

**9/25/80 [1]**

Folder Citation: Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 9/25/80 [1] ; Container 178

To See Complete Finding Aid:

[http://www.jimmycarterlibrary.gov/library/findingaids/Staff\\_Secretary.pdf](http://www.jimmycarterlibrary.gov/library/findingaids/Staff_Secretary.pdf)

WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
memo	<p><del>From Tarnoff to Brzezinski (one page) re: Head of State Secure Voice System/enclosed in Hutcheson Brzezinski 9/25/80</del></p> <p><i>opened per RAC NLC-126-22-28-1-6 1/21/14</i></p>	9/15/80	A

FILE LOCATION

Carter Presidential Papers- Staff Offices, Office of the Staff Sec.- Pres. Hand-writing File 9/25/80 [1] BOX 207

RESTRICTION CODES

- (A) Closed by Executive Order 12356 governing access to national security information.
- (B) Closed by statute or by the agency which originated the document.
- (C) Closed in accordance with restrictions contained in the donor's deed of gift.

THE WHITE HOUSE  
WASHINGTON

9/25/80

Track Bonifay --

President Carter asked  
me to send you the  
enclosed copy of your  
letter with his remarks --  
along with his best  
wishes.

  
-- Susan Clough

THE WHITE HOUSE

Track Bonifay  
1156 St. Augustine Place  
Atlanta, Georgia 30306

September 12, 1980

President James Earl Carter  
c/o The White House  
1600 Pennsylvania Avenue  
Washington, D. C.

Mr. President:

I am a writer. My creative energies seem to be at their highest level in the middle of the night; consequently, most of what I write is penned during the post-midnight hours. Recently, during one such interlude, I mused at how peaceful the world seems during the "fourth watch." It seemed as though the millennium would begin at sunrise. However, we know that this is not so. Reality is the persistent town crier that chases such dreams from the night.

One night, during the on-going Iranian hostage crisis, I tried to guess the weight of the presidential yoke. I could not. Indeed, I doubt that any man can, save for a president himself. I could only picture a man alone in the oval office, or perhaps walking the halls of the White House, carrying an awesome responsibility that was always closer than his shadow.

Knowing that you are a man of faith inspired the writing of the calligraphic prayer that accompanies this letter. I hope that you will accept it as a small token of the admiration and respect that I have for you and the manner in which you have fulfilled the super-human burdens of the presidency.

Respectfully,

*Track Bonifay*

Track Bonifay  
1156 St. Augustine Pl.  
Atlanta, Georgia 30306

Electrostatic Copy Made  
for Preservation Purposes

To Track Bonifay -  
Thank you for the beautiful  
poem. brought directly to me by  
Mr. Kirbo. It's very helpful  
to me -  
Jimmy Carter  
9-25-80

THE WHITE HOUSE

WASHINGTON

September 25, 1980

To David Lindeblad

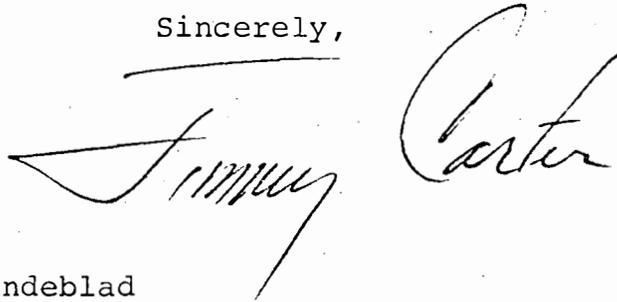
Thank you for your letter and for the flies you sent me. I look forward to being able to try them out.

We'll make a note regarding a fishing trip in your area.

I always enjoy hearing from fellow fly fishermen!

With best wishes,

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,".

Mr. David Lindeblad  
Box 536  
Omak, Washington 98841

- ✓ cc and green: Jan Vranich
- ✓ cc and incoming: Scheduling

30 FISHING FLIES

8

800926 1835

September 24, 1980

Dear Mr. Lindeblad:

President Carter has asked me to thank you for your letter and for the fishing flies you thoughtfully sent him. He looks forward to being able to try them out.

I am sharing your letter with the President's scheduling advisers so that they can make a note of your kind offer regarding a fishing trip in your area.

The President always enjoys hearing from fellow fly fishermen. He sends you his best wishes.

Sincerely,

Susan S. Clough  
Personal Assistant/Secretary  
to the President

Mr. David Lindeblad  
Box 536  
Omak, Washington 98841

SSC:JMC:rs--

cc and green: Jan Vranich  
cc and incoming: Scheduling

Perhaps Susan can handle his "offer" in her  
reply for gift.

SE

Charles

980

Dear Mr. Lindeblad:

President Carter has asked me to thank you for your  
letter and for the fishing flies you thoughtfully  
sent him. He looks forward to being able to try them  
out.

I am sharing your letter with the President's scheduling  
advisers so that they can make a note of your kind offer  
regarding a fishing trip in your area.

The President always enjoys hearing from fellow fly  
fishermen. He sends you his best wishes.

Sincerely,

Susan S. Clough  
Personal Assistant/Secretary  
to the President

Mr. David Lindeblad  
Box 536  
Omak, Washington 98841

THE WHITE HOUSE

WASHINGTON

September 24, 1980

To: \_\_\_\_\_

Dear Mr. Lindeblad:

~~President Carter has asked me to thank you for your letter and for the fishing flies you thoughtfully sent him. He looks forward to being able to try them out.~~

*We'll*

~~I am sharing your letter with the President's scheduling advisers so that they can make a note of your kind offer regarding a fishing trip in your area.~~

~~The President always enjoys hearing from fellow fly fishermen. He sends you his best wishes.~~

Sincerely,

~~Susan S. Clough~~ *SC*  
Personal Assistant/Secretary  
to the President

Mr. David Lindeblad  
Box 536  
Omak, Washington 98841

**Electrostatic Copy Made  
for Preservation Purposes**

Electrostatic Copy Made  
for Preservation Purposes

September 4, 1980

David Lindeblad  
Box 536  
Omak, Washington 98841

President Jimmy Carter  
The White House  
1600 Pennsylvania Avenue  
Washington, D. C.

*Susan -*  
*Retype -*  
*Jim sign*  
*these*  
*J* *daw*  
*9/25/80*  
*h*

Dear President Carter

I am enclosing some flies you might find useful on your next fishing trip, and, even though you probably haven't heard it often enough these past few months, I would like to say that I am happy with the work you have accomplished the last three and a half years. I am actively supporting you in your re-election efforts.

Although I haven't fished any of the Pennsylvania streams the news media have said you are fishing, the small black gnats should do well. The flies are a gift, from one fly fisherman to another. I would also like to offer you my services if you find yourself in the Spokane, Northern Idaho, or indeed, anywhere in the Eastern or Central parts of Washington State. I have lived and fished here (mostly fly fished) nearly all of my adult life and if the pressures of the campaign dictate a fishing trip, please let me know. I am not a "big time" local democrat, but I do know the lakes and streams of our area. We have some wonderful fly fishing for summer run steelhead in the Methow River (about fifty miles due west of Grand Coulee) in the Fall, lots of nice low land lakes with decent sized (up to 20-22 inches) rainbows and brookies that are best fly fished.

I can be reached at 509-826-4901 (Wenatchee Valley Junior College where I am an Instructor) or at my home here in Okanogan, Washington at 509-422-3456.

Good luck with the campaign. The offer of a fishing trip, or just perhaps a "tout" on where they might be biting, is always open.

Sincerely,



David Lindeblad

September 4, 1980

David Lindeblad  
Box 536  
Omak, Washington 98841

President Jimmy Carter  
The White House  
1600 Pennsylvania Avenue  
Washington, D. C.

Dear President Carter

I am enclosing some flies you might find useful on your next fishing trip, and, even though you probably haven't heard it often enough these past few months, I would like to say that I am happy with the work you have accomplished the last three and a half years. I am actively supporting you in your re-election efforts.

Although I haven't fished any of the Pennsylvania streams the news media have said you are fishing, the small black gnats should do well. The flies are a gift, from one fly fisherman to another. I would also like to offer you my services if you find yourself in the Spokane, Northern Idaho, or indeed, anywhere in the Eastern or Central parts of Washington State. I have lived and fished here (mostly fly fished) nearly all of my adult life and if the pressures of the campaign dictate a fishing trip, please let me know. I am not a "big time" local democrat, but I do know the lakes and streams of our area. We have some wonderful fly fishing for summer run steelhead in the Methow River (about fifty miles due west of Grand Coulee) in the Fall, lots of nice low land lakes with decent sized (up to 20-22 inches) rainbows and brookies that are best fly fished.

I can be reached at 509-826-4901 (Wenatchee Valley Junior College where I am an Instructor) or at my home here in Okanogan, Washington at 509-422-3456.

Good luck with the campaign. The offer of a fishing trip, or just perhaps a "trot" on where they might be biting, is always open.

Sincerely,



David Lindeblad

THE WHITE HOUSE  
WASHINGTON

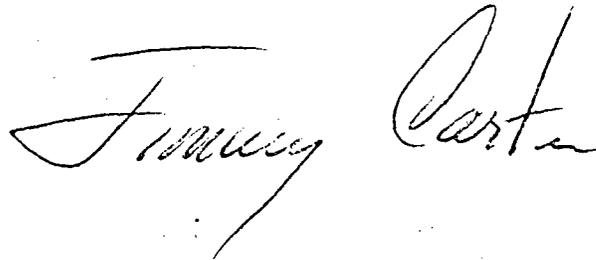
September 25, 1980

To Horace Mock

Thank you for your recent letter.  
Your prayers and support are greatly  
appreciated.

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 typed name.

Mr. Horace Daniel Mock  
1009 South 10th Street  
Tacoma, Washington 98405

33 - Prayers

ALMIGHTY GOD THINK YOU

*but 9/24*

MR: PRESENTENT GOD BLESS YOU.

LOVE IN ACTION

NOT WHAT WE HAVE, BUT WHAT WE USE, NOT WHAT WE SEE, BUT WHAT WE CHOSE.  
THESE ARE THE THINGS THAT MAR OR BLESS THE TOTAL SOME OF HUMAN HAPPINESS.  
THE NEAR BY AND NOT THINGS FAR NOT WHAT WE SEEM, BUT WHAT WE REALLY ARE,  
THESE ARE THE THINGS THAT MAKE OR BREAK THAT GIVES THE HEART ITS JOY OR ACHE:  
NOTWHAT SEEMS FAIR , BUT WHAT IS TRUE, NOT WHAT WE DREAM , BUT WGAT WE DO,  
THESE ARE THE THINGS THAT SHINES LIKE GEMS, LIKE STARS IN THE DARK.

