

**2/15/77 [1]**

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THE WHITE HOUSE  
WASHINGTON

cc to

Frank Moore - *[unclear]*

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Frank Moore

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

Rick Hutcheson

Re: Rhodes Blast, attached.



MEMORANDUM

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE  
WASHINGTON

To: President  
From: FM

ADMINISTRATIVE CONFIDENTIAL

Frank - Stay in touch with Rhodes & others. Thank them for their help on reorganization -

MEMORANDUM FOR: FRANK  
FROM: RICK  
RE: Rhodes Blast, attached

The attached is very good news, indeed. We must make it perfectly clear to the Republicans that the Administration bill was introduced by Rep. Dante Fascell, et al (H.R. 3407). Republicans may, of course, join on as co-sponsors of the Fascell-Levitas effort. A Dear Colleague will go out Wednesday to all members of the House, soliciting co-sponsorship.

By way of background, neither Rhodes nor Horton (to my knowledge) has ever "seen" our bill. Our bill was given to the group which came up to the Cabinet Room only. The Speaker was given a copy a day earlier, but he put it in his vest pocket and did nothing with it, except call two Gov. Ops. members from his state (Drinan and Harrington) and ask them to co-sponsor.

The Rhodes bill (H.R. 3442, by Rhodes, Horton, Erlenborn, Clarence Brown, McCloskey, Thone, and Pritchard) may or may not be identical to ours. The point is, we did not give them ours, and H.R. 3442 was introduced after H.R. 3407. It is very important to maintain these seemingly insignificant distinctions, lest we irritate our important sponsors, the Democrats.

Rhodes is coming to dinner tonight. The President might thank him for introducing companion (not identical) legislation, and wish him well on the Republican side.

The Republicans would like nothing better than to get between the President and the majority of the Democrats. We must always remember that there are 292 Democrats and 143 Republicans, and we do not need a single one of the latter if we play our cards right with the former. Of course, we do want to be polite to Mr. Rhodes and his colleagues on that side of the aisle.

ADMINISTRATIVE CONFIDENTIAL

# Rhodes Annoyed by Inattention House GOP Leader Blasts Carter

By Ron Sarro  
Washington Star Staff Writer

House Republican leader John Rhodes, calling President Carter's congressional relations "absolutely ludicrous," said today that someone should remind the White House there are Republican votes on Capitol Hill too.

The Arizona Republican said he has not seen the Democratic President or any representative of the White House since the new administration took office and it "would be nice if some member of the Carter administration would come to my office to say hello."

**RHODES' REMARKS** during a breakfast meeting with reporters echoed sentiments expressed by House Speaker Thomas P. O'Neill Jr. and Senate Majority Leader Robert C. Byrd that the Carter administration's congressional relations need improvement. Rhodes was much harsher in his assessment.

The Carter White House, said Rhodes, has shown a "complete lack of understanding of how the Congress works and the proper relationship."

He said that Frank Moore, congressional liaison chief for Carter, has had no contact with him. "No contact, no judgment . . . it's absolutely ludicrous," Rhodes said.

The Republican leader noted he had introduced Carter's government reorganization plan, which he said could be adopted with votes from Republicans, even though chairman Jack Brooks of the House Government Operations Committee is supporting different reorganization authority.

**OVERALL** the Carter administration's honeymoon with the Democratic Congress has been "short-lived," mainly because of the abortive nomination of Theodore Sorensen as CIA director and general lack of enthusiasm, as Rhodes views it, for Carter's reorganization plan.

Rhodes said he has not seen Carter since he "held up his hand" on Inauguration Day and has not talked with the President since congressional leaders attended foreign policy meetings at the Smithsonian Institution a week before the new administration took office.

"I could be the best friend he has, depending on which Democratic party he wants to join," said Rhodes, explaining he could support a President who favors a balanced budget.

On the reorganization plan, Rhodes said he does not think the power that Carter seeks to reshape the federal government is excessive. Carter wants any reorganization to take effect automatically unless the Senate or the House vetoes it, while Brooks is for a method which would leave room for more maneuvering and require affirmative acceptance by Congress of the Carter proposals.

## Cincinnati Connecticut

CINCINNATI (UPI) — Persons hostage at information about his 'Roots' on television. Coulter's attorney said

Bond was set at \$1 Rita, who was with windowless room at a

"Jessie told me he had him about his s Coulter's attorney, E his sawed-off shotgun get his family put back

"He saw on TV that was getting his family same."

Smith also said that at gunpoint to accompany

But the prosecution "Our investigation interviews with witness

Criminal Court Judge wife that "people in activity" and set for

Coulter and his each of kidnaping, be seeking multiple nesses."

Coulter, 42, of De knife, surrendered tags after policemen. Six other hostages unharmed.

Save 20% on  
shades and shutters

CUSTOMER

THE WHITE HOUSE  
WASHINGTON

2-15-77

To Griffin Bell

Please see  
Spencer Lee from  
Albany when he  
requests an  
appointment -

J.C.

THE WHITE HOUSE  
WASHINGTON

cc Schulze

Sty

Lance

Blumenthal

Tom Watson

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Jack Watson

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

Rick Hutcheson

cc: Secretary Blumenthal thru  
Jack Watson.  
Stu Eizenstat  
Bert Lance  
Charles Schultze

Re: 2/8/remo

*Tax Reform*

THE WHITE HOUSE  
WASHINGTON

February 8, 1977

Bert Lance  
Stu Eizenstat  
Charlie Schultze

Re: Organizing for Tax Reform

The attached was returned in the President's  
outbox. Your comments are requested.

Rick Hutcheson

cc: Jack Watson

Attachment:

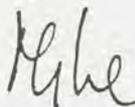
Secretary Blumenthal letter of 2/8/77  
on above subject

5. During the month of May the areas blocked out for consideration in tax reform package would be made available to the public generally and interested parties would be given the opportunity to present their recommendations to the Treasury Department in writing.

6. During June and July there would be public forum discussions in Washington and other areas of the country with different groups as to their ideas for tax reform. This would include specifically tax-oriented groups, such as the Tax Section of the American Bar Association and the American Institute Certified Public Accountants, but would also provide opportunities for discussions with consumer groups, minority groups, public interest groups, business groups, labor groups, philanthropies, and retirement groups.

7. There would be periodic reports to the Economic Policy Group and to you throughout this entire time, as material became ready, but by September it is planned that a relatively complete tax reform package would be available for consideration by this group and by you.

8. This should enable us to have the tax reform package available for presentation to the Congress in October, with the thought that the Ways and Means Committee could shortly after that time begin public hearings on the proposals.



W. Michael Blumenthal



THE SECRETARY OF THE TREASURY  
WASHINGTON

cc: Bert - Stu - Charlie  
Comment to me  
J

THE PRESIDENT HAS SEEN.

February 8, 1977

MEMORANDUM FOR THE PRESIDENT

SUBJECT: ORGANIZING FOR TAX REFORM

I am outlining below the procedures and time sequence I believe it would be desirable to follow in developing our Tax Reform-Simplification Package for presentation to the Congress this fall.

1. The months of February and March would be used primarily by Larry Woodworth and the Treasury staff to block out the general areas of tax reform which might be considered, and to start analysis of some of the specific proposals. (During this period they will also be helping us in getting the tax stimulus package through Congress.)

