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FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
memo w/ att.	From Watson to The President (12 pp.) re: Nominations for Assistant Secretaries of Commerce/ enclosed in Hutcheson to Watson 1/2/80	1/2/80	A&C
memo	Phil to the President, 1p RE: intelligence meeting	1/2/79	B

FILE LOCATION

Carter Presidential Papers - Staff Offices, Office of the Staff Sec. - Pres. Ed
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THE PRESIDENT'S SCHEDULE

NOT ISSUED

Wednesday - January 2, 1980

7:30 Dr. Zbigniew Brzezinski - The Oval Office.

~~8:00~~
✓ (60 min.) Breakfast with Economic Advisors.
(Dr. Alfred Kahn) - The Cabinet Room.

9:45 Mr. Hamilton Jordan and Mr. Frank Moore.
The Oval Office.

11:30 Meeting with Admiral Stansfield Turner,
(30 min.) Dr. Zbigniew Brzezinski, and Mr. Hamilton
Jordan - The Oval Office.

1:00 National Security Council Meeting.
(60 min.) (Dr. Zbigniew Brzezinski) - The Cabinet Room.

~~3:30~~
✓ (15 min.) Signing Ceremony Reception for the Trade
Reorganization Plan - The East Room.

7:00 Iowa Organizational Meeting Telephone Calls.
to
7:30

THE WHITE HOUSE
WASHINGTON

1/2/80

Frank Moore/Ev Small

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

Please coordinate with
Justice.

Rick Hutcheson

THE WHITE HOUSE

WASHINGTON

January 2, 1980

MEMORANDUM TO THE PRESIDENT

FROM: FRANK MOORE *F.M./BR*

SUBJECT: SENATOR MOYNIHAN'S LETTER ON HAITIAN
REFUGEES

Senator Pat Moynihan wrote to you on November 8 regarding the plight of Haitian refugees (Attachment A). He handed the letter to you personally, and you instructed Attorney General Civiletti to draft a response for you.

Given the delay in the response and the substance of the reply, I suggest that you send the attached short letter (Attachment B) as a cover letter to a longer, more fully explanatory one from the Attorney General. The shorter note will identify you as being concerned, but will serve the positive purpose of removing you one step from the more substantive response.

In case you should choose to sign the draft prepared by the Attorney General, I have attached it also (Attachment C).

Attachments

**Electrostatic Copy Made
for Preservation Purposes**

*ok but do it
immediately*

THE WHITE HOUSE
WASHINGTON

January 2, 1980

Dear Pat:

I asked Attorney General Civiletti to review your letter on the situation facing Haitian refugees in the United States. I share your concern, and that of the Bishop of Brooklyn, but as Ben points out, legal barriers, including legislative prohibitions, afford us little flexibility in this matter.

Sincerely,



The Honorable Daniel Patrick Moynihan
United States Senate
Washington, D.C. 20510



Office of the Attorney General

Washington, D. C. 20530

January 2, 1980

Honorable Daniel P. Moynihan
United States Senate
Washington, D. C. 20510

Dear Senator Moynihan:

The President has asked me to respond to your letter of November 8, 1979, concerning the thousands of Haitian nationals who have arrived on our shores in recent years. Their condition highlights a situation which has been difficult for the Government to resolve within the framework of current United States immigration law and policy.

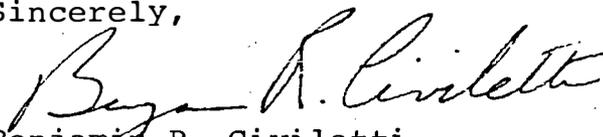
Haitians arriving by boat generally tell Immigration agents of their leaving Haiti for economic reasons. Many later repudiate their signed declarations and claim that their primary motive for leaving Haiti is to escape persecution. However, asylum claims, which are adjudicated on a case-by-case basis, have been granted in only two percent of the pending cases. In addition, our ability to handle them expeditiously has been hampered by a series of judicial rulings on behalf of Haitian asylum applicants. Asylum hearings resumed in July 1979 and applicants now may have a full evidentiary hearing to determine potential persecution.

I am aware of the hardships faced by individual Haitian people in this country. Unfortunately, very few qualify for asylum according to the United Nations standards to which we adhere. Circumstances in Haiti are under continuing review by United States and international agency officials. Attached for your use is the most recent report available from those efforts. Analysis continues to show that people are fleeing harsh poverty and economic deprivation rather than political persecution. Our immigration laws do not make provision for admission of large numbers of people in those circumstances.

Use of the Attorney General's parole power to admit large numbers of people is expressly prohibited in the legislative history of the Immigration and Nationality Act. I have exercised it in behalf of groups with great reluctance after consultation with Congress and only in circumstances of compelling need.

Congress could pass special legislation conferring permanent resident or related status on the Haitians in the United States, thereby removing the legal barriers to assistance and work. Absent such legislation or fundamental change in immigration law, there is little more that the Executive Branch can do to ameliorate the Haitian issue.

Sincerely,



Benjamin R. Civiletti
Attorney General



DEPARTMENT OF STATE

Washington, D.C. 20520

June 19, 1979

MEMORANDUM

TO : HA - Ms. Derian
ARA - Mr. Vaky

FROM : HA - Robert Maxine
HA - David Martindale
HA - Larry Arthur
ARA - Chris Norred
S/R - Phil Chicola
CA/VO/L/A - Ed McKeon

SUBJECT: State Department Study Team on Haitian Returnees

SUMMARY

In recent years thousands of Haitian nationals have arrived on U.S. shores by boat, and many of them have claimed political asylum. These claims are adjudicated by the Immigration and Naturalization Service, with the State Department playing a limited but significant role in review of the claims. Approximately 600 Haitians have been returned to Haiti since 1972, and there have been allegations by private groups that these returnees have faced political persecution upon return.

To review the situation of these returnees and to assure continued conscientious observance of U.S. obligations under the United Nations Protocol Relating to the Status of Refugees, the State Department sent a study team to Haiti from May 10-22, 1979. Members of the team spoke with government officials and non-governmental contacts, and also located and interviewed 86 returnees living throughout Haiti, in addition to interviews with family members of eleven other returnees. The team was given freedom to go wherever it wished without Haitian government accompaniment.

All returnees interviewed stated, sometimes quite emphatically, that they had left for economic reasons. The team uncovered no significant indication of mistreatment or of punishment of returnees because of their

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journey to the U.S., with the exception of organizers, who are often fined and imprisoned for a matter of months. Returnees, however, are not immune to difficulties with the authorities on other grounds, and there were isolated reports of physical abuse.

In our discussion with Haitian government officials, they repeated earlier assurances that returnees are not mistreated. In their view, the vast majority leave for economic reasons, and in light of their usually low socio-economic status and lack of education, would not be considered political refugees. The team was told, however, that a very small number of those now in the U.S. who had been actively involved in political opposition might be subject to imprisonment or surveillance if they returned. Of those returned so far, the Haitian government is only interested in punishing organizers, organizing being viewed as a lucrative trade that victimizes the passengers.

Although we thus found no evidence of any pattern or policy of mistreating returnees, there remain reasons to believe that some asylum claims could well have merit. Each individual asylum application must continue to be reviewed carefully on its own individual facts.

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INTRODUCTION

Since the early 1970's many thousands of Haitians aboard small fishing boats have arrived in various ports in Florida. When apprehended by the Immigration and Naturalization Service (INS), many of these people have requested political asylum, claiming that they have a well-founded fear of persecution "for reasons of race, religion, nationality, membership of a particular social group or political opinion" if they were to return to Haiti. Those who establish such a claim are protected against forced return under the United Nations Protocol Relating to the Status of Refugees, to which the United States acceded in 1968, and under applicable U.S. law.

Applications for political asylum are reviewed on their individual merits by the INS. Some applications by Haitians have been granted, but the overwhelming majority have been denied. The denials have drawn sometimes vehement criticism from citizens groups who allege that Haitian nationals returned from the U.S. face political persecution. The denials have also provoked a number of lawsuits, which have had the effect of delaying many pending exclusion and deportation proceedings. INS states that there are some 8800 Haitian cases pending in Florida. Estimates of the number of Haitians illegally residing in this country run many times higher.

The Department of State has a limited but important role in the processing of asylum cases, Haitians as well as others. Until recently, the INS has sent to the Department for our review those applications determined to be doubtful or lacking in merit. Upon request of the Department of State, the UNHCR has agreed to participate in the review of all Haitian asylum requests submitted to the INS/Miami district office. After reviewing over 2000 such requests, the UNHCR concurs that the vast majority of such asylum seekers have not established a well-founded fear of persecution upon return to Haiti.

Under INS regulations issued in April, the Department will henceforth review virtually all asylum claims before INS passes on the merits. Based on general information about the country, knowledge of specific events or organizations or other matters cited in the request for asylum, or, when available, particular information we may have about the individual, the Department transmits its views on the claim for use by INS in making its final decision.

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With regard to Haitian cases, the Department occasionally has asked the United States Embassy in Port-au-Prince to develop additional information on a particular claim, and has sometimes requested that INS hold an additional interview to obtain more information from the applicant.

The Government of Haiti has previously provided both formal and informal assurances that returnees would not be persecuted or harassed because of their illegal departure or their residence abroad. The American Embassy in Port-au-Prince has also undertaken some follow-up contact, where possible, with individuals who have been returned either from the continental U.S. or from the U.S. naval base in Guantanamo Bay, Cuba. (Bad weather and mechanical problems have forced a number of Haitian boats bound for the U.S. ashore at Guantanamo.) Most of the Embassy follow-up has been undertaken in the Port-au-Prince area.