NOT WHAT WE TAKE, BUT WHAT WE GIVE, NOT HOW WE PRAY, BUT HOW WE LIVE:  
THESE ARE THE THINGS THAT MAKE FOR PEACE NOW AND LONG AFTER TIME HAS  
CEASED.

P,S, PROVERBS (3) (5,6,7: TRUST IN THE LORD WITH ALL THINE HEART; AND  
LEAN NOT UNTO THINE OWN UNDERSTANDING. IN ALL THY WAYS ACKNOWLEDGE HIM.  
AND HE SHELL DIRECT THY PATHS. BE NOT WISE IN THINE OWN EYES: FEAR THE  
LORD; AND DEPART FROM EVIL.

BY HORACE DANIEL MOCK 9-22-80  
*Horace D. Mock*  
1009 SOUTH 10 STREET TACOMA, WASHINGTON  
98405

*Susan*  
*"Th"*  
*J*

Electrostatic Copy Made  
for Preservation Purposes

THE WHITE HOUSE  
WASHINGTON

September 24, 1980

①

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *F.M.*  
SUBJECT: *DAN TATE*  
Tarapur

**Electrostatic Copy Made  
for Preservation Purposes**

Attached is our vote count as of 7:30 this morning.

The situation is very unstable. The trouble spots are Senator Byrd's *ok* ambivalence, the Southerners (particularly Nunn, Talmadge, and Stennis), *ok* and the Republicans.

If the Leader is indifferent or goes against us, the Republicans definitely will abandon us in sufficient numbers to embarrass us. Also, this would be a signal to undecided Democrats who really hold the key. Of course, Byrd has been obsessed with the tax cut issue and has not focused on Tarapur yet. We need him.

Nunn is curiously negative. Talmadge is carefully watching how Nunn will vote. It's a two-for-one package. Stennis apparently has not made up his mind, and he is asking his staff, which is pro-Administration, for material.

There is a solid base of Republican support led by Jim McClure who is, not surprisingly, doing the bidding of the nuclear industry. We can be sure of one thing however: the Republicans will not provide us with a disproportionate share of our support and pull out a foreign policy victory for us. There is evidence that Reagan is putting some pressure on some of the Republicans to leave us; for example, John Warner is wavering, using the flimsy excuse that a vote for us will look "liberal" in Virginia.

We can win. We must win. The press is playing the issue up tremendously, and is saying that we have launched a massive lobbying effort rivaled only by the Panama Canal effort in its intensity. This heightens our fear of Republican defections and underscores the need to get every Democratic vote that we can. We have been able to use the argument that the Republicans are trying to embarrass you to get the votes of some Democrats who might have some doubts about the merits.

If you are available for making some calls, your time would be well spent with Robert Byrd, John Stennis (congratulate him on Tenn-Tom Senate victory) and Scoop Jackson (he is strongly for us but we need for him to redouble his efforts to get us more votes.) If you are talking with Howard Metzenbaum per our earlier request (on the U.S. News article) you may want to ask for his help as well.

*Vote is AT 2:45 today*

ARMSTRONG (-)  
BOSCHWITZ  
BUMPERS  
BYRD (VA.)  
CANNON  
COHEN  
CRANSTON  
DANFORTH  
DOLE  
DURKIN  
FORD  
GLENN  
GOLDWATER  
HART  
HATCH  
HAYAKAWA  
HEFLIN  
HEINZ  
HELMS  
HUMPHREY  
LAYALT  
LEAHY  
LUGAR  
KASSEBAUM  
A KENNEDY  
A MCGOVERN  
PELL  
PROMIRE  
RIBICOFF  
SCHMITT  
STONE  
THURMOND  
TSONGAS  
WEICKER 16

(L-)\* BAYH  
HATFIELD  
MATSUNAGA  
METZENBAUM  
PRIOR  
NUNN →  
STENNIS →  
DECONCINI 6

8

(?) BRADLEY → (?) BAUCUS  
R. BYRD →  
CULVER  
GARN  
JEPSEN  
NELSON  
PRESSLER  
SCHWEIKER  
\* STEWART  
TALMADGE →

10

BAUCUS  
BOREN  
BURDICK  
EXON  
DURENBERGER  
JOHNSTON  
LEVIN  
LONG  
MITCHELL  
ROTH  
STAFFORD ?

11

(+) BAKER  
BELLMON  
BIDEN  
CHAFEE  
CAHES  
CHURCH  
COCHRAN  
DOMENICI  
EAGLETON  
GRAVEL  
HUDDLESTON  
INOUYE  
JACKSON  
A? JAVITS  
MAGNUSON  
MATHIAS  
MCCURE  
MOYNIHAN  
PACKWOOD  
PERCY  
RANDOLPH  
SARBANES  
SASSER  
STEVENSON  
WALLOP  
? WARNER  
? WILLIAMS  
YOUNG  
ZORINSKY  
RIEGLE  
HOLLINGS  
BENTSEN  
MORGAN  
STEVENS  
TOWER  
MELCHER  
SIMPSON

37

THE WHITE HOUSE  
WASHINGTON  
9/25/80

FRANK MOORE

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

Rick Hutcheson

RM

1758

NAME SENATOR HENRY "SCOOP" JACKSON

TITLE \_\_\_\_\_

CITY/STATE WASHINGTON

Phone Number--Home (202) 363-4934

Work (202) 224-3441

Other ( ) \_\_\_\_\_

Requested by AM. Frank Moore/D. Tate

Date of Request 9/24/80

Request that call be made today. ASAP.

INFORMATION (Continued on back if necessary)

\*Telegram was read by Marv Williams to Continental Grain Company and was very well received.

We request that you call Senator Jackson to thank him for sending the telegram that was read at the Continental Grain Company during your visit in Tacoma, WA.

Also, thank him for his vote on Tarapur.

NOTES: (Date of Call 9-25)

*all 6 nominees* *Confidential* *Syn Fuels Bd*  
Static Copy Made  
for Preservation Purposes

NAME SENATOR PAUL SARBANES

1759

TITLE \_\_\_\_\_

CITY/STATE D-Maryland

Phone Number--Home (301) 366-5341

Work (202) 224-4524

Other ( ) \_\_\_\_\_

Requested by F. Moore/D. Tate

Date of Request 9/24/80

INFORMATION (Continued on back if necessary)

Thank you for your leadership on the Tarapur vote. It seems clear that without your active participation, we could not have been successful on this vote. I know that in dealing with such a controversial issue it was not an easy task, but I want you to know that I personally appreciate your efforts on behalf of the Administration's position.

NOTES: (Date of Call 9-25)

*done -*

**Electrostatic Copy Made  
for Preservation Purposes**

NAME SENATOR CHARLES PERCY

1762

TITLE \_\_\_\_\_

CITY/STATE R-Illinois

Requested by F. Moore/D. Tate

Phone Number--Home (202) 337-3277

Date of Request 9/24/80

Work (202) 224-7911

Other ( ) \_\_\_\_\_

INFORMATION (Continued on back if necessary)

I want to express my appreciation for your efforts with regard to the vote on Tarapur.  
I appreciate your leadership on the bi-partisan effort which is so important to our  
country.

NOTES: (Date of Call 9-25)

*Jone*

**Electrostatic Copy Made  
for Preservation Purposes**

NAME SENATOR HOWARD BAKER

1760

TITLE \_\_\_\_\_

CITY/STATE R-Tennessee

Phone Number--Home (202) 338-8839

Work (202) 224-4944

Other (202) 224-3135 (Capitol)

Requested by F. Moore/D. Tate

Date of Request 9/24/80

**INFORMATION (Continued on back if necessary)**

I want to express my appreciation for your efforts with regard to the vote on Tarapur. I appreciate your leadership on the bi-partisan effort which is so important to our country.

NOTES: (Date of Call 9-25)

**Electrostatic Copy Made  
for Preservation Purposes**

1:40 PM

CARTER/MONDALE  
RE-ELECTION  
COMMITTEE, INC.

Robert S. Strauss, Chairman  
Tim Kraft, National Campaign Manager  
S. Lee Kling, Treasurer

2000 L STREET, N.W., WASHINGTON, D.C. 20036

(202) 887-4700

September 25, 1980

MEMORANDUM FOR THE PRESIDENT

THRU: PHIL WISE  
FROM: TIM FINCHEM  
SUBJECT: PHOTO OPPORTUNITY WITH JOE BEATRICE

Background:

Joe Beatrice is a businessman from Boston, Massachusetts. He has been a key fundraiser for Democrats in the past. Speaker Tom McGee and Governor Ed King have requested this visit with the President. Mr. Beatrice is raising a minimum of \$100K for our DNC fundraiser in Boston on October 15, 1980.

Talking Points:

- (1) Thank Mr. Beatrice for his past support.
- (2) Thank Mr. Beatrice for his active participation on the October 15th fundraiser in Boston
- (3) Tell him that you look forward to seeing him again in Boston.

**Electrostatic Copy Made  
for Preservation Purposes**

THE WHITE HOUSE  
WASHINGTON

September 24, 1980

*Arnie - On  
all of these, why  
does it take  
so long?*

MEMORANDUM FOR: THE PRESIDENT  
FROM: ARNIE MILLER *AM*  
SUBJECT: Presidential Appointment

Attached for your signature is the nomination document for Ralph W. Emerson, of the District of Columbia, to be a Member of the Foreign Claims Settlement Commission for a term expiring September 30, 1981. (New Position).

Mr. Emerson is currently President and Chairman of the Board of Emersons, Ltd.

All necessary checks have been completed.

You approved this appointment on May 18, 1980.