2. During the months of April and May the Treasury staff would begin regular consultations with the congressional tax staff, as well as other congressional staffs, as to proposals for tax reform. This inter-staff work would also continue after that time. On occasion during this period, there would also be exploration of the issues with the Chairmen of the Tax Committees and other congressional leaders in taxation. I and the Deputy Secretary would, on occasion, join in these sessions.

3. Also beginning in April and May the Treasury staff would employ consultants (principally academic lawyers and economists) to help in the development and analysis of differing parts of the tax package.

4. During May, June, and July there would be Interagency meetings with those in Government concerned with different parts of the tax reform package. Papers would be presented to this group outlining the impact of the different options, emphasizing those directly affecting the programs of the agencies. This group would include representatives from OMB, the Counsel of Economic Advisors, the Domestic Council, HEW, HUD, Commerce, Labor, Agriculture, Interior, and DOT. These meetings would occur at least once every 2 weeks.

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objective and not simply a Treasury effort, the meetings should be with one agency at a time, with representatives of the Office of Management and Budget, the Council of Economic Advisors and the Domestic Council along with Treasury on the "other side of the table." It would be consistent with OMB's traditional role in resolving interagency views on legislative proposals for OMB to chair such meetings.

The plans for consultations with the public are appropriate and necessary. Past history indicates that reform proposals which are laid out cold before the Ways and Means Committee as an Administration package don't get anywhere.

There is reason to be concerned that other major Administration policy initiatives will be developed (energy, welfare reform, etc.) with tax elements that may be inconsistent with the tax reform package. This will need to be coordinated through the Economic Policy Group. For this reason and also to keep informed on the progress of the Treasury's tax reform efforts and to staff the type of agency meetings suggested above, it might be appropriate to create a standing subcommittee of the Economic Policy Group on tax reform. If established such a subcommittee should not include representatives of any operating agency other than Treasury.

Attachment



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

February 10, 1977

MEMORANDUM TO THE PRESIDENT

FROM: Bert Lance

A handwritten signature in blue ink, appearing to read "B Lance", written over the printed name.

This is in response to your inquiry regarding organizing for tax reform.

Before any formal consultations are initiated with congressional members, staff or outside groups, the Treasury should seek and receive some policy guidance from the Economic Policy Group and yourself as to the general objectives of tax reform and the constraints within which the Administration's package should be confined. For example, is reform to be directed toward a broad-based income tax or a consumption based tax? (Current law is somewhere in between). Is a proposal for integrating the corporation and individual income taxes to be a part of the package? How much revenue loss if any, should be allowed for? How important is stimulation of capital formation as a goal of reform? How important is simplification? This presidential policy guidance should be scheduled between 1 and 2 in Secretary Blumenthal's outline. (Copy attached).

Past experience suggests that the operating agencies of the executive branch are natural enemies of tax reform. Each views certain "loopholes" as vitally important to their programs and constituents and often support new "loopholes." Despite this characterization of the various agencies, it is appropriate to have the kind of consultations indicated in item 4 of the outline. Some agency concerns are legitimate. In order to make it clear to these agencies that tax reform is an Administration

THE WHITE HOUSE

WASHINGTON

February 11, 1977

MEMORANDUM FOR: THE PRESIDENT

FROM: STU EIZENSTAT *Stu*  
BOB GINSBURG

SUBJECT: Secretary Blumenthal's Memorandum  
Re Organizing for Tax Reform

We have the following comments on Secretary Blumenthal's memorandum:

1. Your principal economic advisers should be involved at the outset of the project in helping Treasury block out the general areas of tax reform to be considered (item 1 of the memorandum). Otherwise, valuable input may be lost and considerable time wasted later. Accordingly, we recommend that Treasury's preliminary draft of the general areas and specific proposals it intends to pursue be distributed to members of the EPG for their comment.

2. The appropriate forum for public discussion of tax legislation has historically been Congressional committee hearings. This procedure enables Congress to do its job of hearing public interest groups and Treasury officials to proceed apace with their work. While public forums led by Treasury officials (item 6 of the memorandum) will further demonstrate our commitment to bring government to the people, the substantive value of such forums will be limited -- and, if carried out on an ambitious scale, the forums will impose a substantial burden on the Treasury staff, possibly jeopardizing the staff's ability to complete its work within the demanding time schedule. Accordingly, we recommend that such forums be limited in number and, to the extent feasible, be targeted at those groups which (unlike the Tax Section of the ABA) would not normally present their views before the Congress in Washington.

THE CHAIRMAN OF THE  
COUNCIL OF ECONOMIC ADVISERS  
WASHINGTON

February 10, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: Charlie Schultze <sup>ALS</sup>

Subject: Secretary Blumenthal's proposal for "Organizing  
for Tax Reform"

I think Mike Blumenthal's proposed procedures for developing a tax reform package, as outlined in his February 8 memorandum to you, is very reasonable. I would propose one change:

Sometime in late March, before ideas begin to get set in concrete and before starting informal discussions with the Congress, I think the Treasury should discuss the broad outlines of its thinking with your other economic advisers. I think we need a chance to comment on the broad thrust of Treasury's thinking at a very early stage.



MEMORANDUM

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

1

INFORMATION

14 February 1977

TO: THE PRESIDENT

FROM: RICK HUTCHESON *R.H.*

SUBJECT: Comments You Requested  
on Secretary Blumenthal's  
Proposal for "Organizing  
for Tax Reform"

1. Schultze comments that Treasury should consult with your other economic advisors before starting discussions with Congress.
2. Stu recommends that Treasury's preliminary draft of tax reform proposals be circulated to EPG members for comments.
3. Stu doubts the substantive value of public forums conducted by Treasury officials, and notes that public discussion of tax legislation has traditionally been before congressional committees. Stu suggests that a limited number of public forums be held, targeted at those groups which do not normally have the opportunity to present their views before Congress in Washington.
4. Lance also believes that Treasury should consult with EPG members, and receive presidential guidance, before any formal consultations are initiated with outside groups. He suggests a standing EPG tax reform subcommittee.
5. Lance notes that the operating agencies of the Executive Branch have traditionally been natural enemies of tax reform -- what some regard as "loopholes" other agencies might regard as vitally important programs. Lance suggests that OMB chair meetings with Treasury, CEA, and Domestic Council sitting down **with** agency representatives to emphasize that tax reform is an Administration objective -- not just a Treasury goal.
6. Lance believes that the public consultations are appropriate and necessary.

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THE WHITE HOUSE  
WASHINGTON

2-15-77

To Mike Blumenthal

To insure coordination  
& full administration  
support, go over tax  
reform principles, general  
goals & procedures  
with EPG, & then  
submit back to me  
your 2/8 memo with  
any amendments and/or  
comments.

J

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for Preservation Purposes



THE SECRETARY OF THE TREASURY  
WASHINGTON

cc: Bert - Stu - Charlie  
Comment to me  
J

THE PROPOSAL HAS BEEN.

February 8, 1977

MEMORANDUM FOR THE PRESIDENT

SUBJECT: ORGANIZING FOR TAX REFORM

I am outlining below the procedures and time sequence I believe it would be desirable to follow in developing our Tax Reform-Simplification Package for presentation to the Congress this fall.

1. The months of February and March would be used primarily by Larry Woodworth and the Treasury staff to block out the general areas of tax reform which might be considered, and to start analysis of some of the specific proposals. (During this period they will also be helping us in getting the tax stimulus package through Congress.)