In order to gain additional information on the ultimate treatment of returnees -- especially those who have not remained in Port-au-Prince -- and to assure that the Department continues to fulfill conscientiously its role in review of Haitian asylum applications, the Department sent a study team to Haiti from May 10-22. Officers from the Bureau of Human Rights and Humanitarian Affairs, the Bureau of Inter-American Affairs, the Bureau of Consular Affairs (one of whom was fluent in Creole) made up the team, along with an additional State Department Creole interpreter. Our mission was to contact a broad spectrum of returnees in many sections of the country to determine their situation and learn whether or not they had met with mistreatment or persecution on their return. Before the team left, we held numerous meetings with private groups and public agencies concerning the issue, both in Florida and in Washington, D.C. and these meetings provided useful background information.

The study team made courtesy calls at the outset to inform the Haitian government of our objectives and plans. The team was politely received at the highest levels of the Foreign Ministry, the Interior Ministry and the Immigration and Emigration Service. We expressed our appreciation for official Haitian cooperation and stressed our desire that the team be permitted to conduct field contacts without any official Haitian presence or participation. The Haitian government officials readily agreed. They also volunteered further information on Haitian policies and procedures toward the returnees. These comments are summarized in a later section.

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Following these discussions the study team split into two interview groups travelling to different regions of the country to interview returnees. The groups returned to Port-au-Prince on May 18 and concentrated thereafter on interviews with returnees in the capital and nearby towns.

INTERVIEWS WITH RETURNEES: PROCEDURES

The team covered a broad geographical area within Haiti. In addition to the capital, we interviewed or inquired about returnees from Cap Haitien, Limbe, Limonade, St. Louis-du-Nord, Port-de-Paix, Gonaives, St. Marc and Rossignol in the north, and from Leogane, Les Cayes, St. Jean-du-Sud, Boyer, Moindre and Abacou in the south.

We were authorized to move freely about the country without government accompaniment, and our contact with authorities in the areas visited was minimal and often haphazard. We filed no set itinerary, and indeed the precise areas to be visited were often determined by the team only shortly before departure for the site, based on information or the name of a possible contact suddenly discovered. Several local figures whom we contacted in hopes of securing their help in locating returnees commented favorably on our lack of official government accompaniment. They took it as a sign that the mission was accepted and respected by the Haitian government while yet maintaining definite independence.

The interview groups used their own initiative to locate the returnees. The starting points were lists provided by the Department of Justice, containing names of Haitians who had returned during 1977, 1978, and early 1979, as well as lists of returnees from Guantanamo in September 1977 and August 1978. With the exception of the Guantanamo returnees, this information was in the public domain, having been provided last April by INS to the lawyer for the National Council of Churches. If we discovered other returnees whose names were not on the lists, however, we were equally interested in talking to those individuals. We have initiated steps since our return to check the names of such individuals against INS lists of returnees as a further verification of the accuracy of our findings, and also to determine which of the people interviewed applied to the United States for asylum.

We had been cautioned that the addresses supplied to INS by the Haitian nationals would be of little use, and the house numbers provided did indeed give an illusory

precision to those addresses. A given house may have three or more numbers assigned to it, in connection with unrelated government projects such as malaria education.

Nevertheless, the addresses did often prove adequate to get us to the general location of returnees we sought. We usually targeted areas where, according to the lists, several returnees lived, and a series of inquiries of people in the area frequently led us to a returnee from the list, or at least to a family member.

The first returnee contacted usually knew several other returnees in the area and often volunteered to gather them together later at a pre-arranged location to talk with the study team. In some other instances, we were able to work in similar fashion through local clergy or other private contacts to find returnees. Where this contact was well-respected and trusted in the community, his involvement was especially helpful in facilitating interviews. In two instances, at the urging of local contacts, a radio broadcast was used (a common procedure in Haiti) to ask named returnees to come in and speak with the team. And in many locations, simple word-of-mouth communication that the team was in the area prompted returnees to seek us out.

There was often initial suspicion of the team by returnees and some hesitation to become involved without a more complete understanding of the mission's purposes and what we planned to do with the information obtained, although the degree of hesitation varied considerably from location to location. We found it worthwhile in many cases to devote considerable time -- up to several hours -- with the initial contact explaining our purposes, the nature of our mission, and the confidentiality of information supplied by returnees. Time spent getting to know the initial contact often helped break the ice with friends or acquaintances later assembled by that individual. Clearly the role of team members skilled in Creole was crucial to this process.

The interview with returnees then followed an established outline. We began by briefly explaining the nature of the mission and promising that the information provided would remain confidential as to source. We asked for basic identifying data: name, age, occupation, family information, and then asked questions designed to have the interviewees take us chronologically through events from the time of their departure from Haiti. This included treatment in the U.S., any Haitian government contact with

families during their absence, reception upon return to Port au Prince, whether they were detained or questioned, contact with local authorities since return to the home area, any contact with American Embassy officials, and whether they had been harassed or mistreated or knew of other returnees who had been. We concluded with a request to contact the Embassy if the returnee met with harassment as a result of the interview, since we had been assured there would be no such reprisals. We also invited friends, acquaintances, and others with whom we spoke to contact the embassy if they learned of any such actions.

Most interviews lasted twenty or thirty minutes and were held in relatively private settings, although in a few instances privacy could not be arranged and the interview was held within earshot of a number of bystanders. We have tried to be sensitive to the setting in which the interview took place in assessing the information provided. Ideally, a longer time would be spent with each interviewee to gain more complete trust or at least to be in a better position to judge whether the responses were at all evasive or inhibited. Among those we interviewed, there may thus have been individuals reluctant to divulge all they knew that would be responsive to our questions. It is thus possible that particular incidents might have escaped our scrutiny. Moreover, the situation did not permit scientifically random selection of the returnees to be interviewed. Nevertheless, the exercise was designed and carried out in such a way that any widespread effort to persecute returnees, we believe, would have come to our attention. We found no evidence of such a pattern or policy.

INTERVIEWS: SUMMARY OF RESPONSES

The study team held personal interviews with 86 returnees covering a broad geographical range within Haiti. In addition, we held extensive interviews of the family members of another 11 returnees who were not themselves immediately available when the team was in their area. The account of findings below is based on the information on all 97 of these returnees. It does not include less extensive information, developed through discussions with friends or acquaintances, regarding the return and well-being of another 11 named returnees.

In general, the persons interviewed asserted that they had left for economic reasons -- to find a job, to improve their life prospects, to provide money for their families. We found no significant indication of mistreatment of returnees because of their journey to the

U.S. Organizers of the boat trips, however, have been and, we were informed by government officials, would continue to be punished for their organizing efforts. Moreover, returnees are not immune to difficulties with the authorities, on grounds other than their emigration.

Motivation for Departure. Most returnees were quite emphatic about the economic motivation for their departure. Many asserted that they had never had a job in Haiti. None stated during the interviews that political reasons caused them to leave. Some stated poignantly that for reasons of unemployment, poor weather, or poor agricultural conditions, they saw no future for themselves in Haiti, no prospect of "organizing their lives" the way they wanted. Few were shy about discussing their difficult economic situation, and many inquired quite pointedly what we -- meaning in some cases the team and in some cases the U.S. government -- planned to do about the situation. Some asked us directly for cash, a job, or help in getting back to the U.S.

Their assertions about economic need were clearly supported by the evident widespread poverty and overcrowded conditions throughout Haiti. They were also corroborated by the relatively sizeable numbers of returnees, family members, and acquaintances who were available to talk to the team at whatever hour we arrived, and by the often enormous numbers of able-bodied, employment-age bystanders in the towns and villages visited.

Departure. Most returnees reported little difficulty in leaving Haiti, suggesting that the authorities devoted little attention to heading off departures. In the north, however, and especially in more recent months, there seems to have been a closer watch on potential departures, and perhaps on the actions of suspected organizers. Several persons interviewed, including one organizer of a previous voyage, reported being caught recently in Haitian waters trying to leave without proper documentation. They spent from a week to a month in jail as a result.

A few persons suggested that local authorities would crack down on departures only if not adequately paid to ignore the activity. Part of the money collected for the trips in which they were involved, they asserted, went for such a pay-off.

Many of the clergy and other nongovernmental figures with whom we talked stated that they thought the business of organizing boat trips was quite lucrative, with organizers

collecting several hundred dollars from each individual taken aboard. Based on the interviews with returnees, however, the organizers' reputation may outrun the reality (although this is a question on which it is hard to develop fully reliable information). Many returnees, particularly in the south, depicted their voyage as largely a collective effort, with individuals contributing as they could toward gathering the provisions needed to make the trip. These people described the organizer as simply a community member who happened to be the focus of activities. In the north, however, there were more people who related having paid substantially higher fees.

Treatment of Families After Departure. Rarely did whole families venture on a voyage together; thus an individual's property would be left behind in the custody of family members. In no case did we discover any government questioning or harassment of family members after the individuals departed. Some expressed surprise at the question: "How would they have known I was gone?"

Treatment by U.S. Officials. The returnees generally reported good treatment in the U.S. or at Guantanamo. Most stated that they had been asked by U.S. officials why they left Haiti. When we asked what they had said to U.S. officials, none indicated that they had filed for political asylum. (We are aware, however, that interviewees from one group who made the voyage together did assert such claims. Four members of that group were granted asylum, but the rest were returned to Haiti when it was determined after full interviews that their claims were not well-founded. We are checking with INS to determine which, if any, of the other interviewees applied for political asylum.)

