

6/22/79 [2]

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~~2:30~~

THE WHITE HOUSE
WASHINGTON

June 22, 1979

MR. PRESIDENT:

Amb. Peter Jay has requested a 5-minute meeting to say good-bye. This is a personal request and one you may want to consider because of Jim Callaghan. If you want to do this, it would need to be today or tomorrow.

APPROVE DISAPPROVE

PHIL

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THE UNIVERSITY OF CHICAGO
PRESS

THE WHITE HOUSE
WASHINGTON

rick--

i don't know when and where
this came from

--SSC

w

A

THE WHITE HOUSE
WASHINGTON

Columbia Gas Program supplies 85% of the District's gas and some other independent says that they are joining a program to drill 3,500 new wells.

The producers have agreed to sell ~~the~~ all the gas they find to Columbia

The unit is expected to find more than 700 billion cubic ~~feet~~ feet of natural gas soon.

THE WHITE HOUSE
WASHINGTON
22 June 89

Bob Lipshutz

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

Rick Hutcheson

The Vice President
Stu Eizenstat
Jody Powell
Jerry Rafshoon
Zbig Brzezinski
Jim McIntyre

2801

<input type="checkbox"/>	FOR STAFFING
<input type="checkbox"/>	FOR INFORMATION
<input checked="" type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input type="checkbox"/>	IMMEDIATE TURNAROUND
<input type="checkbox"/>	NO DEADLINE
<input type="checkbox"/>	LAST DAY FOR ACTION

FOR ACTION,
FYI

<input checked="" type="checkbox"/>	VICE PRESIDENT
<input type="checkbox"/>	JORDAN
<input checked="" type="checkbox"/>	EIZENSTAT
<input type="checkbox"/>	KRAFT
<input checked="" type="checkbox"/>	LIPSHUTZ
<input type="checkbox"/>	MOORE
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<input checked="" type="checkbox"/>	RAFSHOON
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<input type="checkbox"/>	BROWN
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<input type="checkbox"/>	HARRIS
<input type="checkbox"/>	KREPS
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<input type="checkbox"/>	ARONSON
<input type="checkbox"/>	BUTLER
<input type="checkbox"/>	H. CARTER
<input type="checkbox"/>	CLOUGH
<input type="checkbox"/>	CRUIKSHANK
<input type="checkbox"/>	FIRST LADY
<input type="checkbox"/>	HARDEN
<input type="checkbox"/>	HERNANDEZ
<input type="checkbox"/>	HUTCHESON
<input type="checkbox"/>	KAHN
<input type="checkbox"/>	LINDER
<input type="checkbox"/>	MARTIN
<input type="checkbox"/>	MILLER
<input type="checkbox"/>	MOE
<input type="checkbox"/>	PETERSON
<input type="checkbox"/>	PETTIGREW
<input type="checkbox"/>	PRESS
<input type="checkbox"/>	SANDERS
<input type="checkbox"/>	WARREN
<input type="checkbox"/>	WEDDINGTON
<input type="checkbox"/>	WISE
<input type="checkbox"/>	VOORDE
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<input type="checkbox"/>	ADMIN. CONFIDEN.
<input type="checkbox"/>	CONFIDENTIAL
<input type="checkbox"/>	SECRET
<input type="checkbox"/>	EYES ONLY

*Please call
Lipshutz*

THE WHITE HOUSE
WASHINGTON

June 21, 1979

MEMORANDUM FOR THE PRESIDENT

FROM: BOB LIPSHUTZ

SUBJECT: Pending Lawsuit by the Machinists'
Union Against All of the OPEC Countries

Supplementing my memorandum of June 20 concerning this matter and your note to me, I am sending you this analysis and recommendation. I met at length with representatives of the Justice Department, State Department, and Treasury Department on both Wednesday and Thursday of this week, including Mike Egan and Warren Christopher and Bob Mundheim.

I requested each of them to submit in writing their analysis and recommendation, with the following emphasis:

1. Justice Department regarding the legal questions and options;
2. State Department relative to the diplomatic aspects; and
3. Treasury Department relative to the foreign investments in this country by OPEC nations.

In addition, there was considerable discussion among all of us concerning the broad political aspects, both domestically and internationally.

The basic question which needs a decision from you at the present time is whether or not the United States Government (which is not a party to this civil action) should make any appearance in the suit.

The legal analysis and options presented by the Justice Department are attached (Tab A), but I particularly call

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your attention to those portions which I have highlighted. Please let me know if you wish to discuss any aspect of this Justice Department memorandum.

The State Department views are expressed in the attached memorandum prepared by Warren Christopher (Tab B).

The information and recommendation of the Treasury Department was prepared by the General Counsel, Bob Mundheim, and is attached (Tab C).

I recommend that you exercise option 1: "Make no formal court appearance at this time." Among the reasons for my recommendation are the following:

1. Any appearance by the United States, no matter how carefully phrased, based upon any one or more of the seven grounds presented by the Justice Department, will be interpreted as an appearance in defense of the OPEC countries.
2. Such action by the Administration would have devastating domestic political consequences.
3. Termination of this suit in a manner successful for the OPEC countries would not preclude similar actions being filed by other parties under similar or other legal theories, and therefore, the United States Government could be faced with the constantly recurring policy decision as to whether or not to appear on the side of the OPEC countries in civil actions to which the United States is not a party.
4. As Justice has advised, it has a current civil investigation of the international oil industry to determine whether certain companies have entered into unlawful arrangements relating to the supply and price of Persian Gulf crude oil; and the appearance of the United States in this action could undermine that investigation.
5. As to the importance of failing to appear at this time, the State Department has a different opinion as to the likely consequences to the United States than the Treasury Department's "worse scenario" analysis. Furthermore, there obviously are other ways to protect our economic situation relating to foreign investments and foreign sources of oil than to "give in" to the implied or expressed threats.

6. As Warren Christopher stated in one of our discussions, all people and all countries who do business in the United States must expect to be subjected to the laws of this country and the jurisdiction of our courts. And certainly these countries have the resources and available legal advice to protect their interests.

7. Should you elect not to make a formal court appearance at this time, the Justice Department, nevertheless, has the responsibility for and plans to monitor this suit and its proceedings, so that the interest of the United States could be protected at any future time in case of developments which are adverse to our interests.

Please indicate your decision in this matter.

OPTION 1: Make no formal court appearance at this time.

Approve

Disapprove

(Recommended by the Vice President, Eizenstat, Lipshutz, Jordan and Warren Christopher.)

OPTION 2: Appearance by the U. S. Government in this litigation.

Approve

Disapprove

(Recommended by Michael Blumenthal.)

The Justice Department is not making a recommendation because it considers this to be a policy decision.