2. During the months of April and May the Treasury staff would begin regular consultations with the congressional tax staff, as well as other congressional staffs, as to proposals for tax reform. This inter-staff work would also continue after that time. On occasion during this period, there would also be exploration of the issues with the Chairmen of the Tax Committees and other congressional leaders in taxation. I and the Deputy Secretary would, on occasion, join in these sessions.

3. Also beginning in April and May the Treasury staff would employ consultants (principally academic lawyers and economists) to help in the development and analysis of differing parts of the tax package.

4. During May, June, and July there would be Interagency meetings with those in Government concerned with different parts of the tax reform package. Papers would be presented to this group outlining the impact of the different options, emphasizing those directly affecting the programs of the agencies. This group would include representatives from OMB, the Counsel of Economic Advisors, the Domestic Council, HEW, HUD, Commerce, Labor, Agriculture, Interior, and DOT. These meetings would occur at least once every 2 weeks.

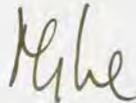
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5. During the month of May the areas blocked out for consideration in tax reform package would be made available to the public generally and interested parties would be given the opportunity to present their recommendations to the Treasury Department in writing.

6. During June and July there would be public forum discussions in Washington and other areas of the country with different groups as to their ideas for tax reform. This would include specifically tax-oriented groups, such as the Tax Section of the American Bar Association and the American Institute Certified Public Accountants, but would also provide opportunities for discussions with consumer groups, minority groups, public interest groups, business groups, labor groups, philanthropies, and retirement groups.

7. There would be periodic reports to the Economic Policy Group and to you throughout this entire time, as material became ready, but by September it is planned that a relatively complete tax reform package would be available for consideration by this group and by you.

8. This should enable us to have the tax reform package available for presentation to the Congress in October, with the thought that the Ways and Means Committee could shortly after that time begin public hearings on the proposals.



W. Michael Blumenthal

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Jack Watson

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

Rick Hutcheson

cc: Secretary Blumenthal and  
Director H.S. Knight of  
Secret Service thru Jack  
Watson.

Re: Armored Limousines



THE WHITE HOUSE  
WASHINGTON

2-15-77

To Mike Drummen that

Minimize purchases  
of armored limousines,  
buying only those for  
which we are firmly  
& irrevocably committed.

J.C.

(cc: Dr Knight

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for Preservation Purposes

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Bert Lance  
Stan Turner

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

Rick Hutcheson

Re: DCI Staff



THE WHITE HOUSE  
WASHINGTON

2-15-77

To Bert Lance  
Stan Turner

Reduce DCI staff -  
if possible back to its  
pre-reorganization fi-  
gure.

Give me an assess-  
ment of total personnel  
needs when possible.

J. C.

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for Preservation Purposes

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THE WHITE HOUSE  
WASHINGTON  
February 15, 1977

Frank Moore  
Bob Lipshutz  
Hamilton Jordan

The attached is forwarded to you  
for your information.

~ Rick Hutcheson

Re: Letter concerning Indian  
ancestral lands.



THE WHITE HOUSE  
WASHINGTON

The attached is forwarded to  
you for your information.

The Vice President

Midge Costanza

Stu Eizenstat

Hamilton Jordan

Bob Lipshutz

Frank Moore

Jody Powell

Jack Watson

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

TO: THE PRESIDENT

FROM: FRANK MOORE

Attached is the item from your February 12  
Congressional mail summary that you requested  
to see.

*To Lipschutz  
Advise -  
J*

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THE PRESIDENT HAS SEEN.

EDMUND S. MUSKIE  
UNITED STATES SENATOR

WILLIAM S. COHEN  
MEMBER OF CONGRESS

Maine  
Congressional  
Delegation

WILLIAM D. HATHAWAY  
UNITED STATES SENATOR

DAVID F. EMERY  
MEMBER OF CONGRESS

February 10, 1977

THE PRESIDENT HAS SEEN.

The President of the  
United States  
The White House  
Washington, D. C. 20500

12 FEB 1977

Dear Mr. President:

We are writing to request your immediate assistance on a matter of major importance to the people of Maine, Massachusetts and an increasing number of other states. As you may know, during the past five years, Indian people in Maine and Massachusetts have been pursuing claims in the federal courts for the return of ancestral lands. While the claims in Massachusetts involve only two towns, the claims in Maine involve over half of the state.

While the State of Maine believes it has sound legal and historic defenses and will prevail in litigation, the mere pendency of the Indian claims is now beginning to have serious effects on the economies of all the areas involved. While the defendants and potential defendants in these actions are the state, municipalities, and private parties which now occupy the disputed territory, the legal basis for the claim rests in large part on the alleged failure of the federal government to execute its trust responsibility to Indians in the northeast. The result is a conflict between the asserted legal rights of the Indians and the interests of the state and present day good-faith titleholders already suffering financial disruptions.

We, therefore, feel that the federal government has a moral and legal obligation to take the lead in facilitating resolution. With this objective in mind, we write to ask that you designate an individual or agency to begin an independent federal evaluation of this problem.

The Tribal claims arise under the Indian Nonintercourse Act (25 U.S.C. 177), the federal statute enacted in 1790 to prohibit any sales of tribal Indian land without the approval of Congress. The tribes are contending that a large area in Maine and smaller areas in other eastern states were taken without approval of Congress in violation of the Nonintercourse Act.

14

FM

In 1975, the U.S. Court of Appeals for the First Circuit held that the Nonintercourse Act established a trust relationship between the federal government and the tribes, and that the United States is obliged to investigate the Indians' claims and take appropriate action. In other states two Federal District Courts have held that the tribes may be entitled to recover possession of land taken in violation of the statute regardless of the passage of time or the failure of the federal government to join them as a party plaintiff.

On the basis of these decisions, the Department of Interior, in response to claims made by the Passamaquoddy and Penobscot Tribes in Maine, recently released draft litigation reports which conclude that the Maine tribes have substantial claims to upwards of 10 million acres in Maine. The draft reports maintain that the government's trust responsibility to the Indians requires the government to seek possession of this entire area for these tribes, plus monetary damages from those who have illegally occupied the area. These findings could require the government to sue some 350,000 Maine residents. The Department of Justice is now evaluating the draft litigation reports to determine whether to proceed with litigation.

As a result of these developments, these Indian claims are beginning to generate serious economic side effects. When the Mashpee Tribe filed a claim alleging that virtually all of the land in the town of Mashpee, Massachusetts was taken in violation of the Nonintercourse Act, the suit halted all mortgage financing in the town and put an end to practically all real estate transactions. Municipalities in the claim area in Maine have been unable to market their securities on the national bond market since last fall. If the suits proceed in court, private title in much of the state may be seriously clouded and financial transactions by businessmen and farmers could be greatly impeded.

The Department of Justice is mindful of the potential consequences of these suits. In its preliminary response to the Interior Department's draft litigation reports on the claims in Maine, the Justice Department told U.S. District Judge Edward T. Gignoux on January 15 that "this is potentially the most complex litigation ever brought in the federal courts with social and economic impact without precedent and incredible potential litigation costs to all parties." The department also called on Congress and the new Administration to attempt to seek an alternative to such litigation, pointing out that a final resolution of the conflicting claims may ultimately involve Congressional action under any circumstances.

