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**WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)**

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Memo	<del>Schlesinger to Pres. Carter, w/attachments 8 pp., re: Oil Shortfalls</del> <i>opened per RAC NLL-126-15-2-1-3, 6/27/13</i>	11/10/78	A
Memo	Kraft & Miller to Pres. Carter, w/attachments 5 pp., re: recommendations	11/9/78	C
Memo	Kraft & Miller to Pres. Carter, w/attachments 6 pp., re: recommendations	11/9/78	C

**FILE LOCATION**

Carter Presidential Papers-Staff Offices, Office of Staff Sec.-Presidential Handwriting File, 11/11/78 Box 109

**RESTRICTION CODES**

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- (B) Closed by statute or by the agency which originated the document.
- (C) Closed in accordance with restrictions contained in the donor's deed of gift.

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THE WHITE HOUSE  
WASHINGTON

11/11/78

Tim Kraft  
Arnie Miller

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

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

November 9, 1978

Q

MEMORANDUM FOR THE PRESIDENT

FROM: TIM KRAFT *TK*  
ARNIE MILLER *AA*

SUBJECT: Labor-Management Dispute Board  
Executive Order 12095

P.L. 95-504 required that you create a board to review and report on a labor dispute between Wien Air Alaska and the Air Line Pilots Association.

On November 2 you signed an Executive Order creating the panel.

Secretary Marshall and David Stowe, Chairman of the National Mediation Board, have recommended candidates for the three positions on the board. They are all experienced in labor-management disputes of this nature, and we concur with their recommendation.

RECOMMENDATION

Appoint Ralph W. Yarborough, of Austin, Texas, John N. Gentry, of Reston, Virginia, and Paul N. Guthrie, of Chapel Hill, North Carolina, to the labor-management dispute board created by Executive Order 12095.

approve  disapprove

*[Handwritten signature]*

CHAIRMAN--John N. Gentry of Reston, Virginia, is a lawyer and labor relations specialist. He is a member of Wirtz and Gentry, a law and public interest consulting firm. His professional activities relate to manpower, education, labor relations, community planning and dispute resolution. He is President of the National Manpower Institute and also serves as the Executive Vice President of the Citizen Involvement Network and Secretary-Treasurer of Curriculum Development Associates, Inc. He is a member of the Prince Georges County (Maryland) Public Employee Relations Board. A former career employee of the U. S. Department of Labor, he held a number of key positions including the post of Deputy Assistant Secretary for Labor-Management Relations and Executive Assistant to the Under Secretary of Labor. He is a member of the Bar of the District of Columbia.

MEMBER--Paul N. Guthrie is an economics professor at the University of North Carolina, Chapel Hill, N. C. He has been a member of numerous Presidential Emergency Boards, involving both railroad and airline labor disputes, under the Railway Labor Act. He also has served as a labor arbitrator and as a referee for the National Railroad Adjustment Board which handles grievance cases. He is a past president of the National Academy of Arbitrators. At one time, he served as Director, Wage Stabilization Division, National Wage Stabilization Board.

MEMBER--Ralph W. Yarborough of Austin, Texas, is a well-known attorney, arbitrator and former Member of Congress. A U. S. Senator, 1957-71, he was formerly chairman of the Senate Labor and Public Welfare Committee, on which he served 13 years. He had served four years as Chairman of the Senate Labor Subcommittee. He also served on the Senate Commerce and Appropriations Committees. A member of the Texas Constitution Revision Commission, 1973-74, he is currently a member of the American Bar and other lawyer associations.

THE WHITE HOUSE  
WASHINGTON

After AM and TK initial this memo, it should be sent to Rick Hutcheson, who is holding the original documents which will be attached before sending into Prez.

For easy reference, a copy of the bios on the prospective appointees is attached, directly behind the memo.

Kristi  
11/9/78

THE WHITE HOUSE  
WASHINGTON

Rick: The attached Memorandum for the President is in response to your request of October 27. (Copy attached)

The original documents sent by David Stowe should be attached to the Memorandum before it is sent into the President.

ID 785359

THE WHITE HOUSE

WASHINGTON

*YC Camp Schuman*

DATE: 27 OCT 78

FOR ACTION: STH EISENSTAT

TIM KRAFT

BOB LIPSHUTZ

JIM GAMMILL

*Jim McIntyre*

INFO ONLY: THE VICE PRESIDENT

SUBJECT: STONE LETTER RE CREATION OF BOARD TO INVESTIGATE AND  
REPORT ON DISPUTE BETWEEN WIEN AIR ALASKA AND AIR LINE  
PILOTS ASSOCIATION

\*\*\*\*\*  
+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +  
+ BY: +  
\*\*\*\*\*

ACTION REQUESTED: IMMEDIATE TURNAROUND - MUST BE SIGNED BY 11/3

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

PLEASE NOTE OTHER COMMENTS BELOW:

*McCullar*

*Houghton -  
Arthur Burns -  
Pres. Urban Coalition*



NATIONAL MEDIATION BOARD  
WASHINGTON, D. C. 20572

OFFICE OF THE CHAIRMAN

October 26, 1978

Emergency Board No. 95-504

Dear Mr. President:

Section 44 of the Airline Deregulation Act of 1978, PL 95-504, passed by the 95th Congress and signed into law on October 24, 1978, contains the following provision for a board to investigate and report on the dispute between Wien Air Alaska and the Air Line Pilots Association, International:

"Sec. 44. Within 10 days after the date of enactment of this section, the President, pursuant to section 10 of the Railway Labor Act, shall create a board to investigate and report on the dispute between Wien Air Alaska, Incorporated, and the Air Line Pilots Association. Such board shall report its findings to the President within thirty days from the date of its creation."

The dispute covers the organization's proposals and carrier's counter proposals concerning rates of pay, rules, working conditions and crew consist on Boeing 737 aircraft.

This dispute has been handled in conformity with the Railway Labor Act, as amended, and has not been adjusted by agreement. The Wien Air Alaska Pilot's withdrew from service on May 8, 1977. However, the Pilot strike did not result in interruption of service by Wien Air Alaska. During the initial weeks of the strike the carrier operated with Pilot Supervisors, subsequently, the carrier replaced the striking Pilots. Wien Air Alaska has continued to operate its routes and has sub-contracted to various commuter airlines its "bush" operations.

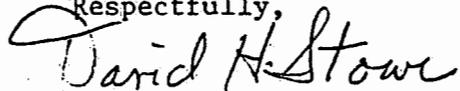
On September 1, 1977, at the request of the Air Line Pilots Association, the Board offered further assistance to the parties. On September 8, 1977, Wien advised that it would notify the Board if it desired further assistance from the National Mediation Board. Despite no subsequent communication from the carrier the Board again contacted the parties on August 29, 1978, offering further assistance if desired. The organization then accepted the Board's offer of assistance. However, the carrier advised that it was resuming direct negotiations with the Air Line Pilots Association and did not desire the assistance of the National Mediation Board at that time.

The National Mediation Board has not recommended invoking Section 10 of the Act since in its view this dispute does not threaten to substantially interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service.

Page Two

Sec. 44 of PL 95-504 referred to above mandates the establishment of a Board to investigate this dispute, therefore, we are transmitting for your consideration a draft of an executive order creating such a board.

Respectfully,



David H. Stowe  
Chairman

523-5268

The President  
The White House

EXECUTIVE ORDER

CREATING AN EMERGENCY BOARD TO INVESTIGATE  
A DISPUTE BETWEEN WIEN AIR ALASKA, INC.  
AND CERTAIN INDIVIDUALS

A dispute exists between Wien Air Alaska and certain individuals represented by the Air Line Pilots Association, a labor organization.

Congress by Public Law 95-504 directed that the provisions of Section 10 of the Railway Labor Act, as amended, be invoked despite the fact that the National Mediation Board has failed to find that the dispute in its judgment substantially threatens to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by the authority vested in me by Section 44 of the Public Law 95-504 it is hereby ordered as follows:

1-101. Establishment of Board. There is established a board of three members to be appointed by the President to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

1-102. Report. The board shall report its findings to the President with respect to the dispute within 30 days from the date of this Order.

CHAIRMAN--John N. Gentry of Reston, Virginia, is a lawyer and labor relations specialist. He is a member of Wirtz and Gentry, a law and public interest consulting firm. His professional activities relate to manpower, education, labor relations, community planning and dispute resolution. He is President of the National Manpower Institute and also serves as the Executive Vice President of the Citizen Involvement Network and Secretary-Treasurer of Curriculum Development Associates, Inc. He is a member of the Prince Georges County (Maryland) Public Employee Relations Board. A former career employee of the U. S. Department of Labor, he held a number of key positions including the post of Deputy Assistant Secretary for Labor-Management Relations and Executive Assistant to the Under Secretary of Labor. He is a member of the Bar of the District of Columbia.

MEMBER--Paul N. Guthrie is an economics professor at the University of North Carolina, Chapel Hill, N. C. He has been a member of numerous Presidential Emergency Boards, involving both railroad and airline labor disputes, under the Railway Labor Act. He also has served as a labor arbitrator and as a referee for the National Railroad Adjustment Board which handles grievance cases. He is a past president of the National Academy of Arbitrators. At one time, he served as Director, Wage Stabilization Division, National Wage Stabilization Board.

MEMBER--Ralph W. Yarborough of Austin, Texas, is a well-known attorney, arbitrator and former Member of Congress. A U. S. Senator, 1957-71, he was formerly chairman of the Senate Labor and Public Welfare Committee, on which he served 13 years. He had served four years as Chairman of the Senate Labor Subcommittee. He also served on the Senate Commerce and Appropriations Committees. A member of the Texas Constitution Revision Commission, 1973-74, he is currently a member of the American Bar and other lawyer associations.

DRAFT

October 1978

Dear Mr. Gentry:

Pursuant to the Railway Labor Act, as amended, I created by Executive Order an Emergency Board to investigate a dispute between Wien Air Alaska and the Air Line Pilots Association, International. The functions and duties of the Emergency Board are set forth in the Railway Labor Act, as amended, and the Executive Order creating the Board.

I am pleased to learn that you are willing to serve on this Emergency Board, and accordingly, I hereby appoint you as Chairman of the Board. This letter will constitute your appointment and your authority to act as Chairman of the Board. Each member of the Board is to receive compensation at the rate of \$175.00 per day for each day that he is actually engaged in the performance of his duties or in travel in connection therewith. In addition, each member of the Board will be allowed the authorized per diem in lieu of subsistence while so engaged away from his home or his regular place of business.

Sincerely,

Mr. John N. Gentry  
1211 Connecticut Avenue, N. W.  
Washington, D. C. 20036

DRAFT

October , 1978

Dear Dr. Guthrie:

Pursuant to the Railway Labor Act, as amended, I created by Executive Order an Emergency Board to investigate a dispute between Wien Air Alaska and the Air Line Pilots Association, International. The functions and duties of the Emergency Board are set forth in the Railway Labor Act, as amended, and the Executive Order creating the Board.

I am pleased to learn that you are willing to serve on this Emergency Board, and accordingly, I hereby appoint you as a Member of the Board. This letter will constitute your appointment and your authority to act as a Member of the Board. Each member of the Board is to receive compensation at the rate of \$175.00 per day for each day that he is actually engaged in the performance of his duties or in travel in connection therewith. In addition, each member of the Board will be allowed the authorized per diem in lieu of subsistence while so engaged away from his home or his regular place of business.

Sincerely,

Dr. Paul N. Guthrie  
Department of Economics  
Gardner Hall  
University of North Carolina  
Chapel Hill, North Carolina 27514

DRAFT

October , 1978

Dear Senator Yarborough:

Pursuant to the Railway Labor Act, as amended, I created by Executive Order an Emergency Board to investigate a dispute between Wien Air Alaska and the Air Line Pilots Association, International. The functions and duties of the Emergency Board are set forth in the Railway Labor Act, as amended, and the Executive Order creating the Board.

I am pleased to learn that you are willing to serve on this Emergency Board, and accordingly, I hereby appoint you as a Member of the Board. This letter will constitute your appointment and your authority to act as a Member of the Board. Each member of the Board is to receive compensation at the rate of \$175.00 per day for each day that he is actually engaged in the performance of his duties or in travel in connection therewith. In addition, each member of the Board will be allowed the authorized per diem in lieu of subsistence while so engaged away from his home or his regular place of business.

Sincerely,

Honorable Ralph W. Yarborough  
721 Brown Building  
Austin, Texas 78701

Stipulations of agreement not conformed to, etc.

Corruption of member of board, or fraud by a party to the agreement.

*Providis.*  
Petition not entertained on ground of uncertainty.

Contested award to be construed liberally, etc.

Award set aside if part is determined invalid.

*Providis.*  
Separation of valid and invalid parts on agreement of parties.

Judgment final, subject to appeal to circuit court of appeals.

Part of record transmitted.

Determination of circuit court of appeals.

Entry of judgment.

Rights of individuals to render labor, etc., not hindered.

Emergency board.

Board to notify the President of a dispute not adjusted threatening to interrupt interstate commerce.  
*Post*, p. 1072.

Creation of a board to investigate, etc.

*Providis.*  
No member interested in any organization of employees or any carrier.

(b) That the award does not conform, nor confine itself, to the stipulations of the agreement to arbitrate; or

(c) That a member of the board of arbitration rendering the award was guilty of fraud or corruption; or that a party to the arbitration practiced fraud or corruption which fraud or corruption affected the result of the arbitration: *Provided, however*, That no court shall entertain any such petition on the ground that an award is invalid for uncertainty; in such case the proper remedy shall be a submission of such award to a reconvened board, or subcommittee thereof, for interpretation, as provided by this Act: *Provided further*, That an award contested as herein provided shall be construed liberally by the court, with a view to favoring its validity, and that no award shall be set aside for trivial irregularity or clerical error, going only to form and not to substance.

Fourth. If the court shall determine that a part of the award is invalid on some ground or grounds designated in this section as a ground of invalidity, but shall determine that a part of the award is valid, the court shall set aside the entire award: *Provided, however*, That, if the parties shall agree thereto, and if such valid and invalid parts are separable, the court shall set aside the invalid part, and order judgment to stand as to the valid part.

Fifth. At the expiration of ten days from the decision of the district court upon the petition filed as aforesaid, final judgment shall be entered in accordance with said decision, unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said petition and to be decided.

Sixth. The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court.

Seventh. If the petitioner's contentions are finally sustained, judgment shall be entered setting aside the award in whole or, if the parties so agree, in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

Eighth. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor or service by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent.

#### EMERGENCY BOARD

**SEC. 10.** If a dispute between a carrier and its employees be not adjusted under the foregoing provisions of this Act and should, in the judgment of the Board of Mediation, threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Board of Mediation shall notify the President, who may thereupon, in his discretion, create a board to investigate and report respecting such dispute. Such board shall be composed of such number of persons as to the President may seem desirable: *Provided, however*, That no member appointed shall be pecuniarily or otherwise interested in

any organization of employees or any carrier. The compensation of the members of any such board shall be fixed by the President. Such board shall be created separately in each instance and it shall investigate promptly the facts as to the dispute and make a report thereon to the President within thirty days from the date of its creation.

There is hereby authorized to be appropriated such sums as may be necessary for the expenses of such board, including the compensation and the necessary traveling expenses and expenses actually incurred for subsistence, of the members of the board. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

After the creation of such board and for thirty days after such board has made its report to the President, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose.

## GENERAL PROVISIONS

SEC. 11. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 12. There is hereby authorized to be appropriated such sums as may be necessary for expenditure by the Board of Mediation in carrying out the provisions of this Act.

SEC. 13. (a) Paragraph "Second" of subdivision (b) of section 128 of the Judicial Code, as amended, is amended to read as follows: "Second. To review decisions of the district courts, under section 9 of the Railway Labor Act."