Those who chose to return to Haiti after only a few days on U.S. soil generally stated that they made that choice after U.S. officials posed their options in these terms: they had the choice of voluntary return or indefinite stay in a U.S. jail. They chose return. Some said they thought "indefinite stay" meant life imprisonment.

Return to Haiti. The typical pattern upon return to Haiti began with reception by Haitian immigration officials at the airport in Port-au-Prince. Many returnees were released there and told to return home after some minor questioning (name, address, family members). Some groups were admonished

to try leaving again without proper documentation, but this did not appear to be uniform practice. Members of only a few groups recalled any contact with American Embassy officials upon return or any time since -- although the Guantanamo returnees generally reported the presence of American Embassy officials at the airport.

A significant number of returnees reported that their groups had been taken from the airport to the Caserne Dessalines, the army barracks and headquarters in the center of Port-au-Prince. Although some stated that they were quite fearful during their stay there, it appears the Caserne served essentially as an alternate location for the same minor questioning and sometimes the same admonition against leaving again. Except for organizers (discussed below) no one remained at the Caserne for more than a few hours -- most for less than an hour. None of those interviewed reported experiencing mistreatment or extensive interrogation there.

Return Home

Most returnees had to rely on their own resources to return to their home areas, although members of one Guantanamo group received \$20 each from the Haitian Government for the return trip. None were required to check in with the local authorities on their return, and nearly all stated that they had not been mistreated or even questioned by local police or other authorities since their return. A few thought they were the subject of special attention or surveillance, but most returnees expected no problems with the authorities connected with their return.

A handful of interviewees mentioned some knowledge of instances of imprisonment or beating of a returnee. The team pursued all such leads. Our efforts included a visit to a remote area with an interviewee who thought he could put us in touch with the alleged victims. Though we found several returnees there, we discovered no support for the claim, except in one respect. One of the returnees in that area had been identified as an organizer, and he had indeed spent time in prison as a result. Based on the nature of the reports we heard and on our later interviews with a number of organizers or others who were the claimed victims, it is quite likely that the reports of imprisonment or mistreatment were based on the situations of organizers.

Only one reported incident fell outside this pattern. A number of those interviewed stated that a named returnee was beaten to set an example for those intending illegal emigration. In our interview, however, that individual himself placed the incident in a different light. He stated that he was denounced to the authorities for a matter not related to his emigration and return. He was physically beaten as a result, but he stated that the beating stopped suddenly when it came out that he was a returnee from the U.S. and he was then promptly released.

Organizers

The Haitian Government's policy is to punish those who organize boat trips to the U.S. This policy was widely known among interviewees and among the non-governmental figures with whom we talked. Organizers are charged with an offense that essentially amounts to fraud or breach of contract.

One organizer who spent three months in jail stated that the judge explained his offense to him in these terms: "You took money from these people, and now (following an unsuccessful voyage) you are unable to pay it back." This individual had been detained for a week before he was brought before the judge, but he explained that the death of the judge's wife was all that prevented him from appearing the day after his arrest.

Another organizer spent one day in jail following his first trip, and then about a month in jail when caught in Haitian waters attempting a second voyage. His companions on the second try also spent shorter periods in jail because of the attempt.

DISCUSSIONS WITH HAITIAN GOVERNMENT OFFICIALS AND NON-GOVERNMENTAL CONTACTS

In our calls upon Haitian Government officials, we were told in some detail about the official position on Haitian emigrants and their policies regarding those who return. The official Haitian position is that virtually all of the Haitians seeking entry into the U.S., including those who continue to

depart illegally, are motivated entirely by economic factors; they wish to find jobs or better paying employment than is currently available in Haiti. The outflow derives from Haiti's continuing economic underdevelopment. This is the root problem and its solution is the key to halting the flow of people to the United States.

Although departure without travel documents and exit authorization is itself an offense punishable under Haitian law, such offenses are rarely prosecuted. The Haitian government has taken the position that the typical emigrant's sale of possessions to pay for the travel, combined with the embarrassment of failure to gain entry into the U.S., itself constitutes "punishment enough." Emigrants therefore are generally allowed to depart freely from official custody within hours of their return to Haiti, following processing that is limited to filling in a brief questionnaire. The stated exceptions to the rule of release upon return, according to Haitian officials, are those returnees who are identified as organizers, those who have arranged voyages as an illicit and sometimes lucrative business venture. Large fines and imprisonment, described as generally for a period of several months but usually less than a year, were stated to be the punishment meted out by Haitian courts.

An apparently close linkage exists in the Haitian government's view between the commonly low socio-economic status of virtually every emigrant and the extremely limited incidence of what authorities consider to be true political exiles. By virtue of lack of education, typically extending to functional illiteracy, the average emigrant apparently is viewed as politically unaware and therefore excluded from actual or potential participation in anti-government political activities. It was indicated that there would be cases -- a very small number -- where an individual who had been actively involved in political opposition to the Duvalier regime would be detained for special questioning. The individual might be liable to prosecution before a special tribunal, and a claim for asylum in the U.S. by such an individual might be treated as defamation of the nation. It was claimed, however, that no such cases have occurred in recent years and that none are pending, nor have any been brought to this tribunal since its establishment 12 to 18 months ago.

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It was also suggested that in actual practice the Haitian government would prefer that what, in their view, is a small number of real opponents of the Duvalier regime remain in the U.S. Otherwise, officials suggested, the Haitian government would face the virtual certainty of renewed and intense international criticism resulting from legal sanctions that the Government says it would feel obliged to take against this group upon their return. Indeed, the remarks of some officials suggested that re-entry permission might actually be denied to known political exiles to preclude such an international reaction. Some officials stated also that a second, if still numerically small group of suspected political dissidents -- as distinct from those with established records as activists -- would be admitted to Haiti and subjected to official monitoring of their movements and activities, but not to imprisonment or other sanctions. It was repeatedly stressed, however, that the great bulk of the nearly 9,000 Haitians were viewed as economic "refugees" in whom there was no official interest once they were returned.

We also spoke with knowledgeable nongovernmental sources in Haiti, including religious and voluntary organization leaders, some of whom were critical of the overall political situation. Their comments were generally consistent with the official explanation of policy towards returnees. None knew of legal prosecution, imprisonment, or any other form of punishment of returnees in recent years, with the exception of the trip organizers, and several said flatly that the charges of persecution were untrue. Some were critical of the neglect of economic development needs that prompted Haitians to seek entry into the U.S. These sources also stated their view that, when compared to the situation under Francois Duvalier, there had indeed been significant liberalization of government controls and a significant reduction in human rights abuses under Jean-Claude Duvalier. Several noted, however, that the improvement remained largely a matter of grace, and that abuses are not unknown. Institutional guarantees against such actions, such as a well-functioning independent judiciary, have not come into being, although there are some signs of growing willingness among educated citizens to voice opposition to what are regarded as repressive government measures.

CONCLUSIONS

We found no evidence of a pattern or policy of mistreatment or punishment of those who have been to the U.S., except that trip organizers are subject to criminal penalties, a

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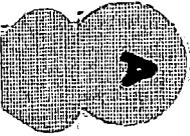
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practice that would not ordinarily give rise to a claim of persecution within the meaning of the Protocol. Moreover, the interviews indicated that most Haitian migrants come to the U.S. drawn by the prospect of economic opportunity and not fleeing political persecution.

These findings hardly make the Haitians' reasons for migrating unworthy or objectionable. On the contrary, this country has had an important tradition of major contributions by immigrants who came to enjoy economic opportunities unavailable in their homelands, and Haiti has a tradition of supplying migrant labor to other Caribbean countries. One must also express some admiration for those willing to brave the substantial risks of a long voyage in a small boat in order to improve their lot and that of their families. In today's world, however, immigration doors are not open to all would-be immigrants, and economic motives, however admirable, do not translate into a right under the Protocol to asylum. Barring a legislative change, individuals in these circumstances are not entitled to remain in the U.S. as refugees.

If the majority are not likely to be entitled to asylum under the Protocol, nevertheless it remains clear that some who leave Haiti might very well establish that their fear of political persecution is well-founded. There is no way to know, apart from close examination of the facts in each case, whether a given applicant falls into this category. Our findings should not by any means be read as a signal to reduce the care with which each Haitian asylum claim is reviewed under the established procedures. Rather, this study stemmed from an abiding U.S. commitment to honor its obligations under the Protocol -- toward Haitian nationals as well as all others -- and that commitment continues.



THE WHITE HOUSE
WASHINGTON
09 Nov 79

Attorney General Civiletti

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

Rick Hutcheson

Frank Moore

5041

Daniel P. Moynihan
New York



United States Senate
WASHINGTON, D. C.

November 8, 1979

*To Sen C.
Draft my
reply -
J*

Mr. President:

I write to you on a matter of human concern, which is yet as much a measure of the compassion of our political process as it is an indication of our moral sensibilities. I refer to the plight of some eight to ten thousand refugees from Haiti who arrived here prior to June 30, 1979, and who now face the grim prospect of deportation as illegal aliens. While I shall leave aside the volatile question of whether these destitute people are indeed "refugees" as currently defined by our immigration laws, I am compelled to bring to your attention the immense hardships and indifference these Haitians now face. Consider, for instance, the simple fact that until this past June Haitians seeking asylum in this country had been routinely denied the right to a full, fair and impartial evidentiary hearing before an immigration judge. Due to their illegal status, Haitians have been denied access to those services and special

**Electrostatic Copy Made
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page two
November 8, 1979

programs which the Indochinese, Hungarians, and Cubans, for instance, have received. More important than these special entitlements, they have been largely prohibited from simply holding a job. The humanitarian convictions of the American people are done violence by these facts.