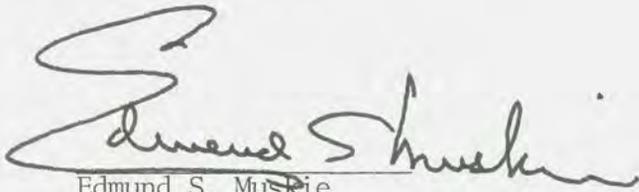
If an alternative to litigation is to be found, then the first step is to obtain a thorough assessment of the situation, an assessment made independently of the parties to the dispute. We, therefore, request that you designate an individual or agency for this purpose. The resulting evaluation, we believe, can provide the basis for a coherent federal approach to the problem outside the context of litigation.

President Carter  
February 10, 1977  
Page Three

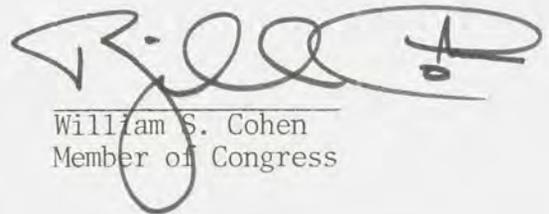
Thank you for your consideration of this most important matter.

With best wishes,

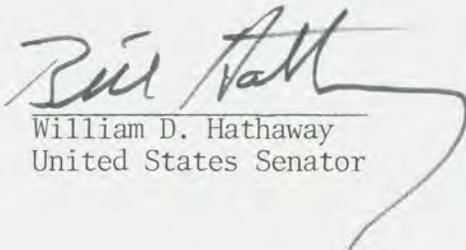
Sincerely,

A handwritten signature in cursive script that reads "Edmund S. Muskie". The signature is written in dark ink and is positioned above a horizontal line.

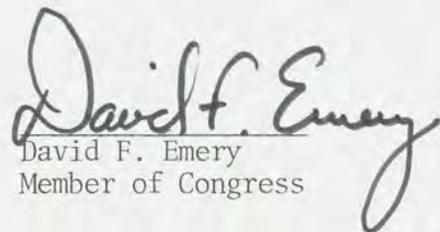
Edmund S. Muskie  
United States Senator

A handwritten signature in cursive script that reads "William S. Cohen". The signature is written in dark ink and is positioned above a horizontal line.

William S. Cohen  
Member of Congress

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

William D. Hathaway  
United States Senator

A handwritten signature in cursive script that reads "David F. Emery". The signature is written in dark ink and is positioned above a horizontal line.

David F. Emery  
Member of Congress

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Bert Lance -

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

Rick Hutcheson

Re: Full Time Permanent  
Employment (Excluding  
Postal Service)

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THE WHITE HOUSE  
WASHINGTON

cc .. Bert  
house

C

February 15, 1977

FULL-TIME PERMANENT EMPLOYMENT  
(EXCLUDING POSTAL SERVICE)

Actual June 30, 1976 .....	1,906,849 ←
Actual Nov. 30, 1976 .....	1,903,566
Actual Dec. 31, 1976 .....	1,902,239 ←
Planned Sept. 30, 1977 .....	1,954,437 <sup>a/</sup> OMB
	1,956,007 <sup>a/</sup> Agency
Planned Est. September 30, 1978 .....	1,961,837 <sup>b/</sup> OMB
	1,963,166 <sup>b/</sup> Agency

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a/ Includes 2,000 contingencies  
b/ Includes 5,000 contingencies

*Try to hold at 1.902 - Permit 1% increase w/out OMB approval. Cut if possible.*

J

Note to  
Bob Lipschutz  
with copy of  
everything  
cc  
2 big  
Watson for Bell

THE WHITE HOUSE  
WASHINGTON

TO

~~The attached is forwarded to~~  
~~you for your information.~~

The Vice President

Midge Costanza

Stu Eizenstat

2 big

Hamilton Jordan

Bob Lipshutz

Frank Moore

Jody Powell

Jack Watson for Bell

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

Mr. President:

Brzezinski comment on the attached:

"I fully concur with all of Lipshutz's recommendations, and recommend that the President announce all four actions in a single speech, and send up all four together, strongly urging Senate ratification. I understand that State's legal office has fully researched the question of necessary reservations, and therefore believe that this action can and should be taken quickly in order to demonstrate some concrete action by the Administration in the field of human rights. We will be facing a great many human rights issues in Congress in the very near future, and in the absence of a developed policy we will have to disappoint expectations in several cases. This action would help offset the criticism that while speaking loudly, the Administration was nevertheless avoiding concrete actions on this issue."

Watson also concurs. No comment from other advisors.

Rick

Department of Justice  
Washington, D.C. 20530

FEB 8 1977

MEMORANDUM FOR THE HONORABLE ROBERT LIPSHUTZ  
Counsel to the President

Re: Human Rights Treaties

We have examined your memorandum concerning ratification of human rights treaties. You enclosed an internal State Department memorandum which urges an Administration initiative regarding four human rights treaties drafted under the auspices of the United Nations--the Genocide Convention, the International Convention on the Elimination of All Forms of Racial Discrimination, and the two broad U.N. Covenants--on Economic, Social and Cultural Rights and on Civil and Political Rights. Below are some broad recommendations prepared on an urgent basis.

1. The Genocide Convention defines five different acts which constitute the crime of genocide; each of them require, in addition to the act defined, the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such. The Convention raises no questions of inconsistency with the Constitution or domestic law. It has been claimed that ambiguities exist in the definition of genocide. These problems can be overcome, however, by statements of understanding at the time of ratification and by careful drafting of implementing domestic legislation, which would be necessary under the Convention to make Genocide a crime in the United States. In past hearings before the Foreign Relations Committee such understandings were proposed and implementing legislation was drafted and sent to the Hill. See S. Ex. Rep. No. 93-5, pp. 19-23 (1973). Justice Department witnesses have supported the Convention in the past, both in the original hearings held in 1950 and more recently (per then Assistant Attorney General Rehnquist) in 1970. In February 1974, the Senate twice defeated cloture motions thereby preventing Senate approval of the Convention.



4. That you sign the "International Covenant on Civil and Political Rights" and submit it to the Senate, making such appropriate reservations as the Attorney General deems necessary to conform with the U. S. Constitution.

I would urge that all four of these actions be taken by you simultaneously but, of course, only after the Attorney General and Secretary of State have had a full opportunity to prepare carefully the appropriate reservations as outlined above.

If feasible, it would be more desirable to make necessary reservations in the broader form of "subject to the provisions of the U. S. Constitution" than to make them in a detailed manner article by article. However, as outlined above, it may be legally necessary to make such detailed reservations in one or more of the matters.

I have in my file copies of the actual treaties and covenants. Please let me know if you wish to have copies at this time.

THE PRESIDENT HAS SEEN

THE WHITE HOUSE

WASHINGTON

February 9, 1977

*ok-proceed  
J*

MEMORANDUM FOR: THE PRESIDENT  
FROM: ROBERT J. LIPSHUTZ *RJL*  
SUBJECT: Four International Human Rights  
Treaties and Covenants

Pursuant to the memorandum of January 25, 1977, from Bill Maynes of the Department of State to Andrew Young, and your memorandum to me, I have received today from the Department of Justice the attached memorandum which outlines the basic legal factors.

Summarizing this legal opinion and my own ideas, I suggest as follows:

1. That you send a message to the Senate strongly supporting the Genocide Convention and urging its prompt ratification by the Senate.

2. That you also send a message to the Senate urging the ratification of the "International Convention on the Elimination of All Forms of Racial Discrimination", but that this message include appropriate reservations prepared jointly by the Attorney General and the Secretary of State for the basic purpose of making it clear that the United States is ratifying it with appropriate reservations as required by the U. S. Constitution (particularly reserving the basic concept of freedom of speech).