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United States Department of Justice

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

WASHINGTON, D.C. 20530

June 20, 1979

MEMORANDUM TO: Robert J. Lipshutz
Counsel to the President

FROM: Michael J. Egan
Associate Attorney General

SUBJECT: The Private Antitrust Suit Against OPEC

I. PROBLEM

On December 28, 1978 the International Association of Machinists ("IAM") filed an antitrust action under the Sherman Act in the United States District Court for the Central District of California naming as defendants OPEC and its 13 member states and accusing them of making and implementing price fixing agreements. Jurisdiction over the defendants is claimed under the Foreign Sovereign Immunities Act of 1976, 28 U.S.C. 1602 et seq., (the "Immunities Act") which among other things, permits the institution of suit against foreign states in disputes arising out of their commercial activities. Essentially, IAM seeks to enjoin OPEC price fixing. In addition, IAM is seeking unspecified money damages and other equitable relief.

This case has been assigned to Judge A. Andrew Hauk, who sits in Los Angeles. IAM has requested that Judge Hauk hold a hearing on its motion for a preliminary injunction on June 25, 1979. In its motion, IAM seeks, among other things, to prevent OPEC from engaging in further price fixing, and from further implementation of present OPEC prices in the United States. As an alternative remedy, IAM seeks the establishment of a "trust fund" into which price increases passed on to consumers of OPEC oil products would be deposited. Notice of the institution of the suit was given to the 13 OPEC states through diplomatic channels -- as

required by the Immunities Act.

None of the defendant states has appeared in the suit to date, despite the efforts of State and Treasury to persuade them to defend their interests. This position has, apparently, been taken as a joint OPEC decision. Several ministers of OPEC countries have informed the United States that this, in their view, is a problem for our Government to solve. Defaults have been entered against Algeria, Qatar and Gabon; defaults against the other OPEC defendants can be expected shortly. While no assets could be attached in the near future, 1/ OPEC states may perceive an imminent risk and take defensive action based on their misapprehension.

Last week Secretary Blumenthal urged the Saudi and Kuwaiti finance ministers that lawyers for OPEC as an entity or for individual OPEC states should appear in the litigation. 2/ He stated that this would enable the United States to appear in the litigation supporting dismissal of the action.

If the defendant states fail to appear at the hearing on ~~IAM's motion, there is a substantial risk that this judge will grant the requested motion.~~ Under the express provision of the Immunities Act, the court ought not to grant IAM's motion for a preliminary injunction until the validity of

1/ The motion for a preliminary injunction does not seek to tie up defendants' assets. The attachment of defendants' assets would have to be sought by a separate motion that could itself be challenged on the ground that the court lacked subject matter jurisdiction to hear the original suit. This motion might, for example, be for enforcement of a default judgment (requiring, of course, a prior final default judgment motion itself). The motion to seek attachment would itself have to be served on defendants, leading to further delay. Alternatively the motion might be to make effective the preliminary injunction order.

2/ It should be made clear to OPEC states that if they appear they will be subject to subpoenas for discovery. There would be valid grounds for quashing subpoenas seeking privileged material. However, non-privileged material may well be discoverable.

IAM's claim on the merits has been established "by evidence satisfactory to the court" (28 U.S.C. 1603(e)). (If the court were ultimately to find in IAM's favor on its damages claim (not yet before the court) -- either as the result of a judgment entered after a contested hearing on the merits, or by entry of a default judgment were defendants not to appear -- IAM could move to satisfy its judgment by attaching assets of the defendants in the United States, provided that such assets either are or were "used for the commercial activity upon which the claim is based." (28 U.S.C. 1610). 3/ Here, it is important to note that no such attachment or execution "shall be permitted until the court has ordered such attachment and execution after having determined that a reasonable period of time has elapsed following the entry of judgment and the giving of any notice required under Section 1608(e) of [the Immunities Act]."

3/ The following property in the U.S. of OPEC countries might be subject to attachment:

-- At a minimum, assets owned outright by the defendant states and used directly in the oil business (e.g., undelivered oil, tankers, refineries, office equipment and real estate used in the oil business);

In addition, a court might also include:

-- Cash proceeds from the sale of oil which have not been transferred to another entity; or

-- All property of the foreign government, or any of its agencies, which can be traced to oil revenues.

At present the suit is only against OPEC and its member states. If the complaint were amended to name individual government-owned oil companies, or other entities as defendants, then IAM could attach all property in the U.S. of those entities against whom it obtained a judgment, regardless of whether the property had been purchased with oil sale proceeds.

The Act expressly states that, unless explicitly waived by the foreign government, the property of a foreign central bank or monetary authority held for its own account and property used, or intended to be used, in connection with a military activity which is of a military character or under the control of a military authority or defense agency, is exempt from execution. This language would protect central bank accounts with the Federal Reserve Banks and would probably protect assets in the Foreign Military Sales Trust Fund.

II. ASSESSMENT OF POSSIBLE LEGAL DEFENSES

Based on a preliminary analysis by the Department of Justice, it appears that there are seven jurisdictional defenses and defenses on the merits that could be raised by the defendants in order to defeat the suit. Not all of these defenses would necessarily be raised by the United States, because of particular law enforcement concerns, including that a position in this suit not prejudice the Antitrust Division's international oil investigation or the President's position on reversal of Illinois Brick. 4/

First, the defense of nonjusticiability would be based on the argument that the court should refrain from acting in deference to an expression by the Executive Department that the dispute has serious implications for the foreign relations of the United States and, if adjudicated, could seriously impair American diplomatic and economic ties with OPEC states. Also, the court should decline to hear the suit because it could not grant any effective relief to the plaintiff.

Second, the defense of sovereign immunity has, since the passage of the Immunities Act, been confined to claims based on non-commercial conduct by a state. Although there is little authority on the subject, persuasive arguments may be made that OPEC actions, effectuating as they do its members' highest national interest, are essentially governmental rather than commercial.

Third, defendants could maintain that the Sherman Act was not intended to reach sovereign action, commercial or otherwise, by federal states. Parker v. Brown, 317 U.S. 341 (1943) a fortiori suggests it was not intended to reach sovereign action by nation states.

Fourth, it could be argued that the oil pricing activities of OPEC members are political "acts of state" immune from judicial scrutiny. This doctrine has been recognized by the Supreme Court in Banco Nacional de Cuba v. Sabbatino, 406 U.S. 759 (1964), which affirmed the desirability of the judiciary not embarrassing the Executive branch in the conduct of foreign affairs, and in Hunt v. Mobil Oil Corp., 550 F.2d 68 (2nd Cir.), cert. denied, 434 U.S. 984 (1977).

Fifth, the court would be likely to invoke the principle of comity to find that, with its significant effects on our foreign relations, United States law in conflict with foreign law on these facts should not be applied. See Timberlane Lumber Co. v. Bank of America, N.T. & S.A., 548 F.2d 597 (9th Cir. 1976).