(b) Section 2 of the Act entitled "An Act to amend the Judicial Code, and to further define the jurisdiction of the circuit court of appeals and of the Supreme Court, and for other purposes," approved February 13, 1925, is amended to read as follows:

"SEC. 2. That cases in a circuit court of appeals under section 9 of the Railway Labor Act; under section 5 of 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914; and under section 11 of 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, are included among the cases to which sections 239 and 240 of the Judicial Code shall apply."

SEC. 14. Title III of the Transportation Act, 1920, and the Act approved July 15, 1913, providing for mediation, conciliation, and arbitration, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, except that the members, secretary, officers, employees, and agents of the Railroad Labor Board, in office upon the date of the passage of this Act, shall receive their salaries for a period of 30 days from such date, in the same manner as though this Act had not been passed.

Approved, May 20, 1926.

CHAP. 348.—An Act To authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the heads of the executive departments and independent establishments of the Government be, and they hereby are, authorized to grant, in their discretion, extended leave not to exceed sixty days in the year

Compensation.

Separate board in each instance to investigate facts and report within 30 days.

Necessary sums for expenses, etc., authorized.

Payment, etc.

No change in conditions after creation of board, and for 30 days after its report.

General provisions.

Invalidity of any provision not to affect remainder of Act.

Sums necessary for expenditures authorized.

Circuit courts of appeals.  
Vol. 43, p. 936, amended.

Review of district court decisions of railway labor cases.  
*Ante*, p. 586.

Supreme Court.  
Vol. 43, p. 939, amended.

Certiorari allowed to Railway employees appeals.  
*Ante*, p. 586.

Trade Commission orders.  
Vol. 38, p. 720.

Clayton Act enforcement.  
Vol. 38, p. 735.  
Vol. 43, p. 933.

Laws repealed.  
Vol. 41, p. 470.  
Vol. 38, p. 103.

Railroad Labor Board continued for 30 days.  
*Ante*, p. 315.

May 20, 1926.  
[S. 3560.]  
[Public. No. 258.]

American Legion convention.  
Extended leave allowed ex-service men and women in departments to attend.

POPULAR NAME TABLE

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Railroad Unemployment Insurance Act—Continued

- July 31, 1946, ch. 709, §§ 1, 2, 301-321, 60 Stat. 722, 735 (See Title 26, §§ 3234, 7704; Title 45, §§ 228a, 351-356, 358, 362, 363)
- June 23, 1948, ch. 608, §§ 4-8, 62 Stat. 577, 578 (Title 45, §§ 353, 360, 361)
- Oct. 30, 1951, ch. 632, §§ 26, 27, 65 Stat. 691 (Title 45, §§ 351, 354)
- May 15, 1952, ch. 200, 66 Stat. 73 (Title 45, §§ 352, 353)
- Aug. 31, 1954, ch. 1164, pt. III, §§ 301-306, 68 Stat. 1044 (Title 45, §§ 351, 352, 358)
- Aug. 12, 1955, ch. 869, §§ 4, 6, 69 Stat. 716 (Title 45, §§ 352, 362)
- Aug. 28, 1958, Pub.L. 85-791, § 23, 72 Stat. 948 (Title 45, § 355)
- Sept. 6, 1958, Pub.L. 85-927, pt. II, §§ 201-203, 205, 206, 72 Stat. 1782 (Title 45, §§ 351, 354, 358, 361, 362)
- May 19, 1959, Pub.L. 86-28, pt. III, 73 Stat. 30 (Title 45, §§ 351-354, 358, 360)
- June 11, 1960, Pub.L. 86-597, § 1(37), 74 Stat. 202 (Title 45, § 362)
- Oct. 5, 1963, Pub.L. 88-133, title III, §§ 301(a), 302(a), 303(a), 304, 305, 77 Stat. 222, 223 (Title 45, §§ 353, 354, 358, 360)
- Oct. 30, 1966, Pub.L. 89-709, title II, title III, § 301(a), (b), 80 Stat. 1087, 1088 (Title 45, §§ 351, 352, 356, 353, 360, 362)
- Feb. 15, 1968, Pub.L. 90-257, title II, §§ 201-207, 82 Stat. 23-27 (Title 45, §§ 351-354, 360, 362, 363)
- Oct. 22, 1968, Pub.L. 90-624, § 2, 82 Stat. 1316 (Title 45, § 354)
- Oct. 15, 1970, Pub.L. 91-452, title II, § 239, 84 Stat. 939 (Title 45, § 362)

Railway Labor Act

- May 20, 1926, ch. 347, 44 Stat. 577 (See Title 45, §§ 21, 45; Title 18, § 373; Title 28, §§ 1291-1294; Title 45, §§ 151-163, 181-183)
- June 21, 1934, ch. 691, 45 Stat. 1185 (Title 45, §§ 151-153, 160-162)
- Apr. 10, 1936, ch. 106, 49 Stat. 1189 (Title 45, §§ 181-188)
- Jan. 10, 1951, ch. 1220, 64 Stat. 1238 (Title 45, § 152)
- Aug. 31, 1964, Pub.L. 88-542, 78 Stat. 748 (Title 45, § 154)
- June 20, 1966, Pub.L. 89-456, 80 Stat. 208 (Title 45, § 153)
- Apr. 23, 1970, Pub.L. 91-234, 84 Stat. 189 (Title 45, § 153)
- Oct. 15, 1970, Pub.L. 91-452, title II, § 238, 84 Stat. 939 (Title 45, § 157)

Railway Mail Service Pay Act

- July 28, 1916, ch. 261, 39 Stat. 412

Baker Act (Reclamation and Irrigation)

- May 15, 1922, ch. 100, 42 Stat. 541 (Title 12, § 773; Title 43, §§ 511-513)

Ramspeck Act

- Nov. 26, 1940, ch. 919, title I, §§ 1, 2(b), 54 Stat. 1211 (See Title 5, §§ 2402, 3304)

Ramspeck-Mead Act

- Aug. 1, 1941, ch. 346, 55 Stat. 613

Ramspeck Postmasters' Civil Service Act

- See Postmasters' Civil Service Act

Randolph-Mead Act (War Overtime Pay)

- See War Overtime Pay Act of 1913

Randolph-Sheppard Vending Stand Act

- June 20, 1936, ch. 638, 49 Stat. 1559 (Title 20, §§ 107-107f)
- Aug. 3, 1954, ch. 655, § 4, 68 Stat. 663 (Title 20, §§ 107-107f)

Rankin Act

- See Gold Star Mothers Act

Rankin Veterans Act

- May 3, 1939, ch. 109, 53 Stat. 652

Rankin Veterans Pension Act

- June 10, 1942, ch. 402, 56 Stat. 350

Rankin World War Widows Act

- May 13, 1938, ch. 214, 52 Stat. 252

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Ransdell Act

- May 26, 1930, ch. 320, 46 Stat. 27

Rate Act

- See Interstate Commerce Acts

Reapportionment Act of 1901

- Jan. 16, 1901, ch. 93, 31 Stat. 7

Reapportionment Act of 1911

- See Apportionment Acts

Reapportionment Act of 1929

- Apr. 25, 1929, ch. 152, 54 Stat. 16

Rebel Correspondence Act (Civil War)

- Feb. 25, 1863, ch. 60, 12 Stat. 696

Reciprocal Tariff Act

- June 12, 1934, ch. 474, 48 Stat. 1

Reciprocal Trade Relations Act

- July 26, 1911, ch. 3, 37 Stat. 4

Reclamation Acts

- Feb. 2, 1911, ch. 32, 36 Stat. 895
- Feb. 21, 1911, ch. 155, 36 Stat. 1
- Aug. 13, 1914, ch. 247, 38 Stat. 643, 437, 440, 443, 464, 465, 469, 499
- Aug. 4, 1939, ch. 418, § 19, 53 Stat. 1001
- May 10, 1956, ch. 256, 70 Stat. 1001

Reclamation Acts (Irrigation of Arid Lands)

- June 17, 1902, ch. 1093, 32 Stat. 391, 392, 411, 414, 419, 421, 457

- May 20, 1920, ch. 192, 41 Stat. 60

Reclamation Fund Act

- June 25, 1910, ch. 407, 36 Stat. 843, 436, 437

Reclamation Project Act of 1939

- Aug. 4, 1939, ch. 418, §§ 1-19, 53 Stat. 389, 485-485k
- Apr. 24, 1945, c. 94, 59 Stat. 75 (C)
- Aug. 18, 1950, ch. 752, 64 Stat. 463
- Aug. 8, 1958, Pub.L. 85-654, 72 Stat. 485h
- Sept. 21, 1959, Pub.L. 86-308, § 1
- Aug. 28, 1962, Pub.L. 87-613, § 2

Reclassification Act

- See Classification Act of 1923

Reclassification Act of 1925

- Feb. 28, 1925, ch. 369, titles I, II
- Oct. 18, 1943, ch. 261, 57 Stat. 572

Reconstruction Acts

- Mar. 2, 1867, ch. 152, 14 Stat. 428
- Mar. 23, 1867, ch. 6, 15 Stat. 2
- July 19, 1867, ch. 30, 15 Stat. 14
- Mar. 11, 1868, ch. 25, 15 Stat. 41
- Dec. 22, 1869, ch. 3, 16 Stat. 50

Reconstruction Finance Corporation Act

- Jan. 22, 1932, ch. 8, 47 Stat. 5
- June 19, 1934, ch. 653, § 14, 48 Stat. 70
- Feb. 24, 1938, ch. 32, 52 Stat. 79
- Apr. 13, 1938, ch. 140, 52 Stat. 212
- June 25, 1940, ch. 427, §§ 1-6, 54 Stat. 697
- Sept. 16, 1940, ch. 721, 54 Stat. 897
- Sept. 18, 1940, ch. 722, title III, § 2
- Sept. 26, 1940, ch. 734, 54 Stat. 961

*note: no amendment to section 10*



CHAP. 347.—An Act To provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

May 20, 1926.  
[H. R. 9453.]  
[Public, No. 257.]

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

DEFINITIONS

SECTION 1. When used in this Act and for the purposes of this Act:

First. The term "carrier" includes any express company, sleeping-car company, and any carrier by railroad, subject to the Interstate Commerce Act, including all floating equipment such as boats, barges, tugs, bridges and ferries; and other transportation facilities used by or operated in connection with any such carrier by railroad, and any receiver or any other individual or body, judicial or otherwise, when in the possession of the business of employers or carriers covered by this Act: *Provided, however,* That the term "carrier" shall not include any street, interurban, or suburban electric railway unless such a railway is operating as a part of a general steam railroad system of transportation, but shall not exclude any part of the general steam railroad system of transportation now or hereafter operated by any other motive power;

Second. The term "Adjustment Board" means one of the boards of adjustment provided for in this Act;

Third. The term "Board of Mediation" means the Board of Mediation created by this Act;

Fourth. The term "commerce" means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and any other Territory, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign nation.

Fifth. The term "employee" as used herein includes every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate covered in the orders of the Interstate Commerce Commission now in effect, and as the same may be amended or interpreted by orders hereafter entered by the commission pursuant to the authority which is hereby conferred upon it to enter orders amending or interpreting such existing orders: *Provided, however,* That no occupational classification made by order of the Interstate Commerce Commission shall be construed to define the crafts according to which railway employees may be organized by their voluntary action, nor shall the jurisdiction or powers of such employee organizations be regarded as in any way limited or defined by the provisions of this Act or by the orders of the commission.

Sixth. The term "district court" includes the Supreme Court of the District of Columbia; and the term "circuit court of appeals" includes the Court of Appeals of the District of Columbia.

This Act may be cited as the Railway Labor Act.

GENERAL DUTIES

SEC. 2. First. It shall be the duty of all carriers, their officers, agents, and employees to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions, and to settle all disputes, whether arising out of the

Railway Labor Act.

Definitions.

"Carrier."

*Proviso.*  
Street railways excluded.

Exception.

"Adjustment Board."

"Board of Mediation."

"Commerce."

"Employee."

*Proviso.*  
Employee organizations not limited, etc.

"District court."  
Includes courts of District of Columbia.

Title of Act.

General duties.

Agreements by carriers and employees as to rates of pay, etc.

Conferences by their representatives to speedily consider, etc., disputes.

Designation of representatives.

Representatives to specify time and place for conference in case of disputes as to grievances, etc.

Practices. Convenience of place.

Time limit.

Agreements in effect not superseded.

Considering changes in pay, etc. Post, p. 582.

Boards of adjustment.

Agreement for, by carriers and employees.

Details. In writing.

Employees concerned.

Manner of considering. With officer of carrier.

By designated adjustment board.

Hearings.

application of such agreements or otherwise, in order to avoid any interruption to commerce or to the operation of any carrier growing out of any dispute between the carrier and the employees thereof.

Second. All disputes between a carrier and its employees shall be considered, and, if possible, decided, with all expedition, by conference between representatives designated and authorized to confer, respectively, by the carriers and by the employees thereof interested in the dispute.

Third. Representatives, for the purposes of this Act, shall be designated by the respective parties in such manner as may be provided in their corporate organization or unincorporated association, or by other means of collective action, without interference, influence or coercion exercised by either party over the self-organization or designation of representatives by the other.

Fourth. In case of a dispute between a carrier and its employees arising out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, it shall be the duty of the designated representative or representatives of such carrier and of such employees, within ten days after the receipt of notice of a desire on the part of either party to confer in respect to such dispute, to specify a time and place at which such conference shall be held: *Provided*, (1) That the place so specified shall be situated upon the railroad line of the carrier involved unless otherwise mutually agreed upon; and (2) that the time so specified shall allow the designated conferees reasonable opportunity to reach such place of conference, but shall not exceed twenty days from the receipt of such notice: *And provided further*, That nothing in this paragraph shall be construed to supersede the provisions of any agreement (as to conferences) then in effect between the parties.

Fifth. Disputes concerning changes in rates of pay, rules, or working conditions shall be dealt with as provided in section 6 and in other provisions of this Act relating thereto.

BOARDS OF ADJUSTMENT—GRIEVANCES—INTERPRETATION OF AGREEMENTS

SEC. 3. First. Boards of adjustment shall be created by agreement between any carrier or group of carriers, or the carriers as a whole, and its or their employees.

The agreement—

(a) Shall be in writing;

(b) Shall state the group or groups of employees covered by such adjustment board;

(c) Shall provide that disputes between an employee or group of employees and a carrier, growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but, failing to reach an adjustment in this manner, that the dispute shall be referred to the designated adjustment board by the parties, or by either party, with a full statement of the facts and all supporting data bearing upon the dispute;

(d) Shall provide that the parties may be heard either in person by counsel, or by other representative, as they may respectively elect, and that adjustment boards shall hear and, if possible, decide promptly all disputes referred to them as provided in paragraph (c). Adjustment boards shall give due notice of all hearings to the employee or employees and the carrier or carriers involved in the dispute;

(e) Shall stipulate that decisions of adjustment boards shall be final and binding on both parties to the dispute; and it shall be the duty of both to abide by such decisions; Decisions to be final and binding.

(f) Shall state the number of representatives of the employees and the number of representatives of the carrier or carriers on the adjustment board, which number of representatives, respectively, shall be equal; Equal number of representatives.

(g) Shall provide for the method of selecting members and filling vacancies; Selection.

(h) Shall provide for the portion of expenses to be assumed by the respective parties; Expense.

(i) Shall stipulate that a majority of the adjustment board members shall be competent to make an award, unless otherwise mutually agreed; Award by a majority accepted.

(j) Shall stipulate that adjustment boards shall meet regularly at such times and places as designated; and Meetings.

(k) Shall provide for the method of advising the employees and carrier or carriers of the decisions of the board. Notifying parties of decisions.

Second. Nothing in this Act shall be construed to prohibit an individual carrier and its employees from agreeing upon the settlement of disputes through such machinery of contract and adjustment as they may mutually establish. Individual agreements not prohibited

BOARD OF MEDIATION

Board of Mediation.