**Electrostatic Copy Made  
for Preservation Purposes**

*Kate King, Press Office, advised: 9/25/80 (1:30 pm)*

*Announced: 9/25/80*

*To Senate: 9/25/80*

*NOTED*

THE WHITE HOUSE  
WASHINGTON

9/25/80

ZBIG BRZEZINSKI

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

Rick Hutcheson

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

DECLASS

Per. fac Project

ESDN; NLC-14C-22-28-1-6

BY 123 NABA, DATE 1/13/4

ACTION  
FYI

	ADMIN CONFID
	CONFIDENTIAL
/	<del>SECRET</del>
	EYES ONLY

	VICE PRESIDENT
	JORDAN
	CUTLER
	DONOVAN
	EIDENBERG
	EIZENSTAT
	MCDONALD
	MOORE
	POWELL
	WATSON
	WEDDINGTON
/	WEXLER
	BRZEZINSKI
	MCINTYRE
	SCHULTZE

	ANDRUS
	ASKEW
	BERGLAND
	BROWN
	CIVILETTI
	DUNCAN
	GOLDSCHMIDT
	HARRIS
	HUFSTEDLER
	LANDRIEU
	MARSHALL

	MILLER
	MUSKIE
	AIELLO
	BUTLER
	CAMPBELL
	H. CARTER
	CLOUGH
	FIRST LADY
	HARDEN
	HERTZBERG
	HUTCHESON
	KAHN
	MARTIN
	MILLER
	MOE
	MOSES
	PETERSON
	PRESS
	RECORDS
	SANDERS
	SHEPPARD
	SPETH
	STRAUSS
	TORRES
	VOORDE
	WISE



DEPARTMENT OF STATE

Washington, D.C. 20520

~~SECRET~~

September 15, 1980

MEMORANDUM FOR DR. ZBIGNIEW BRZEZINSKI  
THE WHITE HOUSE

SUBJECT: Head of State Secure Voice System

Secretary Muskie has indicated his desire to see the Head of State Secure Voice System expanded to permit him to communicate via secure telephone with the Foreign Ministers of Great Britain, France and Germany.

During installation, the three foreign governments also expressed a strong desire to see the system expanded.

Our technical personnel advise that it may well be possible to extend the system to appropriate foreign officials. This would enable calls to be made without our adding any new equipment and without any change in U.S. cryptographic posture.

We plan to begin discussions on this project with appropriate foreign officials in the near future. I would appreciate any comments you might have on this proposal.

Peter Tarnoff  
Executive Secretary

*I do not want anyone  
at State to be able to  
monitor my secure calls -  
I have no objection, otherwise,  
to Sec St use provided  
cost is not unreasonable*

DECLASSIFIED  
Per, Fiac Project  
ESDN: NLC-126-22-28-1-6  
BY: PS NARA, DATE 1/13/17

~~SECRET~~

RDS 2/3 9/15/00

THE WHITE HOUSE  
WASHINGTON

9/25/80

JACK WATSON

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

Rick Hutcheson

GENE EIDENBERG  
FRANK MOORE

	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
--	---------

/	EIDENBERG
---	-----------

	EIZENSTAT
--	-----------

	MCDONALD
--	----------

/	MOORE
---	-------

	POWELL
--	--------

/	WATSON
---	--------

	WEDDINGTON
--	------------

	WEXLER
--	--------

	BRZEZINSKI
--	------------

	MCINTYRE
--	----------

	SCHULTZE
--	----------

	ANDRUS
--	--------

	ASKEW
--	-------

	BERGLAND
--	----------

	BROWN
--	-------

	CIVILETTI
--	-----------

	DUNCAN
--	--------

	GOLDSCHMIDT
--	-------------

	HARRIS
--	--------

	HUFSTEDLER
--	------------

	LANDRIEU
--	----------

	MARSHALL
--	----------

	MILLER
--	--------

	MUSKIE
--	--------

	AIELLO
--	--------

	BUTLER
--	--------

	CAMPBELL
--	----------

	H. CARTER
--	-----------

	CLOUGH
--	--------

	FIRST LADY
--	------------

	HARDEN
--	--------

	HERTZBERG
--	-----------

	HUTCHESON
--	-----------

	KAHN
--	------

	MARTIN
--	--------

	MILLER
--	--------

	MOE
--	-----

	MOSES
--	-------

	PETERSON
--	----------

	PRESS
--	-------

	RECORDS
--	---------

	SANDERS
--	---------

	SHEPPARD
--	----------

	SPETH
--	-------

	STRAUSS
--	---------

	TORRES
--	--------

	VOORDE
--	--------

	WISE
--	------



Congress of the United States  
House of Representatives  
Washington, D. C. 20515

Jack Watson  
advise  
J

Wes Watkins  
Oklahoma

Sept 23, 1980

Dear Mr President:

My wife, Lou, and I met with you in the Oval office concerning our hopes and dreams to help solve the economic and job problems of our people in the rural depressed area of my District. That meeting was January 9, 1980.

On July 2, I gave Secretary Ray Marshall an application for \$800,000 to fund the most important phase of this program -- a national demonstration for a Vocational Entrepreneurship/New Product training program.

This application contains the very foundation for my purpose of being in Public life.

Electrostatic Copy Made  
for Preservation Purposes



Congress of the United States  
House of Representatives  
Washington, D.C. 20515

Wes Watkins  
Oklahoma

Please help me -- I would appreciate your office calling Sec. Marshall to fund this application. Time is of importance.

There is nothing more important that the White House can do for me and my people than to help fund this application. If this can not be funded I will accept the frustration and the fact for some unknown reason the "partnership" never developed between the two of us for the people we mutually serve.

I have hope; but you are the only one who can "help me help my people".

Sincerely,

Wes

9/25/80

FRANK MOORE

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

Rick Hutcheson

NAME Senator Robert Byrd

1757

TITLE Majority Leader

*F.M.*

Requested by Frank Moore

CITY/STATE \_\_\_\_\_

Date of Request 9/24/80

Phone Number--Home (      ) \_\_\_\_\_

Work (      ) \_\_\_\_\_

Other (      ) \_\_\_\_\_

INFORMATION (Continued on back if necessary)

Courtesy call - Purpose and elements of your upcoming statement on the Iran-Iraq conflict.

*Ask AGOUT TATPER*

NOTES: (Date of Call 9-24)

*done*

**Electrostatic Copy Made  
for Preservation Purposes**

THE WHITE HOUSE  
WASHINGTON

9/25/80

SECRETARY DUNCAN  
DEPUTY SECRETARY SAWHILL

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

Rick Hutcheson

GENE EIDENBERG  
STU EIZENSTAT  
JACK WATSON  
ZBIG BRZEZINSKI/HENRY OWEN  
RICK HERTZBERG

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

ACTION  
FYI

	ADMIN CONFID
	CONFIDENTIAL
	SECRET
	EYES ONLY

	VICE PRESIDENT
	JORDAN
	CUTLER
	DONOVAN
/	EIDENBERG
/	EIZENSTAT
	MCDONALD
	MOORE
	POWELL
/	WATSON
	WEDDINGTON
	WEXLER
/	BRZEZINSKI <i>over</i>
	MCINTYRE
	SCHULTZE
	ANDRUS
	ASKEW
	BERGLAND
	BROWN
	CIVILETTI
/	DUNCAN <i>Sam Hill</i>
	GOLDSCHMIDT
	HARRIS
	HUFSTEDLER
	LANDRIEU
	MARSHALL

	MILLER
	MUSKIE
	AIELLO
	BUTLER
	CAMPBELL
	H. CARTER
	CLOUGH
	FIRST LADY
	HARDEN
/	HERTZBERG
	HUTCHESON
	KAHN
	MARTIN
	MILLER
	MOE
	MOSES
	PETERSON
	PRESS
	RECORDS
	SANDERS
	SHEPPARD
	SPETH
	STRAUSS
	TORRES
	VOORDE
	WISE



Electrostatic Copy Made  
for Preservation Purposes

SEP 24 1980

John -  
Good -  
J -  
cc Stu

Department of Energy  
Washington, D.C. 20585

MEMORANDUM FOR THE PRESIDENT

FROM: John C. Sawhill  
Deputy Secretary of Energy

SUBJECT: Increasing Coal Exports

I want to report to you on the progress of the Interagency Coal Export Task Force.

The Task Force, composed of 13 agencies and 60 individuals under my direction, will present its report to you in December on policy options to increase our coal exports consistent with other national commitments, such as environmental protection. It has attained high visibility. It began its work by soliciting the views of coal producers, railroads and other transporters and environmentalists, and we have received significant information in response. The staff is organized into 6 work groups, by subject matter, as follows:

- Supply and Demand
- International Cooperation
- Ports and Ocean Transportation
- Marketing and Business Issues
- Inland Transportation
- Environmental Issues and Impact

Members of the Task Force have toured important Gulf and East coast ports, maintain close contact with port managers and executives in the rail and coal industries, and are aware of most of their current planning concerns. The staff is under direction to identify and solve particular problems which act as hindrances to coal exports and to seek out new ideas to enhance such exports. The following are among the key tasks, work on which is in progress:

- We will provide independent projections of international coal demand, stating what volumes will be reached during specific periods of time and indicating the areas of the United States toward which this demand will likely be directed. We have had experts on-site in Europe and the Far East performing this analysis. Many port operators and others have expressed need for this important planning information.

**Electrostatic Copy Made  
for Preservation Purposes**

2

- ° We will try to develop model plans for expediting port dredging decisions and the permitting and environmental impact processes required for the building of new coal handling facilities. The time involved in these processes has repeatedly been cited as a major hindrance. Among other things, we are attempting to adapt the new Colorado "Joint Review Process for Major Energy and Mineral Resource Development Projects" -- a program funded by the Department of Energy -- to address these problems.
- ° We have had people at the crowded coal ports of Hampton Roads and Baltimore analyzing the backup of ships there. They will try to design new ship reservation and coordination systems to alleviate the congestion problem during the period before new facilities can be emplaced. We believe that part of the congestion may be due to archaic practices and not wholly to capacity limitations.
- ° We are investigating what can be done to solve the so-called "chicken before the egg" financing problem which involves the refusal of foreign buyers to make long-term contractual commitments for coal until there is construction of new transportation and handling facilities, and the reluctance of potential investors to undertake such construction until long-term contracts are in hand.
- ° We are pursuing other ideas such as the standardization of coal grades which might, in turn, facilitate transactions in coal and eventually permit the formation of a "coal exchange." This could be of special benefit to the owners of small mines who often find it difficult to participate in the international market. It would also facilitate handling at the ports.

There has already been a great deal of progress in both coal exports and the investments needed for future exports. For example, the amount of steam coal shipped overseas by the United States during the first 7 months of 1979 was under a million tons; the comparable figure for 1980 is reportedly over 12 million tons. Some of this increase may be due to short-term factors, such as the coal strike in Australia and unrest in Poland, but there are long-term indicators, such as new medium and long-term export contracts and heavy traffic in foreign coal missions here.