Sixth, defendants could maintain that they are insulated from a suit for price fixing by indirect purchasers, such as IAM, under the rule of Illinois Brick Co. v. Illinois, 431 U.S. 720 (1977), in which it was held that ultimate consumers purchasing from middlemen could not seek damages from manufacturers. However, IAM has pointed out to the court a recent decision by the Third Circuit Court of Appeals which held that consumers are entitled to injunctive relief where they can show that increased costs were passed on to them by intermediate sellers. Mid-West Paper Products Co. v. Continental Group, Inc., 1979-1 Trade Cas. ¶62,531 (3rd Cir. 1979).

Seventh, the court may lack personal jurisdiction over defendants due to insufficient contacts between the territory of the United States and the commercial activities of OPEC states effectuating OPEC policies. International Shoe Co. v. Washington, 326 U.S. 310 (1945).

4/ The Department of Justice has a current civil investigation of the international oil industry to determine whether certain integrated oil companies have entered into arrangements that unlawfully affect the supply and price of Persian Gulf crude oil. Following the investigation, antitrust action, if any, will be directed exclusively at the oil companies and their joint ventures, also oil companies. Nevertheless, the particular arrangements being investigated are both intercompany and company-to-country and the complex interrelationships are such that raising certain defenses with overbroad arguments could undermine that investigation. It is possible to raise all these defenses so as not to undermine the investigation.

III. OPTIONS

Ideally, OPEC should defend the suit. Our efforts to persuade OPEC states of this have so far not worked, though we have pressed at high levels in some countries, including Saudi Arabia and Kuwait. We may eventually convince some OPEC states to defend if we are willing to appear in the suit in some fashion. However, U.S. participation will cause an adverse public reaction since it may appear that the U.S. Government is coming to the aid of OPEC. Basically, there is a clear choice -- appear in the litigation now, or do nothing, for the present. The former entails domestic political costs. The latter entails international political costs.

Option 1:

Make no formal court appearance at this time.

PRO:

- a. There is no immediate legally enforceable threat to OPEC assets in the United States, even if the motion is granted.
- b. Domestic political criticism of U.S. Government action on behalf of the defendants will be minimized for the present.
- c. More time would be available to consider the best way to enter the litigation and to pursue an intensified diplomatic initiative to get OPEC states to appear. At next Monday's hearing we will have an observer in the courtroom and will obtain a copy of the transcript as soon as it is available. In the event of ruling from the Judge that could pose an immediate threat to the national interest we could reconsider our strategy. In the meantime we are preparing the papers for any court appearance by the U.S. Government that is deemed necessary.

CON:

- a. OPEC ministers will be meeting in Vienna on June 26; it has been suggested by some OPEC diplomats that the United States is tacitly encouraging this suit. Non-action might be construed as confirmation of this erroneous view.
- b. Upholding the motion might, especially if done by the Judge from the bench on the same day, in itself generate OPEC state retaliation or defensive withdrawal of assets.
- c. If at least one state does express an intention to appear, this would renege on our commitment expressed by Secretary Blumenthal.

Option 2:

Appearance by the U.S. Government in this litigation.

PRO:

- a. Offers reassurance to OPEC states.
- b. Provides an incentive for OPEC states to appear -- a principal objective.
- c. It is possible for the United States to appear by Suggestion of Interest (28 U.S.C. 517). The authority has been successfully used in the past. It gives the United States almost all the rights of intervention, including a possible right to appeal, while limiting the intervention to something less than participation as a party to the litigation.
- d. In a 1963 opinion in the Second Circuit (International Products Corporation v. Koons, 325 F.2d 403) the Court heard the Government's argument on appeal and noted that the requisite "interests" for participation in the lawsuit may be "simply [the Government's] interests in friendly intercourse with other nations and in avoiding reprisals by them."

CON:

- a. Will have an adverse domestic political impact.
- b. No court has yet ruled on the question of whether the United States may appeal a lower court decision adverse to its suggestion of interest. However, it is consistent with a leading Ninth Circuit decision (Timberlane) which calls for deference to the United States in determining 5/ jurisdiction over alleged foreign antitrust conspiracies.

5/ Alternative forms of legal participation, such as by amicus brief or intervention by the Government as a party (with Rule 24(a) F.R.C.P.) are also available, though less desirable.

B

STATE DEPARTMENT VIEWS

After serving notice of the suit on the OPEC governments as required by U.S. law, the State Department informed each government at senior levels that the suit is a private action and should be defended. They have responded that this is a U.S. problem. While several OPEC country officials have questioned the security of their U.S. assets, we have received no formal representation concerning OPEC retaliation.

Warren Christopher has contacted several New York and Washington lawyers who occasionally represent OPEC states to stress the importance of an appearance by the defendants. Some of them are following the case closely. From these contacts, it appears that the OPEC members have decided as a group that they should not defend the suit.

It is difficult to predict OPEC reactions, and there is a risk of adverse reaction when the OPEC ministers meet June 26 to determine oil prices. However, on balance, we think it is unlikely that failure of the U.S. to intervene at the June 25 hearing will cause immediate diplomatic consequences. This is because (1) the U.S. has done its best to advise these

countries of the nature of the suit and its possible consequences; (2) if they fail to appear, the OPEC countries will apparently have done so on the basis of advice from prominent U.S. lawyers; and (3) Justice believes it is unlikely anything will happen on June 25 that would directly affect OPEC states or their assets in the U.S.

C

TREASURY DEPARTMENT VIEWS

The OPEC countries have reacted strongly and negatively to the suit. They regard it as an American problem which should be handled by the USG. The Saudi Arabian and Kuwaiti Ministers of Finance told Mike Blumenthal quite frankly in Paris last week that an indication that an adverse determination will be made would induce them to move that portion of their assets which may be vulnerable to attachment out of the United States. They also feel the confrontational atmosphere that will be set up will probably spill over into the oil production area. The foreign exchange markets can be expected to react adversely to suggestions that OPEC countries would transfer assets out of the U.S., particularly if it is thought they would be transferred into assets in other currencies. (USG estimates OPEC investments in U.S. financial instruments are roughly \$30 billion.*) The dollar has been under major pressure since last Friday (U.S. has spent almost a billion dollars in support) primarily due to market rumors that the declining interest rates in the U.S. are causing investors to move out of dollar investments. Treasury worries that any additional pressure from the IAM suit will be difficult to contain and that we may end up with a major dollar crisis on our hands.

* See Table

Investments of OPEC Countries in U.S. Financial
Instruments as of March 31, 1979*

	TOTAL By all OPEC Countries	By Mideast Oil Producers Only	By Other OPEC Countries
Treasury Bills ¹	2,826	2,334	492
Treasury Bonds & Notes ²	8,079	7,365	714
Other Domestic Bonds ³	6,013	6,006	7
U.S. Stocks	6,302	6,240	62
Commercial Bank <u>Liabilities</u> ⁴	<u>7,135</u>	<u>4,843</u>	<u>2,292</u>
Total	30,360	26,787	3,573

¹ None of these have an original maturity of more than one year. Most of them have a maturity of six months or less. There is a ready market for Treasury bills.