SEC. 4. First. There is hereby established, as an independent agency in the executive branch of the Government, a board to be known as the Board of Mediation and to be composed of five members appointed by the President, by and with the advice and consent of the Senate. The terms of office of the members first taking office shall expire, as designated by the President at the time of nomination, one at the end of the first year, one at the end of the second year, one at the end of the third year, one at the end of the fourth year, and one at the end of the fifth year, after January 1, 1926. The terms of office of all successors shall expire five years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Vacancies in the board shall not impair the powers nor affect the duties of the board nor of the remaining members of the board. A majority of the members in office shall constitute a quorum for the transaction of the business of the board. Each member of the board shall receive a salary at the rate of \$12,000 per annum, together with necessary traveling expenses and subsistence expenses, or per diem allowance in lieu thereof, subject to the provisions of law applicable thereto, while away from the principal office of the board on business required by this Act. No person in the employment of or who is pecuniarily or otherwise interested in any organization of employees or any carrier shall enter upon the duties of or continue to be a member of the board. Established as an independent executive agency.  
Composition and appointment.  
Terms of first appointees.  
Subsequent for five years, etc.

Salary and expense allowance. Post, p. 1071.

Disqualification if having any personal interest.

Removal restricted to inefficiency, etc.

A member of the board may be removed by the President for inefficiency, neglect of duty, malfeasance in office, or ineligibility, but for no other cause.

Chairman, principal office, etc.

Second. The board shall annually designate a member to act as chairman. The board shall maintain its principal office in the District of Columbia, but it may meet at any other place whenever it deems it necessary. The board may designate one or more of its members to exercise the functions of the board in mediation pro-

Power to administer oaths, etc.

Annual report.

Experts, assistants, employees, etc., authorized.

Necessary expenses allowed.

Post, p. 582.

Accounting.

Functions of Board.

Disputes to be considered.

Grievances, or agreements not decided by adjustment board.

Respecting changes of pay not settled in conferences.

Other disputes not decided in conferences.

Prompt efforts by mediation to effect agreement.

If unsuccessful to induce submission to arbitration.

Exceptions. *Infra.* Post, p. 586.

On applications by parties of controversy as to meaning of agreements reached by mediation.

Hearing and interpretations.

Arbitration duties. Post, p. 582.

Naming of remaining arbitrators.

Selection.

ceedings. Each member of the board shall have power to administer oaths and affirmations. The board shall have a seal which shall be judicially noticed. The board shall make an annual report to Congress.

Third. The board may (1) appoint such experts and assistants to act in a confidential capacity and, subject to the provisions of the civil service laws, such other officers and employees, and (2) in accordance with the Classification Act of 1923 fix the salary of such experts, assistants, officers, and employees, and (3) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding, and including expenditures for salaries and compensation, necessary traveling expenses and expenses actually incurred for subsistence, and other necessary expenses of boards of arbitration, in accordance with the provisions of section 7) as may be necessary for the execution of the functions vested in the board, or in the boards of arbitration, and as may be provided for by the Congress from time to time. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

FUNCTIONS OF BOARD OF MEDIATION

SEC. 5. First. The parties, or either party, to a dispute between an employee or group of employees and a carrier may invoke the services of the Board of Mediation created by this Act, or the Board of Mediation may proffer its services, in any of the following cases:

(a) A dispute arising out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions not adjusted by the parties in conference and not decided by the appropriate adjustment board;

(b) A dispute which is not settled in conference between the parties, in respect to changes in rates of pay, rules, or working conditions;

(c) Any other dispute not decided in conference between the parties.

In either event the said board shall promptly put itself in communication with the parties to such controversy, and shall use its best efforts, by mediation, to bring them to agreement. If such efforts to bring about an amicable adjustment through mediation shall be unsuccessful, the said board shall at once endeavor as its final required action (except as provided in paragraph third of this section and in section 10 of this Act), to induce the parties to submit their controversy to arbitration in accordance with the provisions of this Act.

Second. In any case in which a controversy arises over the meaning or the application of any agreement reached through mediation under the provisions of this Act, either party to the said agreement, or both, may apply to the Board of Mediation for an interpretation as to the meaning or application of such agreement. The said board shall upon receipt of such request notify the parties to the controversy, and after a hearing of both sides give its interpretation within thirty days.

Third. The Board of Mediation shall have the following duties with respect to the arbitration of disputes under section 7 of this Act:

(a) On failure of the arbitrators named by the parties to agree on the remaining arbitrator or arbitrators within the time set by section 7 of this Act, it shall be the duty of the Board of Mediation to name such remaining arbitrator or arbitrators. It shall be the duty of the board in naming such arbitrator or arbitrators to appoint

only those whom the board shall deem wholly disinterested in the controversy to be arbitrated and impartial and without bias as between the parties to such arbitration. Should, however, the board name an arbitrator or arbitrators not so disinterested and impartial, then, upon proper investigation and presentation of the facts, the board shall promptly remove such arbitrator.

Removal if not disinterested, etc.

If an arbitrator named by the Board of Mediation, in accordance with the provisions of this Act, shall be removed by such board as provided by this Act, or if such an arbitrator refuses or is unable to serve, it shall be the duty of the Board of Mediation, promptly, to select another arbitrator, in the same manner as provided in this Act for an original appointment by the Board of Mediation.

Selection of another.

(b) Any member of the Board of Mediation is authorized to take the acknowledgment of an agreement of arbitration under this Act. When so acknowledged, or when acknowledged by the parties before a notary public or the clerk of a district court or a circuit court of appeals of the United States, such agreement to arbitrate shall be delivered to a member of said board, or transmitted to said board, to be filed in its office.

Acknowledgment and filing of agreement to arbitrate.

(c) When an agreement to arbitrate has been filed with the Board of Mediation, or with one of its members, as provided by this section, and when the said board, or a member thereof, has been furnished the names of the arbitrators chosen by the parties to the controversy, it shall be the duty of the Board of Mediation to cause a notice in writing to be served upon said arbitrators, notifying them of their appointment, requesting them to meet promptly to name the remaining arbitrator or arbitrators necessary to complete the board of arbitration, and advising them of the period within which, as provided by the agreement to arbitrate, they are empowered to name such arbitrator or arbitrators.

Notice to arbitrators of appointment, etc., when agreement has been filed.

(d) Either party to an arbitration desiring the reconvening of a board of arbitration to pass upon any controversy arising over the meaning or application of an award may so notify the Board of Mediation in writing, stating in such notice the question or questions to be submitted to such reconvened board. The Board of Mediation shall thereupon promptly communicate with the members of the board of arbitration, or a subcommittee of such board appointed for such purpose pursuant to a provision in the agreement to arbitrate, and arrange for the reconvening of said board or subcommittee, and shall notify the respective parties to the controversy of the time and place at which the board, or the subcommittee, will meet for hearings upon the matters in controversy to be submitted to it. No evidence other than that contained in the record filed with the original award shall be received or considered by such reconvened board or subcommittee, except such evidence as may be necessary to illustrate the interpretations suggested by the parties. If any member of the original board is unable or unwilling to serve on such reconvened board or subcommittee thereof, another arbitrator shall be named in the same manner and with the same powers and duties as such original arbitrator.

Reconvening of arbitrators to pass on meaning or application of award.

Arrangement for meeting.

Restriction on evidence to be received.

Naming of another arbitrator if member of original board unable to serve, etc.

(e) The Interstate Commerce Commission, the Bureau of Labor Statistics, and the custodian of the records, respectively, of the Railroad Labor Board, of the mediators designated in the Act approved June 1, 1898, providing for mediation and arbitration, known as the Erdman Act, and of the Board of Mediation and Conciliation created by the Act approved July 15, 1913, providing for mediation, conciliation, and arbitration, known as the Newlands Act, are hereby authorized and directed to transfer and deliver to the Board of Mediation created by this Act any and all papers and documents heretofore filed with or transferred to them, respectively, bearing upon

All papers, etc. heretofore filed in designated agencies, etc., to be delivered to the board.

Vol. 41, p. 470.  
Vol. 30, p. 423.

Vol. 38, p. 103.

All similar papers in any agency.

Custodian of property of Railroad Labor Board.

Changes of rates of pay, etc.

Notice of intended, to be given in writing.

If from more than one class.

No alteration in rates etc., by carriers until final action, etc., by Board.

Ante, p. 580.  
Exception.

Arbitration.

Controversies not settled by conference, may, by agreement, be submitted to a board of.  
Post, p. 1072.

Proriso.  
No legal obligation violated by refusal.

Manner of choosing.

Boards of three.

the settlement, adjustment, or determination of disputes between carriers and their employees or upon mediation or arbitration proceedings held under or pursuant to the provisions of any Act of Congress in respect to such disputes; and the President is authorized to require the transfer and delivery to the Board of Mediation, created by this Act, of any and all such papers and documents filed with or in the possession of any agency of the Government. The President is authorized to designate a custodian of the records and property of the Railroad Labor Board, until the transfer and delivery of such records to the Board of Mediation and the disposition of such property in such manner as the President may direct.

#### PROCEDURE IN CHANGING RATES OF PAY, RULES, AND WORKING CONDITIONS

SEC. 6. Carriers and the representatives of the employees shall give at least thirty days' written notice of an intended change affecting rates of pay, rules, or working conditions, and the time and place for conference between the representatives of the parties interested in such intended changes shall be agreed upon within ten days after the receipt of said notice, and said time shall be within the thirty days provided in the notice. Should changes be requested from more than one class or associated classes at approximately the same time, this date for the conference shall be understood to apply only to the first conference for each class; it being the intent that subsequent conferences in respect to each request shall be held in the order of its receipt and shall follow each other with reasonable promptness. In every case where such notice of intended change has been given, or conferences are being held with reference thereto, or the services of the Board of Mediation have been requested by either party, or said board has proffered its services, rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon, as required by section 5 of this Act, by the Board of Mediation, unless a period of ten days has elapsed after termination of conferences without request for or proffer of the services of the Board of Mediation.

#### ARBITRATION

SEC. 7. First. Whenever a controversy shall arise between a carrier or carriers and its or their employees which is not settled either in conference between representatives of the parties or by the appropriate adjustment board or through mediation, in the manner provided in the preceding sections, such controversy may, by agreement of the parties to such controversy, be submitted to the arbitration of a board of three (or, if the parties to the controversy so stipulate, of six) persons: *Provided, however,* That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of any legal obligation imposed upon such party by the terms of this Act or otherwise.

Second. Such board of arbitration shall be chosen in the following manner:

(a) In the case of a board of three the carrier or carriers and the representatives of the employees, parties respectively to the agreement to arbitrate, shall each name one arbitrator; the two arbitrators thus chosen shall select a third arbitrator. If the arbitrators chosen by the parties shall fail to name the third arbitrator within five days after their first meeting, such third arbitrator shall be named by the Board of Mediation.

(b) In the case of a board of six the carrier or carriers and the representatives of the employees, parties respectively to the agreement to arbitrate, shall each name two arbitrators; the four arbitrators thus chosen shall, by a majority vote, select the remaining two arbitrators. If the arbitrators chosen by the parties shall fail to name the two arbitrators within fifteen days after their first meeting, the said two arbitrators, or as many of them as have not been named, shall be named by the Board of Mediation.

Boards of six.

Third. (a) When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator or arbitrators, they shall notify the Board of Mediation; and, in the event of their failure to agree upon any or upon all of the necessary arbitrators within the period fixed by this Act, they shall, at the expiration of such period, notify the Board of Mediation of the arbitrators selected, if any, or of their failure to make or to complete such selection.

Notification to Board on completion, etc.

(b) The board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings: *Provided, however,* That the board of arbitration shall be bound to give the parties to the controversy a full and fair hearing, which shall include an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may respectively elect.

Organization, etc.

*Proviso.*  
Full and fair hearing to parties.

(c) Upon notice from the Board of Mediation that the parties, or either party, to an arbitration desire the reconvening of the board of arbitration (or a subcommittee of such board of arbitration appointed for such purpose pursuant to the agreement to arbitrate) to pass upon any controversy over the meaning or application of their award, the board, or its subcommittee, shall at once reconvene. No question other than, or in addition to, the questions relating to the meaning or application of the award, submitted by the party or parties in writing, shall be considered by the reconvened board of arbitration or its subcommittee.

Reconvening of board to pass upon disputes as to meaning, etc., of the award.

No other question, other than relating thereto, admitted.

Such rulings shall be acknowledged by such board or subcommittee thereof in the same manner, and filed in the same district court clerk's office, as the original award and become a part thereof.

Rulings to be filed with, and as part of award.

(d) No arbitrator, except those chosen by the Board of Mediation, shall be incompetent to act as an arbitrator because of his interest in the controversy to be arbitrated, or because of his connection with or partiality to either of the parties to the arbitration.

No arbitrator, except those by the Board, disqualified by his interest in controversy.

(e) Each member of any board of arbitration created under the provisions of this Act named by either party to the arbitration shall be compensated by the party naming him. Each arbitrator selected by the arbitrators or named by the Board of Mediation shall receive from the Board of Mediation such compensation as the Board of Mediation may fix, together with his necessary traveling expenses and expenses actually incurred for subsistence, while serving as an arbitrator.

Payment of compensation to arbitrators.

(f) The board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the evidence taken at the hearings, certified under the hands of at least a majority of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as hereinafter provided. The said board shall also furnish a certified copy of its award, and the papers and proceedings, including testimony relating thereto, to the Board of Mediation, to be filed in its office; and in addition a certified copy of its award shall be filed in the office of the Interstate Commerce Com-

Certified copies of award to the parties.

Original, with all papers to be filed in the district court.

Certified copies of award, etc., to be filed with Board, and of award with Interstate Commerce Commission.

*Proviso.*  
No diminishing of powers, etc., of Commission by the award.

Employment of assistants to boards.

Payment by Board.

Quarters for meetings to be supplied in public buildings.

Provisions to taking testimony.  
Power to require attendance, production of books, etc.

Issue of subpoenas from district courts.

Assistance of courts to compel attendance, etc.

Witness fees, etc.

Details of agreement to arbitrate.  
In writing.  
Purpose.

Members of board.

Signatures of representatives, duly acknowledged.

Questions to be submitted.

Right to withdraw questions.

mission: *Provided, however,* That such award shall not be construed to diminish or extinguish any of the powers or duties of the Interstate Commerce Commission, under the Interstate Commerce Act, as amended.

(g) A board of arbitration may, subject to the approval of the Board of Mediation, employ and fix the compensation of such assistants as it deems necessary in carrying on the arbitration proceedings. The compensation of such employees, together with their necessary traveling expenses and expenses actually incurred for subsistence, while so employed, and the necessary expenses of boards of arbitration, shall be paid by the Board of Mediation.

Whenever practicable, the board shall be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the board may conduct its proceedings or deliberations.

(h) All testimony before said board shall be given under oath or affirmation, and any member of the board shall have the power to administer oaths or affirmations. The board of arbitration, or any member thereof, shall have the power to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as may be deemed by the board of arbitration material to a just determination of the matters submitted to its arbitration, and may for that purpose request the clerk of the district court of the United States for the district wherein said arbitration is being conducted to issue the necessary subpoenas, and upon such request the said clerk or his duly authorized deputy shall be, and he hereby is, authorized, and it shall be his duty, to issue such subpoenas. In the event of the failure of any person to comply with any such subpoena, or in the event of the contumacy of any witness appearing before the board of arbitration, the board may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as provided for in the Act to regulate commerce approved February 4, 1887, and the amendments thereto.

Any witness appearing before a board of arbitration shall receive the same fees and mileage as witnesses in courts of the United States, to be paid by the party securing the subpoena.