} Stu -  
Speech  
written

New capacity is being built by railroads and ports. For example, the Chessie System has sold land to A. T. Massey Coal Company at Newport News for the addition of 15 million tons per year handling capacity by 1982. Conrail has worked out a

\$26.5 million state-financed plan to increase capacity at Philadelphia to 10 million tons annually. Consolidation Coal Company has acquired the Canton Railroad facility at Baltimore and will increase its capacity to 15 million tons in 1982. Island Creek Coal Company has permits for a 10 million ton facility at Baltimore. Facilities under active development in New Orleans should add 20 million tons of capacity by 1983. Mobile has construction underway to increase capacity to 10 million tons. The Port of Long Beach has plans to build a new facility of 20 million tons per year capacity in cooperation with the Union Pacific Railroad. A few weeks ago the State of Virginia proposed construction of a new coal superport (50 million tons per year) on the Craney Island site at Hampton Roads.

The Senate Committee on Energy and Natural Resources commenced hearings on coal exports Tuesday, September 16. I, along with the Task Force's Executive Director, Bernhardt Wruble, testified before the Committee on Tuesday. Later that week coal shippers and railroads were heard. Port operators submitted statements and will be heard later.

We are discussing with Stu Eizenstat, Henry Owen, and others on your staff the possibility of holding a White House Conference on coal exports in October which would involve an array of persons interested in this subject, many of whom had been consulted in the "outreach" efforts of the Task Force. I will report to you within the next 10 days on whether an agenda of substance sufficient to merit your participation will be possible at that time.

} Lets  
do  
This

**Electrostatic Copy Made  
for Preservation Purposes**

THE WHITE HOUSE  
WASHINGTON

9/21/80

Mr. President:

May I schedule this  
request?

\_\_\_\_\_ yes

\_\_\_\_\_ no

Phil

2/15  
Sept 24

Electrostatic Copy Made  
for Preservation Purposes

September 19, 1980

ok  
Mr. J  
Stanley  
WALESA

MEMORANDUM FOR: PHIL WISE  
FROM: JODY POWELL  
STEVE AIELLO  
SUBJECT: Meeting and Photo Opportunity  
with President for Mr. Stanley Walesa

Mr. Walesa is the father of Lech Walesa, the leader of the Polish strikers. Mr. Walesa (the elder) wishes to meet the President and then upon leaving the White House he will endorse the President for reelection. His statement will include the following:

1. Praise for the President's Human Rights Policy.
2. Praise for the President's prudent and skillful handling of the Polish strike crisis.
3. Praise for the President's 670M CCC loan to the Polish people.

We suggest this be done as early as possible next week, 9/22-26.

This would be a great  
send-off Monday A.M. or it  
could be our news hit for Wed.

JSP

THE WHITE HOUSE  
WASHINGTON

9/25/80

LLOYD CUTLER

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

Rick Hutcheson

ZBIG BRZEZINSKI

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

ACTION  
FYI

	ADMIN CONFID
	CONFIDENTIAL
	SECRET
	EYES ONLY

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

	MILLER
	MUSKIE
	AIELLO
	BUTLER
	CAMPBELL
	H. CARTER
	CLOUGH
	FIRST LADY
	HARDEN
	HERTZBERG
	HUTCHESON
	KAHN
	MARTIN
	MILLER
	MOE
	MOSES
	PETERSON
	PRESS
	RECORDS
	SANDERS
	SHEPPARD
	SPETH
	STRAUSS
	TORRES
	VOORDE
	WISE

ADMINISTRATIVELY  
CONFIDENTIAL  
NODIS

THE WHITE HOUSE

WASHINGTON

September 24, 1980

MEMORANDUM FOR THE PRESIDENT

FROM: LLOYD N. CUTLER *lnc*

SUBJECT: LEAKS INVESTIGATION

Attached is a proposed letter from me to the Attorney General confirming your instructions to undertake an investigation of recent unauthorized leaks to the press of important intelligence and national security information.

As you will note, it is cast in very general form, to minimize further security risks arising out of the investigation.

The Attorney General is taking steps to hold such risks to an absolute minimum.

Dr. Brzezinski and the Attorney General have both reviewed the draft.

Approve                      ✓

Disapprove                     

copy to: Dr. Brzezinski *[Signature]*

**Electrostatic Copy Made  
for Preservation Purposes**

ADMINISTRATIVELY  
CONFIDENTIAL  
NODIS

THE WHITE HOUSE  
WASHINGTON

Dear Mr. Attorney General:

This letter will confirm our discussion of September 14, in which I advised you of the President's request that you and the Director of the FBI undertake an investigation of recent unauthorized leaks to the press of important intelligence and national security information.

The President has also directed the Department of Defense, the Director of Central Intelligence, and the National Security Council staff and all other White House officials with access to intelligence and national security information to cooperate fully with you and the Director of the FBI.

I understand that you have also received requests from the Committees of the Congress responsible for intelligence and national security matters to investigate one set of such leaks, those concerning Stealth. The President has authorized you to provide the results of your investigation of this subject to these committees under appropriate security classification.

In view of charges and press reports that some of the leaks were calculated to achieve a political advantage for one candidate or another during the present election campaign, the President also requests that, consistent with applicable law, you review the results of the inquiry with the Congressional majority and minority leadership, so that they can satisfy themselves that all leads have been fully pursued and the investigation has been thoroughly conducted. If any violations of law or misconduct warranting disciplinary action are established, the President expects you to initiate appropriate enforcement proceedings.

Sincerely,

Lloyd N. Cutler  
Counsel to the President

Honorable Benjamin Civiletti  
Attorney General  
Department of Justice  
Washington, D.C. 20530

THE WHITE HOUSE  
WASHINGTON

9/25/80

STRIPPING

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

Rick Hutcheson

cc: AL MOSES

JIMMY CARTER

September 24, 1980

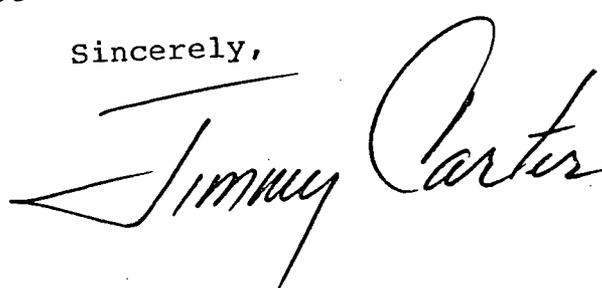
To Ted Mann

I was pleased to see the recent article in the Texas Jewish Post which headlined your support of my reelection.

Your friendship and influence have been valuable to me in my efforts to further human rights and to establish a comprehensive peace in the Middle East. I appreciate your continued support.

With warm best wishes,

Sincerely,

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

Mr. Theodore Mann  
303 Barwynne Lane  
Wynnewood, Pennsylvania 19096

8:00 AM

THE WHITE HOUSE  
WASHINGTON  
September 24, 1980

ADMINISTRATIVELY CONFIDENTIAL  
CONGRESSIONAL LEADERSHIP BREAKFAST  
Thursday, September 25, 1980

8:00 a.m.  
Family Dining Room  
From: Frank Moore

**Electrostatic Copy Made  
for Preservation Purposes**

I. PRESS PLAN

White House Photographer

II. PARTICIPANTS

See attached list.

III. INTRODUCTION

This is probably the last Leadership Breakfast before the Congress recesses next week (Thursday, October 2, at the latest). Consequently, it provides the last opportunity for you to argue strongly with the Leadership for passage of our priority legislation.

You can expect the Leadership to bring up the issue of the Iran/Iraq conflict at the outset of the breakfast. We will leave it to you to decide how you want to respond.

Several other items, including the move on the Hill to pass a tax cut bill, should also be raised and are included in the agenda.

IV. AGENDA

A. Congratulations to Senator Inouye

You should open the breakfast by congratulating Senator Inouye on his primary victory on Friday. He won easily, taking 88% of the vote in a three-man race. He will face Republican E. Cooper Brown and Libertarian Bud Shasteen in November, but should retain his seat with no difficulty.

B. Tarapur Victory

You should express your delight over our victory on Tarapur today and thank the Leadership for their support on the issue. (On the Senate side, Senators Byrd, Inouye and Magnuson supported

us, while Cranston and Ford voted against us. During last week's House vote on Tarapur, Foley and Rostenkowski supported our position, and Wright and Brademas opposed us.)

### C. PRIORITY LEGISLATION

Attached is a status report on our priority legislation, revised this evening. There have been a number of developments since this morning. It is important to convey to the Leadership the fact that you are on top of all of the legislative and political developments surrounding the bills. You should try to pin down the Leadership on exactly which measures will be taken up and ask them to plot with you the best course for ensuring their enactment. When Superfund is discussed, you should make a special point to find out from Byrd whether he will work to get the bill passed if the Senate committees are successful in their ongoing efforts to reach a compromise.

#### Talking Points

- o I have been studiously following action on our priority legislation. While some progress has been made since our last meeting, I am disappointed that more headway has not been made and that none of the priority bills have yet reached my desk.
- o We have raised the public's expectation that many of these bills will be enacted this year. This is particularly true in the case of the much-publicized Youth bill, Fair Housing bill, and Unemployment benefits extension. On most of these measures we are just short of enactment. The public will be disgusted and disillusioned if the Congress leaves town for the elections without having cleared its desk of these measures.
- o The Republicans are likely to make a field day of the situation, accusing the Democratically-controlled Congress of bowing to political expediency and accomplishing little of benefit to the nation.
- o On the other hand, if the Congress can adjourn with most of our priority measures enacted, the Democratic Party will be better able to point to a record of solid achievement and we'll have a sound legislative framework on which to run.
- o I am ready to help in whatever way I can.

### D. Continuing Resolution

Although the continuing resolution is listed among our priority bills, for obvious reasons it deserves special mention at the breakfast.

#### Talking Points

- o I am very interested in hearing your plans for completing action on the Continuing Resolution. As you know, the Attorney General has issued a ruling that will require all agencies to initiate an orderly shutdown next Wednesday in the absence of appropriations.

