agencies recommend approval. No senior staff member has objected. Frank and I recommend that you sign the bill.

#### DECISION

\_\_\_\_\_ Sign H.R. 1337 (recommended)

\_\_\_\_\_ Veto H.R. 1337

9:58 AM

THE WHITE HOUSE

WASHINGTON

October 13, 1978

C  
—

PHOTO OPPORTUNITY WITH REP. GEORGE E. BROWN, JR. (D-Calif-36)

Saturday, October 14, 1978  
9:58 a.m. (2 minutes)  
The Oval Office

From: Frank Moore *FM/pc*

I. PURPOSE

To be photographed with Rep. Brown in commemoration of the signing of H. R. 6669, National Climate Program Act. Rep. Brown will have a copy of the bill and a signing pen which was framed for this photo session.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

Background: For the past two years Rep. Brown has been particularly influential in the passage of this legislation. He and Adlai Stevenson were the chief sponsors of the bill. The National Climate Program reflects the culmination of a cooperative effort between the Congress and the Administration to establish a national program directed at climate problems.

The need for the program is great. The world is operating closer to limits of its capacity for producing food, water, and energy than in the past. Consequently, there is an increasing sensitivity to climatic fluctuations. A better understanding of climate change and its impact will have great domestic benefits in controlling costs in agriculture, transportation, and energy distribution.

The Administration has already made a substantial start in getting the Climate Program underway. Your FY 79 budget included a very substantial increase in funding for climate research. The Department of Commerce, which is the lead agency in the climate effort, has already established a climate program office. These actions reflect our agreement with the Congress on the importance of the climate program and the need for focusing and enhancing our efforts.

Rep. George E. Brown, Jr.

Participants: The President, Rep. George E. Brown, Jr.,  
Frank Moore, Frank Press, and Jim Free.

Press Plan: White House Photographer only

III. TALKING POINTS

1. Thank Rep. Brown for supporting us on the Public Works veto override.
2. Also, thank him for supporting the rule on the energy package yesterday and urge him to continue to support your energy legislation.



THE WHITE HOUSE  
WASHINGTON

10/14/78

Jody Powell

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

Rick Hutcheson

cc: Phil Wise  
Fran Voorde

	FOR STAFFING
	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND
	NO DEADLINE
	LAST DAY FOR ACTION -

ACTION  
FYI

	ADMIN CONFID
	CONFIDENTIAL
	SECRET
	EYES ONLY

	VICE PRESIDENT
	EIZENSTAT
	JORDAN
	KRAFT
	LIPSHUTZ
	MOORE
X	POWELL
	WATSON
	WEXLER
	BRZEZINSKI
	MCINTYRE
	SCHULTZE

	ARAGON
	BOURNE
	BUTLER
	H. CARTER
	CLOUGH
	COSTANZA
	CRUIKSHANK
	FALLOWS
	FIRST LADY
	GAMMILL
	HARDEN
	HUTCHESON
	JAGODA
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	PRESS
	RAFSHOON
	SCHNEIDERS
X	VOORDE
	WARREN
X	WISE

	ADAMS
	ANDRUS
	BELL
	BERGLAND
	BLUMENTHAL
	BROWN
	CALIFANO
	HARRIS
	KREPS
	MARSHALL
	SCHLESINGER
	STRAUSS
	VANCE

THE WHITE HOUSE  
WASHINGTON  
October 13, 1978

*ok*  
*J*

MEMORANDUM FOR THE PRESIDENT

FROM:

JODY POWELL *JJP*

RE:

New York Daily News Interview

The New York Daily News is expected to be back in publication by the middle of next week.

For its first Sunday edition (October 22), it plans to start a cover story format, and the first one will be on "The Remarkable Comeback of Jimmy Carter" since it stopped publishing.

For that article, the Daily News' Washington Bureau Chief, Jim Weighart, has asked if he could have an interview with you. Weighart has, for the most part, been supportive in his columns, and I do think it would be a good idea to do this interview for its 2 million news-hungry readers.

I would suggest that this be a telephone call from you to Weighart so that you can control its length, and that it be done October 19 or 20.

I will take this up with you personally next week, and if you concur with the idea, prepare talking points for you.

You may also wish to consider whether there is any connection between the New York papers going out of publication and your "comeback".

*This could be done during  
part of my time some morning.  
JJP*

THE WHITE HOUSE  
WASHINGTON

10/14/78

Mr. President:

The energy vote is scheduled  
around 4 pm. Do you want to depart  
for Camp David after this vote or  
wait until Congress adjourns much  
later?

\_\_\_\_\_ depart after energy vote

\_\_\_\_\_ depart after adjournment

Phil

*Get from Frank  
a list of important  
& ~~not~~ incomplete  
bills - J*



THE WHITE HOUSE  
WASHINGTON

10/14/78

Mr. President:

By early this afternoon we'll  
have a final analysis on your  
Get-Out-the-Vote swing Nov. 2-4.  
I'd like to send you a memo at the  
residence this afternoon outlining  
the responses from the states on  
option 1.

send memo to residence  
 hold memo

Phil

THE WHITE HOUSE  
WASHINGTON

October 14, 1978

MEMORANDUM FOR THE PRESIDENT

FROM:

FRANK MOORE

*F.M.*

Hospital Cost Containment

1. Joe Califano and I have talked about hospital cost containment. We are still at least 4 votes short-- maybe 5. If we get the 19 and Ullman calls them in, we are not sure that the liberals will stand fast with us. Our strategy is to keep one person from HEW and one person from the White House working on it throughout the day to occupy the hospital lobbyists working on the other side.

Joe believes--and I agree--it is better to build on the Senate momentum than end the session with a loss in Ways and Means. Joe intends to build on the Senate victory for next year between now and the election.