SEC. 8. The agreement to arbitrate—

(a) Shall be in writing;

(b) Shall stipulate that the arbitration is had under the provisions of this Act;

(c) Shall state whether the board of arbitration is to consist of three or of six members;

(d) Shall be signed by the duly accredited representatives of the carrier or carriers and the employees, parties respectively to the agreement to arbitrate, and shall be acknowledged by said parties before a notary public, the clerk of a district court or circuit court of appeals of the United States, or before a member of the Board of Mediation, and, when so acknowledged, shall be filed in the office of the Board of Mediation;

(e) Shall state specifically the questions to be submitted to the said board for decision; and that, in its award or awards, the said board shall confine itself strictly to decisions as to the questions so specifically submitted to it;

(f) Shall provide that the questions, or any one or more of them, submitted by the parties to the board of arbitration may be withdrawn from arbitration on notice to that effect signed by the duly accredited representatives of all the parties and served on the board of arbitration;

(g) Shall stipulate that the signatures of a majority of said board of arbitration affixed to their award shall be competent to constitute a valid and binding award;

Action of majority of board to constitute a valid award.

(h) Shall fix a period from the date of the appointment of the arbitrator or arbitrators necessary to complete the board (as provided for in the agreement) within which the said board shall commence its hearings;

Period for completion of board.

(i) Shall fix a period from the beginning of the hearings within which the said board shall make and file its award: *Provided*, That the parties may agree at any time upon an extension of this period;

Beginning of hearings, etc.  
*Proviso.*  
Agreeing to extension of period.

(j) Shall provide for the date from which the award shall become effective and shall fix the period during which the award shall continue in force;

Effective date, etc., of award.

(k) Shall provide that the award of the board of arbitration and the evidence of the proceedings before the board relating thereto, when certified under the hands of at least a majority of the arbitrators; shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arose or the arbitration was entered into, which district shall be designated in the agreement; and, when so filed, such award and proceedings shall constitute the full and complete record of the arbitration;

Filing of award, etc., in designated district court.

(l) Shall provide that the award, when so filed, shall be final and conclusive upon the parties as to the facts determined by said award and as to the merits of the controversy decided;

Award to be final and conclusive upon the parties.

(m) Shall provide that any difference arising as to the meaning, or the application of the provisions, of an award made by a board of arbitration shall be referred back for a ruling to the same board, or, by agreement, to a subcommittee of such board; and that such ruling, when acknowledged in the same manner, and filed in the same district court clerk's office, as the original award, shall be a part of and shall have the same force and effect as such original award; and

Reconvening of board for ruling as to meaning, etc., of award.

(n) Shall provide that the respective parties to the award will each faithfully execute the same.

Execution of award by the parties.

The said agreement to arbitrate, when properly signed and acknowledged as herein provided, shall not be revoked by a party to such agreement: *Provided, however*, That such agreement to arbitrate may at any time be revoked and canceled by the written agreement of both parties, signed by their duly accredited representatives, and (if no board of arbitration has yet been constituted under the agreement) delivered to the Board of Mediation or any member thereof; or, if the board of arbitration has been constituted as provided by this Act, delivered to such board of arbitration.

No revocation to agreement by a party thereto.

*Proviso.*  
Both parties may cancel, etc., by written agreement delivered to board, etc.

SEC. 9. First. The award of a board of arbitration, having been acknowledged as herein provided, shall be filed in the clerk's office of the district court designated in the agreement to arbitrate.

Award to be filed in designated district court.

Second. An award acknowledged and filed as herein provided shall be conclusive on the parties as to the merits and facts of the controversy submitted to arbitration, and unless, within ten days after the filing of the award, a petition to impeach the award, on the grounds hereinafter set forth, shall be filed in the clerk's office of the court in which the award has been filed, the court shall enter judgment on the award, which judgment shall be final and conclusive on the parties.

Filed award conclusive, and judgment entered unless petition to impeach be filed in same court within 10 days.

Third. Such petition for the impeachment or contesting of any award so filed shall be entertained by the court only on one or more of the following grounds:

Grounds for entertaining impeachment of petition.

(a) That the award plainly does not conform to the substantive requirements laid down by this Act for such awards, or that the proceedings were not substantially in conformity with this Act;

Award not in compliance with requirements of this Act.

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

12095

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN WIEN AIR ALASKA, INC. AND CERTAIN INDIVIDUALS

A dispute exists between Wien Air Alaska, Inc., and certain individuals represented by the Air Line Pilots Association, a labor organization.

Section 44 of the Airline Deregulation Act of 1978 (Public Law 95-504) directed that the provisions of Section 10 of the Railway Labor Act, as amended, be invoked despite the fact that the National Mediation Board has failed to find that the dispute in its judgment substantially threatens to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service.

NOW, THEREFORE, by the authority vested in me by Section 44 of the Airline Deregulation Act of 1978 (Public Law 95-504) it is hereby ordered as follows:

1-101. Establishment of Board. There is established a board of three members to be appointed by the President to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

1-102. Report. The board shall report its findings to the President with respect to the dispute within 30 days from the date of this Order.

JIMMY CARTER

THE WHITE HOUSE  
November 2, 1978

# # # #

1215-386-9300  
-6367

Fellowship

not announced  
per  
Records ofc  
11/6

THE WHITE HOUSE  
WASHINGTON

11/11/78

Secretary Schlesinger

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

Rick Hutcheson

cc: Anne Wexler  
Stu Eizenstat

~~SECRET ATTACHMENT~~

DECLASSIFIED  
Per, Rac Project  
ESDN; NLG-126-15-2-1-3  
BY KS NARA DATE 01/25/13



Department of Energy  
Washington, D.C. 20585

~~SECRET~~

*cc Jim - A public  
appeal to conserve should  
also be made. under even  
the best of circumstances.*

November 10, 1978

*WH will help*

*J*

MEMORANDUM FOR THE PRESIDENT

FROM:

JIM SCHLESINGER *J*

*cc: A. Wexler*

SUBJECT:

OPTIONS FOR MEETING THE POTENTIAL  
SHORTFALL IN IRANIAN OIL

BACKGROUND:

This memorandum reviews a series of options to deal with potential shortfalls from reductions in Iranian oil production. Based on current Iranian production levels, the net world oil supply loss will be approximately 4.5 to 5.0 MMB/D. Increases in OPEC production, particularly in Saudi Arabia, may reduce the shortfall by as much as one-half, or about 2.5 MMB/D. Current U.S. crude oil imports from Iran are approximately 900 thousand barrels per day. Because of the seasonality of demand, any shortfall from reduced Iranian imports to the U.S. should be eliminated by the first quarter of 1979.

The current U.S. crude oil stocks situation is favorable. Crude oil stocks are approximately 325 million barrels, 40 million barrels higher than the 1976 average of approximately 285 million barrels. Given current stock levels, DOE currently estimates that stocks could be drawn down 500,000 barrels per day for at least 60 days without causing any disruptions in the distribution system.

The Department is now developing and reviewing a possible series of emergency preparedness actions that could be taken. Committees have been established to monitor the Iranian energy situation, estimate worldwide stocks of petroleum, evaluate potential economic impacts from any oil production cutbacks, and develop actions to deal with potential crisis.

OPTIONS:

A listing of some of the governmental initiatives now under review, including their potential oil savings, are set forth in the following table.

DECLASSIFIED  
Per, Rac Project  
ESDN: MLC-126-15-2-1-3  
BY KS NARA DATE 6/25/13

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for Preservation Purposes

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	<u>EMERGENCY ACTION</u>	<u>OIL SAVINGS (MB/D)</u>
o Deferral of Deliveries to the Strategic Petroleum Reserve	Negotiation of delivery delays and exchanges	175-200
o Oil to Natural Gas Switching by Utilities and Industrial Operations	Finalization of FERC-DOE rules	175-250*
o Oil to Coal Switching	Environmental waivers	35
o Transfer of Electricity from Coal or Nuclear Facilities to Oil Dependent Facilities	Coordination of utility wheeling of power	100
o Higher Lead and MMT in Gasoline	Temporary suspension of EPA requirements	70
TOTAL		<u>555-655</u>

A brief discussion of these and several other possible measures follows:

- o Strategic Petroleum Reserve. Over 47 million barrels of oil have been contracted for to meet the fill requirements of the Strategic Petroleum Reserve between now and March of 1979. Of that amount, approximately 25 million barrels could be diverted to meet emergency needs without significantly affecting the Strategic Petroleum Reserve program. The daily savings associated with such action would be at least 175-200 thousand barrels of oil per day. DOE is working with the Department of Defense on the details of this program, which we currently plan to implement sometime next week. This is the only initiative that will actually be implemented, the others being put in a state of readiness pending assessment of further developments.

\* It is anticipated that this level of natural gas deliveries could be maintained for the next 6 to 8 weeks. Daily deliverability would decline as colder winter weather moves into the Southwest to the equivalent of about 130 thousand barrels of oil per day.

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- o Switching From Oil to Gas. The Department estimates that roughly 1.0 to 1.5 trillion cubic feet per day of natural gas, equivalent to 175,000 to 250,000 barrels per day of oil, could be made available from intrastate markets under the National Energy Act. We are in the process of identifying utilities and industrial operations that could use this natural gas. Since natural gas storage is currently high, the diversion of this gas should not create supply problems.
- o Coal to Oil Switching. The Department estimates that about 35,000 barrels of oil per day might be saved by the nation's utilities through oil to coal conversions. In most cases environmental waivers, used in supply interruptions in the past, would be necessary. EPA could implement these waivers immediately upon application by a Governor.
- o Transmission of Electricity. Based on the experience during the coal strike, the Department estimates that coal and nuclear electric generating plants may be able to wheel enough power to oil fired plants to displace as much as 100,000 barrels of oil per day.
- o Lead Phasedown Regulations and MMT in Gasoline. A temporary suspension of enforcement of EPA requirements for a lead phasedown in gasoline and EPA's ban of the gasoline additive MMT could result in savings of about 70,000 barrels of oil per day in refining operations. EPA has taken the necessary steps to implement those measures if they are required.
- o Standby Regulations. Should the Iranian problem be protracted and some of these measures discussed fall below expectations, the Department could activate mandatory petroleum allocation and price controls. These regulations, providing for allocation of shortfalls, will be ready on a standby basis by Monday, November 13. Either the Emergency Sharing provisions of the International Energy Program must be invoked or you must find that a "severe supply interruption" exists before they could actually be put into effect.
- o Conservation Programs. A series of mandatory conservation programs (lower thermostat settings, weekend driving restrictions, commuter parking limitations, etc.) could be implemented with Congressional approval, pursuant to the Energy Policy and Conservation Act of 1975. At

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this point, the severity of the crisis does not seem to warrant implementation of these plans in view of the time-consuming requirement for Congressional approval. However, a program of similar voluntary measures that you could urge upon the public, should that become necessary, is being prepared.

CONCLUSION:

Overall, it appears that these measures, excluding mandatory allocations, should cover any shortfalls in U.S. oil supply that might result from the Iranian crisis. If they do not, DOE could terminate filling the SPR altogether and divert up to an additional 150 thousand barrels of oil per day. Only an emergency beyond what we currently foresee would require imposition of mandatory allocations, price controls and mandatory conservation programs.

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DECLASSIFIED

Per, Rac Project

ESDN; NLC-126-15-2-1-3

BY 125 NARA DATE 6/25/13

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/

Department of Energy  
Washington, D.C. 20585

November 10, 1978

MEMORANDUM

TO: THE PRESIDENT  
FROM: JIM SCHLESINGER *JS*  
SUBJECT: Iranian Oil Situation

Background

The striking oil workers have severely disrupted production and transportation systems for the past ten days. Iranian oil production has been reduced from an early October average of 6.1 million b/d to a range of 1.1-1.7 million b/d during the past 7 days. The cutback of Iranian oil exports has been in the range of 4.5-5.0 million b/d. The near term prospect for an end to the strikes is uncertain. Even if workers return soon, restoration of production to pre-strike levels would likely take several months. Oil company reservoir engineers estimate technical problems associated with the shutdown probably have reduced Iran's productive capacity by as much as 15 percent or 900,000 b/d. If the shutdown continues, technical problems could further reduce capacity.

Alternative Supplies

Some of the loss of Iranian exports has been offset by increased production elsewhere, particularly in Saudi Arabia which is expected to produce between 1.5 and 2.0 million b/d more than had been expected -- up from 8.5 million b/d to between 10-10.5 million b/d. Some increases in production in other OPEC countries may also occur reducing the cutback of world oil supplies to about 2.5 million b/d.

If the Saudis continue to produce at full capacity through the end of the year, it is likely to cause the reappearance of reservoir problems. You will recall that these problems were an important factor in the Saudi decision to restrict the volume and mix of production earlier this year. If

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NATIONAL SECURITY  
INFORMATION

Unauthorized Disclosure Subject to  
Criminal Sanctions.

~~SECRET~~

SUBJECT TO GENERAL DECLASSIFICATION SCHEDULE  
EXECUTIVE ORDER 11652 AUTOMATICALLY DOWNGRADED  
AT TWO YEAR INTERVALS AND DECLASSIFIED ON DEC. 31

1986  
(insert year)

~~SECRET~~

2

these problems become serious, the Saudi leadership will be under increasing pressure to once again order production cutbacks. Should the Saudi decide on such cutbacks and the Iranian output has not returned to at least half of pre-crisis levels -- 3 million b/d -- then the oil shortfall would become more serious.

Governments are now relying on the international oil companies to redistribute world supplies to minimize the impact of the loss of Iranian oil and to increase production from other sources. If action by the companies proves insufficient, one or more of the more seriously affected member countries might seek to activate the International Energy Agency's emergency sharing system. The system, which is designed to spread the deficit evenly across the member countries, can be activated if any member country has experienced or expects to experience a 7% reduction of normal supply. A number of IEA countries are very heavily dependent on Iranian supplies, especially the Netherlands, Japan and the UK. None of these countries has yet displayed any such inclination as they share our perception that IEA action now might signal a loss of confidence in the Shah.

#### Oil Market Impacts

In the next few months actual sales of oil worldwide will necessarily be lower than had been expected before the Iranian crisis. There is no crude available for speculative purchases in anticipation of higher OPEC prices. Deliveries of oil for U.S. and Japanese strategic storage programs may also be deferred. The effect of these two factors could further offset the decline in Iranian exports, perhaps by 1 million b/d. The resulting imbalance between supply and demand would fall in a range of 1.5-2.5 million b/d.

Given the relatively high level of world oil stocks, there is no immediate cause for alarm. Existing world oil inventories are sufficient to cover the complete loss of Iranian production for 2-3 months without cutting into the normal working stocks. The deficit can simply be met by drawing down these excess supplies to meet demand.

There are, however, two reasons for concern in the short run -- through the end of December. First, the psychological impact of the Iranian crisis could be significant and negative. Rising spot market product prices and panic

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buying may encourage OPEC hawks to seek a price increase higher than the 5-10 percent previously anticipated. Some spot market prices for oil products in Europe rose over \$2/barrel last week alone. Although the volumes traded are very small, the impact of such price movements on the December OPEC meeting could be significant. In December 1973, spot market sales of oil at \$17-20/barrel were widely cited by OPEC members as validating their decision to double prices from \$5 to over \$10/barrel. Any longer term market tightness could make OPEC pricing action irrelevant, as the market itself would force prices up.

Second, consumers may start hoarding oil products, and thereby exacerbating the situation. If gasoline and heating oil tanks are constantly being topped off, inventories now held by the oil industry could effectively be transferred to individual consumers, thereby reducing the flexibility and capacity of oil companies to keep the market in balance. If hoarding becomes widespread, the price effect could be even stronger.

For the United States, the loss of Iranian oil imports does not pose any immediate problem. U.S. imports from Iran have been averaging 900,000 b/d, roughly 4 percent of total U.S. consumption and about 10 percent of U.S. imports. Assuming the increase in production from other OPEC countries and a deferral of our SPR purchases, even the complete loss of Iranian crude imports could be met by a very modest reduction of inventories for at least six months.