- o The ruling provides that obligations may be made for the safety of life and property and for orderly termination. We do expect that Defense Department operations will, for the most part, be unaffected. But there will have to be a great many decisions about numerous federal functions.
- o Failure to complete action on the Continuing Resolution by September 30 will cause serious problems not only for me, but for you and for all Democratic Members of the House and Senate facing reelection. We need to demonstrate that a Democratic Congress and President can effectively manage the government, which at a minimum involves keeping it running. A last-minute shutdown could be devastating to our collective desire to keep the Democrats in office.

> E. Tax Cut

You should again make it clear, using the strongest possible terms, your continuing opposition to a tax cut bill before the recess. You are backed up on the issue by opinion polls indicating that the public generally does not want a tax cut at this time. You should discuss the issue with the Leadership and try to decide on a strategy to forestall any Republican efforts to push through a measure in the last days that remain before the recess.

> F. Intelligence Identities Protection Act

The CIA would very much appreciate any push you can give the Leadership in ensuring passage of this measure. The bill is scheduled for House consideration tomorrow.

Talking Points

- o I want to emphasize that I strongly support the Intelligence Identities Protection Act, which I understand is scheduled for House action today. I further understand that a number of amendments will be offered. Some of these will be aimed at weakening the bill and others will be designed to strengthen it. I hope that all of these amendments can be defeated and that we can enact the measure in the form in which it was reported by both the Select Committee on Intelligence and the Judiciary Committee.
- o We have all been concerned about increasing our efforts to guard against damage to our crucial intelligence sources and methods of collection. I believe that this bill does this without impairing civil or constitutional rights.

G. ERISA Signing

We can expect the Speaker to ask you when the Multi-Employer Pension bill (ERISA) will be signed. OMB and DPS will be getting the necessary papers to you in the near future so that it will be ready for your consideration.

H. Reagan Book

For your information, copies of the Reagan book are being delivered in the morning to Senator Byrd, Senator Cranston, and Senator Ford, and to Speaker O'Neill, Congressman Wright, Congressman Brademas, and Congressman Foley. You should not raise the issue unless it is to respond to an inquiry from the Leadership.

CONGRESSIONAL LEADERSHIP BREAKFAST

Thursday, September 25, 1980

PARTICIPANTS

The President

Senator Robert C. Byrd  
Senator Warren G. Magnuson  
Senator Alan Cranston  
Senator Daniel K. Inouye  
Senator Wendell H. Ford

Speaker Thomas P. O'Neill, Jr.  
Congressman Jim Wright  
Congressman Tom Foley  
Congressman John Brademas  
Congressman Daniel Rostenkowski

Stu Eizenstat  
Zbig Brzezinski  
Jim McIntyre  
John White  
Al McDonald  
Bill Smith  
Frank Moore  
Bill Cable  
Dan Tate  
Bob Maher  
Bob Schule

THE WHITE HOUSE

WASHINGTON

September 24, 1980

Electrostatic Copy Made  
for Preservation Purposes

MEMORANDUM FOR: THE PRESIDENT  
FROM: FRANK MOORE  
SUBJECT: Status of Priority Legislation

> 1. Continuing Resolution

The Senate Appropriations Committee completed markup of the bill today. Senator Byrd will be able to bring up the bill at any time since there is no layover requirement. Yesterday, by votes of 11-12, the Committee failed to pass amendments softening the abortion language and deleting school prayer. We were able to thwart McClure's bilingual amendment by substituting language continuing the status quo. The Committee has agreed to a December 15 effective date, virtually ensuring that there will be a lame-duck session.

> 2. Higher Education Conference bill

We have the votes needed for passage, and Senator Hollings finds the compromise acceptable. Now it is just a matter of getting the bill to the Senate floor. The bill could come up tomorrow.

> 3. Mental Health Systems Act

The conference report was filed by the House on Monday night and must lay over for three days. Consequently, the House could take up the bill as early as tomorrow. The Senate filed its conference report yesterday and could take up the bill on Friday but will probably wait for the House to act.

*Senate passed*

> 4. Youth Act

There is an outside chance that the bill can be conferenced before the recess. The bill was reported out of Senate Labor and Human Resources yesterday. Senator Hatch is still threatening to offer amendments. If we are unsuccessful in dissuading Hatch, the question is whether we should take the bill to the Senate floor.

5. Superfund

The various Senate committees with jurisdiction on the superfund bill are working to resolve their differences. If they are successful in reaching agreement, the matter will shift to Senator Byrd. We need a reading from him on whether he will schedule the bill for Senate floor action. The successful action by the House this week and last increases the pressure on him to schedule it if agreement is reached among the committees.

> 6. Alaska Lands

The only positive sign in the last day or so is that Congressman Udall and Senator Stevens are again talking to each other. Stevens has sent a counterproposal to the House, but we don't know what Udall's reaction will be. If the House and Senate stick to their plan to stay in through most of next week, conceivably we'd have enough time to get a bill through. But the game of chicken continues.

> 7. EDA

Although Proxmire has still not signed off, we are optimistic that a conference report will be drafted over the weekend and that the House and Senate will adopt it next week.

> 8. Unemployment Benefits

Ways and Means reported out a bill yesterday. Congressman Frenzel has requested three days to file minority views, which means that we won't have a vote in the House until next week. Senator Moynihan introduced a bill in the Senate on Monday, but there has been no action on it.

If the House passes a bill, it will be necessary to circumvent Senate Finance to get the bill to the Senate floor. Otherwise there will be no chance of enactment before the recess.

> 9. Cuban-Haitian Refugees

The Senate Labor and Human Resources Committee yesterday reported out the bill. We hope to get the bill placed on the consent calendar so that it can be considered by voice vote, possibly tomorrow.

10. Revenue Sharing

The House was scheduled to take up the bill today but did not get to it. There will be general debate only on the bill tomorrow, with a vote planned for Tuesday. It looks increasingly unlikely that we will be able to overcome the many hurdles necessary for its enactment before the recess.

> 11. Fair Housing

Senator Byrd continues to be the obstacle to getting the bill to the Senate floor. It is all up to him, at this point.

> 12. Rail Deregulation

We have reached agreement and a conference report will be filed at midnight tonight. Since there is a three-day layover, we can't expect House and Senate passage before next week. But we are optimistic that both houses will act before the recess.

THE WHITE HOUSE  
WASHINGTON

9/25/80

MARTY BEAMAN

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

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

9/25/80

Rick --

In July the President agreed with Congress Coelho's offer to have dried fruits & nuts put on AF1 instead of the candy, etc.

In preparation for return to CA, I asked Marty for an update on situation (couldn't believe it was taking as long as it was!)....

The President saw attached on the plane, and made note on 2nd page.

-- Susan

*send cc to Beaumont*

THE WHITE HOUSE  
WASHINGTON  
September 19, 1980

1

MEMORANDUM FOR           SUSAN CLOUGH  
FROM                       MARTY BEAMAN *Marty*  
SUBJECT                   Congressman Coelho

Electrostatic Copy Made  
for Preservation Purposes

Susan, following Congressman Coelho's offer to the President to provide California commodities for use aboard Air Force One, the following occurred:

- o I conferred with Hugh Carter, Mike Cardozo, and the Special Assistant to the Secretary of Defense to determine whether or not a donation of California commodities could be accepted and, in addition, what, if any, information was necessary in order for this offer to be considered.
- o The Special Assistant to the Secretary of Defense advised that special information was needed in order to resolve any possible conflict of interest. I then wrote to Congressman Coelho, a copy is attached, and requested the information.
- o Following our conversation, I contacted Congressman Coelho and he indicated that he would like to make a donation of a sample gift pack of California commodities and then make an announcement that in the future California commodities would be available aboard Air Force One. He indicated that the gift should be a one time donation and that any subsequent inventory should be purchased. He indicated he would prepare a list of California commodities for our consideration and that we would make a future decision on whether to proceed.
- o I contacted Mike Cardozo and advised him of Congressman Coelho's proposal of a one time gift and subsequent announcement. Mike Cardozo advised that an announcement would be inconsistent with the Administration's policy prohibiting publicity of any product associated with the Presidency and, therefore, an announcement would be inappropriate. Mike thought the acceptance of a one time gift was all right if done without publicity.

I discussed this with Congressman Coelho and he advised he would go ahead and obtain a list of California commodities for our consideration.

Susan, Air Force One will have available upon request some California commodities (almonds, raisins, dried apricots) until a final decision is made. If the First Family desires to have these types of commodities in lieu of, or in addition to, candy, etc., we will make permanent arrangements.

gk  
J

**Electrostatic Copy Made  
for Preservation Purposes**

August 13, 1980

Dear Congressman Coelho:

Since the White House Military Office has operational control over the presidential aircraft, your recent letter to the President offering to donate California-grown commodities for use aboard the presidential aircraft has been forwarded to this office.

In order to consider the kind offer of the California growers it will be necessary to obtain the following information:

- o The names and addresses of the producers of the products. In addition, if any of the producers have contracts with any government agency, please identify the government agency.
- o A list of the specific products that would be donated, the amount of each product that would be donated and the fair market value of each product.
- o The period of time the products would be made available.

I look forward to discussing this offer further with you or your representative.

Sincerely,

MARVIN L. BEAMAN, JR.  
Director  
White House Military Office

The Honorable Tony Coelho  
House of Representatives  
Washington, D.C. 20515

THE WHITE HOUSE  
WASHINGTON

9/25/80

STRIPPING

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

Rick Hutcheson

cc: GENE EIDENBERG

THE WHITE HOUSE

WASHINGTON

September 25, 1980

MEMORANDUM TO THE PRESIDENT

FROM:

GENE EIDENBERG *Gene*

SUBJECT:

Response to Attached Letter From Governor  
Dixy Lee Ray, Washington

As you are aware, Governor Dixy Lee Ray has written expressing concern that she was not contacted by you following her loss to State Representative Jim McDermott in the gubernatorial primary.

Although you have subsequently talked with the Governor, Bob Thomson and I recommend that a hand-written response be sent to her letter as a follow-up to your phone conversation. I have attached a draft reply for your use or your signature.

37

*Scheduling  
cc:EE*

**WHITE HOUSE  
CORRESPONDENCE  
TRACKING**

# 076 873

September 19, 1980

State of  
Washington  
Office of the  
Governor



*rec'd 9/23/80*

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

Dear Mr. President:

I am sorry I will be unable to welcome you to Washington State on September 23. As you know, I have just completed a rigorous but unsuccessful campaign for a second term and am now faced with preparing final reports and the 1981-83 biennial budget before leaving office in January. Lt. Governor John Cherberg will officially represent me during your visit to Tacoma.