² Treasury bonds have an original maturity of over ten years. Treasury notes have an original maturity of one to ten years. There is a ready market for Treasury bonds and notes.

³ Treasury does not know what maturity the other domestic bonds held by the OPEC countries have. Treasury has no information as to which of these bonds were sold by private placement and how difficult it would be to liquidate an investment in such bonds.

⁴ A major part of the commercial bank liabilities are certificates of deposit which are negotiable and which have original maturities which are generally less than one year.

The liquidity of an investment does not necessarily correspond to its maturity. Much depends upon the marketability. Also marketing large quantities of instruments in a short time may reduce the price of the instruments in the market and cause losses for the seller. Treasury data do not distinguish between a five-year bond maturing tomorrow and a five-year bond maturing in 1984. Both bonds are shown merely as five-year bonds.

* These figures are based on cumulative investments since 1973. They may therefore understate OPEC investments to the extent of OPEC holdings as of the end of 1973. These end-of-1973 investments are estimated to be not more than \$3 billion.

Treasury thinks that the risk of domestic political problems stemming from the USG's participation in the suit can be minimized. It suggests that the USG monitor the June 25 hearing and at least be prepared to ask the judge to defer decision until the USG can determine what position it wants to take to protect its interests with respect to the suit. In any argument subsequently made for dismissal of the suit, the USG could sharply condemn the OPEC actions as unfair and harmful to the United States and other countries. The USG could stress that appropriate responses to the OPEC actions are being vigorously pursued in a variety of international fora, including the Tokyo summit. It would argue that the questions raised in the suit are best resolved as a part of the USG's foreign policy initiatives and are not appropriate for a court to decide in the context of a private antitrust suit. This argument of nonjusticiability is, of course, most effectively made by the USG.

1:00 PM

THE WHITE HOUSE
WASHINGTON

June 22, 1979

MEETING WITH SENATOR DENNIS DeCONCINI (D-ARIZONA)

Friday, June 22, 1979

1:00 p.m.

The Oval Office

From: Frank Moore *F.M./pd.*

I. PURPOSE

To discuss judgeships

II. BACKGROUND, PARTICIPANTS, PRESS PLAN

A. Background: DeConcini wants you to waive the 64 year old rule, to which no exceptions have been made since John and Bobby Kennedy established it, on a Mormon District Court nominee names Udall. Judge Bell, Mike Egan and I have told him you cannot and will not do this. He understands this. Mo Udall has told him it would be bad politically for you to break this rule. The problem is DeConcini has promised he would speak to the President about it and is afraid to go back to Arizona without having seen you. I suggest you stand up, listen to Dennis, and not reply.

B. Participants

The President
Senator DeConcini
Frank Moore

C. Press Plan

White House Photo Only

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THE WHITE HOUSE
WASHINGTON
22 June 79

Bob Lipshutz

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

Rick Hutcheson

FRank Moore

2850

EDWARD M. KENNEDY, MASS., CHAIRMAN

BIRCH BAYH, IND.
ROBERT C. BYRD, W. VA.
JOSEPH R. BIDEN, JR., DEL.
JOHN C. CULVER, IOWA
HOWARD M. METZENBAUM, OHIO
DENNIS DE CONCINI, ARIZ.
PATRICK J. LEAHY, VT.
MAX BAUCUS, MONT.
HOWELL HEFLIN, ALA.

STROM THURMOND, S.C.
CHARLES MCC. MATHIAS, JR., MD.
PAUL LAXALT, NEV.
ORRIN G. HATCH, UTAH
ROBERT DOLE, KANS.
THAD COCHRAN, MISS.
ALAN K. SIMPSON, WYO.

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

DAVID BOIES
CHIEF COUNSEL AND STAFF DIRECTOR

*Bob -
I did not encourage
this prospect. - C*

June 21, 1979

The President
The White House
Washington, D. C.

Dear Mr. President:

There are several different reasons why Mr. Udall is qualified and should be nominated as a United States District Judge.

1. Judicial Qualifications.
2. Political Considerations.
3. Personal Health and Age do not disqualify.
4. Widespread Acceptance by Bar and Laymen.

JUDICIAL QUALIFICATIONS.

While there are many lawyers who aspire to the Federal bench, most often it is those who have not had much experience, who seek to improve their financial condition because of less income than would be received as a Federal judge, who seek what they think will be a less vigorous work requirement and with a good retirement provided after the requisite service.

There are many also who seek this appointment because of the prestige or power which they feel results from the appointment. Finally, there are those who do have a genuine desire to advance the administration of justice and who want to serve their country and fellow men.

It has been demonstrated that the composite qualities of a judge are, not necessarily in this order, but substantially so:

(a) Judicial Temperament. This can be shown only by prior service or some form of alternate experience. Mr. Udall has served

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The President
June 21, 1979
Page Two

as a Superior Court Judge for almost five years. He resigned to join one of the fine Arizona law firms when he had a young family to educate and when the salary of a Superior Court Judge was only \$12,500 per annum. During his service he was considered one of the best qualified as to temperament. The many attorneys still practicing who appeared before Judge Udall still attest to his attitude toward both litigants and counsel and that he awaited completion of all testimony and evidence before making a decision, a situation that does not always exist in Court cases.

He was able to control difficult situations without resorting to court powers. The attorneys knew that they would be afforded a full hearing, that he was fair and impartial and that far less of his cases were appealed than is normal.

Since the announcement of his designation in December, the acceptance from practicing lawyers, both those who have been on opposite sides, those who have practiced with him and before him and many who have had other dealings, all have been highly in favor of his nomination.

(b) Judicial Ability. While some of his abilities have been covered in the prior section, his experience as Mayor of Phoenix for three terms has given him additional experience in the administrative aspects which are a part of a Judge's functions. He was innovative upon becoming a judge. He was the one who really put pre-trial in effect in Arizona in 1953 when he was given the Assignment Judge's functions. Prior to that time the rule for pre-trial practice was used very little. During his tenure he was called into most of the other counties to try "hot situations" where the local judge would not wish to handle such a matter. He was well accepted by lawyers in all parts of the state when such cases arose. Many lawyers would waive a jury upon learning that he would try the case.

In 1974 when a judge resigned and his successor was to be selected during the election, Mr. Udall was appointed to serve as Judge Pro Tem for 60 days. This required much extra time on his part at no financial advantage.

(c) Legal Background. Mr. Udall received his legal training and education at George Washington University while working full time in various government departments. This experience gave him an extra insight into government and justice. While still attending the law school he passed the bar examination in the District of Columbia and thereafter worked as an attorney in the Solicitor's Office, Department of Agriculture. After passing the Arizona Bar

The President
June 21, 1979
Page Three

Examination number one, he returned to Phoenix and commences private practice of law, taking time out part-time to serve as City Councilman and later as Mayor.