3. That you sign the "International Covenant on Economic, Social and Cultural Rights" and submit it to the Senate, making such appropriate reservations as the Attorney General deems necessary to conform with the U. S. Constitution.

**Electrostatic Copy Made  
for Preservation Purposes**

President Truman's original transmittal (Executive O, 81st Cong., 1st Sess., June 16, 1949) is still valid and, as a legal matter, no further action by the President is necessary to bring the Convention before the Senate. President Nixon did, however, send a renewal of the request for consent (Ex. B, 91st Cong., 2d Sess., February 19, 1970) and a similar format could be used again. Although the Convention was reported favorably in the 91st, 92nd, and 93rd Congresses, under Senate rules committee action would again be necessary.

The Convention has always been something of a political football. It was originally opposed in the 40's and 50's as a form of civil rights legislation that might expand the powers of the Federal Government; more recent hearings have reflected American concerns about Viet-nam. In the 1950's the various Bricker Amendments to the Constitution were proposed to restrict the treaty power largely as a result of the Genocide and similar treaties. There are good legal answers to the political objections that have been raised. However, the concentrated opposition of conservative groups has until now been more successful than the broader but sometimes pro-forma support of those favoring the treaty.

We recommend that the President send a message to the Senate supporting the Convention.

2. The Race Discrimination Convention was adopted by the U.N. in 1965 and signed by the United States in 1966. It was not sent to the Senate, however, because a number of provisions raise constitutional and other legal problems for the United States and because of domestic political problems.

There are many provisions of the Convention which are vague or ambiguous so that it is difficult to relate them to United States domestic law. For example, discrimination proscribed by the Convention is defined in article 1 as relating to "human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." It is quite possible that the definition could be construed as encompassing all aspects of each specific field.

This definition is relevant to the obligation of parties to the Convention to enact legislation under paragraph 1(d) of article 2 ending discrimination "by any persons, group or organization." Thus, the United States might be obligated to enact legislation concerning areas of individual conduct which Congress has not yet chosen to regulate such as private schools, clubs and other organizations.

Article 4 appears to require legislation infringing the rights of free speech and association protected by the First Amendment. It requires parties to make an offense punishable by law "all dissemination of ideas based on racial superiority or hatred." Paragraph (b) of Article 4 speaks in similar terms.

Most of the rights listed in Article 5 are covered by existing Federal civil rights law. There are, however certain de minimis areas not covered by some civil rights laws, such as in public accommodations, employment and housing which could be in violation of the treaty. See 42 U.S.C. 2000a(b) and (c); 42 U.S.C. 2000e(b); 42 U.S.C. 3603(b).

Unless reservations or understandings are proposed to cover these points the Convention will run into opposition based on the arguments that the treaty would infringe on the First Amendment and would extend the power of the Federal government into previously unregulated areas. The treaty permits reservations which are not incompatible with its purpose. It provides that a reservation shall be considered incompatible if two-thirds of the parties object to it (Art. 20). Other Western countries, such as the U.K., Austria and France, have made reservations relating to free speech and no objection has been made.

We believe that reservations could be drafted to resolve the questions raised above and, with those reservations, we would have no legal objection to the transmittal of the Race Discrimination Convention to the Senate for ratification.

3. The Covenant on Economic, Social and Cultural Rights is a broadly written statement which sets forth a number of social goals defined in Articles 1-15. It was adopted by the U.N. in 1966, and entered into force in 1976 but has never been signed by the United States. Article 2 establishes a standard that each party take steps "with a view to achieving progressively the full realization of the rights recognized." From this one can reasonably conclude that parties are not in violation of the treaty if they do not meet all of its standards as long as "the maximum of its available resources" are directed to meeting them. It should also be noted, however, that the same article calls for parties to act "through international assistance and cooperation," which could be read as requiring that we assist others. See also Article II, para. 2.

It is possible to read most of the articles as being consistent with United States law and practice. In view of their broad language, there is, of course, no guarantee that others will so interpret them. A few specific articles likely to cause problems are: Article 6 which recognizes a "right to work"; Article 9 which recognizes "the right of everyone to social security, including social insurance"; and Article 10 which provides a standard for maternity leave. Article 28 provides: "The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions." This could be read as injecting the Federal government into areas in which the states are primarily responsible. A reservation preserving the existing Federal-state relationship would be desirable. \*/

---

\*/ Neither the Covenant on Economic, Social and Cultural Rights nor the Covenant on Civil and Political Rights includes a reservations provision. We are free to propose reservations therefore subject to the right of any party under international law to reject them and refuse therefore to be in treaty relations with the United States.

I have no objection to signing the treaty or transmitting it to the Senate provided that we be given the opportunity to include reservations on an article-by-article basis to protect the legal position of the United States with respect to the questions raised above.

4. The Covenant on Civil and Political Rights was adopted by the U.N. in 1966 and went into force in 1976. The United States has not, however, formally considered signing the treaty. It provides a list of rights guaranteed in 27 articles. While most of these articles present no problem as far as United States law is concerned, the following articles do raise particular questions: Article 5 forbids any "activity" aimed at destruction of recognized rights in the Covenant and could cause a First Amendment problem; Article 6 forbids capital punishment for minors; Article 10 which requires separation of accused from convicted prisoners; Article 14 (and perhaps Article 9) provide for compensation for unlawful arrest and miscarriage of justice; Article 15 requires reduction of a sentence due to a later change in law; Article 20 prohibits propaganda for war and advocacy of hostility; and Article 22 may be read to forbid legal distinctions based on legitimacy of birth. Article 50 presents a state-federal problem similar to that of Article 28 of the Economic and Social Covenant and a reservation is necessary to make clear that the Federal-state balance is to be preserved.

We have no objection to the signing of this Covenant by the United States or transmitting it to the Senate subject to appropriate reservations, resolving the several problems discussed above.

The State Department is now engaged in a comprehensive exercise which involves preparation of the actual text of necessary understandings and reservations for the Race Discrimination Treaty and the two Covenants. As indicated

above, this has already been done for the Genocide Convention. We will endeavor to work with the State Department, as necessary on this project.



John M. Harmon  
Acting Assistant Attorney General  
Office of Legal Counsel

THE WHITE HOUSE  
WASHINGTON

2/15  
(Bob)

Date: February 9, 1977

MEMORANDUM

**FOR ACTION:**  
The Vice President  
Stu Eizenstat  
Jack Watson  
Jody Powell  
Zbigniew Brzezinski/ Cyrus  
Hamilton Jordan Vance

**FOR INFORMATION:**

**FROM:** Rick Hutcheson, Staff Secretary

**SUBJECT:** Robert J. Lipshutz memo 2/9/77 re  
Four International Human Rights  
Treaties and Covenants.

**YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:**

**TIME:** 9:00 A.M.

**DAY:** Friday

**DATE:** February 11, 1977

**ACTION REQUESTED:**

Your comments

Other:

**STAFF RESPONSE:**

I concur.

No comment.

*Please note other comments below:*

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

THE WHITE HOUSE

WASHINGTON

February 9, 1977

MEMORANDUM FOR: THE PRESIDENT

FROM: ROBERT J. LIPSHUTZ *RJL*

SUBJECT: Four International Human Rights  
Treaties and Covenants

Pursuant to the memorandum of January 25, 1977, from Bill Maynes of the Department of State to Andrew Young, and your memorandum to me, I have received today from the Department of Justice the attached memorandum which outlines the basic legal factors.