You are by now in receipt of a letter from the Most Reverend Francis J. Mugavero, Bishop of Brooklyn, in which he urges you to recommend that the Attorney General use his authority under section 212 (d) (5) of the Immigration and Nationality Act to grant parole to these Haitians. I suggest that, if necessary, this might be done on a case-by-case basis in accordance with the principle of equity. These people, and their predecessors, have set an admirable example of achievement and contribution to the community and country, and I am convinced that such a parole would be in the best interest of the country.

The Bishop has raised a compelling matter, for surely it is at least intolerable that we contemplate the deportation of these refugees. I wish simply to add my support of the Bishop's request to you, and to urge you in the most earnest way to ask the Attorney General to exercise the authority the law provides him in this matter.

Sincerely,



The President
The White House
Washington, D.C.

BISHOP'S OFFICE
75 GREENE AVENUE
BROOKLYN, NEW YORK 11238

October 16, 1979

Dear Senator Moynihan:

Standing in Battery Park with the Statue of Liberty and Ellis Island in the background, Pope John Paul II recently paid homage to America and its people by extolling "its desire to be free, its determination to preserve freedom and its willingness to share this freedom with others."

Since 1972, approximately 8,000 Haitian refugees have fled Haiti by boat. After a danger-filled voyage of over eight hundred miles, they hoped to find a home in these United States. Unfortunately, they now face the horror of deportation. These victims of suffering are the real people that the Pope was talking about. They are the victims of injustice and persecution with whom we are asked to share our freedom.

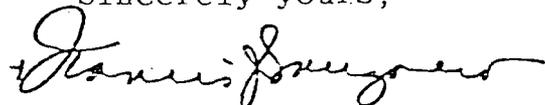
In a previous letter to you, the Diocese of Brooklyn urged you to take immediate steps to save the Indochinese refugees and eventually to bring them to our land. As a result of the pleas of the American people, President Carter gave his pledge to admit 14,000 Indochinese refugees every month. I now call upon you for your support and assistance in persuading President Carter to extend the hospitality of this nation only a little more. I have written to the President asking him to grant refuge through his parole authority to this small group of 8,000 Haitian "boat people" who arrived here before June 30, 1979.

The Diocese of Brooklyn has the largest Haitian community in the United States. They came here because they knew they could find here the freedom to which every human person has a right. It is in their name and in the name of all the 1,500,000 faithful of the diocese that I make this appeal to you.

The Pope described the United States as a country "where generosity and hospitality are no idle words." I know that you will continue to personify these qualities of our nation by a compassionate response to the plight of these Haitian refugees who only ask us to share with them the freedom which this country has always offered to the oppressed and persecuted.

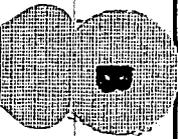
With every best wish, I remain

Sincerely yours,



Bishop of Brooklyn

Honorable Daniel P. Moynihan
Senate Office Building
Washington, D.C. 20510



THE WHITE HOUSE

WASHINGTON

January 2, 1980

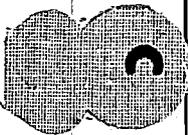
Dear Pat:

I asked Attorney General Civiletti to review your letter on the situation facing Haitian refugees in the United States. I share your concern, and that of the Bishop of Brooklyn, but as Ben points out, legal barriers, including legislative prohibitions, afford us little flexibility in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Moynihan", with a horizontal line above it.

The Honorable Daniel Patrick Moynihan
United States Senate
Washington, D.C. 20510





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

December 26, 1979

MEMORANDUM

TO: The President

THROUGH: Rick Hutcheson

FROM: Benjamin R. Civiletti **BRC**
Attorney General

RE: Haitian Immigration

Attached is my draft of an appropriate response for you to Senator Moynihan's inquiry on the captioned subject. As you can see, our flexibility in this matter is quite limited because of Congressional enactments regarding immigration.

Attachment

Use of the parole power by the Attorney General to admit large numbers of people is expressly prohibited in the legislative history of the Immigration and Nationality Act. It has been exercised by the Executive Branch in behalf of groups with great reluctance after consultation with Congress and only in circumstances of compelling need.

Congress could pass special legislation conferring permanent resident or related status on the Haitians in the United States, thereby removing the legal barriers to assistance and work. In the absence of such legislation or fundamental change in immigration law, there is little more that we can do to ameliorate the situation faced by these Haitians.

Sincerely,

X

The Honorable Daniel Patrick Moynihan
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

January 2, 1980

Dear Senator Moynihan:

Your letter concerning the thousands of Haitian nationals who have arrived on our shores in recent years highlights a situation which has been difficult for the Government to resolve within the framework of current United States immigration law and policy.

Haitians arriving by boat generally tell Immigration agents that they left Haiti for economic reasons. Many later repudiate their signed declarations and claim that their primary motive for leaving Haiti was to escape persecution. However, asylum claims, which are adjudicated on a case-by-case basis, have been granted in only two percent of the pending cases. In addition, our ability to handle these cases expeditiously has been hampered by a series of judicial rulings on behalf of Haitian asylum applicants. Asylum hearings resumed in July 1979, and applicants now may have a full evidentiary hearing to determine potential persecution.

I am aware of the hardships faced by individual Haitians in this country. Unfortunately, very few qualify for asylum according to the United Nations standards to which we adhere. Circumstances in Haiti are under continuing review by United States and international agency officials. Attached for your use is the most recent report available from those efforts. Analysis continues to show that people are fleeing harsh poverty and economic deprivation rather than political persecution. Our immigration laws do not make provision for admission of large numbers of people under those circumstances.

THE WHITE HOUSE
WASHINGTON

NOTE FOR THE FILE:

This is the original draft which was sent over to the President from Attorney General Civiletti.

Ev Small

Honorable Daniel P. Moynihan
United States Senate
Washington, D. C. 20510

Dear Senator Moynihan:

Your letter of November 8, 1979 concerning the thousands of Haitian nationals who have arrived on our shores in recent years highlights a situation which has been difficult for the Government to resolve within the framework of current United States immigration law and policy.

Haitians arriving by boat generally tell Immigration agents of their leaving Haiti for economic reasons. Many later repudiate their signed declarations and claim that their primary motive for leaving Haiti is to escape persecution. However, asylum claims, which are adjudicated on a case-by-case basis, have been granted in only two percent of the pending cases. In addition, our ability to handle them expeditiously has been hampered by a series of judicial rulings on behalf of Haitian asylum applicants. Asylum hearings resumed in July 1979 and applicants now may have a full evidentiary hearing to determine potential persecution.

I am aware of the hardships faced by individual Haitian people in this country. Unfortunately, very few qualify for asylum according to the United Nations standards to which we adhere. Circumstances in Haiti are under continuing review by United States and international agency officials. Attached for your use is the most recent report available from those efforts. Analysis continues to show that people are fleeing harsh poverty and economic deprivation rather than political persecution. Our immigration laws do not make provision for admission of large numbers of people in those circumstances.

Use of the parole power by the Attorney General to admit large numbers of people is expressly prohibited in the legislative history of the Immigration and Nationality Act. It has been exercised by the Executive Branch in behalf of groups with great reluctance after consultation with Congress and only in circumstances of compelling need.

Congress could pass special legislation conferring permanent resident or related status on the Haitians in the United States, thereby removing the legal barriers to assistance and work. Absent such legislation or fundamental change in immigration law, there is little more that we can do to ameliorate the Haitian issue.

Sincerely,

**OFFICE OF THE VICE PRESIDENT
WASHINGTON, D.C.**

Mr. President:

We are cutting short the Vice President's trip so that he can participate in the NSC meeting. He should be back at the White House shortly after 1:30.

Dick Moe

oh
J

**Electrostatic Copy Made
for Preservation Purposes**

THE WHITE HOUSE
WASHINGTON

1/2/80

Alfred Kahn

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

Rick Hutcheson

8:00 AM

THE WHITE HOUSE
WASHINGTON

December 31, 1979

①

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for Preservation Purposes

MEMORANDUM FOR THE PRESIDENT

FROM: ALFRED E. KAHN

Frank

SUBJECT: Agenda for the Breakfast Meeting on
Inflation, January 2

Most of what I have to suggest centers on the pay standard. I attach a memorandum discussing:

1. The GM/UAW settlement.
2. The question of what if anything to do about the Teamsters contract in the light of what the GM negotiations have disclosed about it.
3. A summary of actions and prospective actions by the Pay Advisory Committee.

In addition, we might briefly report on:

4. The Oil, Chemical and Atomic Workers negotiations.
5. Recent developments on the steel trigger price mechanism and general problems of the steel industry.
6. Some possible price jawboning. Specifically, the question of whether your (or I) ought to bring in the chief executives of the seven companies whom we have found out of compliance with the price standard and OFPP has listed as ineligible to bid on Federal contracts. (There are five others who are appealing for reconsideration.)

The seven are Gifford-Hill and Company, a building materials firm; Northwestern Steel and Wire; Laclede Steel; Shoe Company of America; Charter Oil; Ideal Basic Cement; and American Hoechst, a subsidiary of a German textile and chemical firm.

The purpose of the meeting would be quite simple -- to urge them to take steps to bring their companies back into compliance so they could be removed from the list.

There are a number of reasons for considering such a meeting. First, a little urging, from one of us, might convince some of these companies to take corrective action. Second, it is a way of reemphasizing the fact that we have found noncompliers, something that tends to be overlooked, particularly in the political rhetoric. Third, it will signal to those companies and others that they will pay a price in the form of continued bad publicity for being listed as noncompliers -- that we are not following a policy of list them and leave them.