Humphrey-Hawkins

2. I cannot get in touch with Coretta King or any of the Full Employment Committee people. They have all gone to Metcalfe's funeral. Staff people tell me it is clear that they will come out unified for this landmark piece of legislation in the substantive steps it takes toward the desires goal of full employment. Labor is the only group who is sour. I have talked to them; they do not intend to issue any statements. If asked, they will merely say they tried to strengthen the bill and were disappointed they were unable to do so. We are working to get a rule on Humphrey-Hawkins today.

Energy Taxes

3. Cloture was invoked on Senator Abourezk by a vote of 71 - 13. We will keep you informed.

THE WHITE HOUSE  
WASHINGTON

10/14/78

Frank Moore

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

Rick Hutcheson

cc: The Vice President  
Hamilton Jordan  
Tim Kraft

	FOR STAFFING
	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND
	NO DEADLINE
	LAST DAY FOR ACTION -

ACTION  
FYI

	ADMIN CONFID
	CONFIDENTIAL
	SECRET
	EYES ONLY

	<input checked="" type="checkbox"/>	VICE PRESIDENT
		EIZENSTAT
	<input checked="" type="checkbox"/>	JORDAN
	<input checked="" type="checkbox"/>	KRAFT
		LIPSHUTZ
	<input checked="" type="checkbox"/>	MOORE
		POWELL
		WATSON
		WEXLER
		BRZEZINSKI
		MCINTYRE
		SCHULTZE

		ARAGON
		BOURNE
		BUTLER
		H. CARTER
		CLOUGH
		COSTANZA
		CRUIKSHANK
		FALLOWS
		FIRST LADY
		GAMMILL
		HARDEN
		HUTCHESON
		JAGODA
		LINDER
		MITCHELL
		MOE
		PETERSON
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		PRESS
		RAFSHOON
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		WARREN
	<input checked="" type="checkbox"/>	WISE

		ADAMS
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		BELL
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		BLUMENTHAL
		BROWN
		CALIFANO
		HARRIS
		KREPS
		MARSHALL
		SCHLESINGER
		STRAUSS
		VANCE

THE WHITE HOUSE  
WASHINGTON

9/11 90 in -  
J

October 13, 1978

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *F.M.*

You have approved going into Tennessee on Saturday, November 4, for Jake Butcher. Senator Baker has a deathly fear of your legitimizing Jane Eskind's campaign by your appearance. His staff, and Baker himself, says Baker will be reelected and will continue to be Minority Leader. They say he will never forget it if you campaign for her and cause her to run close enough to embarrass him. I said that we have a legitimate right to go campaign for the Democratic candidate for governor. They say there is no way you can avoid the interpretation that you are coming in against Baker.

Suggestion: You call Baker and have a talk with him about it -- prior to the final commitment to go to Tennessee. I personally feel that we are playing with fire in our southern base to take a chance on losing the Governor's office in a state like Tennessee just to mollify the Minority Leader. Your future ambitions in politics are more important than senatorial courtesy at this point in the game. Dan Tate would violently disagree with me if I asked him.

cc: The Vice President  
Hamilton Jordan  
Tim Kraft

THE WHITE HOUSE  
WASHINGTON

10/14/78

Frank Moore

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

Rick Hutcheson

*Not done  
J*

THE WHITE HOUSE  
WASHINGTON

RECOMMENDED TELEPHONE CALL

TO: Senator William Proxmire

DATE: October 13, 1978

RECOMMENDED BY: Bob Thomson *F.M. / BR*

PURPOSE: Today, Senator Proxmire just cast his 6,000th consecutive roll call vote in the Senate. This represents a perfect 12-year voting record. It would be nice if you could call to congratulate him on this ~~fete~~ *feat.* He is the all-time record holder for consecutive votes cast.

DATE OF SUBMISSION: October 13, 1978

Action: \_\_\_\_\_

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ADDITIONAL INFORMATION, 3:15 p.m.  
October 13, 1978

MR. PRESIDENT:

The vote which the Senator just cast at 3:10 p.m. was against the Muskie amendment. We favored the Muskie amendment which would have eliminated "Federal outlays-- as a percentage of GNP" requirements from the Humphrey-Hawkins bill.

*done*  
*J*

THE WHITE HOUSE  
WASHINGTON

October 13, 1978  
4:30 p.m.

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *F.M.*  
SUBJECT: TELEPHONE CALLS ON ENERGY VOTE

It would be good if you could call the following Members of Congress to thank them for their vote today. They had a particularly difficult vote to cast due to the pressures from their constituents and from organized labor, and they deserve a special thanks:

- Chris Dodd (D-Conn)
- Dave Evans (D-Ind)
- Joe Early (D-Mass)
- Paul Tsongas (D-Mass)
- Bob Carr (D-Mich)
- William D. Ford (D-Mich)
- Jerry Ambro (D-NY)
- Dave Obey (D-Wis) *against bill*
- Harold Ford (D-Tenn) *helping E Hosp Cost* Ford also had additional pressures from the Black Caucus.
- Speaker O'Neill



*done*  
*J*

TALKING POINT

You should ask them to support the Senate version of the hospital cost containment bill (this is the Talmadge bill as amended by Senator Nelson).

The specific motion in the Committee would be to instruct the conferees to accept the Senate language. This would allow the bill to come back to the House from the Conference Committee and be taken up immediately on the floor as a conference report.

These calls should be made in the next few hours if possible.

ADDITIONAL CALL (if time permits)

William Steiger (R-Wis)

The Republicans have formed a block in opposition to the bill in Committee, but there may be a chance to get Steiger. He seems undecided on the bill and we have asked Senator Nelson to call him. If you have the time and can make one extra call, it should be to Steiger to see if he would help.

*Not  
Senate  
Version*