10/1/78

THE WHITE HOUSE  
WASHINGTON (winners  
underlined)

<u>Stewart</u>	52	<u>Martin</u>	24
<u>Haskell</u>	40	<u>Armstrong</u>	43
<u>Seith</u>	53	<u>Percy</u>	47
<u>Clark</u>	52	<u>Jepsen</u>	40
<u>Roy</u>	47	<u>Kassenbaum</u>	37
<u>Hathaway</u>	-7		
<u>Tsongee</u>	47	<u>Brooke</u>	43
<u>Levin</u>	50	<u>Griffin</u>	43
<u>Anderson</u>	46	<u>Boschowitz</u>	49
<u>Short</u>	46	<u>Durenberger</u>	46
<u>Dantin</u>	29	<u>Chakran</u>	44
<u>Edon</u>	62	<u>Sheetsen</u>	29
<u>Bradley</u>	42	<u>Bell</u>	29
<u>Ingram</u>	38	<u>Helms</u>	45
<u>Lavner</u>	39	<u>Thurmond</u>	53

<u>Eskind</u>	- 11		
<u>Krueger</u>	40	<u>Towler</u>	40
<u>Miller</u>	34	<u>Warner</u>	28
<u>Randolph</u>	50	<u>Moore</u>	40
<u>Brown</u>	48	<u>Younger</u>	34
<u>Grasso</u>	50	<u>Sarasim</u>	41
<u>Graham</u>	51	<u>Eckerd</u>	33
<u>Bakalis</u>	45	<u>Thompson</u>	55
<u>Carlin</u>	44	<u>Bennett</u>	44
<u>Hughee</u>	56	<u>Beall</u>	28
<u>King</u>	48	<u>Hatch</u>	40
<u>Fitzgerald</u>	47	<u>Milliken</u>	45
<u>Gallen</u>	37	<u>Thomson</u>	38
<u>Carey</u>	45	<u>Durycia</u>	47
<u>Celeste</u>	46	<u>Rhodes</u>	42
<u>Perpich</u>	52	<u>Guie</u>	43
<u>Butcher</u>	46	<u>Alexander</u>	42

THE WHITE HOUSE

WASHINGTON

November 8, 1978  
(3:00am)

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *F.M.*  
TIM KRAFT *TK*

RE: ELECTION TELEPHONE CALLS

We recommend you make the following phone calls this morning. The White House operators have been instructed to obtain telephone numbers for the following people for this morning. We will be providing you with further calls later today.

Hugh Gallen *winner*

Senator Jennings Randolph *winner*

Senator Thomas McIntyre *\**

Lt. Governor Richard Celeste *\**

Congressman Joe Ammerman (23-PA)

Congressman Bob Krueger *\**

Andrew Miller *\**

Geraldine Ferraro (9-NY) *winner*

Marion Berry *winner*

John Ingram *Loss.*

*Tip - O'Neill*  
*Bob Byrd*  
*went to Ford*  
*Jim Cotman*  
*\* undecided at*  
*this point*

MEMORANDUM

TO: ~~CHAIRMAN JOHN C. WHITE~~  
FROM: ~~THE STAFF~~  
RE: 1978 ELECTIONS  
DATE: NOVEMBER 8, 1978

Dad

CLP

GOVERNORS

Democratic/Pick ups = 4  
Kansas - Carlin  
Maine - Brennan  
New Hampshire - Gallen  
South Carolina - Riley

Republican/Pick ups = 8/9  
Minnesota - Quie  
Nebraska - Thone  
Nevada - List  
Oregon - Atiyeh  
Pennsylvania - Thornburgh  
South Dakota - Janklow  
Tennessee - Alexander  
Wisconsin - Dreyfus

↖ Too close to call:  
Texas

16 Governors remain Democratic.  
7 Governors remain Republican.

~~Maximum~~ loss of five; ~~minimum~~ loss of four.

SENATORS

Democratic/Pick ups = 5

Massachusetts - Tsongas

Michigan - Levin

New Jersey - Bradley

Oklahoma - Boren

Nebraska - Exon

Republican/Pick ups = 8

Colorado - Armstrong

Iowa - Jepsen

Maine - Cohen

Minnesota - Durenburger

Minnesota - Boschwitz

Mississippi - Cochran

New Hampshire - Humphreys

South Dakota - Pressler

Too close to call = 2

Texas - Kruegar

Virginia - Miller

10 Senate seats remain Democratic.

10 Senate seats remain Republican.

Maximum loss of three; ~~minimum loss of one.~~

UPI HOUSE PROJECTIONS

5:35 a.m.

There are still 46 seats not being called at this time. But, taking into account those that are leaning UPI is predicting a net gain of nine seats for the Republicans. They are also noting that 29 is the average loss. AP is a bit more pessimistic, saying the Republicans will take 12. An average is probably accurate although a final count will probably not be known for at least a day.

INCUMBENTS DEFEATED

Democrats

California - McFall  
California - Hannaford  
California - Krebs  
Indiana - Cornwell  
Iowa - Blouin  
Kansas - Keys  
New Jersey - Meyer  
New York - Pattison  
Ohio - Carney  
Pennsylvania - Eilberg  
Pennsylvania - Rooney  
Wisconsin - Cornell

Republicans

Florida - Burke  
Maryland - Steers  
Washington - Cunningham

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THE WHITE HOUSE  
WASHINGTON

11/11/78

Tim Kraft  
Arnie Miller

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

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

*AC*

MEMORANDUM FOR THE PRESIDENT

FROM:

TIM KRAFT *TK*  
ARNIE MILLER *AM*

SUBJECT:

Mrs. Jacob Javits - National Council  
on the Arts

This is in response to your note regarding an appointment to the National Council on the Arts for Mrs. Jacob Javits.

On September 15, 1978 you approved a list of candidates to fill all nine of the openings on the National Council on the Arts. Unless there is a death or a resignation, the next vacancy will occur in September 1980.

We can either let Senator Javits know that you will appoint Mrs. Javits when the next vacancy occurs or we can look for something else arts related. The latter option will definitely be less prestigious. ← *no*

- Appoint Mrs. Javits to the next vacancy.
- Look for something else for Mrs. Javits.

*J*

THE WHITE HOUSE  
WASHINGTON

cc: 11M.  
Javits wants  
his wife on Arts  
Council - 9th like  
to do it  
J

TELEPHONE CONVERSATION WITH SENATOR JAVITS

Thursday, September 29, 1978

From: Zbigniew Brzezinski

*Zbigniew Brzezinski*

BACKGROUND

In his letter of August 22, Senator Javits asked you to establish a blue ribbon commission composed of U.S. representatives from the business and labor sectors to review and make recommendations concerning our economic relations with Mexico. This commission would take the place of the Quadripartite Commission (composed of the private and government sectors of Mexico and the United States established in 1975), which he has been pushing, but which has attracted very little interest by the Mexicans. I responded that we are interested in his views as we undertake the NSC study on Mexico.

TALKING POINTS

-- Your suggestion comes at a very propitious time. We have begun an interagency NSC review to develop a coordinated and integrated approach to all our relations with Mexico.

-- I am not sure that a formal mechanism, like a blue ribbon commission, involving business and labor is necessary, but I do believe that informal meetings between business, labor, and those in the government who are developing this study is desirable.

-- I will ask Zbig to get in touch with Cy Vance about working out arrangements for consultations along these lines.

*Congrats. re C. David*  
*Javits can do it - needs support from W.H.*  
*Wife re Arts Council*

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THE WHITE HOUSE  
WASHINGTON

11/11/78

Tim Kraft  
Arnie Miller

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

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

Q

November 8, 1978

MEMORANDUM FOR THE PRESIDENT

FROM:

TIM KRAFT TH

ARNIE MILLER AA

SUBJECT:

National Advisory Committee on  
Women's Educational Programs

The National Advisory Committee on Women's Educational Programs has four vacancies. In cooperation with Secretary Califano's office, we submit names of four people for your consideration. These names have been reviewed by Sarah Weddington.

Anna D. Levesque (Barrington, Rhode Island): Elementary school teacher; active in teachers' associations. Highly recommended by Senator Pell.

Susan M. Vance (Chicago, Illinois): Attorney. Former chairperson of the Illinois Fair Employment Practices Commission. Active on behalf of women's issues. Recommended by Cong. Annunzio, Sen. Percy, and the National Women's Political Caucus.

Ramona Jones (Welch, Minnesota): Specialist in the area of Indian education and culture. Knowledgeable in civil rights for Indians.

Sister Isolina Ferre (Puerto Rico): Director of a program providing health care and counselling to women and children. Active in the Puerto Rican community in New York.



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NAME: Anna Doyle Levesque

DATE OF BIRTH: April 10, 1924

PLACE OF BIRTH: Fall River, Massachusetts

CURRENT ADDRESS: 50 Orchard View Road, Portsmouth, Rhode Island 02871

Home:

Business: West Barrington School, Washington Road, Barrington,  
Rhode Island 02806

CURRENT TELEPHONE:

Home: 401-683-0145

Business: 401-246-0660

CURRENT POSITION: Teacher Grade 6

EDUCATION: (Include Degrees: Date, Type, Major Field)

Ed.B 1959 Rhode Island College Major-Elementary Education

M.A. 1969 University of Rhode Island Major-Reading

\* [SEE ATTACHED SHEET]

EMPLOYMENT EXPERIENCE: Barrington School Department 1959-1977 Teacher  
Fansteel Corporation 1943-1944 Inspector  
U.S. Naval Torpedo Station 1942-1943 Inspector

ORGANIZATIONS: Member Portsmouth Democratic Women's Club; member American Red Cross-Volunteer; member New England Reading Association; member Barrington Teachers Association; member Rhode Island Education Association; member National Education Association; member Parent's Teachers Association

ACTIVITIES:

SEE ATTACHED SHEET

EDUCATION - continued: . . .

Rhode Island Teachers Certification  
Life Professional - Elementary Teacher  
Life Professional - Critic Teacher  
Professional Reading Specialist

ACTIVITIES:

Barrington Teacher of the Year 1976  
State Finalist Teacher of the Year 1976  
Governor's Advisory Council "Right to Read" 1975-1977  
Advisory Group to establish goals for Rhode Island  
Schools. Established by the Department of  
Education for the Rhode Island Board of  
Regents.  
Executive Board - Barrington Teachers Association 1967-1977  
Professional Rights and Responsibility  
Chairman - Barrington Teacher's Association 1972-1977  
Elected to National Education Association  
Delegate Assembly - Miami - 1976  
Minneapolis - 1977

May 22, 1978

Mr. Frank Moore  
Special Assistant to  
the President  
The White House  
Washington, D.C. 20500

Dear Frank:

I am contacting you in behalf of Susan Margaret Vance, 2069 North Larrabee Street, Chicago, Illinois 60614, who is a candidate for appointment to the National Advisory Council on Women's Educational Programs.

Ms. Vance is one of the partners in the law firm of Glazer and Vance, 179 West Washington Street, Chicago, Illinois, and she has been involved in labor law, civil rights law, family law, as well as equal employment opportunity laws. She has extensive trial experience in the United States District Court for the Northern District of Illinois and served from 1973 through 1977 as a Chairperson of the Illinois Fair Employment Practices Commission.

Presently, Ms. Vance is a member of the consulting team with the Institute for Women's Concerns, Inc., as well as a member of the Evaluation Team of four sponsored by the International Association of Official Human Rights Agencies.

She is also a member of the Ad Hoc Committee on Anti-Discrimination of the Illinois Governor's Advisory Council on Manpower and Human Development.

Her educational background includes a Juris Doctor from the DePaul College of Law and a Bachelor of Arts Degree from the University of Michigan.

She is a member of the Chicago Bar Association, the Illinois Bar Association, and the American Bar Association as well as numerous other professional groups including the Illinois Commission on the Status of Women, where she is a member of the Education Committee, and the National Organization of Women.

As you can see from the foregoing, Ms. Vance is eminently qualified for membership on the National Advisory Council on Women's Educational Programs, and I know that she would make a substantial contribution in

Mr. Frank Moore

-2-

May 22, 1978

this capacity if she were given the opportunity to serve. I recommend here wholeheartedly to you and I await hearing from you.

Sincerely,

FRANK ANNUNZIO  
Member of Congress

FA/sbn

cc: Margaret Rainwater

Resume for:

Ramona Jones  
Route 2  
Welch, MN 55089  
612/388-5001 (brother's phone - leave  
message)  
612/388-6734, 5, 6 (work)

### EDUCATION

- B.S. Secondary Education - (Physical Education/Mathematics)  
Winona State University, 1962
- M. ED. Inner City Studies (Urban Affairs/Public School Administration)  
Northeastern Illinois University, 1969
- Doctoral Studies - Northwestern University - Higher Education Administration  
1971 to present

### PROFESSIONAL EXPERIENCE

City Council Administrator, City of Red Wing Offices, 1978 to present  
Position: Administrative Assistant

---

Responsibilities include: administering and designing the employees' handbook; other pertinent city management research, i.e. leases, plans for local development; writing community block grant proposals (OHWD).

Anoka-Hennepin Public School District, 1977 to present  
Position: Project Evaluator, Title IV Indian Education Project

---

Responsibilities include: designing and administering the project evaluation in cooperation with staff and the Parent Committee; this includes recommendations that will enable the project to determine the goals and objectives for the next project year.

Minneapolis Native American Regional Center, 1977 to present  
Position: Project Evaluator, Adult Basic Education Project

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Administered and designed the project evaluation for 2 project years in the areas of adult education and curriculum development:

RA-NA-PA, INC., Welch, MN, nonprofit corporation, 1977 to present  
Position: Co-Director, Author, Consultant

---

Author of book for the Coalition of Eastern Native Americans, Washington, D.C. titled "AMERICAN INDIAN ADULT EDUCATION RESOURCES HANDBOOK". It was distributed to all the states east of the Mississippi River with significant populations of American Indians and nationally.

PROFESSIONAL EXPERIENCE

Indian Education Section, Minnesota Department of Education, 1975 - present  
Position: Research Assistant, Indian Education

---

Responsibilities include: administering and designing Indian education data collection, analysis and dissemination within local education agencies, state education offices, Indian tribes, organizations and agencies; special assignment to administer, design and supervise Minnesota Indian Education Hearings Report, November, 1976 for the Minnesota State Board of Education and its Subcommittee on Indian Education; wrote special state legislation per Indian education; assisted in coordination of activities, services, etc. to a 15 state consortium of states to upgrade Indian education; supervision of staff for special assignments.

American Indian Historical Perspectives Through Travelling Indian Puppets and Fashion Shows, 7/1976 - present  
Position: Director, Booking Agent of both groups (puppets and fashions)

---

Developed proposals, abstracts and wrote scripts for Dakota, Ojibwe, Winnebago Indian legends for puppet shows and for all tribes fashion shows. Narrator for all tribes fashion shows. Responsibilities included facilitating and serving as liaison to sponsoring organizations, i.e. the Minnesota American Revolution Bicentennial Commission, Minnesota Historical Society COMPAS, Minnetonka Center for Arts and Education, etc.

American Indian Music and Therapy Research Project, 6/1974 - present  
Position: Director, Author, Editor

---

Manage and coordinate private sector grant(s) in cooperation with other agencies/individuals to conduct Indian music therapy with a bi-tribal focus - Dakota/Ojibwe. Supervise research and staff to produce films, i.e. video tapes, 16mm sound or 8 mm sound.

RA - NA - PA, Inc., 2/1977 - present  
Position: President, Director, Author

---

Conduct research and develop curriculum units on Indian education, Indian women. Develop new training sessions for industry/other organizations per Indian people. Authored pamphlets, articles, books. Develop proposals, abstracts for the corporation, other organizations, individuals. Assist with tax forms, etc.