THE WHITE HOUSE

WASHINGTON

December 31, 1979

MEMORANDUM FOR THE PRESIDENT

FROM: ALFRED E. KAHN
R. ROBERT RUSSELL

Fred

SUBJECT: Pay Standard Developments

1. The GM/UAW Settlement

As you know, we negotiated with GM the following resolution of the issue: the contract does not comply with the pay standard; but we found General Motors in compliance with the program on the ground that (1) its people made a concerted effort to negotiate a contract that they believed would be found in compliance with the standards, and (2) the Company has made a public commitment to stay on the price limitation throughout the second program year rather than to apply for the alternative profit limitation -- for which it does qualify, and under which it would be permitted larger price increases -- unless it experiences substantially greater increases in costs than it can reasonably foresee at the present time.

It is clear that General Motors had meticulously analyzed all of the major contract settlements during the first program year and had gone to great lengths to try to negotiate a contract that would be found in compliance. Just as meticulously, however, they took advantage of every loophole that they could find and interpreted in their favor every ambiguity in the standards that they could find. One of their self-serving interpretations certainly strains credulity about their good faith. This was their adoption of an obviously internally inconsistent costing method used by the truckers in costing out the Teamsters contract: they used the number of hours worked to calculate the base hourly pay rate but the higher number of hours paid to calculate (and in this way to understate) the increased hourly costs of certain fringe benefits. This calculation is flatly inconsistent with the standards. The trouble is that the Council did not learn that the truckers had done this until informed of it by GM. GM claims it received confirmation that the Council knew this calculation technique had been used in the Teamsters contract. The Council denies this: there was a telephone call from a GM employee to a member of the CWPS staff, but the content of the discussion is a matter of dispute.

The UAW contract placed us in a dilemma. If we had found it in compliance, in the face of reasonable estimates that it is likely to cost 30% over its life, we probably would have destroyed whatever credibility the program may still have. In addition, this would have permitted other settlements to be patterned after it, especially under the liberalization of the tandem exception that we adopted on recommendation of the Pay Advisory Committee.

On the other hand, if we had condemned GM, we would have found ourselves in a public confrontation with one of the strongest supporters of the program; and the Company would have accused us of discriminating against them by not giving them the benefit of the favorable evaluation we (unwittingly) gave the Teamsters.

We think the resolution we reached was the least damaging one possible. Its principal danger is that it may be interpreted as evidence that the Administration will do anything necessary to find in compliance companies that it wants to find in compliance. Reporters might also term the GM commitment a phony because of its attached condition -- that they will stay on the price limitation only if they do not experience substantial unforeseen costs.

The early newspaper accounts have, however, been quite restrained, perhaps because the decision was not released until last Friday, the eve of a long holiday weekend.

According to the Council's calculations, the GM/UAW contract is not far out of compliance (after allowing for various exemptions, exceptions and arbitrary valuations). The chargeable increase in pay rate over the three years is just 23.2%, just 0.7 percentage points above the 22½% limitation. The difference between the 23.2% guidelines calculation and the commonly cited cost increases of 30-35% can be attributed to two major items:

- (1) GM and UAW benefitted considerably from an exemption for increased pension benefits for retirees that was granted to the Teamsters during a particularly frantic stage of the negotiations last April by Wayne Horvitz, who was acting as an intermediary. Once we discovered that Wayne had made this concession, we could not back off, and ultimately CWPS had to write this exemption into the standards. These payments accounted for 2.3 percentage points in the GM/UAW contract, raising the cost from 23.2% to 25.5%.
- (2) The underevaluation of cost of living adjustments (at the assumed inflation rate of 6%) explains the remainder: a more realistic inflation assumption of 9% per year adds 4.7 percentage points to the three-year cost, bringing it to 30.2%.

Even this 30.2% falls short of our best estimate of the total cost of this contract over the three years. To get that it is necessary to count the true cost of the items not fully counted under the wage standard: a carryover COLA payment (15¢ an hour more), excess costs of maintaining health benefits (11¢), and ERISA-imposed costs (9¢). These add 2.4 percentage points, bringing the total to 32.6%.

2. Reevaluating the Teamsters Contract

The GM/UAW contract has brought to our attention and that of the public the fact that the truckers and Teamsters engaged in a piece of blatant deception during our negotiations with them last April. This disclosure raises two inescapable questions: how could it have happened? And what if anything should we do about it?

On the first, we should recall that the Administration -- specifically, the Collective Bargaining Committee -- played a very active role in the negotiation of this contract (unlike the GM/UAW case). Keeping in touch on an hourly basis, and relying heavily on information supplied them by the parties and the mediators, major Administration officials publicly proclaimed the contract in compliance as soon as the strike was settled, and before the Council had the opportunity to examine the underlying calculations. In fact, the Council was never given a detailed contract to evaluate; it received only summary figures, as a kind of fait accompli, and necessarily assumed that the underlying calculations were honest (which we now know they were not).

There is no way to keep this deception secret, because it is central to an understanding of the dispute between General Motors and the Administration about the compliance status of the UAW contract. What do we do about it?

There are only two possibilities: a Notice of Probable Noncompliance to the truckers and the Teamsters; or do nothing.

The case for going ahead with the Notice is that that would be playing according to the book. It would provide the basis for corrective action in the form of the ICC making the truckers swallow the difference in the next round of rate increases. And that would come closest to evenhandedness: that is what the rubber tire manufacturers have committed themselves to do; and GM's agreement to stick with the price limitation is a roughly similar atonement for the same sin.

There are some obvious arguments for doing nothing. The main one is that reopening the Teamsters contract now, after so many months, would probably make us look even more foolish than

we do now. It would call additional attention to our gullibility in accepting the computations the parties supplied us, and resurrect the accusations that we bent the standards into unrecognizability in order to bring the contract in under them. It might also threaten the survival of the Pay Advisory Committee (even though John Dunlop has disclaimed any interest in cases arising under the first-year standards) since Frank Fitzsimmons might well take a walk if the Teamsters are issued a notice.

There are plausible rationalizations for not initiating a noncompliance action. One is the passage of time: the contract is already some eight months old. A second is the small size of the error in this case: 0.3 percentage points over the three years, as compared to 0.8 in the case of the UAW. Third is the fact that the Administration was integrally involved in the Teamster negotiations and therefore has to live with the results: how would we handle an assertion (like the one GM made) that some Administration official knew about the use of inconsistent denominators and winked at it?

*Publicize - ok
Action?*

We'd appreciate your guidance.

3. The Pay Advisory Committee's Deliberations

The Pay Advisory Committee has met seven times and has resolved three of the four issues that their charter specifically asked them to tackle: the low-wage exemption, the tandem exception, and the treatment of pay increments (merit pay plans and the like). The fourth, and most difficult issue -- and the one about which we've most worried what they might do -- the basic pay standard and the accompanying inflation assumption for workers with cost of living (COLA) clauses, may be resolved as early as the next meeting, on January 8, but John Dunlop is not confident he can make it.

The changes that have been recommended by the Committee and accepted by the Administration thus far add up to a substantial relaxation in the pay standard.

The basic \$4.00 low-wage exemption for individual workers, which exempts about 35% of the work force, has been retained for the second program year, along with a new, additional one for entire employee units with average wage rates below \$5.35. This second exemption applies to approximately 25% of the work force, but, of course, this figure cannot be added to the original 35%, since a very large number of workers fall into both categories. We conjecture that these two provisions take out somewhere between 40 and 50% of the work force. Taken by itself, this revision is, however, not debilitating: these workers count for a considerably smaller portion of the economy's wage bill, and neither they nor their employers typically have a great deal of market power or are an important source of inflationary pressure.

Of the possible ways of treating pay increments, the Pay Advisory Committee has chosen the most permissive: they have decided to charge none against the pay standard, whether they are based upon accomplishment or qualification on the one hand or mere longevity on the other. (The situation under the first year was not very satisfactory either. In principle the former kinds of increases were not to be charged, the latter were to be, but, there being no way of making the distinction in practice, responsibility for making it was left to the parties themselves, and all sorts of inequities resulted.) This revision probably does not have a substantial direct inflationary effect, because increments are most important in the public sector, where pay increases have not been particularly exorbitant; and because on average increments amount to less than one percent annually. The principal danger is that there may well be some highly publicized cases in which public employees receive very large increases as a result. On the other, this revision buys us silence from Jerry Wurf -- no small benefit -- and satisfies a long-standing complaint of the NEA.

The most substantial relaxation of the pay standard thus far has been in the tandem exception. In the ~~first year~~, this tightly worded exemption was eligible for employee units whose historical pay increases "have been linked regularly to pay-rate changes in another employee unit in a leader-follower relationship," and where "the past pay-rate increases of the two employee units have been equal in value and directly related in timing." The new exception does not require a consistent leader-follower relationship and only requires that the pay rate increases of the employee units be "substantially equivalent." More important, it applies also to situations in which pay rates of particular companies have been determined by market wage surveys, a notion that was steadfastly resisted in the design of the first-year standards because it virtually endorses the principle of catch-up wage increases and the wage-price cycle itself.

This revision of the tandem exception undeniably opens up a large possible loophole. On the other hand, it largely formalizes much of what the Council has already been doing under its gross inequity exception, in an almost desperate attempt to prevent all major companies from jumping ship. The importance of the Pay Advisory Committee's change is that it advertises the availability of a very liberal exception and essentially encourages companies to self administer it.