(d) Additional Experience. During his practice he has served in numerous capacities with his church, including over five years as a Bishop of a Ward, similar to serving as a pastor in other churches. This included much counseling and advice to members of the Ward and provides a background which required much understanding of people and compassion for them. He served as a full-time missionary for two years in keeping with the program of his church and worked during that time in Virginia, North Carolina and Kentucky. The experience gave him a better understanding of the problems of the poor and illiterate. He is the eldest of eleven children and the father of seven.

Many of his family have been political and judicial leaders in Arizona and most of them are active in their church. His mother's brother is President of the Mormon church and has had a great personal influence on Mr. Udall all of his life. President Kimball now is 84 years old and leads a pace hard for others to keep up with. His grandfather Udall lived an active life until 87.

POLITICAL CONSIDERATIONS.

Both of Mr. Udall's grandfathers were assigned to come to Arizona by their church. They both were stake presidents and prominent in all aspects of religious, community and other aspects of pioneer Arizona life. His father served as Mayor of Phoenix and otherwise was prominent politically in Apache and Maricopa counties. Two of his uncles were well-respected Superior Court Judges in Apache and Graham counties, later serving as Justices of the Arizona Supreme Court. A third uncle served many years as a Superior Court Judge in Navajo county. Other relatives have served in many parts of the state on school boards, city councils, in the legislature and two of his cousins have served as Congressmen, one later becoming Secretary of the Interior. None has ever been involved in scandal or even the suggestion of improper conduct in office.

The Udall family in Arizona spans a period of almost a hundred years in political and community life. Some are liberal, others conservative, but most of them are to be found in the mainstream of political thought.

The President
June 21, 1979
Page Four

Mr. Udall is well respected as a community servant, as a church worker, as a family man, as a lawyer and former judge. His nomination and service on the Federal bench will be well accepted on all counts and will be a credit politically to those who have selected and nominated him.

PERSONAL HEALTH AND AGE DO NOT DISQUALIFY.

Since Mr. Udall and Archibald Cox have been selected by myself and the Presidential Commission in Boston for potential nominees by the President, the only known objection to the processing of these two has been from the Department of Justice and supposedly from the American Bar Association, solely because both exceed the unwritten guidelines age of 64.

Many "rules of thumb" or guidelines in the process of selection of leaders or administrators have a salutary purpose. The majesty of the law clearly requires that rules have exceptions in the application of the statutes, case law and otherwise. A judge or administrator must look to all factors.

Age should not be a disqualification per se. Some persons within the so-called guidelines actually are too old when their "track records" are examined. Many persons reach the peak of productivity while still in their 50's but conversely others continue to work hard, have excellent abilities and surpass others many years their junior up into their 80's.

The arbitrary cut-off age of 65 was adopted almost a century ago in Germany as a political solution to a problem facing Bismark. At that time the expectancy of a child was not much over 40 years. Now it is in the 70's. The reasons for that age have changed and have been recognized recently by the Congress. When a man has achieved successfully the age of 65, has good health, no heart or blood pressure problems and has had a long record of hard and consistent work which continues to the present time, the chance of his continuing active work for 10 to 20 years is excellent.

Conversely, many men in their early 50's might be expected to have a longevity beyond that of a man in his 60's, but during that period many physical problems surface, such as in coronary and vascular areas. A good case in point is the late Judge Frey in Tucson. He was appointed in his early 50's but only lived eight years after his appointment. During that period he served well. Upon his death (insofar as is known by me) all benefits terminated.

The President
June 21, 1979
Page Five

It has been suggested that if Mr. Udall and Mr. Cox are nominated and confirmed they may not serve very long before they become incapacitated, unable to serve and then a lifetime financial burden upon the judicial system. If either served well and lived only as long as Judge Frey (Federal Judge in Arizona, appointed 1970, died 1979 at the age of 59), the government would have received the service of qualified, experienced and mature men. Should they serve ten years and then seek senior status, the government would have received ample service.

In the case of Mr. Udall, at least, he is willing to commit himself to serve at least ten years and if he is not able to serve that period of time he will waive any further financial benefits. This would result in a benefit to the government in having his service during whatever period he serves without the contended detriment.

An investigation into his work habits, his vigor of mind and body, his ability to work long hours and meet his commitments will disclose that his "track record" is such as to warrant his appointment, despite his age.

The age factor should be weighed on an individual basis, not on one's opinion of the age disqualification on an average of men over 64. Mr. Udall will meet any test based upon age in the judicial field.

WIDESPREAD ACCEPTANCE BY BAR AND LAYMEN.

All of those who know of Mr. Udall personally or by reputation will consider him well qualified and acceptable as a Federal Judge. He is well known all over Arizona. His record is clean. Both Democrats and Republicans alike respect him. There will be no fear by any interested in the administration of justice that he will not handle a judicial appointment with propriety, ability and dispatch. He did not seek this nomination, but indicated a willingness to serve if nominated. It would comply with President Carter's campaign pledge to upgrade the Federal judiciary. He is well known and respected by those of his faith.

SUMMARY.

Although I was aware that the American Bar Association had guidelines concerning age limitations, I was unaware that the

The President
June 21, 1979
Page Six

Administration disqualified individuals solely on the age factor. There have been prior instances of older men being nominated and serving. When such men do serve, they continue for as many years as most younger men because they have surmounted the hazards of the 40's and 50's, when heart and vascular problems are prone to occur.

If the President does intend to adopt an age barrier to appointment of Federal judges, he should announce it prospectively and not make it retrospective. It becomes a matter of concern to a Senator who makes a recommendation and to a prospective judge when he is rejected solely because of age. When this reason surfaced a few months ago, numerous professional acquaintances of Mr. Udall were greatly surprised that such a disqualification might be urged against him, based upon their knowledge of his vigor and activity professionally.

The President is urged to give individual attention to those like Mr. Cox and Mr. Udall for the benefit of the Federal bench and to permit them to serve as judges, despite the suggested age qualification. A brief face-to-face talk with each should remove any doubt as to personal age problems.

Sincerely,


DENNIS DeCONCINI
United States Senator

DDC/s

executive health

the report that briefs you on what to watch

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Volume XV, Number 9 • June, 1979 • Pickfair Bldg., Rancho Santa Fe, Calif. 92067 • Area 714:756-2600

Vol. XV, No. 9 (Section 2):

ON TIME OUT to Fish . . . and Think!

"Beware of those absurd feelings of hurry and having no time, that breathlessness and tension, that anxiety of feature and that solicitude for results, that lack of inner harmony and ease . . ."

You, as an executive, can ignore this warning of the great psychologist, William James, only at your peril!