American Indian Studies, Bemidji State University, 9/1974 - 5/1975  
Position: Guest Lecturer

---

Responsibilities included: teaching new/innovative courses, i.e. Native American Women I & II, American Indian Literature, American Indian Research; designing, developing and implementing video tape series about American Indians for college T. V. station; consultant to various administrative/academic offices re: minority affairs; counselled Indian students.

Office for Civil Rights, Department of Health, Education and Welfare, 1973 - 1975  
Position: Civil Rights Specialist

---

Responsibilities included: regional equal educational reviews, investigations, eligibility clearances for Title VII in a 6 state area (Illinois, Wisconsin, Minnesota, Indiana, Ohio, Michigan); special national (headquarters) and other regional offices assignments for reviews and investigations per Indian civil rights in education, health & social services; task force staff person on Indian civil rights efforts; conducted OCR staff training sessions for special reviews.

Desegregation Institute (Equal Education Opportunities), National College of Education, 1972 - 1973  
Position: Associate Director

---

Directed consultant teams who worked with public school districts in the process of desegregating classrooms, schools, and staff. Planned and initiated 2 - 3 day workshops for school board members, administrators, parents, teachers, students and community persons. Facilitated all inservice consultant and school/community. Developed and compiled research material audio-visuals (video tapes) for consultant teams and school districts. Developed and implemented special academic courses, summer workshops and master's degree major studies in equal educational opportunities. Acted as consultant to other states establishing such institutes.

Northeastern Illinois University, Center for Inner City Studies, 1969 - 1975  
Position: Instructor, graduate level

---

Responsibilities included: teaching graduate courses per American Indian education; developing/initiating new graduate

Chicago Public Schools, 1967 - 1971  
Position: Administrator, Teacher

---

Directed first urban Indian alternative education schools (preschool/high school) Title III ESEA grant (\$250,000). Taught girls physical education/mathematics grades 9 - 12. Directed, choreographed and coordinated travelling modern dance troupe. Supervised staff and student workers for summer NYC programs.

Minneapolis Public Schools, 1964 - 1967  
Position: Teacher

---

Taught girls physical education (7-9). Member of district-wide Human Relations committee to develop curriculum. Member of modern mathematics curriculum development team. Directed, sponsored modern dance and aquatic arts troupes. Produced two dance and water shows.

Waukegan Public Schools, 1963 - 1964  
Position: Teacher, Director of Dance Troupe

---

Responsibilities included: teaching girls physical education classes grades 9 - 10; member of districtwide human relations committee; developed and implemented human relations curriculum; directed and produced modern dance show.

Kenosha Public Schools, 1962 - 1963  
Position: Teacher, Director of Swim Troupe

---

Responsibilities included: teaching girls physical education classes (9 - 12); directed and produced swim show; taught American Red Cross first aid and swimming classes evenings.

#### RESEARCH

"Dakota Women Past, Present and Future" research study in progress

"Dakota People in Minnesota" unpublished paper

"Indian Women" unpublished paper

"Indian Music and Therapy" research film in progress

"The Native American Experience: An Annotated Bibliography" published by State of Illinois, Urban Affairs Department, 1974

Minnesota Indian Education Hearings Report, November, 1976 published by Minnesota Department of Education, Indian Education Section and State Board of Education.

"Indian Women" series of videoc tapes, 1975 - present

ORGANIZATIONS

American Association for University Women  
National Indian Education Association  
American Education Research Association  
National Education Association  
American Federation of Teachers  
National Congress of American Indians

PROFESSIONAL ACTIVITIES

8/1976 - present	Consultant, "Women in Minnesota History"
6/1976 - present	Consultant, Racism/Sexism, American Lutheran Church
6/1975 - 12/1976	Consultant, American Indian Participation, General Convention of the Episcopal Church
1973 - 1974	Consultant, Education Development Center, Newton, Massachusetts
1971 - 1975	Consultant, Racism/Sexism, National College of Education, Illinois
1975 (October)	Lecture "Indian Women Past, Present and Future" (WHOM) Women Historians of the Midwest, St. Paul College of St. Catherines.
1977 (March)	Lecture "My Experiences As An Indian Woman in the Educational Institutions" Carleton College, Minnesota
1977 (January)	Lecture "Indian Excellence, Indian Models" Minneapolis Public Schools, Title IV Indian Education Project

AWARDS

Mrs. Jaycees Scholarship, Outstanding Indian College Student, 1958-1962  
Experienced Teacher Fellowship, Northeastern Illinois University, 1968-69  
TTT Doctoral Fellowship, Northwestern University, 1971-72  
Lifetime Membership, American Association of University Women, 1975

REFERENCES

References provided upon request

REFERENCES:

Ms. Patricia Locke  
President, National Indian Education  
Association, and Staff member,  
National Tribal Chairmen's  
Association  
3655 Silver Plume Lane  
Boulder Colorado 80302  
(303) 492-8223 (office)  
(303) 494-3658 (home)

Mr. Steve Fast Wolf  
% Census Bureau  
Denver, Colorado 80303  
(303) 234-5825

Mr. Charles Breese  
Affirmative Action Officer  
Department of Transportation  
State Highway Building  
St. Paul, Minnesota 55101  
(612) 296-4660

Mr. Roger Joundain  
Tribal Chairperson  
Red Lake Reservation  
Red Lake, Minnesota

Ms. Vivian Nelsen  
National Offices of American Lutheran  
Church  
Division of Life and Mission  
4th Avenue and 5th Street South  
Minneapolis, Minnesota  
(612) 338-3821, X 263

Ms. Joy Honley  
Vice-President  
Navajo Community College  
Chinle, Arizona

Ms. LaDonna Harris  
Americans for Indian Opportunity  
Washington, D.C.

C U R R I C U L U M     V I T A E

NAME: Sister M. Isolina Ferré, M.S.B.T.  
Missionary Servant of the Blessed Trinity

ADDRESS: Padre Noell Avenue #30 - Box 213  
Playa, Ponce, Puerto Rico 00731

DATE AND PLACE OF BIRTH: September 5, 1914 - Ponce, Puerto Rico

EDUCATION:

Primary and High School : Academy of the Sacred Heart  
Ponce, Puerto Rico - 1931

Community Action and Organization : The Institute of Social Action  
Labo School, N. Y. - 1950

Bachelor of Arts : St. Joseph College for Women  
Brooklyn, N. Y. - 1957

Master of Arts; Sociology : Fordham University  
New York - 1961

WORKSHOPS: Anthropology, Sociology, Marginality in Latin America  
Institute of San Juan  
Beltrán  
Bogotá, Colombia - 1973

DOCTOR HONORIS CAUSA IN HUMANITIES - Catholic University of Puerto Rico - 1974

DOCTOR HONORIS CAUSA IN HUMANITIES - Marymount College of New York City - 1975

WORK HISTORY:

✓1970 Present Executive Director: Dispensario San Antonio, Inc.  
Playa, Ponce, Puerto Rico

1972 - Present Trustee - Bank Street College of Education - New York City

1976 Member of Puerto Rico Coordinating Committee for the Women's  
Conference

Member of Advisory Committee for Juvenile Justice of the  
Puerto Rico Crime Commission

1975 Member Advisory Committee Health Services of Puerto Rico

Member of the Regional Committee of the National Endowment  
for the Humanities

- 1974 Workshops of the Governor - for Social Planning
- 1974 Board Member of S.I.U. Center for Child's Development
- 1972 Guest Lecturer of Iván Illich of the CIDOC - Cuernavaca, México
- Lecturer to the International Congress of the Interamerican Association of Studies in Criminology, Caracas - Venezuela
- Participant of the Program for the Development of Strategies for the Prevention of Juvenile Delinquency - New York
- 1971 Chairman of the Board of CENDEROS (Centro Desarrollo Ocupacional del Sur) (Southern Job Development Center) - Playa, Ponce, Puerto Rico
- President of the Board of Directors of Neighborhood Health Center (Centro de Diagnóstico y Tratamiento de la Playa de Ponce)
- Vice-President of Advisory Committee of the Health Program (Home Service) - Clínica Dr. Pila - Ponce
- Member of the American Society of Criminology
- National Consultant - Department of Youth Authority - Youth Service Bureau of the State of California
- Member of the American Judicature Society
- 1970 Vice-President - Permanent Commission for the Control of Narcotics
- Delegate to the White House Conference for Youth - Washington, DC
- 1963-1968 Executive Director - Dr. White Community Center - Brooklyn, N. Y.
- 1959-1962 Faculty - Blessed Trinity Junior College - Philadelphia, PA
- 1959-1964 (Summer) - Lecturer - Institute Intercultural Relations - Catholic University - Ponce, Puerto Rico
- 1965-1968 Member of the Council Against Poverty (Mayor Lindsay) - New York
- 1950-1956 Community Action and Mission Director - Cabo Rojo, Puerto Rico
- 1943-1946 Youth Organization - Long Island City, New York
- 1940-1943 Youth & Family Missions - Wareham - Cape Cod, Mass.
- 1935-1940 Census Taker

**AWARDS:**

- 1966 Kennedy Award - Stands Junior High School of Brooklyn, NY
- 1969 "Puertorrican of the Year" Feast of San Juan Bautista - New York City Acknowledgement by the Spanish Speaking Colony for my work with this group
- 1970 Civic Leader of the Year - Ponce, Puerto Rico
- 1971 "Book of Golden Deeds" - by the Exchange Club of San Juan, Puerto Rico
- Citizen of the Year 1971 - Assigned by the Committee of the Government for the Employ of the Crippled
- 1972 Acknowledgement given by the Chamber of Commerce of Ponce, Puerto Rico
- 1975 Acknowledgement as Women of the Year by the Puerto Rico Agricultural Association in the International Women's Year
- Acknowledgement - City of Ponce in the International Women's Year
- Acknowledgement - Neighborhand Health Center - Playa, Ponce
- Acknowledgement - Four H Clubs of Puerto Rico
- 1976 Gold Medal of the San Juan's Women Civic Club
- Received Key to the City of New York for work with Spanish youth and continual interests in the betterment of people
- Award at Spring Conference fo the Lions International, District 51
- Award Nu Sigma Beta Fraternity
- Award as Public Citizen of the Year by local chapter of the National Association of Social Workers
- 1977 Acknowledgement as founder for years of service from the Neighbordhand Health Center of la Playa, Ponce, Puerto Rico
- The Neighbordhand Health Center institute The Sister Isolina Ferré Prize to the Employee of the year of the Centro de Diagnóstico y Tratamiento de la Playa de Ponce, Puerto Rico
- Dedication of the Ponce Mardi Gras Festival
- Acknowledgement from Altrusa Club, San Juan, Puerto Rico - "Beatriz Lasalle Prize" for outstanding service and dedication to the Youth and Community

1977

Acknowledgement form U M A Ponce, Puerto Rico Chapter  
(Union of American Women Club)

Representative to National Commission on the observance of  
International Women's Year and (Decade)

Member of Committee to Conferencia Puertorriqueña de la Mujer

**PUBLICATIONS:**

Community Development and Delinquency Prevention: Puerto Rican  
and Mainland Models, (Paper presented at the annual meeting of  
the American Society of Criminology)  
Sheraton Hotel - San Juan, Puerto Rico - 5 de noviembre de 1971  
Sister Isolina Ferré - Executive Director, Youth Service Bureau,  
Playa, Ponce, Puerto Rico  
Joseph Fitzpatrick, S.J.  
Professor and Sociology Fordham University, Bronx, N.Y.

The Role of Educational Innovations in Programs for Delinquency  
Prevention  
(Paper presented at the annual meeting of the American Society  
of Criminology and the Interamerican Association of Criminology  
Caracas, Venezuela, November 19-25, 1972  
Sister M. Isolina Ferré - Executive Director  
Youth Service Bureau, Playa, Ponce, Puerto Rico

**REFERENCES:**

Mr. Maurice Ferré  
Mayor of Miami  
Miami, FLA

Mr. Baltazar Corrada del Río  
Resident Commissioner in Washington

Rev. Joseph Fitzpatrick  
Fordham University  
New York, NY

Mr. Charles Silberman  
Author: Crisis in the Classroom

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ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Office of Education  
Department of Health, Education, and Welfare

AUTHORITY: P. L. 93-380, Title IV, Sec. 408(i), 88 Stat. 555,  
August 21, 1974

METHOD: Nominated to the Senate and ex-officio

MEMBERS: TWENTY as follows:

SEVENTEEN appointed by the President, some of whom shall be students, from among individuals broadly representative of the general public who, by virtue of their knowledge or experience, are versed in the role and status of women in American society.

and  
Chairman of the Civil Rights Commission  
Director of the Women's Bureau of the Department of Labor  
Director of the Women's Action Program of the Department of Health, Education, and Welfare

NOTE: Where the President fails to appoint a member to fill a vacancy in the membership of a Presidential advisory council within sixty days after it occurs, then the Secretary shall immediately appoint a member to fill such vacancy. (P. L. 93-380, 8/21/74 (88 Stat. 575))

CHAIRMAN: The Council shall elect their own Chairman.

Continued

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Office of Education  
Department of Health, Education, and Welfare

TERM:

THREE YEARS, except that of the members first appointed six shall serve for a term of one year, five for a term of two years, and six for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. (NOT HOLDOVERS)

SALARY:

Members who are not regular full-time employees of the United States shall be entitled to receive compensation at a rate fixed by the Commissioner of Education, but not exceeding the daily rate of a GS-18, including traveltime. Members may be allowed travel expenses, including per diem in lieu of subsistence while serving on business of the Advisory Council away from their homes or regular places of business. (12 U.S.C. 1233c)

PURPOSE:

The Council shall advise the Commissioner of Education with respect to general policy matters relating to the administration of women's educational equity; advise and make recommendations to the Assistant Secretary for Education concerning the improvement of educational equity for women; make recommendations to the Commissioner with respect to the allocation of any funds, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; and develop criteria for the establishment of program priorities.

THE WHITE HOUSE  
WASHINGTON

11/11/78

Jody Powell

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

Rick Hutcheson



J. S. J.  
R

DRUGS AND  
WASHINGTON, D.C.

Do "pot," cocaine  
and more dangerous  
drugs influence our  
highest decision-  
makers and those close to  
them? Here, some frightening  
revelations by Washington's top  
investigative reporter.

BY MAXINE CHESHIRE

Washington is a high pressure town. Its politicians and party-goers work hard and play harder. In 1974, Congressman Wilbur Mills made the headlines when it was discovered that he was an alcoholic, an affliction more than a few of his colleagues shared. But excessive drinking and girls on the house have always been common, and winked at, unless somebody made a terrible mistake and got caught. Certain government figures' idea of a good time, it seemed, closely paralleled the profligate pastimes more often associated with Hollywood or New York, despite pious proclamations from politicians with an eye on the campaign trail.

In 1978, the social winds continue to blow eastward. Hollywood, bored with alcohol and publicized affairs, has embraced a new high—drugs—and Washington is following suit. Many Washington parties serve cocaine and marijuana as naturally as martinis, and insiders suggest that if the total extent of drug abuse in the capital was exposed, the resulting scandal would touch every area of government—from the hallowed halls of Congress to many a chandeliered embassy, and even to the White House. Drugs, particularly the "fashionable" ones, have become so acceptable in Washington that even some White House guests feel free to indulge in them on the premises.

At the White House's first jazz festival on the South Lawn this summer, a haze of marijuana smoke hung heavy under the low-bending branches of a magnolia tree when President Carter darted behind the bandstand to congratulate the musicians. One of the President's bodyguards looked uncomfortable, and feebly fanned the air around his boss. But if Carter recognized the aroma that enveloped him, he pretended to notice nothing.

Only the musicians themselves seemed to appreciate the irony of the moment and smiled at one another. Most of them were elderly men, some of the greatest names in jazz history, who had lived long enough to see marijuana—if not legalized—at least legitimized.