It would make this memorandum excessively long to spell out the whole range of uncertainties about where the Committee may be going on the general pay standard, and the dangers that lie ahead. Labor is still talking about recovering the 12%

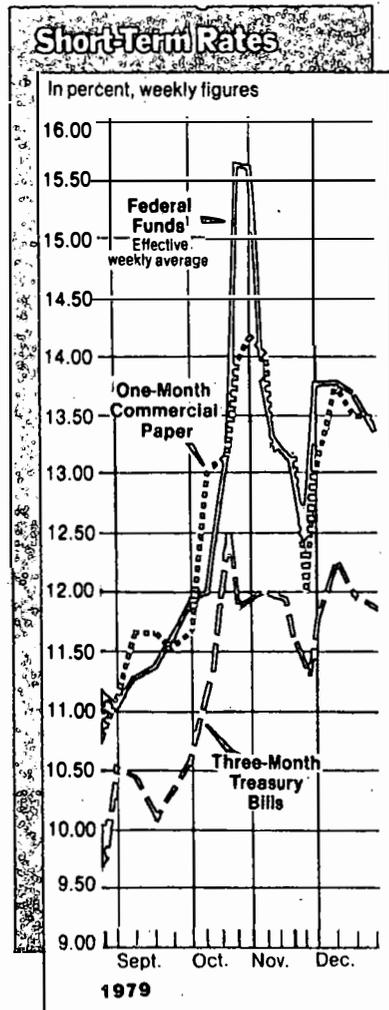
increase in the CPI during the past year. Even if they settle for a forecasted 10% increase, it seems highly questionable that a standard that high would be worth having, considering the extent to which any number serves as a floor as well as a ceiling.

The employers will probably hold firm for a standard no higher than 9%; but the Committee, clearly unable to agree on a single number, has already agreed in principle to go for a range. The critical questions are, then, the size of the range (Dunlop has talked about 6 to 10%) and whether any feasible principles can be developed and self administered that would prevent most critical settlements from gravitating to the top. Most of us feel that a 10% standard, and maybe even a 9% one, could be worse than no standard at all.

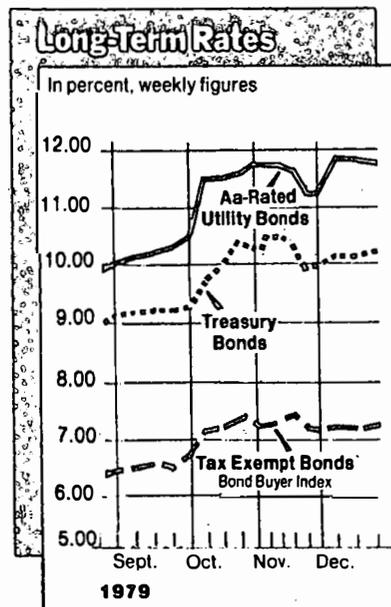
A few of the public members of the Committee feel the same way, and we are trying to work with them and John to retain some reasonable measure of restraint. But we may face some very hard decisions in the next few weeks about whether the accord with labor is proving compatible with any kind of acceptable wage standard.

High Interest Rates Expected to Persist

Continued From Page D1



The New York Times/Jan. 2, 1980



The New York Times/Jan. 2, 1980

controls would cause anything like a long rally this time.

A tax cut, by increasing Treasury borrowing and stimulating the economy, would tend to exert upward pressure on interest rates, but it might be the best policy alternative available. As Mr. Paulus noted, a deep recession, by causing unemployment to rise sharply, would produce a major shift in policy toward stimulus that would be difficult to reverse. "In the end, a deep recession could prove to be inflationary rather than deflationary," the Goldman Sachs economist said.

The main elements in this year's business slowdown are weak housing starts and automobile sales. The Government is moving to keep housing from falling too far, however, and so the estimates that put the annual rate of housing starts as low as one million units during some months of 1980 seem excessively pessimistic. At least partly offsetting the weakness in housing and autos will be increased arms spending by the Federal Government and capital spending by corporations.

No Decline?

At the Conference Board, James J. O'Leary, author of its monetary outlook and economic consultant to the United States Trust Company, asserted that "there should be a gradual decline of both short-term and long-term rates" as the recession develops, but he also indicated the declines would not be very large. High inflation and the need to defend the dollar will prevent a sharp decline in rates, he said.

But other money market analysts contend that if the recession is mild and if it ends in the fall, it is unlikely that interest rates will come down at all.

In fact, one prominent forecaster, Henry Kaufman of Salomon Brothers, has predicted that interest rates during the first half of 1980 will rise to levels even higher than those reached in late October and early November last year.

A more widespread view was expressed the other day by Elliott Platt, money market economist at Donaldson, Lufkin & Jenrette. "Our current view," he said, "is that interest rates have most likely peaked in the sense that we do not expect the prime rate to go back up to 15 1/4 percent in this cycle, and we don't expect long Government bonds to yield 10 1/2 percent again, as they did in early November."

Like others, however, Mr. Platt ruled out "a major fixed-income bull market."

Though many analysts say they have faith in the ability of Paul A. Volcker, chairman of the Federal Reserve Board, to sustain the Fed's new monetary program, others are doubtful. For one thing, a new Fed governor is scheduled to be named early this year, and the economic philosophy of the new board member could alter Mr. Volcker's anti-inflation effort.

The recent decline in United States productivity may be a further reason to

DO NOT FORGET THE NEEDIES!

12/31/79

Mr. President:

Tim Kraft requests that you sign the attached letters relating to your participation in the Massachusetts and Pennsylvania primaries, as required by state laws and/or delegate selection plans.

THREE SIGNATURES REQUESTED.

Rick

JIMMY CARTER

December 30, 1979

To Michael Joseph Connolly

This letter will acknowledge your letter of December 13, 1979, and confirm that I do desire my name to be placed on the ballot for the Massachusetts Presidential Primary to be held on March 4, 1980.

With best regards,

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

The Honorable Michael Joseph Connolly
Secretary of State
State House
Boston, Massachusetts 02133

JIMMY CARTER

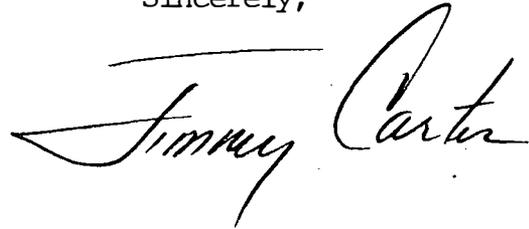
December 30, 1979

To William R. Davis

I hereby authorize Mr. Terrence Straub as my official representative on all matters concerning the April 22, 1980, Pennsylvania Presidential Preference Primary and the election of delegates and alternate delegates to the Democratic National Convention from the State of Pennsylvania.

With best regards,

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

The Honorable William R. Davis
Secretary of the Commonwealth
Department of State
Harrisburg, Pennsylvania 17120

JIMMY CARTER

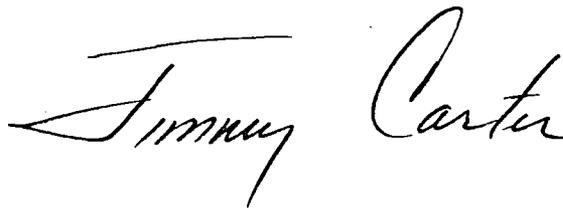
December 30, 1979

To Chester Atkins

I hereby designate David Flynn as my official representative on all matters concerning the selection of delegates and alternates to the 1980 Democratic National Convention from the State of Massachusetts.

With best regards,

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

The Honorable Chester Atkins
Chairman
Massachusetts State Democratic Party
14 Beacon Street
Boston, Massachusetts 02108

In the Name and by Authority of the

Commonwealth of Pennsylvania



TO:

THE SECRETARY OF THE COMMONWEALTH

DECLARATION OF CANDIDACY

I, JIMMY CARTER, hereby declare and affirm to the Secretary of the Commonwealth of Pennsylvania, The Honorable William R. Davis, that I am a candidate for the Democratic nomination for the office of President of the United States, and under the provisions of the laws of the Commonwealth of Pennsylvania do hereby authorize candidates in the 1980 Democratic Presidential Primary for delegate and alternate delegate to the Democratic National Convention, to pledge and support and commit themselves to my candidacy.

X *Jimmy Carter*

In the District of Columbia:

Sworn to and subscribed before me

this *7th* day of *January*, 19*80*.

Robert D. Linder

Notary Public

(Official Title)

My commission expires *April 14, 1983*

12/29/79

MEMORANDUM FOR THE PRESIDENT

FROM: TIM KRAFT ^{TK}/₁₀
RE: DELEGATE SELECTION

I recommend that you sign the attached documents which are required by the delegate selection rules and state laws of several states.

i) Pennsylvania

You should sign two documents. The first declaring yourself to be a candidate for President. The second authorizing Terry Straub as your official representative in Pennsylvania.

ii) Massachusetts

You should sign two documents. The first indicates that you wish your name to appear on the March 4 Massachusetts ballot. The second names David Flynn as your official representative.

FOUR SIGNATURES REQUIRED

THE WHITE HOUSE
WASHINGTON

1/2/79

The Vice President

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

Rick Hutcheson

cc: H. Jordan

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

December 21, 1979

MEMORANDUM FOR HAMILTON JORDAN

FROM: SECRETARY OF LABOR *for*

SUBJECT: IOWA **Electrostatic Copy Made
for Preservation Purposes**

*Fritz - This
Monitor calls
closely. My area
into Ottumwa
(to UAW) have been
good - IEA crucial
J*

My Coverage of Iowa

During the past two years, I have been in Iowa seven times and most of these trips (5) have been concentrated in the last eight months. In Iowa, as in other states, my trips have focused on building support in the labor community. As a result, I have been in the larger urban areas - Des Moines, Cedar Rapids, Waterloo, Davenport, Dubuque and Ottumwa. The events scheduled during these trips have included speeches to large labor audiences, private meetings with labor leaders, and Democratic Party people and plant visits. Each trip has also included extensive press interviews.