I must admit I was astonished to hear that you expressed your pleasure that my opponent has become the Democratic nominee for Governor, since I am one of the few Governors who openly supported your re-election and am honorary co-chairman of your campaign in Washington State.

I will be leaving the Office of Governor with few regrets, knowing that my administration has accomplished much good for our citizens and that we never used the office for political gain. My one concern is whether in today's climate a truly honest administration can ever survive.

Sincerely

*Dixy Lee Ray*  
Dixy Lee Ray  
Governor

**Electrostatic Copy Made  
for Preservation Purposes**

37

*Scheduling*  
*cc: EE*

WHITE HOUSE  
CORRESPONDENCE  
TRACKING

# 076873

September 19, 1980

State of  
Washington  
Office of the  
Governor



*rec'd 9/23/80*

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

Dear Mr. President:

I am sorry I will be unable to welcome you to Washington State on September 23. As you know, I have just completed a rigorous but unsuccessful campaign for a second term and am now faced with preparing final reports and the 1981-83 biennial budget before leaving office in January. Lt. Governor John Cherberg will officially represent me during your visit to Tacoma.

I must admit I was astonished to hear that you expressed your pleasure that my opponent has become the Democratic nominee for Governor, since I am one of the few Governors who openly supported your re-election and am honorary co-chairman of your campaign in Washington State.

I will be leaving the Office of Governor with few regrets, knowing that my administration has accomplished much good for our citizens and that we never used the office for political gain. My one concern is whether in today's climate a truly honest administration can ever survive.

Sincerely

Dixy Lee Ray  
Governor

THE WHITE HOUSE  
WASHINGTON

9/25/80

ARNIE MILLER

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

Rick Hutcheson

cc: GENE EIDENBERG

THE WHITE HOUSE  
WASHINGTON

9/25/80

Rick --

Delivered to my office.  
President has not seen.

To you for handling/forwarding.

(Please, however, ask  
Personnel to have Presidential  
drafted and returned to  
signature expeditiously.)

Thanks--Susan

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

ACTION  
FYI

	ADMIN CONFID
	CONFIDENTIAL
	SECRET
	EYES ONLY

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

	MILLER
	MUSKIE
	AIELLO
	BUTLER
	CAMPBELL
	H. CARTER
	CLOUGH
	FIRST LADY
	HARDEN
	HERTZBERG
	HUTCHESON
	KAHN
	MARTIN
✓	MILLER
	MOE
	MOSES
	PETERSON
	PRESS
	RECORDS
	SANDERS
	SHEPPARD
	SPETH
	STRAUSS
	TORRES
	VOORDE
	WISE



DEPARTMENT OF STATE

Washington, D.C. 20520

September 24, 1980

The President  
The White House  
Washington, DC

Dear Mr. President:

When you appointed me special advisor on Cuban refugee matters in June, I was honored to be given the opportunity to serve you, the United States, and my compatriots seeking a new life of freedom.

The past four months have been filled with moments of pride, a sense of accomplishment, and much frustration.

I have done my best to encourage the established Cuban-American community nationwide to do its share in taking care of the new arrivals. I have reminded them that in spite of the barrage of news about criminals and mental cases, most newly arrived Cubans just want a chance to earn a better life for themselves and their families. Certainly that message has gotten across, as over 110,000 people are resettled and on their way to participating fully in our society.

On the other hand, however, I believe I could have done more to ease the transition process for the entrants and the communities receiving them if my advice had been heeded.

In any case, I would sincerely like to thank you for the opportunity to serve and let you know that I must return to my duties as assistant to the manager of Dade County, Florida.

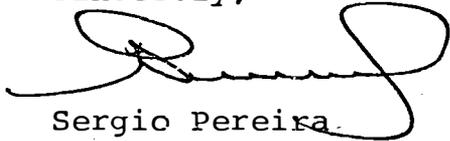
This does not mean that I am abandoning our mutual goal of the successful resettlement of the Cuban entrants. Rather, I will be dealing with the issue on a local level in Miami, where, as you know, these matters all come to a head.

It has been a pleasure to work with Victor Palmieri, Chris Holmes and the other well-meaning people who have made this situation a part of their lives and who are giving it their all. I will continue to work with them as they may request from time to time.

I stand ready to serve you again in the future, at any time, as you may request.

I wish you the very best of luck in your reelection campaign.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sergio Pereira', with a large, stylized flourish at the end.

Sergio Pereira.

**CQ**

CONGRESSIONAL QUARTERLY  
**Weekly Report**

Vol. 38, No. 38 • Pages 2745-2808 • Sept. 20, 1980

**Funding, Tax Quarrel**  
(2753)

9

**Economic Campaign Issue**  
(2767)

Electrostatic Copy Made  
for Preservation Purposes



Who's Missing?

**The 1980 Census**

(2747)

THE WHITE HOUSE  
WASHINGTON

9/25/80

LLOYD CUTLER

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

Rick Hutcheson

JACK WATSON

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

ACTION  
FYI

	ADMIN CONFID
	CONFIDENTIAL
	SECRET
	EYES ONLY

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

	MILLER
	MUSKIE
	AIELLO
	BUTLER
	CAMPBELL
	H. CARTER
	CLOUGH
	FIRST LADY
	HARDEN
	HERTZBERG
	HUTCHESON
	KAHN
	MARTIN
	MILLER
	MOE
	MOSES
	PETERSON
	PRESS
	RECORDS
	SANDERS
	SHEPPARD
	SPETH
	STRAUSS
	TORRES
	VOORDE
	WISE

THE WHITE HOUSE  
WASHINGTON

September 19, 1980

*ole*  
*J*  
Electrostatic Copy Made  
for Preservation Purposes

MEMORANDUM FOR THE PRESIDENT

FROM: LLOYD CUTLER *RLC*  
SUBJECT: Arthur Goldberg Letter on the Death Penalty

Some time ago Arthur Goldberg sent you a letter (attached) requesting the appointment of a Blue Ribbon Presidential Commission to review the evidence as to whether the death penalty really is an effective deterrent in the United States. Justice Goldberg suggested that the Commission would be able to lay this question to rest and would also serve to continue the moratorium on executions which now prevails.

I sent a copy of Justice Goldberg's letter to the Attorney General. His response (attached) indicates serious doubt that a Commission would lay to rest the question of the effectiveness of the death penalty as a deterrent and some doubt as to whether it would continue the moratorium. The Attorney General suggested, however, that you might wish to recommend to Justice Goldberg that a Blue Ribbon Commission be appointed by the American Bar Association.

Unfortunately this matter fell between the cracks and we have not yet responded to Justice Goldberg. (My staff did speak to the Justice and determined that he did not regard an ABA Commission as an adequate substitute for a Presidential Commission.) I tend to agree with the Attorney General that a Presidential Commission would not have the impact that Justice Goldberg hopes for. The Royal Commission on Capital Punishment which Justice Goldberg cites did not arrive at an unambiguous conclusion on the deterrent effect of the death penalty. Nor did the Commission's Report itself lead to the abolition of the death penalty in Great Britain; the death penalty was suspended by Parliament in 1965, some 12 years after the issuance of the Report. Furthermore, the creation of a Presidential Commission at this time would create a political issue, and it is clear to me that when the death penalty becomes a political issue public support for capital punishment increases.

I propose therefore that I send the attached letter to Justice Goldberg.

THE WHITE HOUSE

WASHINGTON

Dear Justice Goldberg:

The President has asked me to respond to your letter concerning the establishment of a Presidential Commission on the death penalty. I regret the delay in responding.

I have discussed this issue with the Attorney General. We both agree that it is unlikely that a Commission would in fact lay to rest the question of the effectiveness of the death penalty as a deterrent. The Royal Commission in 1953 did not arrive at an unambiguous conclusion. Nor did the Commission's report itself lead to the abolition of the death penalty; Parliament did not suspend the death penalty until twelve years later.

Indeed, there is reason to believe that the appointment of a Presidential Commission could generate more support for capital punishment. The establishment of such a Commission at this time would clearly create a political issue, and my perception is that when capital punishment becomes a political issue public support for it increases.

Although both the Attorney General and I doubt that any Commission will be able to still the death penalty controversy, we believe that a Commission appointed by the American Bar Association or a similar private body would have a better chance than a Presidential Commission of making legislatures and the public take a dispassionate look at capital punishment. We would be glad to join you in urging the establishment of such a private Commission.

Sincerely,

Lloyd N. Cutler  
Counsel to the President

The Honorable Arthur R. Goldberg  
1601 I Street, N.W.  
Washington, D.C.

Correspondence file  
The White House  
WASHINGTON

Letter from Justice Goldberg  
requesting blue ribbon comm.  
to review US use of death penalt

Marginal note,  
cc to Goldberg,  
forwarding to staff

Draft letter for  
Presidential signature

Letter over staff  
signature on President's  
behalf

(Cutler )

(Eizenstat )

let me  
see it  
J

L-copy to [unclear]

ARTHUR J. GOLDBERG

June 9, 1980

The Hon. Lloyd N. Cutler  
Counsel to the President  
The White House  
Washington, D. C.

Dear Lloyd:

Pursuant to our telephone conversation of the other day, I am enclosing a copy of my letter to the President urging the appointment of a Commission to consider whether the imposition of the death penalty serves the legitimate ends of criminal justice. I very much hope that you will support this proposal.

With every good wish, I am

Yours most cordially,



Arthur J. Goldberg

ARTHUR J. GOLDBERG

June 9, 1980

The President  
The White House  
Washington, D. C.

Dear Mr. President:

Several organizations dedicated to the protection of human rights have urged publicly that you appoint a commission to consider whether the imposition of the death penalty serves the legitimate ends of criminal justice.

I write this letter in support of these appeals.

There are more than 600 persons in death cells throughout the country. A disproportionate number are black and Hispanic. All, however, share a common characteristic - poverty. No rich person has been executed for more than a half century.

Appeals to the Supreme Court to outlaw the death penalty on constitutional grounds have been unsuccessful. Only two Justices (Brennan and Marshall) subscribe to the view that the death penalty contravenes the Eighth and Fourteenth Amendments to the Constitution.

In several recent cases, however, death penalties have been reversed by the Supreme but basically on the ground that the legislature has not carefully defined the circumstances warranting imposition of the severest of all sanctions.