But outside the gates of 1600 Pennsylvania Avenue, in the city itself, any of them could still be arrested for possession of even the smallest amount of marijuana, an offense that has been illegal since the days they had played in places like the Cotton Club in Harlem in the late 1930's.

Indeed, by the time schools opened this fall, teenagers in affluent Montgomery County, Maryland, less than ten miles from the White House, would be arrested in droves in campus crackdowns for the same offense.

On the night of the White House jazz festival on June 19, however, those who would like to see marijuana

decriminalized, if not completely legalized, had reason to feel encouraged. Attorney General Griffin Bell, America's chief law enforcement officer, sat only a hundred feet or so from the roped-off backstage "dressing room" area, where a number of the musicians were strolling the grounds, getting high while waiting to go onstage.

President Carter, who had asked Congress on August 2, 1977, to amend federal laws and eliminate all criminal penalties for possessing up to one ounce of marijuana (his request has so far not been acted upon), appeared to be going one step further in giving the drug his tacit approval.

Pot smoking on the White House grounds may have come as no surprise to anyone aware that rock stars, heavily into drug use, had raised hundreds of thousands of dollars for Carter's early campaign. On at least two occasions, Carter was photographed with Capricorn Record supporters such as Gregg Allman (whose marriage to singer Cher broke up over his drug addiction), in crowds that were openly smoking pot and getting high on other, more dangerous, illegal substances.

Only a month after the jazz festival, Special Assistant to the President for Health Issues, Dr. Peter G. Bourne, resigned after a series of revelations about his alleged "recreational" use of drugs (which he denied), and his having written a prescription for Quaalude tablets, using a phony name, for an aide who had requested the drug.

President Carter, on July 24, warned staff members that anyone using drugs illegally in the future would be fired. In a terse memo, he made clear that he expected everyone working at the White House to "obey the law." "Whether you agree with the law or not is totally irrelevant. . . . You will obey it or you will seek employment elsewhere."

Bourne, in a statement that he has since retracted, had said that he and other members of the White House staff had smoked marijuana, and that he was aware of the use of cocaine by some of the President's aides. Suddenly, the world outside of Washington, D.C., became aware of a fact of life in the nation's capital that the media had been reluctant to publicize. Many of the reporters and editors took the position, and still do, that a government official's or employee's use of drugs in his private life is none of the public's business unless the indulgence affects the way he conducts himself during office hours.

The sad truth is that drugs, on the Washington social scene, are "in." They are trendy, kicky, chic. And users are not just smoking marijuana, a substance government officials estimate at least a tenth of the adult population enjoys occasionally and, (continued on page 176)

# DRUGS AND WASHINGTON, D.C.

continued from page 62

which has become, by *The New York Times* description, "as American as blue jeans," Washington has discovered harder drugs as well.

Keith Stroup, an attorney and leader of the National Organization for the Reform of Marijuana Laws (NORML), estimates that at least 20 percent of the members of Congress are occasional smokers of marijuana.

A larger percentage, he says, have tried the drug. "I doubt if there are many congressmen or committee staffs that do not have marijuana smokers working on them, including administrative aides of key members.

"Marijuana smoking among congressmen was rare until a few years ago, but it's now fairly commonplace. The number of pot smokers are growing and some of those who were considered young radicals yesterday are making policy and shaping public opinion today. The marijuana smoker is no longer considered a deviant; some congressmen smoke openly at parties; even Ford and Carter have had sons publicly admit to smoking pot and this would have been unheard of in previous administrations."

Show business personalities, the single most important source of campaign fund-raising for Washington politicians under today's election laws, are largely responsible for the rising popularity of drugs, especially cocaine, at Washington parties. One Carter administration insider involved in re-election fund-raising is said to have "a nose for coke," and the bankroll to afford it, when big names come to town expecting to be entertained.

## Guests come prepared

Hosts and hostesses who don't or won't serve cocaine themselves find that their celebrity guests often come prepared.

President Gerald Ford once found himself dancing at the White House with a beautiful young actress who had recently arrived in movies via the fashion magazines and Jet-Set route. After frequently slipping off to the powder room throughout the evening (cocaine was not sniffed in public then), the actress became so unsteady, an alarmed Ford had to grasp her lace gown to keep her from slipping limply out of his arms. An observant White House military aide cut in and danced her, like a rag doll, out of sight.

Washington has been so quick to follow the trendy drug fad, that one observer of the Washington social scene was moved to say, "Heaven help us if all the 'beautiful people' started murdering their mothers. Matricide will suddenly become fashionable in some circles."

Cocaine is the costly caviar of the drug trade for which anyone but the most affluent of users can spend in one evening an amount equal to the cost of a week's groceries. It enjoys as much a status in the nation's capital as it does in New York or Hollywood, or any other sophisticated scene. According to authorities, ambassadors and lower level embassy officials with diplomatic immunity regularly bring cocaine, in kilo quantities worth hundreds of thousands of dollars, into Dulles International Airport from abroad. Last year, two inexperienced District of Columbia policemen were about to arrest the nephew of an Arab diplomat as a major cocaine trafficker when they learned that they themselves could be prosecuted under U.S. treaties for detaining the young man from his "appointed rounds."

Because embassy officials enjoy diplomatic immunity and are not subject to arrest, they pass through customs without harassment and operate freely while in the United States. In fact, the involvement of foreign embassies in international narcotics trading is a scandal of such monumental proportions that the entire story is unlikely to be

(continued)

# DRUGS AND WASHINGTON, D.C.

continued

told as long as the United States wants to keep its allies.

The federal Drug Enforcement Agency investigated one world leader's sister suspected of drug trafficking and known as the "Dragon Lady" in international heroin circles. DEA sources say there were officials who wanted her barred from entering the U.S., but a Republican senator, friendly to her brother, interceded on her behalf at the White House. An Asian embassy official, also suspected of being a major figure in the global heroin hierarchy, cuts a wide swath socially in Washington, seldom missing a congressional birthday party or wedding and frequently traveling with congressional delegations to the Far East.

The potential for discreet leverage and outright blackmail when a U.S. government official accepts drugs as part of the hospitality of a foreign diplomat or agent is obvious.

The subject of drugs came up more than once during the "Koreagate" investigation of Tongsun Park's influence peddling, but no mention of the connections was ever made either by the Justice Department or the House Ethics Committee. Park, however, carried an address book that contained the telephone number of an obscure real estate dealer believed by Washington police to be one of the major sources of drugs on Capitol Hill.

When Alexi Goodarzi, the Iranian-born maitre d'hotel at the Rotunda restaurant on Capitol Hill, was murdered in the summer of 1977, authorities found evidence that he had supplied women and drugs to congressmen. It was also suspected that the high-living, well-connected bachelor (whose father was reportedly a police chief in Tehran) may have been working for the Shah's SAVAK secret police operating in the United States.

## Gossip about drugs

There is a lot of gossip about drugs in Washington. Some of it can be confirmed. Some can't. A socialite, who had an affair with a presidential aspirant, amused her friends with the information that he used amyl nitrite as an aphrodisiac. While that probably won't appear in a biography if he makes it to the White House, it's almost certain to be included in a movie script being written by a former free-lance Washington journalist who had access to the sex and drug scene of politicians and the press in Georgetown-Washington's plush address.

Drugs broke up the (continued)

## Can Drugs Affect Government Decisions?

The broad social effect of drug-taking by performers and theatrical celebrities can best be measured in the permissive climate it creates and the example it sets for young people. But when officials at government levels are involved, a whole other set of questions arises. Are important decisions being clouded by "recreational" chemicals? Are government leaders actually endorsing drug use by "looking the other way"? Is illegality the only reason for disciplining elected public officials and government employees who are known to be drug users?

True, there are many who say that all the facts are not in on drug use, and that the future may see "pot" sold in liquor stores, as one political candidate in Vermont recently suggested. But meanwhile, the *Journal* asked a leading drug abuse expert, Dr. Robert L. DuPont, an associate professor of psychiatry at George Washington Medical School, to evaluate how dangerous drugs, especially marijuana, would affect government officials in their decision-making.

Dr. DuPont, who until recently was Director of the federal National Institute on Drug Abuse, believes: "It is essential that we make people see the dangers of marijuana. The downplay and trivialization of the health hazards of marijuana are one of the most threatening factors that we face in the United States today, particularly in view of the explosive increase in marijuana consumption among young people."

Many advocates of marijuana argue that alcohol is more harmful than the drug. Dr. DuPont, however, draws a darker picture: Marijuana, he and other experts claim, is an intoxicating weed that, when smoked, can cloud finer distinctions in decision-making and cause distortion, lack of concern with the world and acute paranoia. More important, however, are the physical effects of the drug. While alcohol is water-soluble and fully metabolized by the body in 12 hours, the major active ingredient in marijuana is fat-soluble and remains in the body for many days. Thus, smoking one "joint" a week continually adds more chemicals to body organs before the remaining ones have metabolized. Studies associate the drug with stillbirths and miscarriages and indicate it may also affect the genetic makeup of sperm. Tests with monkeys showed marijuana caused changes in brain function and degeneration of that part of the brain which controls emo-

tions. There is now also new evidence that smoking three or more "joints" a week may cause more respiratory damage, such as emphysema and lung cancer, than smoking 16 cigarettes a day.

Amyl Nitrite is a cardiovascular prescription stimulant that can cause dilation of the blood vessels and high blood pressure. Although sold as an aphrodisiac because it lessens sexual inhibitions, it actually tends to reduce sexual performance. Overdoses are often fatal. *Butyl nitrite* is chemically similar but can be bought over-the-counter in shops where drug paraphernalia is sold.

Angel Dust or PCP is a strong animal tranquilizer that can affect humans for at least eight hours, often disastrously. It may cause poor judgment, lack of coordination, delusion, outbursts of violence, including murder, and permanent brain damage. Angel Dust users can also cause themselves great harm when they lose contact with reality (people have drowned in showers), and the drug is so dangerous that Dr. DuPont has dubbed it "embalming fluid."

Cocaine is a stimulant that distorts judgment and creates an euphoria, inhibits the ability to solve problems and it also makes users believe they are more clever than they are. It is one of the few drugs that enhances performance for repetitive acts that require little thinking, such as operating a machine. Physically, regular use of cocaine can cause perforation of the septum and collapse of the nose. Strokes due to increased blood pressure and overdoses can kill.

Heroin and morphine are depressants that produce a drowsy euphoria. They cause a distortion of values, loss of appetite and a lack of interest in the world. Infectious hepatitis and bacterial infections of the heart are not uncommon among drug abusers. Overdoses can be fatal.

Methaqualone or Quaaludes are powerful tranquilizers. Like alcohol, they cause slurred speech and drowsiness and often slow down thought processes. An overdose can prove fatal.

Current street prices of the drugs are (figures from the Drug Enforcement Agency):

Marijuana: \$40 to \$100 per ounce  
Amyl Nitrite: \$6 for 5 ampules  
Angel Dust or PCP: \$1,400 to \$1,800 per ounce  
Cocaine: \$1,850 to \$2,400 per ounce  
Heroin: \$2,000 to \$4,000 per ounce  
Quaaludes: \$5 to \$15 per tablet  
—JAN GOODWIN

## DRUGS AND WASHINGTON, D.C.

*continued*

marriage of one of Washington's beautiful "F. Scott Fitzgerald" couples whose lifestyle enlivened society pages until it began to sound bizarrely like something out of *Soap*. The wife discovered that her husband, scion of an impeccably aristocratic family (who owns almost as much antique Americana as the Metropolitan Museum), provided a backdrop where most of Washington's major drug pushers could gather in the wee hours after bars closed in Georgetown. She and her lawyer have signed affidavits from former employees charging that her husband "went around with a pocketful of angel dust."

Washington drug-users began to relax when Jimmy Carter was elected. The tense Nixon years had boasted, among other things, Operation Intercept, a program designed to eradicate the use of marijuana. As part of the program, the Drug Enforcement Agency invited administration wives to demonstrations at which marijuana was burned so they could recognize the smell and safeguard their own children, and perhaps police Washington parties.

To the embarrassment of DEA officials, one such demonstration nearly proved fatal to the wife of Attorney General John Mitchell. Martha Mitchell turned out to be allergic to marijuana and reacted to the smoke the way some people react to bee stings. She went into shock, with her throat constricting so quickly that a doctor in the building was summoned to stand by for an emergency tracheotomy if needed. Fortunately, Mrs. Mitchell responded to medication and recovered from the experience.

In the past, Washington politicians have been suspected

of using far more dangerous and compromising substances than marijuana or cocaine. Agents who worked under Harry J. Anslinger, Commissioner of the DEA forerunner, the Federal Bureau of Narcotics, for 30 years, claim that the late Sen. Joseph McCarthy was addicted to morphine and regularly obtained his narcotics through a druggist near the White House, authorized by Anslinger to fill the prescriptions.

Anslinger, according to one of the retired agents, wrote about McCarthy's problem (without naming him) in *The Murderers*, a memoir the late commissioner wrote with Will Ousler, which was published in 1961. And Ousler today agrees with the agents. "Yes, I'm sure that that is correct," he says. "Anslinger made a mention of McCarthy at the time and turned away."

Two pages of the book were devoted to an addict who Anslinger said was "one of the most influential members of the Congress of the United States. He headed one of the most powerful committees. His decisions and statements helped to shape and direct the destiny of the United States and the Free World."

Anslinger said that he "learned on incontrovertible evidence that this legislative leader was a confirmed morphine addict who would do nothing to help himself get rid of his addiction. It was a delicate moment in world affairs. There was imminent danger that the facts would become known and used to the fullest in the propaganda machines of our enemies."

In the book, Anslinger describes his confrontation with the congressman, who arrogantly refused medical help and insisted he would allow nothing to "interfere with him or whatever habits he wished to indulge." McCarthy defied Anslinger to cut off his source of supply, threatening to go directly to the pushers. "And if it winds up in a public scandal and that should hurt this country, I wouldn't care . . . the choice is yours."

*(continued)*

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# DRUGS AND WASHINGTON, D.C.

continued

Because the senator's addiction presented a "grave threat to this country" and because the scandal could have hurt the country, Anslinger agreed to make available all the morphine necessary to maintain the congressman's habit.

"The lawmaker went on for some time, guaranteed his morphine because it was underwritten by the Bureau," Anslinger wrote. "On the day he died I thanked God for relieving me of my burden."

McCarthy died at the age of 47. Doctors listed his death as being due to a noninfectious, seldom fatal, hepatitis, "cause unknown."

The McCarthy incident was probably rare in that era—alcohol was far more fashionable then. Drugs were left to the radicals—like the Washington newspaper columnist who openly shared a joint (marijuana cigarette) with a young news magazine reporter in the White House movie theater as a political "statement." They were disappointed to see their gesture go ignored.

During the Carter campaign, politicians and press drew closer together. Younger Carter aides and younger members of the press corps worked and partied together. A magazine reporter, who hung around the Carter trailer at

the Democratic Convention in New York, says that "the best marijuana available" was consumed freely there, along with "gallons of beer."

Later, in the aftermath of the Bourne affair, many Carter aides would claim in interviews with *The Washington Post*, in which they asked that their names not be used, that it was reporters who introduced them to marijuana and who were a source of supply for those who did not dare deal openly with the street dealer.

Carter aides felt betrayed by the media over Bourne and expressed concern that the rest of the country would misunderstand and believe that a bunch of "drug-using freaks" were running the government. On the other hand, reporters who had been involved in drugs were understandably uncomfortable and reluctant to play detectives prying into drug use or abuse in the White House and elsewhere in Washington.

Are drug-users running the government? Has the media blown the story out of proportion, or are reporters, enjoying close relations with government employees, burying the story for the convenience of all involved?