In August of this year, at the annual convention of the Iowa Federation of Labor, I began a concerted effort to present our labor record and build support for the Administration. Since then, I was invited to the UAW CAP Council meeting in October and have just completed a two-day trip (December 13-14) to 5 cities in Iowa. I now plan to return to Iowa for one more two-day trip in early January. Each of these trips has been coordinated with and built around the suggestions of the labor staff of the Carter/Mondale Committee.

Assessment of Iowa Labor Politics

The UAW (33,600 members) and the Machinists (15,500 members), two of the largest and most politically active and important unions in Iowa are very strongly supporting Kennedy. This support is at the local and district level and in the case of the Machinists the international

is committing major time and resources. The State Federation President, Jim Wengert is also with Kennedy. Although the local leadership and rank and file of these unions are predominantly Kennedy supporters, there is division in the ranks of the UAW and some will be neutral or are leaning towards the President.

Numerically unions or associations supporting the President out number the two Kennedy unions. The NEA is the largest in Iowa with 34,400 members and the NEA combined with the Meat Cutters, now part of the UFCW and CWA total 61,400 compared to 49,100 members in the UAW and Machinists. However, the Meat Cutters have historically been a very liberal union and the United Food and Commercial Workers will have a difficult time working or disciplining a good segment of the Meat Cutters. In addition, our unions and their leadership don't appear to have made the same level of commitment as the UAW and the Machinists.

The pro Kennedy sentiment among labor can be clearly seen in the questions I receive on issues. High energy prices, oil price decontrol, national health insurance, and fears that we will fight inflation with unemployment dominant the discussions. Very few understand the President's record or have ever had it clearly presented. At a minimum, my trips have helped diffuse some of this dissatisfaction.

At this time, Kennedy has a distinct edge* in the labor community. However, we are aided by having broad based labor support, potential for a successful push by pro Administration unions, and some division within the UAW.

*in terms
of numbers,
I believe we
have edge in
numbers.*

Recommendations

- o Pro Administration unions should be asked to immediately augment their staff in Iowa and the leadership of the NEA, UFCW and CWA should be asked to personally take a role in Iowa. If NEA is well organized in Iowa, they are likely to be the best bet. NEA should be worked hard. However,

this additional commitment will only pay off if the Carter/Mondale campaign has in place a coordinated program for identifying and getting supporters to the caucuses. My guess is that a 3-way race will require more people at the caucuses than in 1976.

- o To insure a stronger campaign, more and higher level campaign staff should be brought into the State.
- o More of an effort should be made to forcefully present our position and record through the media and in public forums. The Presidential debate in Iowa will be the most important event in the next several weeks.

Conclusion

A favorable outcome for the President in Iowa will open up, particularly among labor, a strong base of support in other key states.



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

December 31, 1979

MEMORANDUM TO THE PRESIDENT

**Electrostatic Copy Made
for Preservation Purposes**

THROUGH Rick Hutcheson
Staff Secretary

SUBJECT: Iowa Caucus

I have been in Iowa on many occasions in the last year. The general political atmosphere is good and getting better. Your programs are generally highly regarded in the conservative rural regions of the State. Our main political problem for the caucus strategists is to energize folks who are more likely to take things for granted.

I am going to be in the State from January 8 through 12 for a number of media events and other partisan activities and will go back again as determined by the Carter-Mondale Campaign Committee.

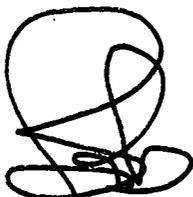
Senator Kennedy has no State-wide organization in the rural areas. The president of the Iowa Farmers Union, a small but active farm organization, endorsed Kennedy and was forced to moderate his views by his own board. The only person with any following of his own State-wide supporting Kennedy is former Senator Dick Clark and his performance to date can be described as feeble. The Senator is not well grounded on rural issues and it shows.

The Carter-Mondale Election Committee is effective in getting the precinct organization set up. We're using all our contacts in harmony with Carter-Mondale leadership. I have two separate contacts going--one through the Rural Electric Association of the State of Iowa and the other through the Iowa Farm Bureau. Both organizations are very conservative and the leadership is mostly Republican but they do have a substantial number of moderate, conservative Democratic members that we are trying to reach through those organizations.

The majority of the precincts of the State are rural and we are organizing in each township with a goal of not fewer than five Carter supporters in each. Unless some real issues are involved, five persons in a precinct can control almost all of the rural precincts. The teachers are very helpful in the towns and villages in getting their own membership out to the caucuses. Again, in a typical Iowa town, twenty determined teachers can be a very potent force.

Transportation continues to be the only difficult rural issue in the State, primarily attributable to the financial crisis confronting two of the State's four major railroads--the Rock Island and the Milwaukee--compounded by the delays in constructing the new lock and dam at Elton, Ill. The whole situation is made even more difficult by the tremendous crop this year--the biggest ever--and the booming exports setting new records.

Secretary Goldschmidt and I have been jointly and separately working on a railroad program. It might be useful for the two of us (Goldschmidt and me) to go out and display the genuine concern and discuss possible alternatives to the status quo.

A handwritten signature in black ink, appearing to read 'BOB BERGLAND', written in a cursive, somewhat stylized script.

BOB BERGLAND
Secretary

12/21/79

MEMORANDUM FOR HAMILTON JORDAN

FROM: LONDON BUTLER

SUBJECT: Iowa Labor Effort

The labor movement in Iowa is split between Carter and Kennedy. While we enjoy greater numbers of labor supporters, the Kennedy forces tend to be more concentrated and motivated by their leadership. The breakdown is as follows:

<u>Kennedy</u>		<u>Carter</u>	
UAW	40,000	ISEA (NEA)	18,000
Machinists	11,000	UFCW	13,000
Rubberworkers	2,500	IBEW *	11,000
Grainmillers	3,200	Central Iowa Building Trades	10,000
		Plumbers	2,500
Total	<u>56,700</u>		<u>61,000</u>

* indicates endorsement due Jan. 4, 1980

The UAW reportedly has up to 6 full-time people working the state. The Machinists may have as many as 10. Full time staff committed by the pro-Carter unions in Iowa include:

- NEA 6 people
- Plumbers 1
- CWA 1
- UFCW has pledged a staff commitment

The Vice President was scheduled to telephone Willard McGuire, President of the NEA, today and ask him to double the NEA staff commitment. The VP is also calling Bill Wynn, UFCW President, and Glen Watts, asking them to approximate the NEA as closely as their resources will allow. In addition, the VP asked each President to

maximize their efforts in Iowa. That includes calls to every local union President asking them to set up a Carter campaign effort using dues money aimed at their membership that will include phone banks, get out the vote activities, production of campaign materials etc. How responsive the locals will be can't be predicted at this time, but we will follow up on the VP's calls through out people in Iowa. In addition, each President was asked to supply their membership lists with phone numbers for our phone bank operation; Bill Wynn was asked to make a tour of the state on the week of January 7th with the highest ranking Meatcutter representative; and Bill McGuire was asked to commit to high-ranking NEA operatives, Dick Van Der Voode and Ken Malley, full-time to the campaign.

There are presently 127 Iowa labor leaders on the Labor For Carter Committee. The Iowa labor effort consists of a program integrated with the larger Iowa campaign organization that speaks of potential Carter supporters to the Iowa Get-Out-The-Vote Program.

As you know, the Iowa Get-Out-The-Vote Drive is a two-track effort focused first on leadership personnel for the precinct caucuses, and finally, an all out field operation to get out every available body on January 21st.

The telephone bank in Des Moines consists of 21 Wats phones. Also, CWA and the Iowa Building Trades have agreed to set up their own phone banks in our headquarters to reach their memberships. We are encouraging other unions to do so. The Labor for Carter effort is being spearheaded by a representative of each of the endorsing unions working in the Des Moines phone bank as well as others in the field. We will be calling all 61,000 members in the unions that are supporting us beginning with leadership and working down the list to activists and rank and file members, integrating leadership and activists into precinct organizations.

The Plumbers and Carpenters unions, through the Iowa Building Trades Council, have begun training their own members in participating in caucuses.

As you know, AFSCME has taken a neutral position as a national union, but has permitted its local unions to back the candidate of their choice. A press conference is scheduled in the next two weeks at which 15 of the 23 members of the AFSCME state conference will endorse the President, and we are working friendly AFSCME locals.

Three of the large UAW locals have not endorsed any candidate despite the fact that the state CAP Council endorsed Kennedy

and through Chuck Gifford is working the state very hard. Ray Marshall visited two of the large neutral UAW unions, in Ottumwa and Dubuque on Dec. 18, and got a good reception. We are currently working on a schedule of local and plant gate visits for the Vice President and will continue to work the UAW membership where we have potential support.

Where possible, we also want to use the First Lady's visits to the State to work the neutral UAW locals, and we plan to meet soon with the pro-Carter leadership from those locals and from among retirees to woo away as many UAW members as possible.

We will continue to identify key local and state labor leaders for calls from the President, Vice President, and other Administration figures.