Summarizing this legal opinion and my own ideas, I suggest as follows:

1. That you send a message to the Senate strongly supporting the Genocide Convention and urging its prompt ratification by the Senate.
2. That you also send a message to the Senate urging the ratification of the "International Convention on the Elimination of All Forms of Racial Discrimination", but that this message include appropriate reservations prepared jointly by the Attorney General and the Secretary of State for the basic purpose of making it clear that the United States is ratifying it with appropriate reservations as required by the U. S. Constitution (particularly reserving the basic concept of freedom of speech).
3. That you sign the "International Covenant on Economic, Social and Cultural Rights" and submit it to the Senate, making such appropriate reservations as the Attorney General deems necessary to conform with the U. S. Constitution.

4. That you sign the "International Covenant on Civil and Political Rights" and submit it to the Senate, making such appropriate reservations as the Attorney General deems necessary to conform with the U. S. Constitution.

I would urge that all four of these actions be taken by you simultaneously but, of course, only after the Attorney General and Secretary of State have had a full opportunity to prepare carefully the appropriate reservations as outlined above.

If feasible, it would be more desirable to make necessary reservations in the broader form of "subject to the provisions of the U. S. Constitution" than to make them in a detailed manner article by article. However, as outlined above, it may be legally necessary to make such detailed reservations in one or more of the matters.

I have in my file copies of the actual treaties and covenants. Please let me know if you wish to have copies at this time.

Department of Justice  
Washington, D.C. 20530

FEB 8 1977

MEMORANDUM FOR THE HONORABLE ROBERT LIPSHUTZ  
Counsel to the President

Re: Human Rights Treaties

We have examined your memorandum concerning ratification of human rights treaties. You enclosed an internal State Department memorandum which urges an Administration initiative regarding four human rights treaties drafted under the auspices of the United Nations--the Genocide Convention, the International Convention on the Elimination of All Forms of Racial Discrimination, and the two broad U.N. Covenants--on Economic, Social and Cultural Rights and on Civil and Political Rights. Below are some broad recommendations prepared on an urgent basis.

1. The Genocide Convention defines five different acts which constitute the crime of genocide; each of them require, in addition to the act defined, the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such. The Convention raises no questions of inconsistency with the Constitution or domestic law. It has been claimed that ambiguities exist in the definition of genocide. These problems can be overcome, however, by statements of understanding at the time of ratification and by careful drafting of implementing domestic legislation, which would be necessary under the Convention to make Genocide a crime in the United States. In past hearings before the Foreign Relations Committee such understandings were proposed and implementing legislation was drafted and sent to the Hill. See S. Ex. Rep. No. 93-5, pp. 19-23 (1973). Justice Department witnesses have supported the Convention in the past, both in the original hearings held in 1950 and more recently (per then Assistant Attorney General Rehnquist) in 1970. In February 1974, the Senate twice defeated cloture motions thereby preventing Senate approval of the Convention.



President Truman's original transmittal (Executive O, 81st Cong., 1st Sess., June 16, 1949) is still valid and, as a legal matter, no further action by the President is necessary to bring the Convention before the Senate. President Nixon did, however, send a renewal of the request for consent (Ex. B, 91st Cong., 2d Sess., February 19, 1970) and a similar format could be used again. Although the Convention was reported favorably in the 91st, 92nd, and 93rd Congresses, under Senate rules committee action would again be necessary.

The Convention has always been something of a political football. It was originally opposed in the 40's and 50's as a form of civil rights legislation that might expand the powers of the Federal Government; more recent hearings have reflected American concerns about Viet-nam. In the 1950's the various Bricker Amendments to the Constitution were proposed to restrict the treaty power largely as a result of the Genocide and similar treaties. There are good legal answers to the political objections that have been raised. However, the concentrated opposition of conservative groups has until now been more successful than the broader but sometimes pro-forma support of those favoring the treaty.

We recommend that the President send a message to the Senate supporting the Convention.

2. The Race Discrimination Convention was adopted by the U.N. in 1965 and signed by the United States in 1966. It was not sent to the Senate, however, because a number of provisions raise constitutional and other legal problems for the United States and because of domestic political problems.

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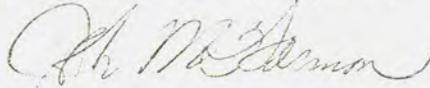
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above, this has already been done for the Genocide Convention. We will endeavor to work with the State Department, as necessary on this project.



John M. Harmon  
Acting Assistant Attorney General  
Office of Legal Counsel

THE WHITE HOUSE

WASHINGTON

474

Date: February 9, 1977

MEMORANDUM

FOR ACTION:  
 The Vice President  
 Stu Eizenstat  
 Jack Watson  
 Jody Powell  
Zbigniew Brzezinski/ Cyrus  
Hamilton Jordan Vance

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Robert J. Lipshutz memo 2/9/77 re  
 Four International Human Rights  
 Treaties and Covenants.

YOUR RESPONSE MUST BE DELIVERED  
 TO THE STAFF SECRETARY BY:  
 TIME: 9:00 A.M.  
 DAY: Friday  
 DATE: February 11, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

I fully concur with all of Mr. Lipschutz's recommendations, and recommend that the President announce all four actions in a single speech, and send up all four together, strongly urging Senate ratification. I understand that State's legal office has fully researched the question of necessary reservations, and therefore believe that this action can and should be taken quickly in order to demonstrate some concrete action by the Administration in the field of human rights. We will be facing a great many human rights issues in Congress in the very near future, and in the absence of a developed policy we will have to disappoint expectations in several cases. This action would help offset the criticism that while speaking loudly, the Administration was nevertheless avoiding concrete actions on this issue.

283.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required

THE WHITE HOUSE  
WASHINGTON

Jane

Date: February 9, 1977

MEMORANDUM

<b>FOR ACTION:</b>
<del>The Vice President</del>
Stu Eizenstat
<u>Jack Watson</u>
Jody Powell
Zbigniew Brzezinski/ Cyrus
Hamilton Jordan Vance

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TIME: 9:00 A.M.

DAY: Friday

DATE: February 11, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur. *jw*

No comment.

Please note other comments below:

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Frank Moore

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

Rick Hutcheson

Re: Congressional Mail Summary  
for 2/14/77.

THE WHITE HOUSE  
WASHINGTON

The attached is forwarded to  
you for your information.