The danger sign—the hurry habit!

Whenever you catch yourself "pressing" . . . watch out! Hurry has an insidious habit of becoming chronic . . . and psychological studies show you cannot hurry without worrying and tensing up! For an executive, that spells *trouble!*

Nervous tension hastens fatigue . . . makes you irritable . . . unable to concentrate properly . . . to think clearly . . . to make the right decision.

Never forget this! For emotional stress is like a *potent* medicine. The right dosage can be life-saving but too much can be *poison!*

"A reasonable amount of fleas . . ."

A man who is a man thrives on a reasonable amount

of stress. It is the inevitable by-product of an important and interesting job.

As that famous old fictional character, David Harum, put it: "A reasonable amount of fleas is good for a dog . . . keeps him from brooding over being a dog!"

Stress in your executive life is something like fleas on a dog. A reasonable amount is good for you . . . keeps you on the ball . . . spurs you on to get to the top. BUT . . . stress in business can pyramid . . . grow *unreasonable* . . . if you allow yourself *no time off!*

A man who is tired and greatly in need of rest cannot do his best. Your body must have a chance to *alternate work with periods of rest* if it is to function efficiently.

Summer and winter vacations are no executive *luxuries*. They are *necessities* if a man is to keep at peak efficiency year after strenuous year!

Too many men (and too many companies) still cling to the old idea that *idleness* is *indolence!* They have not discovered the great psychological truth that idleness can be as tremendously *constructive* as indolence can be *destructive!*

To my Vance -
Good basis for our
new government
policy -
J.C.

EDITORIAL BOARD

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for Preservation Purposes

THE WHITE HOUSE
WASHINGTON

22 Jun 79

Hugh Carter

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

Rick Hutcheson

THE WHITE HOUSE
WASHINGTON

RSC-

How do you want the attached
request handled?

6-14-79

CB

Routinely _____

Other _____

Carol, send to
~~Jimmy~~ for action -
R

JUN 19 1979

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THE WHITE HOUSE
WASHINGTON

Rhonda...

This young man's father is one of our stewards. He came to see me yesterday and wanted to know if RSC would write a letter of recommendation for his son to go to the Air Force Academy.

I asked that he put something in writing...that I just didn't know what our policy on doing something like that was.

I have an idea that neither JC nor RSC do this kind of thing, but can you quote me some policy statement on it & then I'll compose letter of response.

Mucho thanks.

Carol

6/13/79

Well, generally it is up to Mrs. Carter - however, what we say is that they are unable to provide personal recommendations unless they know the person personally. Is this Eddie's son? RSC would probably want to know.
Rhonda

June 12, 1979

Dear Mrs. Carter,

My name is Eddie Ling Aranas Echon. I have recently graduated from High School. As you well know, the cost of attending any institution of higher education today is extremely expensive. The price of books, food, room and board, and tuition presents a figure that many parents are unable to meet. My family and I are simple middle class people. The cost of attending the college of my choice places an extra financial burden upon my parents. Previously I applied to the U.S. Air Force Academy, but was turned down. This rejection by the Academy has not dimmed my hopes of fulfilling my dreams of becoming an Aerospace Engineer in the U.S. Air Force. Appointment to the Academy would not only give happiness to my parents but provide for me a sense of accomplishment and security. Appointment to the Academy would also assist my parents by allowing them to save money for my brother's plans for college.

In high school I carried a Grade Point Average of 3.75. Even though my grades aren't overwhelming or spectacular, I consider myself a strong, confident, hardworking individual eager to achieve goals set by my superiors.

Mrs. Carter, I desperately need to please my parents and at the same time build a solid foundation for my future. Appointment to the Air Force Academy would fulfill all these self appointed goals. Any assistance rendered by you would be greatly appreciated by me and my family.

Again thank you for your time and concern.

Sincerely yours,

Eddie Ling Aranas Echon
Eddie Ling Aranas Echon
1707 Jarvis Avenue
Oxon Hill, Maryland 20021

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for Preservation Purposes**

*High - This is
Answer - To be
Eddie's son - decided on basis
of competitive
examinations*

J

THE WHITE HOUSE

WASHINGTON

6/22/79

Jim McIntyre
Charlie Schultze

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

Rick Hutcheson

cc: The Vice President
Secretary Blumenthal
Stu Eizenstat

2789

FOR ACTION
FYI

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

/	VICE PRESIDENT
	JORDAN
/	EIZENSTAT
	KRAFT
	LIPSHUTZ
	MOORE
	POWELL
	RAFSHOON
	WATSON
	WEXLER
	BRZEZINSKI
/	MCINTYRE
/	SCHULTZE
	ADAMS
	ANDRUS
	BELL
	BERGLAND
/	BLUMENTHAL <i>Merla</i>
	BROWN
	CALIFANO
	HARRIS
	KREPS
	MARSHALL
	SCHLESINGER
	STRAUSS
	VANCE

	ARONSON
	BUTLER
	H. CARTER
	CLOUGH
	CRUIKSHANK
	FIRST LADY
	HARDEN
	HERNANDEZ
	HUTCHESON
	KAHN
	LINDER
	MARTIN
	MILLER
	MOE
	PETERSON
	PETTIGREW
	PRESS
	SANDERS
	WARREN
	WEDDINGTON
	WISE
	VOORDE

ADMIN. CONFIDEN.
CONFIDENTIAL
SECRET
EYES ONLY



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

Jim
J

June 21, 1979

ACTION

MEMORANDUM FOR: THE PRESIDENT

FROM: James T. McIntyre, Jr. *Jim*
Charles L. Schultze *CLS*

SUBJECT: Changed Economic Forecast for the
Mid-Session Review of the 1980 Budget

There are strong indications that the economy is substantially weaker than we believed several weeks ago when we made our forecast for the Mid-Session Review budget revisions. Preliminary Commerce Department data indicate that the second quarter of this year may mark the beginning of a recession. The large OPEC oil price increase now expected at the end of the month has also significantly worsened the outlook for both recession and inflation. Therefore, we believe it is necessary to change the economic forecast, even though this will require some last-minute budget reestimates for programs directly affected by economic factors. The previous forecast and our current recommendation are shown in the following table.

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REVISED ECONOMIC FORECAST FOR THE
MID-SESSION REVIEW OF THE 1980 BUDGET
(calendar years)

	<u>1979</u>	<u>1980</u>
<u>Previous Forecast</u>		
Real GNP, percent change, 4th quarter over 4th quarter.....	1.8	2.7
GNP deflator, percent change, 4th quarter over 4th quarter.....	8.7	7.7
CPI, percent change, December over December...	8.9	7.5
Unemployment rate, 4th quarter.....	6.3	6.4
<u>Recommended Forecast</u>		
Real GNP, percent change, 4th quarter over 4th quarter.....	0.0	2.2
GNP deflator, percent change, 4th quarter over 4th quarter.....	9.5	8.0
CPI, percent change, December over December...	9.8	8.0
Unemployment rate, 4th quarter.....	6.6	6.8

In the previous forecast we showed a substantial slowdown in the rate of economic growth for this year, with some pickup in 1980. Our new recommended forecast represents a very mild recession, with no growth, on balance, for this year and a more modest pickup in 1980. The forecast remains more optimistic than those of most private forecasters and is by no means a worst case projection. The publication of this forecast may give rise to substantial pressures for all kinds of additional spending schemes, which we do not believe would be warranted under the conditions represented here.