Many state legislatures have amended their criminal codes to conform to the Supreme Court's guidelines and there is a bill pending in Congress which not only purports to do so but enlarges the number of federal capital offenses.

Until now there has been virtually a moratorium on death sentences since 1967 because of the cases challenging the death penalty before the Supreme Court. In fact only

three persons have been executed since 1967 and they refused to exhaust their legal remedies - a form of institutional suicide.

Unless something is done, it is to be anticipated that the flood gates will now open as a result of the Supreme Court's latest decisions and the action of the legislatures of our several states conforming their laws to the mandate of our highest court.

We, therefore, face the prospect of mass executions.

A substantial factor in the proliferation of legislation providing for the death penalty has been the absence of an authoritative report determining whether the death penalty in fact deters murder.

In Great Britain several years ago a Royal Commission was appointed to consider this important question and after exhaustive hearings reported to Parliament that the death penalty did not act as an effective deterrent. The Commission in its report also stated that life imprisonment and other sanctions were of greater deterrent effect.

As a result of this report, the British Parliament repealed the death penalty and despite efforts to revive it the death penalty has not been reimposed.

While opponents of the death penalty have cited the British Commission report before legislative bodies and in the courts it has not been accepted as controlling in our country because of our greater and more diverse population which, it has been argued, is more prone to violence than the fairly homogenous British society.

Thus, the need for a "blue ribbon" commission to review the evidence as to whether in the United States the death penalty really is an effective deterrent. It is my view, that the appointment of such a commission would not only be able to lay this question to rest but also would serve to continue the moratorium on executions which now prevails.

I urge, Mr. President, that as a champion of human rights you appoint such a commission so that we can take, in an informed way, what Camus called the "great civilizing step" of abolishing the death penalty.

The rack, thumbscrew, chains, branding, cutting off of ears and the stretching of limbs, all now would agree are not permissible. All, likewise, must or should agree that under the evolving standards of decency that should mark the progress of a maturing society, the deliberate institutionalized taking of human life by the State is the greatest conceivable degradation to the dignity of the human personality.

Surely, this and the recent past generations of Americans has experienced enough killings.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Arthur J. Goldberg". The signature is written in dark ink and is positioned above the typed name.

Arthur J. Goldberg

THE WHITE HOUSE

WASHINGTON

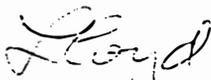
June 12, 1980

Dear Ben:

Arthur Goldberg has talked to me about the enclosed letter to the President, and I have now been assigned the responsibility of preparing a reply.

For this purpose I would appreciate the Department's views on Arthur's proposal of a "blue ribbon" commission to review the evidence as to the need of a death penalty.

Best regards,



Lloyd N. Cutler  
Counsel to the President

Honorable Benjamin Civiletti  
Attorney General  
Department of Justice  
Constitution and 10th Street NW  
Washington, D.C. 20530



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

June 23, 1980

MEMORANDUM TO: Lloyd N. Cutler  
Counsel to the President

FROM: Benjamin R. Civiletti  
Attorney General *BRC*

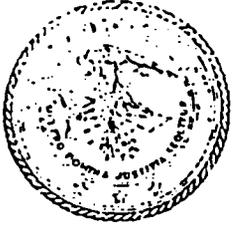
SUBJECT: Arthur Goldberg Letter on  
the Death Penalty

I reviewed Arthur Goldberg's June 9, 1980 letter to the President on the above subject. He suggests "the need for a 'blue ribbon' commission to review the evidence as to whether in the United States the death penalty really is an effective deterrent," and suggests that a commission would lay this question to rest and also would serve to continue the moratorium on executions which now prevails. I seriously doubt that such a commission would achieve the first purpose, and I have some doubt that it would even achieve the second purpose.

For your information, I enclose a copy of a letter dated March 25, 1977 from Attorney General Bell to Senator McClellan with regard to the federal bill then pending before the Senate. I understand Judge Bell took this position after considerable discussion on the subject with the President. Judge Bell also expressed these general views publicly from time to time after the Department's position was made public by the March 25, 1977 letter.

Perhaps you should suggest to Arthur Goldberg that a "blue ribbon" commission be appointed by the American Bar Association to compile and analyze the evidence as to the deterrent effect of executions on homicides. That commission could also review the experience in Great Britain since the British Parliament repealed the death penalty. If we develop any other views, I will advise you.

Copy to 3100  
6/23



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

March 25, 1977

Honorable John L. McClellan  
United States Senate  
Washington, D. C. 20510

Dear Senator McClellan:

In your letter dated March 3, 1977, you asked that the Department of Justice review your draft bill to authorize the death penalty for certain federal offenses, and requested the Department's comments with respect to the constitutionality of the draft bill in the light of recent Supreme Court decisions.

In summary, the draft bill provides that, before a sentence of death can be imposed for any offense under the laws of the United States, a hearing must be held in accordance with the bill's provisions. The hearing is normally to be before a jury of twelve with responsibility for rendering unanimous findings in the nature of special verdicts, but under certain circumstances the court also is empowered to conduct the hearing and to render the necessary findings.

The bill sets forth lists of aggravating and mitigating circumstances to be considered by the factfinder at the hearing. An aggravating factor may be proven only by legally admissible evidence, and the government bears the burden of persuasion on the matter beyond a reasonable doubt. A mitigating factor may be proved by any relevant information irrespective of the rules of evidence, and the defendant bears the burden of persuasion by a preponderance of the evidence. The sentencing court is required to disclose to the defendant all material in any presentence report except such information as the court determines to withhold for the protection of human life or the national security; no information so withheld may be considered in the determination of the sentence.

At the conclusion of the evidence, the jury is required to return special findings as to the existence of any aggravating and mitigating factors, and to determine whether any aggravating factors outweigh any mitigating factors found to exist; based on this determination, the jury must then conclude whether a sentence of death should be imposed. If the jury concludes that a death sentence should be imposed, the court must sentence the defendant to death. In all other cases, the court may impose a sentence of life imprisonment or any term of years.

The bill provides that any sentence of death may be appealed by the defendant for review in the court of appeals. The court of appeals is to consider the entire record of the trial and of the sentencing hearing, the presentence report, the procedures employed at the hearing, and the special findings. The court is to affirm the sentence only if it determines that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; that the evidence supports the special findings as to the existence of an aggravating factor or the failure to find a mitigating factor; and that the sentence of death is not excessive, considering both the crime and the defendant.

The offenses to which the death penalty would be applicable are treason, espionage, and certain murders -- all offenses for which federal statutes currently purport to authorize a sentence of death.

The draft bill is modeled to a substantial extent upon the death penalty provisions of the federal aircraft piracy statute, 49 U.S.C. 1473(c), enacted by Congress in 1974 with the specific purpose of seeking to comply with the decision of the Supreme Court in Furman v. Georgia, 408 U.S. 238 (1972). In our view, the procedures set forth in the draft bill are consistent with the decision in the Furman case, and are also consistent with the opinions of the Supreme Court in Gregg v. Georgia, \_\_\_ U.S. \_\_\_ (1976), and Proffitt v. Florida, \_\_\_ U.S. \_\_\_ (1976), sustaining the provisions of similar state death penalty statutes against constitutional attack.

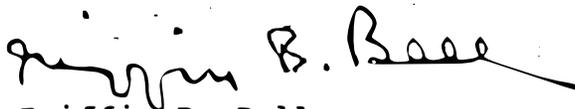
The Court in Furman had struck down a Georgia death penalty law, written in the fashion of all present federal death penalty provisions except the one appearing in the revised aircraft piracy statute, on the ground that the law permitted the sentencing judge or jury to exercise unguided discretion in determining whether the death penalty should be imposed, and thus that it failed to guard against the "freakish"

or "wanton" imposition of the death sentence. Thereafter Georgia revised its law in a manner similar to that employed in the draft bill in order to meet the requirements of the Furman opinion. In Gregg the Court sustained the new statute. The Court held that the setting forth of aggravating and mitigating factors of sufficient clarity and specificity substantially met the concerns expressed in Furman and provided the sentencing authority with standards to guide its exercise of discretion. The Court emphasized also its heavy reliance on the appellate review procedures of the revised Georgia statute, which are very similar to those in the draft bill, as a further basis for insuring that the death penalty would not be wantonly or freakishly imposed (see Gregg, supra, slip op. at pp. 9-10, 47-49; slip op. at pp. 16-18 (White, J. concurring)).

Because of the close resemblance (including in some instances an identity of language) between the draft bill and the Senate statutes sustained in Gregg and Proffitt, we believe that the proposed bill would be found by the Supreme Court to meet constitutional requisites.

I appreciate the opportunity you have afforded us to review the draft bill prior to its introduction. There are some variations in particular provisions of the draft bill that would warrant consideration, but these are matters that we can raise with you later after a more thorough review. Certainly the bill provides a firm foundation for congressional consideration of a death penalty for a limited number of federal crimes, and I support your efforts to bring it to the attention of the Senate.

Sincerely,

  
Griffin B. Bell  
Attorney General

## CHAPTER 14

### SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

790. We give below a summary of our main recommendations and conclusions. As they vary greatly in importance, we have distinguished the more important by printing them in heavy type.

#### PART I

##### LIMITATION OR MODIFICATION OF THE LIABILITY TO SUFFER CAPITAL PUNISHMENT

###### The Punishment for Murder

(1) The outstanding defect of the law of murder is that it provides a single punishment for a crime widely varying in culpability (paragraphs 17-22).

(2) This rigidity is at present mitigated mainly by the use of the Royal Prerogative of Mercy. But this method is open to criticism, and it will be necessary for us, in considering whether liability to suffer the death penalty should be limited, to consider also whether the limitation at present effected by the Prerogative could be effected in some other way (paragraphs 46-49).

(3) These questions involve consideration of the purpose of capital punishment. Of the three purposes commonly assigned to punishment—retribution, deterrence and reformation—deterrence is generally held to be the most important, although the continuing public demand for retribution cannot be ignored. *Prima facie* the death sentence is likely to have a stronger effect as a deterrent to normal human beings than any other form of punishment. There is some evidence (though no convincing statistical evidence) that this is in fact so; and also that abolition may be followed for a short time by an increase in homicides and crimes of violence. But there is no clear evidence of any lasting increase, and there are many offenders on whom the deterrent effect is limited and may often be negligible. It is therefore important to view the question in a just perspective and not to base a penal policy in relation to murder on exaggerated estimates of the uniquely deterrent force of the death penalty (paragraph 68).