The Vice President

Midge Costanza

Stu Eizenstat

Hamilton Jordan

Bob Lipshutz

Frank Moore

Jody Powell

Jack Watson

Rick Hutcheson

MEMORANDUM

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

5  
1

February 14, 1977

TO: THE PRESIDENT

FROM: FRANK MOORE *FM*

Attached is the summary of today's Congressional mail to the President.

cc: Hamilton Jordan

**Electrostatic Copy Made  
for Preservation Purposes**

<u>FROM</u>	<u>SUBJECT</u>	<u>DISPOSITION</u>	<u>COMMENTS</u>	<u>SIGNATURE</u>
Rep. Marc Marks (Telegram)	Urges reinstatement of disaster aid designation for Pennsylvania; and further urges disaster area designation for whole state or parts of it.	SE		
Rep. John Murphy (Mailgram)	Urges disaster area designation for Staten Island.	SE		
Sen. Robert Morgan	Hopes you will approve forthcoming ITC recommendation of restrictions on imported footwear.	Exec. Ofc., Trade Rep.		
Rep. Larry Pressler	Urges reconsideration of proposed cuts in budget for education programs.	ack/BL		
Rep. Don Fuqua	Confirming staffer's telephone call to Frank Moore's office supporting Gov. Askew's request for disaster designation in Florida.	SE		
Rep. Charles Carney	Requests declaration of natural gas emergency for Ohio.	SE		
Sen. John Heinz	Wants state of emergency designation for Pennsylvania reinstated; introducing bill to provide emergency relief to businesses.	SE		
Rep. Ray Roberts	Expresses concern about appointment of VA Administrator and hopes that VA functions will not be divided up among other agencies when reorganization commences.	ack/SE		
Sen. Malcolm Wallop	Constituent returning service medals (enclosed) as protest of pardon.	ack/RL		

<u>FROM</u>	<u>SUBJECT</u>	<u>DISPOSITION</u>	<u>COMMENTS</u>	<u>SIGNATURE</u>
Sen. Strom Thurmond	Recently visited South Carolina to determine effects on businesses and employment of energy crisis; includes descriptions of specific situations.	ack/SE		
Sens. Carl Curtis, Pete Domenici, Dewey Bartlett, Jim Abourezsk, Jake Garn, Mark Hatfield, George McGovern, John Tower, Milton Young, Clifford Hansen, James McClure, Barry Goldwater, Paul Laxalt, Malcolm Wallop, John Melcher, James Pearson	Protesting proposed elimination of Water Resources Council in FY 78 budget proposal.	ack/BL		
Rep. Joe Moakley	Supports forthcoming ITC recommendation of restrictions on imported footwear.	Exec. Ofc., Trade Rep.		
Rep. Hamilton Fish	Protests conduct of FTC Chairman Dixon; believes he should be asked to resign.	ack/RL		
Rep. Ron Mottl	Supports Muskie's Budget Committee recommendation of a subsidy for average families' fuel bills.	ack/BL		
Rep. Larry Pressler	Believes a special prosecutor should be appointed to investigate the Korean bribe scandal.	ack/RL		
Rep. James Delaney, N.Y. State Delegation	Support expeditious nomination of an FTC Chairman.	ack/RL		

MAIL SUMMARY 2/14/77

CONGRESSIONAL MAIL TO THE PRESIDENT

PAGE -3-

<u>FROM</u>	<u>SUBJECT</u>	<u>DISPOSITION</u>	<u>COMMENTS</u>	<u>SIGNATURE</u>
Sen. William Roth	Supports reorganization and outlines his activities toward it; however, wants assurances of full Congressional involvement.	ack/BL		
Rep. Clarence Long	Recommendations for ending U.S. subsidies of nuclear exports and alternative technologies to nuclear energy.	ack/JS		
Sen. Joe Biden	Personal note of thanks for being asked to go to India.	N/A		
Sen. John Sparkman	Endorses review of Corps' dam projects, but concerned about objectivity of review; specifically supports Tennessee-Tombigbee.	ack/BL	<i>to me</i>	
CC of letter to BL: Reps. Drinan, Ottinger, Geo. Brown, Panetta, Kostmayer, Pritchard, Richmond, Brodhead, Jeffords, Edgar, Frank Thompson, Scheuer, Vander Jagt, Pattison, Herb Harris, Udall, Clarence Long, Harrington, Maguire, Nolan, Koch, John Moss, Eckhardt, Mineta, Roe, Badillo, Price	Urge increase in EPA budget so it can meet demands of newly-authorized programs.	N/A		
Rep. Albert Quie	Want May 1977 declared "Better Hearing and Speech Week".	Linder		

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for Preservation Purposes**

Electrostatic Copy Made  
for Preservation Purposes

<u>FROM</u>	<u>SUBJECT</u>	<u>DISPOSITION</u>	<u>COMMENTS</u>	<u>SIGNATURE</u>
Rep. James Burke	Constituent having trouble getting Reserve commission.	Mil.Office		
Sen. Frank Church	Forwards constituent letter suggesting changes at Forest Service.	Ref.		
Rep. Dante B. Fascell	Urges Presidential intervention on behalf of Anatol Michelson in bringing his wife and daughter to U.S. from USSR.	RL		
Sen. Russell Long	Forwards letter from constituent re a dispute in La. over textbooks.	Ref.		
Rep. L. H. Fountain	Constituents wish to confer upon you membership in a veterans' international association.	FV		
Rep. Floyd D. Spence	Chamber of Commerce invitation. (S.C.)	FV		
Rep. Harold Volkmer	Law Day speech invitation. (Mo.)	FV		
Rep. Paul Simon	Invitation to reception for Humphrey, to help pay off Presidential campaign debt.	FV		
Sen. Mark Hatfield	Invitation to "Seminar on Hunger" in Ore.	FV		
Sen. Tom McIntyre	Urges retention of Richard Grant as Chmn. of Natl. Credit Union Board.	ack/JK		
Sen. Adlai Stevenson	Urges retention of Goodwin Chase on Renegotiation Board.	ack/JK		
Rep. Bob Jones	Urges retention of Donald Whitehead as Fed. Co-Chmn. of Appalachian Reg. Cmsn.	ack/JK		

MAIL SUMMARY 2/14/77

CONGRESSIONAL MAIL TO THE PRESIDENT

PAGE -5-

<u>FROM</u>	<u>SUBJECT</u>	<u>DISPOSITION</u>	<u>COMMENTS</u>	<u>SIGNATURE</u>
Rep. Sidney Yates	Recommends Ross Harano for Regional Director of ACTION.	ack/JK		
Rep. Stephen Neal	Endorses Wymen Valan to be a Member of Commission on Mental Health.	ack/JK cc:1st Lady's Staff		
Sen. Ted Kennedy	Supports reappointment of Frank E. Smith to TVA.	ack/JK		
Sen. Henry Jackson	Supports ex-Sen. Frank Moss for Adminr. of NASA.	ack/JK		
Sen. Daniel Inouye	Recommends Dr. Jean Mayer for Board for International Food and Agric. Devel.	ack/JK		
Rep. Charles Grassley	Recommends Mrs. Lynn Cutler for Advisory Commission on Intergovtl. Relations.	ack/JK		
Sen. James Eastland	Supports Roy T. Sessums to be Assistant Secy. of Army for Civil Works.	ack/JK		
Rep. Jack Brooks cc: Frank Moore	Supports reappointment of Frank E. Smith to TVA.	ack/JK		
Sen. Daniel Inouye	Recommends Lisa Naito to Commission on Criminal Justice.	ack/JK		
Rep. Mendel Davis	Supports reappointment of Dr. Andrew S. Adams as Cmsr. of Rehab. Svcs. Admin.	ack/JK		
Rep. Charles Vanik	Recommends James Healey, Jr. for ITC.	ack/JK		
Reps. Finley & Jacobs	Requests for birthday greetings to constituents.	GC		

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Jack Watson

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

Rick Hutcheson

cc: Secretary Blumenthal and  
Director H.S. Knight of  
Secret Service thru Jack  
Watson.  
Bob Lipshutz

Re: Secret Service protection for  
Susan Ford.

THE WHITE HOUSE  
WASHINGTON

2-15-77

To Mike Blumenthal

Reduce secret service  
protection for Susan Ford  
and inform her and  
Pres. Ford that it  
will terminate on  
March 20<sup>th</sup> -

J.C.

cc: Dr. Knight

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for Preservation Purposes

THE WHITE HOUSE  
WASHINGTON

February 16, 1977

Bob Lipshutz

The attached is forwarded to you  
for your information.