In view of this slower growth in both 1979 and 1980, it is now necessary to also recommend somewhat higher unemployment rate forecasts. These are the smallest increases which are credible, given the slower growth.

Furthermore, events to date indicate that our earlier inflation forecast is no longer realistic. We believe the lowest December-to-December Consumer Price Index increase that is now credible is 9.8%. Because of double-digit price

increases earlier in the year, achieving even this rate will represent substantial deceleration.

These changes in economic assumptions will have substantial effects on the budget. The magnitude of these effects can only be very roughly estimated at this time, as the analysis for the Mid-Session Review is still underway. The higher price and unemployment forecasts, net of lower interest rates, will make a net addition of roughly \$1/2 billion to outlays in fiscal year 1980, without significantly affecting 1979. Outlays for 1981 and 1982 will increase by about \$3 billion and \$5 billion, respectively. Receipts will be about \$3 billion lower in 1979, \$6 billion lower in 1980, and \$9 billion lower in 1981 and 1982 than under the previous forecast.

These changes would leave the projected 1981 budget approximately in balance if the spending ceilings you directed OMB to enforce are achieved, and if the economy is not significantly weaker than projected here. Your option of proposing a balanced 1981 budget would be maintained, but the difficulty of achieving it would be increased. The Mid-Session Review will show a small deficit for 1981 because the outlays shown therein will be based on current policy rather than your recommended ceilings.

Of course, these new assumptions will make the path to the 1983 Humphrey-Hawkins goals even less realistic than before.

We recommend that you approve the revised forecast. ↗

cc: Vice President Mondale
Secretary Blumenthal
Stu Eizenstat

Jim = JH EP6 agrees - dk
J

Jody wants you to see person to 12:30

h

THE WHITE HOUSE
WASHINGTON

June 22, 1979

Q

MEMORANDUM FOR THE PRESIDENT

FROM: JODY POWELL *JSP*

I understand you are having lunch with Secretary Schlesinger. I have already urged that the DOE move immediately to straighten out the "reluctant to use" quote.

I suggest that you ask Schlesinger to make it clear this afternoon that he has talked to you and you want him to make it clear that:

1. We will use the allocation authority if needed to increase refinery utilization.
2. We are determined to take whatever action is necessary to see that there are sufficient heating oil supplies for this winter.

He will be seeing the press this afternoon when the Mayor of Washington and a couple of Governors come in.

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THE WHITE HOUSE

WASHINGTON

MEETING WITH CONGRESSMAN TOM HARKIN

Friday, June 22, 1979
10:30 a.m. (10 minutes)
Oval Office

From: Zbigniew Brzezinski
Frank Moore

I. PURPOSE

To discuss human rights in Latin America, particularly Nicaragua, with Congressman Harkin.

II. BACKGROUND, PARTICIPANTS AND PRESS ARRANGEMENTS

A. Background: Congressman Harkin recently traveled to Central America, including Nicaragua, El Salvador and Guatemala. On his return, he issued a statement supportive of the U.S. human rights policy but critical of our implementation in those countries. He called for a negative vote on a pending IMF standby loan for Nicaragua and other measures aimed at pressing Somoza to resign. In El Salvador, he criticized remaining bilateral economic assistance and urged a firmer stance. On Guatemala, he was critical of continuing assassinations and called for U.S. sanctions. His general theme was that the U.S. should increase its identification with legitimate political opposition groups in those countries, including the opposition parties, church, labor and peasant organizations and decreased identification with the government.

B. Participants:

Zbigniew Brzezinski
Frank Moore

Congressman Tom Harkin (D., Iowa)

Wife's name: Ruth

Committees: Science and Technology
Agriculture

Subcommittees: Conservation and Credit
Domestic Marketing, Consumer
Relations and Nutrition
Family Farms, Rural Development
and Special Studies
Science, Research and Technology
Chairman: Transportation, Aviation
and Communications

C. Press Arrangements: White House photographer only.

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III. ISSUES FOR DISCUSSION

During the past year and a half, there has been significant progress toward greater observance of human rights in several countries, particularly in the Andean and Caribbean areas and in Brazil. Serious abuses, however, persist in some Southern Cone and Central American countries, where progress has been minimal at best and official commitment to the practical observance of human rights remains weak.

In the former group, several countries released all or nearly all of their political prisoners, reduced or eliminated torture, liberalized legislation, restored habeas corpus, relaxed press restrictions, and took steps to strengthen judicial independence. In some case, peaceful democratic elections were held or there was substantial progress toward restoration of democratic government.

In the Southern Cone countries and in Nicaragua, El Salvador, and Guatemala, however, there remain to varying degrees such abuses as disappearances, torture, arbitrary imprisonment, denial of fair public trial, and denial of basic civil, economic, and political rights.

In Nicaragua, official human rights violations have contributed importantly to the climate of violence and counterviolence which has engulfed the country for most of the past year. Somoza's rejection in January of the final efforts of the OAS-endorsed conciliation team, and the persistence of serious human rights abuses, led the US to take a number of steps to reduce our official presence and activity in Nicaragua.

In his speech to the OAS Foreign Minister on June 21, Secretary Vance noted that "the persistent and widespread pattern of serious human rights abuses by the government, reported in November by the Inter-American Human Rights Commission, has become even worse. Thousands of Nicaraguans have been the victims of these wholesale abuses." Noting that earlier efforts to find a peaceful solution to Nicaragua's internal conflict have not succeeded, the Secretary called for "the replacement of the present government with a transitional government of national reconciliation," which would bring about a ceasefire and proceed to build the base for a free and representative political system."

To this end, he called upon the OAS to immediately send a special delegation to Nicaragua "to facilitate the formation by the Nicaraguans of a transitional government leading to free elections." He also asked the Foreign Ministers to insist on a ceasefire and a halt to shipments of arms and ammunition to Nicaragua. Finally, he called for the formation of an OAS peace-keeping force "to help restore order and permit the will of the Nicaraguan citizens to be implemented" and for the establishment of an OAS-supervised program of humanitarian relief.

THE WHITE HOUSE
WASHINGTON

6/22/79

Zbig Brzezinski

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

The signed original has been given to Bob Linder for appropriate action.