U.S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY
WASHINGTON, D.C.
20210

December 31, 1979

MEMORANDUM FOR HAMILTON JORDAN

FROM: RAY MARSHALL *RM*

**Electrostatic Copy Made
for Preservation Purposes**

Ham:

This is an addendum of my earlier memo to you concerning Iowa and what I can do the rest of this month:

1. My assessment the last time I was in Iowa is that more people support the President than Kennedy but his people are more intense. (However, Kennedy's labor support is mainly from the UAW and the Machinists and some of their activities may be counterproductive. Bill Lyman, a strong Teamsters leader at Marshalltown, told me that Chuck Gifford of the UAW has caused considerable resentment with threats to get people fired who support the President. He made this threat to Mike Massina, a UAW Carter supporter in Marshalltown.) When Kennedy started losing and the President started gaining in the polls, there was a significant shift of support to the President. We did not have enough staff in Iowa to adequately capitalize on this movement, but recent reports show that the additional people we have moved in have improved this situation.

2. I am in continuing contact with the Carter-Mondale people in Iowa, especially Judy Perkins, our labor coordinator, and have continued to call people to solicit their support or thank them for their help. I also use these calls to get their assessment of our relative strength and any problems we need to be alert to or to deal with. These calls are very helpful and I will continue to make as many as possible before the caucuses.

3. I will supplement my phone calls with personal contacts during my visit to Iowa January 14 and 15. I will be glad to do anything else that would help. I think the personal appearances are very important. We not only have a chance to explain our record, but also attract considerable media attention.

The main issues of concern to Iowa union members are:

(1) the wage-price standards which were considered unfair because of double digit inflation; the Accord and the Pay Advisory Committee neutralize this criticism, but are not well understood.

(2) Health Insurance -- Kennedy supporters exaggerate the differences; people seem satisfied with the argument that we want NHI that can be passed and will not increase costs too fast.

(3) Energy -- We are blamed for higher energy prices by Carter supporters. I tell them OPEC increased energy prices and we must break our dependence on imported energy. I also emphasize windfall profits, developing alternative sources (especially job implications) and help for low income people. The Kennedy people seem to think our choice is low energy prices or high energy prices. This is unrealistic in view of imports and OPEC. People seem to accept this argument more now than they did a year ago.

The main things we have going for us in Iowa are: relative prosperity, especially very low unemployment, our outstanding labor record, efforts to achieve efficiency and honesty in Government, and our outstanding record in international affairs, especially the President's handling of Iran. Kennedy makes the leadership argument, but I have found the following line to be effective in Iowa, after outlining the President's record: "You cannot achieve a record like this without leadership; you don't even attempt it without vision. We live in a dangerous and uncertain world. We need strong, experienced, intelligent, calm leadership. When the people of Iowa and the United States compare the alternatives, I am convinced that they will reelect Jimmy Carter and Walter Mondale."

THE WHITE HOUSE
WASHINGTON

Phil has seen.

315

THE WHITE HOUSE
WASHINGTON 1/2/80

Mr. President:

DW Brooks is in town
for the 3:30 pm trade reorg
signing and just called
asking for 10 minutes
with you for a couple of
matters. Shall I schedule?

yes

no, have Hamilton see him

*ok if I have Phil
time before signing
J*

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Jim McIntyre

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

Rick Hutcheson

The original has been given to Bob Linder for appropriate handling.

5954

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

ADMIN CONFID
CONFIDENTIAL
SECRET
EYES ONLY

ACTION
FYI

	VICE PRESIDENT
	JORDAN
	CUTLER
	DONOVAN
	EIZENSTAT
	MCDONALD
	MOORE
	POWELL
	WATSON
	WEDDINGTON
	WEXLER
	BRZEZINSKI
✓	MCINTYRE
	SCHULTZE
	ANDRUS
	ASKEW
	BERGLAND
	BROWN
	CIVILETTI
	DUNCAN
	GOLDSCHMIDT
	HARRIS
	KREPS
	LANDRIEU
	MARSHALL

	MILLER
	VANCE
	BUTLER
	CAMPBELL
	H. CARTER
	CLOUGH
	CRUIKSHANK
	FIRST LADY
	FRANCIS
	HARDEN
	HERTZBERG
	HUTCHESON
	KAHN
	LINDER
	MARTIN
	MILLER
	MOE
	PETERSON
	PRESS
	SANDERS
	SPETH
	STRAUSS
	TORRES
	VOORDE
	WISE

Last Day for Action
Friday, January 4, 1980

Electrostatic Copy Made
for Preservation Purposes THE WHITE HOUSE
WASHINGTON

December 31, 1979

MEMORANDUM FOR: THE PRESIDENT
FROM: STU EIZENSTAT *Stu*
FLORENCE PRIOLEAU *FP*
SUBJECT: Enrolled Bill H.R. 3091
Business Expenses of State Legislators;
Social Services and Related Amendments

CC
Mc Intyre
I presume you
analyze the costs
of bills like this
J

THE BILL

H.R. 3091 amends the Internal Revenue Code to extend for one additional year, through calendar year 1978, the provisions of law relating to tax treatment of the living expenses of State legislators. Present law which allows a State legislator to treat his place of residence within his legislative district as his tax home for purposes of computing the deduction for living expenses only applies to taxable years beginning before January 1, 1978. H.R. 3091 extends the provisions of present law to taxable years beginning before January 1, 1979.

The bill, H.R. 3091, also amends the Social Security Act and the Internal Revenue Code to make certain changes in the programs of Child Support Enforcement, Title XX Social Services, and the WIN tax credit for child care workers. The bill reinstates Federal matching funds for child support services to families not receiving welfare, effective October 1, 1978 through March 31, 1980. To encourage employers to hire welfare recipients to work in child care jobs, H.R. 3091 extends, on a temporary basis, authority to use Federal Title XX matching funds for the purpose of reimbursing employers, up to a specified limit, for the wages paid to welfare recipients hired to work in child care jobs; increases the wage limits (the amounts up to which Title XX grants are allowed as reimbursement for salaries) for welfare recipients employed in child care jobs; permits inclusion of the Title XX grant in wages eligible for the WIN tax credit; allows the tax credit for persons employed on a part-time basis in child care jobs; and makes certain technical amendments to correct errors in the Revenue Act of 1978. In addition, H.R. 3091 reinstates retroactively from October 1, 1978 through March 31, 1980 the authority to use Title XX funds for certain rehabilitation services provided to alcoholics and drug addicts, and for limited funding of detoxification services provided in medical facilities.

Provisions similar to those in H.R. 3091 relating to the Child Support Enforcement and Title XX programs and the WIN tax credit also were added to H.R. 3434, the child welfare and social services bill, which is pending a House-Senate Conference.

VOTES IN CONGRESS

H.R. 3091, containing only the provision relating to business expenses of State legislators, passed the House by a vote of 364 to 4. The bill was amended in the Senate to include the social services and related amendments, and was passed by a voice vote. The Conference agreement was adopted by a voice vote.

AGENCY AND STAFF RECOMMENDATIONS

OMB and the Department of HEW recommend approval. We concur. Frank Moore, Anne Wexler, Lloyd Cutler, and Jack Watson have expressed no objections. The Department of the Treasury has no objection.

DECISION

Sign H.R. 3091 (recommended)

Veto H.R. 3091

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1/2/80

Stripping

Please mail the attached letter to:

Stella Foster
Good Samaritan Village
3901 South Marion Road
Souix Falls, S.D. 57105

The reference cc: Archie is

Mr. Archie Willard
Eagle Grove, Iowa 50533

Thanks,
Patti Maloomian

cc: Sarah Weddington

800103

26

NAME ARCHIE WILLARD

336

TITLE

Requested by Kraft

CITY/STATE Eagle Grove, Iowa

Date of Request 12-27-79

Phone Number--Home (515) 448-3213

Work ()

Other ()

Wanda

Stella Foster 100 yrs old
Good Samaritan Village 12/30/79
3901 S Marion Rd
Souix Falls, SD.
57105

INFORMATION (Continued on back if necessary)

Wright County.
Former county chair; has been sitting on fence.
Has some important labor connections in the county.

NOTES: (Date of Call 1-1)

Clip in home.

Committed to CIA

"Please send Aunt Stella a note"

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THE WHITE HOUSE

12-30-79

To Stella Foster

I want to congratulate you personally on your 100th birthday.

Your nephew Archie Willard told me about this fine occasion.

Love,
Jimmy Carter

cc Archie

THE WHITE HOUSE
WASHINGTON

THORNTON RECEIVED A COPY OF THE
ATTACHED ON 1/2/79.

Do you know ROBERT RAY MEREDITH

(Chevrolet Dealer,
Lavonia, Georgia)

(see attached)

MEMORANDUM

NATIONAL SECURITY COUNCIL

December 31, 1979

MEMORANDUM FOR: SUSAN CLOUGH
FROM: TOM THORNTON
SUBJECT: Arrest of U.S. Citizen in Venezuela

Robert Ray Meredith, who claims to be a close personal friend of the President, is being held under investigative arrest in Barcelona, Venezuela, following a crash landing of a DC-3 on Christmas Eve. Two companions are missing. Meredith says he is a Chevrolet dealer in Lavonia, Georgia, who has served on civic commissions with the President in Georgia. He told the Venezuelans that he was flying toys for crippled children from the US to Puerto Rico but became lost and attempted an emergency landing in Venezuela, 600 miles to the south of Puerto Rico.

The Embassy in Caracas is sending a Consular Officer to see him and is asking for any information we can provide on the President's knowledge of Meredith.

Do you know if the President knows Meredith? Please give a call to me (x4996) or to Ray Jorgenson (x6907). Thanks.

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*Yes, I know him -
Can't vouch for his
honesty
J
ps If cargo was ok.
he should be released
J*