###### Specific Proposals for Amendment of the Law of Murder

(4) The doctrine of "constructive malice" in English law should be abolished, but principals in the second degree and accessories before the fact to felony should remain liable to be convicted of murder if the principal in the first degree is so liable (paragraph 121). We think that it would be practicable to make this change by a specific statutory provision, without enacting a statutory definition of murder or altering the common law in other respects (paragraph 123).

(5) No change is recommended in the requirement of the existing law that, in order to reduce the quality of the crime from murder to manslaughter or culpable homicide, provocation must be such as might have deprived a reasonable man of his self-control (paragraph 145).

(6) There should be no distinction between provocation by words and other forms of provocation. Where the jury consider that the accused killed the deceased upon provocation, that he was deprived of self-control as a result of that provocation and that a reasonable man might have been so deprived, the nature, as distinct from the degree, of the provocation should

be immaterial. The law and 152). Any legislation (paragraph 153).

(7) No amendment of graph 162).

(8) The law of England who aids, abets or instigates not of murder, but of that ment for life (paragraph killed the other party he (paragraph 176).

(9) No such change is attempted suicide is a c

(10) No satisfactory de would allow "mercy ki murder (paragraph 180).

(11) There are no rati of the liability to suffer (paragraph 187).

(12) We recommend b below which a person r from 18 to 21 in both E

##### Insanity and Mental Ab

###### Insanity

###### *Fitness to Plead*

(13) We recommend n regard to raising the issue that we endorse the re that we endorse the re evidence of at least two c

(14) No change is rec insanity in bar of trial i mental deficiency—see re

###### *Insanity as a Defence*

(15) It has for centuri time of committing an u be unreasonable to impu conviction and punishm continuance of this ancie

(16) Any test of crim that, where a grave crime ordered mentally that be sumption that the crime v ordinary circumstances, ov presumption in the case certain epileptic condition

(17) We consider (with down in England by the the subject ought to be c

effect on the attitude of society to murder rather than in the conscious calculations of potential criminals. If this is so, it cannot be expected that variations in the number of executions from year to year would be directly reflected in a rise or fall of the murder rate, and a failure to find any such correlations cannot properly be used as an argument against the view that the death penalty is a unique deterrent.

67. The negative conclusion we draw from the figures does not of course imply a conclusion that the deterrent effect of the death penalty cannot be greater than that of any other punishment. It means only that the figures afford no reliable evidence one way or the other. It would no doubt be equally difficult to find statistical evidence of any direct relationship between the severity of any other punishment and the rise or fall of the crime to which it relates. Too many other factors come into the question. All we can say is that the deterrent value of punishment in general is probably liable to be exaggerated, and the effect of capital punishment specially so because of its drastic and sensational character. The conclusion of Professor Sellin, who has made a profound study of this subject, is summarised in the answers to four of the questions we put to him:

"8916. We cannot conclude from your statistics . . . that capital punishment has no deterrent effect?—No, there is no such conclusion.

8917. But can we not conclude that if it has a deterrent effect it must be rather small?—I can make no such conclusion, because I can find no answer one way or another in these data. . . . It is impossible to draw any inferences from the material that is in my possession, that there is any relationship . . . between a large number of executions, small number of executions, continuous executions, no executions, and what happens to the murder rates.

8918. . . . I think you have already agreed that capital punishment cannot, on the basis of your figures, be exercising an overwhelmingly deterrent effect?—That is correct.

8919. . . . But you would not like to go any further than that?—No. . . ."

68. We recognise that it is impossible to arrive confidently at firm conclusions about the deterrent effect of the death penalty, or indeed of any form of punishment. The general conclusion which we reach, after careful review of all the evidence we have been able to obtain as to the deterrent effect of capital punishment, may be stated as follows. *Prima facie* the penalty of death is likely to have a stronger effect as a deterrent to normal human beings than any other form of punishment, and there is some evidence (though no convincing statistical evidence) that this is in fact so. But this effect does not operate universally or uniformly, and there are many offenders on whom it is limited and may often be negligible. It is accordingly important to view this question in a just perspective and not to base a penal policy in relation to murder on exaggerated estimates of the uniquely deterrent force of the death penalty.

## SPECIFIC PROPOSALS

69. In the course of our for limiting or modifying These suggestions fall into for changing the law that n way in which this might b more narrowly, and the s Or the crime of murder n of which would be punish as to provide that certain no longer be so; or that longer be punishable by d comprises proposals that w the death penalty, but w the jury, to impose a le consider first the proposals the less radical and com redefinition of murder and

70. In the present chapt the present scope of murder posal that what is called ' constructive malice', in Engl present scope of this doctri way of introduction, that th engaged in committing a the death of another pers murder solely by reason of prosecution of the other of more than manslaughter. in Scottish law. Secondly, the law as to the circumstan from murder to manslaugh remainder of what we hav would limit the scope of forms of homicide from t classes of persons from the

71. The law of murder i and any attempt to do s development. We therefor task, to give a short review England and Wales and in to being complete or exhaus our limited purpose. We of "constructive malice" England distinguishes mu separately (paragraphs 125

(a) C

Basic principles of the law

72. Homicide is the killing homicide may be murder, a manslaughter are felonies a

THE WHITE HOUSE

WASHINGTON

**Electrostatic Copy Made  
for Preservation Purposes**

September 25, 1980

*C*

MEMORANDUM FOR THE PRESIDENT

FROM: LLOYD N. CUTLER  
STUART E. EIZENSTAT *Stu*

SUBJECT: Proposed Executive Order Entitled:  
"Nuclear Safety Oversight Committee"

On July 29 Lloyd Cutler submitted to you the attached Executive Order, prepared by OMB at the informal request of the staff director of the Nuclear Safety Oversight Committee. As we explained, this Order amends Executive Order No. 12202 by (1) extending the termination date of the Committee from September 30, 1980 to September 30, 1981; (2) directing that, from October 1, 1980, the Committee receive only those funds appropriated for it; and, (3) increasing the membership of the Committee from five to six. The explanation, which you requested, for each amendment is as follows:

First, the new Order would extend the existence of the Committee for one year, from September 30, 1980 to September 30, 1981. Frank Press informs us that when the Committee was first established, your advisors and Governor Babbitt, in accepting the Chairmanship, expected it would continue to function for two years. In addition, although currently the Committee has been funded only through September 30, 1980, Congress is expected to fund the Committee for at least another year. Although such funding is anticipated, the technical time limitation imposed in the prior Executive Order has created staff recruitment problems for the Committee because employee benefits are not available for positions limited to one year or less. The termination date of the Committee is the only date that can be used to calculate whether staff positions are temporary or may exceed the one-year period and therefore be eligible for benefits. For these reasons, and because he believes the Committee is doing a good job, Frank Press recommends the life of the Committee be extended through September 30, 1981. Section 1-102 provides such an extension.

Next, should Congress unexpectedly fail to appropriate additional funds for the Committee, OMB has included an explicit provision limiting the permissible funding source for the Committee to those funds appropriated by Congress, to avoid the mistaken or illegal expenditure of funds from other sources. Under the Independent Offices Appropriations Act, the Congress must specifically appropriate funds

*11/15/80  
Approved by [unclear]*

for the operation of the Committee. Section 1-101 of the proposed Executive Order accomplishes this objective by revising the original directive to include a provision that funds not be expended for the Committee without specific Congressional approval.

Finally, Section 1-103 of the proposed Order would add one additional slot to the Committee, as informally recommended by its Chairman. At the time the members of the Committee were announced, environmental groups expressed concern that its membership was heavily weighted toward those friendly to the nuclear industry. Stu, Gus Speth and others agreed to seek a sixth member who would give more environmental balance to the Committee. Governor Babbitt hopes that a woman acceptable to environmentalists could be appointed to fill this slot. To date, Governor Babbitt, Gus Speth and Frank Press have not been able to agree on a candidate, but Stu is committed to assuring that consensus is reached. Stu believes that mere announcement of creation of a sixth slot would be helpful.

In addition to OMB, Justice has reviewed and approved the Order.

EXECUTIVE ORDER

#12240

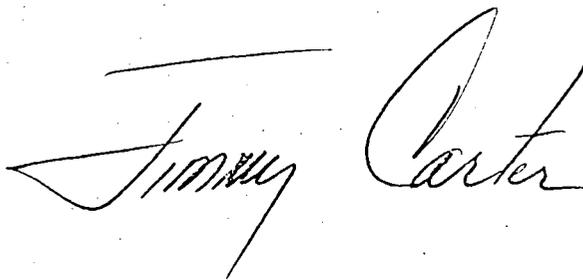
NUCLEAR SAFETY OVERSIGHT COMMITTEE

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide for the extended life of the Nuclear Safety Oversight Committee to the extent that funds are to be made available therefor, it is hereby ordered as follows:

1-101. Section 1-303 of Executive Order No. 12202 is amended by adding thereto the following sentence: "Beginning October 1, 1980, such support shall be provided in accordance with Section 213 of the Independent Offices Appropriations Act, 1945 (31 U.S.C. 696).".

1-102. Section 1-402 of Executive Order No. 12202 is amended to read, "The Committee shall terminate on September 30, 1981.".

1-103. In Section 1-102 of Executive Order No. 12202 the words "The membership of the Committee shall be composed of five persons" is amended to read, "The membership of the Committee shall be composed of six persons."

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 main text of the executive order.

THE WHITE HOUSE,

September 26, 1980.

THE WHITE HOUSE

WASHINGTON

July 29, 1980

*Lloyd*

*Why?*

*a) 5-6 -*

*b) Extension*

*c) Special  
financing*

*J*

MEMORANDUM TO THE PRESIDENT

FROM: LLOYD CUTLER *Lnc*

SUBJECT: Proposed Executive Order Entitled:  
"Nuclear Safety Oversight Committee"

The attached order, prepared by the Office of Management and Budget at the informal request of the staff director of the Nuclear Oversight Committee, amends Executive Order No. 12202 by (1) extending the termination date of the Committee from September 30, 1980 to September 30, 1981; (2) increasing the membership of the Committee from five to six; and (3) directing that, from October 1, 1980, the Committee receive only those funds appropriated for it.

Justice has approved the Order.

**Electrostatic Copy Made  
for Preservation Purposes**