Rick Hutcheson

cc: Bob Linder

THE WHITE HOUSE
WASHINGTON

June 22, 1979

Mr. President:

This does not need an explanatory memorandum. *Please sign it.*

Zig
Zbigniew Brzezinski

Attachment

*You may wish
✓ to explain it to
me at one of our
P/B sessions*

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J

TO THE SENATE OF THE UNITED STATES:

I transmit herewith, for the advice and consent of the Senate to ratification, the Treaty on the Limitation of Strategic Offensive Arms, known as SALT II, including the Protocol thereto, both signed in Vienna, Austria, on June 18, 1979.

I transmit also, for the information of the Senate, the Report of the Secretary of State with respect to the Treaty, together with the following related documents:

1. a series of Agreed Statements and Common Understandings concerning the obligations of the Parties under particular articles of the Treaty;
2. a Memorandum of Understanding that will establish an agreed data base by categories of strategic offensive arms along with associated statements of current data;
3. a Joint Statement of Principles and Basic Guidelines on the Limitation of Strategic Arms concerning the next phase of negotiation on this subject; and
4. a Soviet statement on the Backfire bomber, together with a U.S. response.

For thirty years the United States has pursued a fundamentally bi-partisan foreign policy towards the Soviet Union, with the objectives of deterring aggression by maintaining strategic forces second to none, creating a pattern and tradition of negotiation to settle differences, building a strong framework of allies, and stabilizing the globe by halting the uncontrolled growth and spread of nuclear weapons.

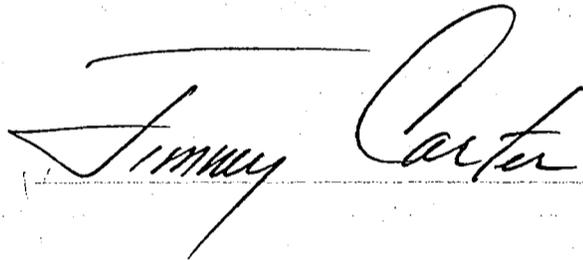
SALT II strengthens each of these objectives. The seven years of negotiations, under three administrations representing both political parties, were carried out in closer consultation with Congress and under greater public scrutiny than any other arms limitation treaty. SALT II is truly a national accomplishment.

It is my best judgment and firm belief that these patiently negotiated agreements further the long-standing goals for our nation's security. They improve our strategic situation and allow for further improvements in the future. They reaffirm our leadership of the world in the cause of nuclear arms control. They allow us to negotiate for peace from strength in SALT III.

Like SALT I, the Test Ban Treaty, and the Non-Proliferation Treaty, SALT II is another important step forward toward our basic goal of a secure America at peace in a stable world.

I pledge the full cooperation of my Administration in helping to explain the principles and details of the agreements.

Therefore, I request with a sense of special urgency the advice and consent of the U.S. Senate to ratification of the SALT II Treaty.

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned above a horizontal dashed line.

THE WHITE HOUSE,

THE WHITE HOUSE
WASHINGTON

June 22, 1979
12:15 p.m.

MR. PRESIDENT
CHAIRMAN JOHN WHITE
RETURNED YOUR CALL.

PHIL

*Phil -
Cancel
J
Done*

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THE WHITE HOUSE
WASHINGTON

June 22, 1979

MR. PRESIDENT
CHAIRMAN JOHN WHITE WILL
RETURN YOUR CALL AROUND
NOON.

PHIL

THE WHITE HOUSE
WASHINGTON

June 22, 1979

MR. PRESIDENT

I have the letter Congressman
O'Neill is sending to
Margaret Thatcher and will
give it to you at the appro-
priate time.

SSC

**Electrostatic Copy Made
for Preservation Purposes**

THE WHITE HOUSE
WASHINGTON

June 22, 1979

MR. PRESIDENT

BARRY BOSWORTH WANTED TO
LET YOU KNOW THAT AT 1 P.M.
THE APPEALS COURT WILL ANNOUNCE
THAT THE GOVERNMENT WON THE
PROCUREMENT SUIT WITH THE
AFL-CIO.

PHIL

good!
J

telephone conversation with
secretary vance 6/22/79

THE WHITE HOUSE
WASHINGTON

Vance 1:30 6-22-79

Mex - let war go on

Jam. Pan - Grenade

Guat & Peru same, for
opposite reasons

Trin/Tobago - no involvement

Costa Rica doubtful

Andean group ? → meeting
now

Others = OAS action =
what kind ?

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regular foreign affairs breakfast
6/22/79

THE WHITE HOUSE
WASHINGTON

For Aff Breakfast 6-22-79

- > Nicaragua - Mex, etc (-)
- > Toon
- > Lloyd Cutler
- > Joe Clark
- > Dick Clark - Japan - Pales - Helbrook/W
- > Tokyo
 - ASEAN
 - Korea
- > Turkey
- > Panama
- > Taiwan
- > Rhodesia
- > Baker vs SALT
- > Tarapur fuel

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Jack Murphy - Just talked to
Somoza - Sandinista supply:
81 mm fm. Dom Regal - Honduran
intercept - 50:50 chance =
Embargo hurting him - Louis
Valle = ready to leave =
if Sandinistas don't take over =
Guard keep integrity - Assembly
stay - Valle has proposal =
Costa Rica wants Rio San Juan =
Barbados proposal completely ex-
cludes Somoza or anyone associated
with him -
Cy or Warren call Sat -

THE WHITE HOUSE
WASHINGTON

Phil had
seen

3072

THE WHITE HOUSE
WASHINGTON

Mr. President:

Frank would like
to work this 5 minute
shot in before you depart
for Japan. It can be done.

approve disapprove
Phil

11:30 AM
6/22/79

THE WHITE HOUSE
WASHINGTON

June 13, 1979

rk
J

CONGRESSIONAL SCHEDULING PROPOSAL

MEETING: With Senator Stewart

LENGTH: 3 minutes

DATE: As soon as possible

PURPOSE: A photo opportunity to help publicize the kickoff of a rural health initiative in Alabama. The specific occasion is announcement of an HEW grant for a state Office of Rural Health.

BACKGROUND: We have had extreme difficulty with Senator Stewart. He is under immense pressure because of his pending campaign and has engaged us in difficult negotiations on a rural health plan he wants to institute in Alabama. We have managed to get approval for an HEW grant funding the first phase of the rural health plan, but later phases will be more problematical.

This photo opportunity will identify the President with a program that should be popular in Alabama, reduce pressure from Stewart for our acceptance of his entire plan and help him substantially in his campaign.

EVENT DETAILS: Location: Oval Office

Participants: The President, Senator Stewart, Secretary Califano, Frank Moore, Bob Thomson, Calvin Biggers (of Senator Stewart's office)

Press: Selective coverage by Alabama press

INITIAL REQUESTER: Bob Thomson

Date of Submission: June 13, 1979

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for Preservation Purposes**