Washington's new fascination with drugs may be just this year's fad, but it may imply a moral bankruptcy among some of the nation's leaders that the government can ill afford. Certainly, no one condones drug use among Hollywood stars, but the idea of the country's leaders indulging in mind-altering drugs raises disturbing questions of whether

they are capable of governing in an honest, competent manner. While drugs may seem a tempting remedy for men and women beset by the problems and pressures of running a government, our hopes that drug abuse will not become a staple of Washington life. But if it's only a fad, what's next? END

## MARIJUANA AND THE LAW

According to the federal Drug Enforcement Agency, possession of marijuana is a federal offense, subject to imprisonment of one year plus \$1,000 fine, except for 11 states which have decriminalized it. In the following states you cannot be arrested for possession of up to one ounce of marijuana for personal use: Alaska (unlimited amount legal for private use, but possession of over one ounce in public is subject to a fine—the law here is gray, possession of a large amount might not be construed "for personal use"), California, Colorado, Maine, Minnesota, Mississippi, Nebraska, New York, North Carolina, Ohio (up to 100 grams—approximately 3½ ounces) and Oregon. These above 11 states can impose a civil fine of up to \$100 for the first offense, more for the second and detain you the third time.

You cannot be arrested on a claim that you smoke or have smoked pot. There must be evidence.

Outline area for hair and fill in with brown ballpoint pen. Add 2 dots for eyes.

Flowers may be glued to top of head or attach flower trim at back.

artificial flowers; flower-type trim, 1" wide lace, bits of ribbon and sequin trim; Brown ballpoint pen; Elmer's glue.

THE WHITE HOUSE  
WASHINGTON

FOR THE RECORDS:

STU EIZENSTAT RECEIVED A  
COPY OF THIS MEMO WITH THE  
PRESIDENT'S COMMENTS.

THE WHITE HOUSE  
WASHINGTON  
November 10, 1978

*Amend  
Statement  
J*

MEMORANDUM FOR: THE PRESIDENT  
FROM: STU EIZENSTAT *Stu*  
HOWARD GRUENSPECHT  
SUBJECT: Enrolled Bill H.R. 9937 -- Bank  
Holding Company Act Amendments  
of 1970

THE BILL

H.R. 9937 terminates the President's authority to negotiate cuts in U.S. tariffs on textiles and textile products in the Multilateral Trade Negotiations (MTN). The enrolled bill also authorizes the General Services Administration to sell 978,000 rare silver dollars it now has in storage to raise revenue.

ARGUMENTS FOR SIGNATURE

1. The textile and apparel industry has lobbied intensively for the MTN exemption provision of H.R. 9937. This industry which employs over 2 million people, including many low-skilled and minority workers, would strongly support a decision to sign this enrolled bill.
2. The sale of rare silver dollars by GSA would net an estimated \$24 million in revenue for the Treasury.

ARGUMENTS FOR VETO

1. Withdrawal of our MTN tariff offer on textiles and textile products would seriously hamper our efforts to conclude a MTN package.

-- At best, this action would trigger a series of retaliatory withdrawals by our trading partners. These retaliatory withdrawals would be made on those agricultural and industrial products that have the greatest potential for increased U.S. exports if present offers are maintained.

-- At worst, the withdrawal of our textile offer would result in a complete collapse of the negotiations. Failure of the MTN would mean the loss of new agreements on export subsidies, trade safeguards, customs valuation and government procurement, as well as the loss of foreign tariff cuts. Failure of the MTN would also damage the overall climate for international economic cooperation.

MEMORANDUM OF DISAPPROVAL

I have decided not to sign into law H.R. 9937. This bill is an amendment to the Bank Holding Company Act which would authorize the General Services Administration to sell certain silver dollar coins at negotiated prices. I have determined that this legislation would not be in the national interest because of an unrelated amendment which exempts all textile and apparel items from any tariff reductions in the Multilateral Trade Negotiations (MTN) now underway in Geneva. ~~I have reached this decision after extensive consultation by my Administration, including discussions with the sponsor of the amendment, Senator Ernest Hollings of South Carolina.~~

I am more determined ~~than ever before~~ <sup>we are committed to the</sup> to assist the beleaguered textile industry. ~~Our commitment to the textile~~ <sup>textile</sup> and apparel industry is not simply to its survival, but also to its growth. ~~But~~ <sup>This</sup> legislation would not advance that cause, and could even harm the entire U.S. economy.

~~If this bill became law, its benefits for the textile industry would be extremely small, and would not address the real causes of the industry's difficulties. In return for these small benefits, the bill would prompt our trading partners to retaliate by withdrawing offers in areas where our need for export markets is the greatest -- products such as tobacco, grains, citrus, raw cotton, paper, machinery, poultry, and even certain textile-related areas such as mill products and fashion clothing. The loss of these export areas is too high a price for our Nation to pay.~~

The cost of this bill might be even higher; at best, it would cost us ~~these and other~~ <sup>many</sup> specific opportunities for export; at worst, it could cause the collapse of the trade talks and further restrict the growth of the world economy. If the two and a quarter million workers in the textile and apparel industry ~~-- many of them women or minorities, most of them lacking skills that could be easily~~

~~transferred to other jobs~~ are to survive in their jobs, we must work to keep the world economy strong and international trade free.

Just within the last year we have taken a number of steps to improve the condition of the U.S. textile and apparel industry:

- We negotiated a renewal of the international Multifiber Arrangement through 1981, providing more responsive controls over disruptive imports.
- We have negotiated 15 new bilateral export restraint agreements which are firmer and fairer than earlier versions, covering 80 percent of all imports from low-cost suppliers. And we are negotiating more.
- We have improved our monitoring of imports and implementation of restraints, through steps such as the new legislative initiatives I have approved.
- We have begun discussions with exporting countries not now under restraint to seek appropriate levels for their shipments.
- We have established a pilot program to improve productivity in the men's tailored clothing industry, and we have begun an export promotion program for the entire textile and apparel complex.
- We have begun a review of existing and proposed Federal regulations affecting this industry to assess their impact.
- And we have, despite the proposed small reduction in tariffs, ~~maintained~~ the highest textile and apparel tariffs in the developed world.

This, however, is not enough. I pledge that we will do more:

- We will intensify our review of existing bilateral restraint agreements to be sure they really work, and if there are harmful surges we will work promptly to remedy them.
- We will not allow the effectiveness of our restraint agreements to be undermined by significant increases in shipments from uncontrolled suppliers, and we will maintain a world-wide evaluation of the imports of textile and apparel into the U.S. and seek appropriate action, country-by-country, where <sup>was needed</sup> needed.
- We will be prepared to expand the pilot project underway in the men's tailored clothing industry so that other sectors may benefit from that experience, and we will speed proposals for a similar program in the ladies apparel industry.
- We will negotiate strenuously for removal of non-tariff barriers to U.S. textile and apparel exports, including restrictive "rules of origin."
- The Office of the Special Representative for Trade Negotiations will begin a new policy review and report to me quarterly on developments in the domestic textile and apparel industry, with special emphasis on imports and exports, so that appropriate actions can be taken more promptly.

These steps, like those of the past year, will not be the limit of our assistance to this vital industry. But each step that we take must be directed toward the long-term health of this industry and the United States economy as a whole -- unlike H.R. 9937 which on balance is detrimental to the textile industry, to its two million workers, and to the Nation as a whole.



THE WHITE HOUSE,

STATEMENT BY THE PRESIDENT

I am signing today S. 1829, a bill which authorizes appropriations for the Pennsylvania Avenue Development Corporation (PADC) for fiscal years 1979 through 1983. The bill also provides PADC with other authorities that will facilitate carrying out the Pennsylvania Avenue development plan.

This action underscores my commitment to the preservation and enhancement of one of our Nation's most historic streets. I am confident that the cooperative efforts of the Pennsylvania Avenue Development Corporation, the Congress, the government and people of the District of Columbia, and the American business community will result in the revitalization of this area and will demonstrate what can be achieved when the public and private sectors unite for a common purpose.

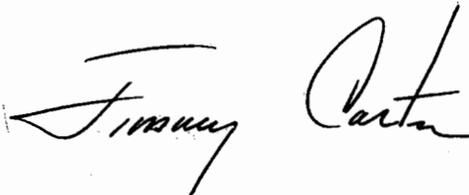
I am however concerned <sup>because</sup> ~~that~~ the provisions of this bill establishing the San Antonio Missions National Historical Park <sup>would</sup> ~~might~~ lead to unacceptable entanglements of the Federal government in the operations of active churches. I have therefore directed Secretary Andrus to consider implementation of the portions of the bill relating to restoration and maintenance of the Missions only if they pass into secular ownership and use.

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A handwritten signature in cursive script, reading "Jimmy Carter". The signature is written in dark ink and is positioned at the bottom right of the page.

11/11

THE WHITE HOUSE  
WASHINGTON

FOR THE RECORDS:

STU EIZENSTAT RECEIVED A COPY  
OF THIS MEMO WITH THE PRESIDENT'S  
COMMENTS.

THE WHITE HOUSE  
WASHINGTON  
November 9, 1978

LAST DAY FOR ACTION  
Friday, November 10

MEMORANDUM FOR

THE PRESIDENT

FROM

STU EIZENSTAT  
KATHY FLETCHER

SUBJECT:

Enrolled Bill S. 1829 -- San Antonio Missions National Historical Park/Pennsylvania Avenue Development Corporation Authorization

*Stu - a) Cecil not  
Instruct Cecil not  
to proceed at all  
on appointments, etc  
without checking with  
me. I oppose this  
entire project  
to appx budget  
funds for  
H.  
J*

You must decide by Friday, November 10, 1978, whether to sign or veto this bill.

THE BILL

This bill's major provisions extend authorizations for the Pennsylvania Avenue Development Corporation through 1983 and establish the San Antonio Missions National Historical Park in Texas. The bill also authorizes additional assistance relating to the Teton Dam disaster in Idaho and requires the Secretary of Interior to study a 90-acre historical site in Camden, South Carolina for inclusion in the National Park System.

With respect to the Pennsylvania Avenue Development Corporation, this bill:

- increases the debt ceiling for land acquisition from \$50 million to \$100 million and removes the existing 1980 expiration date for borrowing authority;
- extends appropriation authorities totalling \$140 million through 1983; and
- facilitates street and alley closings and ownership transfers and makes a number of technical amendments to conform to recent changes in the District of Columbia government.

The authorization for the Pennsylvania Avenue Development Corporation (PADC) is particularly significant

THE WHITE HOUSE  
WASHINGTON

FOR THE RECORDS:

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COMMENTS.

APPROVED  
NOV 10 1978

THE WHITE HOUSE  
WASHINGTON  
November 9, 1978

LAST DAY FOR ACTION  
Friday, November 10

*oh, but why Abourezk?*  
*Stu*  
*J*

MEMORANDUM FOR THE PRESIDENT  
FROM STU EIZENSTAT  
KATHY FLETCHER  
SUBJECT: Enrolled Bill S. 791 -- National  
Parks and Recreation Act of 1978

You must decide by Friday, November 10, 1978, whether to sign or veto this bill.

THE BILL

This omnibus park authorization bill establishes a number of new parks, wildernesses, national trails, wild and scenic rivers and other recreation areas, as well as increasing various appropriation ceilings for land acquisition and development at existing units of the National Park System.

The bill specifically authorizes appropriations of \$1.375 billion, although OMB estimates that the actual cost of implementing the proposals in the bill will be \$1.473 billion. Most of the items in the bill are supported by the Administration, although \$103 million worth of items opposed by the Administration are included, while \$65 million worth of items supported by the Administration are excluded. In general, the bill can be said to accomplish many of the initiatives in the 1977 Environmental Message, as well as the urban parks initiative from the Urban Policy.

Specifically, the bill:

- enacts the urban parks initiative (\$725 million);
- designates 15 new units of the National Park System (\$325 million);

THE WHITE HOUSE  
WASHINGTON

18/07  
FOR THE RECORDS:

STU EIZENSTAT RECEIVED A COPY  
OF THE MEMO WITH PRESIDENT'S  
COMMENTS.

THE WHITE HOUSE  
WASHINGTON  
November 10, 1978

MEMORANDUM FOR: THE PRESIDENT  
FROM: STU EIZENSTAT *Stu*  
STEVE TRAVIS  
SUBJECT: Enrolled Bill H.R. 11545  
Meat Import Act of 1978

*Stu - Go  
over veto  
statement with  
Jody  
J*

THE BILL

H.R. 11545 amends the Meat Import Act of 1964 by adding a counter-cyclical adjuster which would increase meat imports when domestic supplies are low and decrease the imports when domestic supplies are high. The bill also sets a minimum import floor of 1.2 billion pounds and severely restricts the ability of the President to adjust imports, except in times of national emergency.

VOTES IN CONGRESS

The bill passed the House by a 289 to 66 vote and passed the Senate by voice vote.

ANALYSIS OF THE BILL

Under the Meat Import Act of 1964, the President has unlimited authority to increase or decrease the amount of meat imported from foreign sources, as the need arises. Since the passage of the 1964 Act, this authority has been invoked six times, most recently in June of this year.

The new bill would:

- Use a complex formula to set meat import quotas on an annual basis, but would permit imports to exceed the annual quota by up to 10 percent;
- Provide that the President could only raise meat import quotas in a natural disaster or national emergency or (up to 10 percent) when the farm price of cattle exceeds the retail meat price by more than 10 percent for the first two quarters of the year; and

MEMORANDUM OF DISAPPROVAL

I have withheld my approval of H.R. 11545, the Meat Import Act of 1978.

I do so because the bill would severely restrict Presidential authority to increase meat imports and would place a floor or minimum access level for meat imports that I believe is too low. It deprives a President of the only anti-inflationary tool available in this area.

Current law allows the President substantial flexibility to increase meat imports when, in his judgment, domestic supplies are inadequate to meet demand at reasonable prices. I am convinced that this flexibility must be preserved, as a weapon against inflation.

Under this bill, however, authority to increase meat imports would be tied to declaration of a national emergency or natural disaster, or to a restrictive price formula. Under this formula, the farm price of cattle would have to increase faster than the retail meat price by more than ten percent during the first two calendar quarters of a year. Under this formula, quotas could have been relaxed only once in the last ten years.

I also believe that the United States must avoid imposing excessive restrictions on our trading partners who supply us with meat. H.R. 11545 would impose those restrictions by stipulating a minimum access level for meat imports of 1.2 billion pounds, instead of the 1.3 billion my Administration recommended. I am concerned that the bill's lower level could harm our trade relations with the meat exporting countries and thus impair their long-term reliability as sources of additional meat supplies when our own production is low, particularly at a time when we are negotiating for greater access to foreign markets for both our industrial and agricultural products.

If the Congress had enacted H.R. 11545 without these objectionable provisions, I would have been pleased to sign it, as my advisers make clear repeatedly. The bill would have amended the Meat Import Act of 1964 to provide a new formula for determining meat import quotas. The new formula would have adjusted meat import quotas up when domestic production of meats subject to the quota went down. Under the 1964 meat import law, quotas are adjusted in the opposite way, so that as domestic production declines, the limits on meat imports are tightened, at exactly the wrong time. This defect has often compelled Presidents to increase or suspend the meat import quota, in order to ensure supplies of meat at reasonable prices. The new counter-cyclical formula would, in most years, automatically make the necessary adjustment in the meat import quota, without involving the President in the normal operation of the meat trade.

This Administration supports such counter-cyclical management of meat imports; in fact, the Department of Agriculture was instrumental in developing the formula which the Congress approved. But for all the advantages of the new formula, it is still an untested mechanical formula which may not respond ideally to all future situations. This is why I find the restrictions on the President's discretion to increase meat imports so objectionable and why my Administration's support for H.R. 11545 was so clearly conditioned upon removal of these restrictions and on increasing the minimum access level for meat imports to 1.3 billion pounds annually.

I am prepared to work with the Congress next year to pass a counter-cyclical meat import bill which will provide the stability and certainty the cattle industry requires, while preserving the President's existing discretionary authority and setting an acceptable minimum access level for imports.

X \_\_\_\_\_

THE WHITE HOUSE,