Rick Hutcheson

Re: Secret Service and Mike  
Blumenthal.

THE WHITE HOUSE

WASHINGTON

February 14, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: ROBERT J. LIPSHUTZ *RJL*

SUBJECT: Secret Service and Mike Blumenthal

On Tuesday morning (February 15), Mike Blumenthal will discuss with you several items in connection with the Secret Service. Since he had this appointment with you anyway, I suggested that he speak with you directly concerning continuing Secret Service protection for: Henry A. Kissinger and Susan Ford.

In the case of Kissinger, apparently Secretary Vance has recommended that protection continue for at least another 30 days. I told him of your previous expressions of concern regarding the continuation of this protection beyond the time actually needed. Presumably, he has a recommendation from the Secret Service about this.

With reference to Susan Ford, apparently the Secret Service has advised that protection is no longer needed. However, I told him of your discussion with President Ford and suggested that the Secret Service might wish to continue this protection for an additional 30 days.

Another matter which presumably Mike will discuss with you is the armored limousine question. He called me last week relative to two items:

1. With reference to the three armored limousines which the Secret Service is turning over to the GAO, he understood that the State Department was "standing in line in order to get these limousines."

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2. With reference to your earlier comment to the effect that you did not see any reason to employ an airplane to carry an armored vehicle from Washington to any place you go in the country, but instead to have cars disbursed around the country, apparently the Secret Service was or is going ahead with plans to buy sixteen more armored vehicles and disburse them around the country.

Wherever possible, I am taking action to emphasize with Secret Service personnel that matters must be handled through the Secretary of the Treasury. The only exception recently was in regard to the Plains property. I advised Mike Blumenthal that I had received this information and documentation directly from them and delivered it directly to you so that you would have an opportunity to go into it while you were in Plains this past weekend.

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Jack Watson -

The attached memorandum was delivered to Secretary Califano this evening. This copy is for your information.

Rick Hutcheson

re: President Hugh Gloster  
of Morehouse College

THE WHITE HOUSE  
WASHINGTON

Note

This should be  
hand-carried tonight  
to ACW

A.L.H.

done  
2/15

THE WHITE HOUSE  
WASHINGTON

2-15-77

To Joe Califano

Please call  
Pres. Hugh Gloster  
at Morehouse College  
re med school.

just for an  
appointment

J.C.

THE PRESIDENT HAS SEEN.

*cc: To  
Califano  
J.C.*

February 14, 1977

M E M O R A N D U M

SCHOOL OF MEDICINE  
AT  
MOREHOUSE COLLEGE

223 Chestnut Street, S.W.  
Atlanta, Georgia 30314  
404/525-4934

TO: Messrs. Jesse Hill, Jr. and Herman Russell

FROM: Louis W. Sullivan, M.D. *LWS*  
Dean, School of Medicine at Morehouse College

Hugh M. Gloster *HMG*  
President, Morehouse College

Louis W. Sullivan, M.D.  
Dean and Director

The continuing thrust of the developing School of Medicine at Morehouse College is totally dependent on immediate and substantial Federal support. The need is for \$5,000,000 per year for five years, starting with the current 1977 fiscal year.

We have attached a rationale for special enabling Federal support. We hope that this material will be useful to you in your conversations with President Carter.

We are prepared to support this need with additional documentation and would welcome opportunities to meet with Federal officials, as necessary, to discuss this rationale and its development through appropriate Federal support mechanisms.

Please call if you need further information or clarification.

LWS/HMG:gl

Attachment

**Electrostatic Copy Made  
for Preservation Purposes**

Concept Paper: Congressional Enabling Legislation and Accompanying Appropriation  
for the School of Medicine at Morehouse College

INTRODUCTION

The School of Medicine at Morehouse College is being developed to meet a national need for more physicians to address the primary health care needs of America's minority and disadvantaged people. This school is unique because:

- 1) the institution is developing in response to a pressing national need,
- 2) the institution's mission has been shaped and will be fulfilled in meeting this need,
- 3) the institution is developing in an academic environment which has a demonstrated record of excellence in the area of preparing blacks for distinguished careers of service in a wide variety of areas, especially medicine,
- 4) the impetus for institutional development has been provided by Federal assistance and recognition, initially through contract support and, more recently, through recognition by the United States Senate Committee on Labor and Public Welfare in its Report on S. 3239, and
- 5) the Medical School is one of three which was identified in September, 1976 by the Carnegie Council on Policy Studies in High Education as particularly deserving of support.

This Concept Paper will present the rationale for coupling this institution's response to a national need with appropriate national incentives to assure successful development of the School of Medicine at Morehouse College.

## NEED FOR THE SCHOOL OF MEDICINE AT MOREHOUSE COLLEGE

Medical schools in the United States are not adequately addressing the need for more minority physicians. Of the 350,000 physicians in the United States, only 6,600 (1.6%) are black.

The need for more black physicians is supported by the following comparisons. Nationwide, there is one white physician for every 538 white people; by contrast, there is one black physician for every 4,100 black people. In order to attain the American Medical Association's "optimal ration" of one physician for every 650 people, the black community needs an additional 29,000 physicians immediately.

In the State of Georgia, the ratios are even more disproportionate than the national averages: there is one white physician for every 926 white people, but only one black physician for every 8,903 black people.

In 1971-72, there were 108 medical schools which enrolled 43,650 students, of whom 2,055 were black Americans. In 1975-76, there were 114 medical schools in the United States with 55,818 students, of whom 3,456 were black Americans. The creation of six new medical schools provided for 12,168 additional students, but only 1,401 of these additional students were black. In fact, the percentage of black students in the first year class of the nation's medical schools decreased from 7.1% in 1971-72 to 6.8% in 1975-76.

Even more alarming is the fact that in 1975-76, there was a decrease both in numbers and in the percentage of black Americans who were enrolled in the first-year class in medical schools in the United States. In 1974-75, there were 1,106 black students in the first-year class--they constituted 7.5% of all first-year students. In 1975-76, there were only 1,036 black Americans in the first-year class of America's medical schools--70 fewer blacks and a drop to 6.8% of the total first-year enrollment. If the black first-year students at Howard University College

of Medicine (99) and at Meharry Medical College(98) are subtracted from the total, there were only 839 black students in the 1975-76 entering classes of the nation's remaining 112 medical schools. Excluding Howard and Meharry, this averaged out to only 8 black students per medical school first-year class. This decrease occurred in spite of 2,934 new places in the first-year classes which were created nationwide.

This situation in Georgia reflects the national trend. In 1974-75 there were 10 blacks in the first-year classes in the two medical schools in the State. In 1975-76, there were only 9. In 1976-77, there are only 3 black students (out of a total enrollment of 290) in the first-year classes of Georgia medical schools. Indeed, the percentage of black students in the first-year classes of Georgia's two established medical schools has dropped from 10% in the 1971-72 academic year to 1% in 1976-77.

## LEGISLATIVE PRECEDENTS

The legislative and legal precedents for assistance to medical schools are presented below to demonstrate that authorizations and appropriations have been provided in the past to assist all medical schools, and in some cases, specific medical schools, in their development. The School of Medicine at Morehouse College, although developing to meet national needs, has been initiated during a period of significant Federal cutbacks in aid to education in general, and aid to medical education, in particular.

The primary premise for special enabling legislation and special appropriation is that the only way the School of Medicine at Morehouse College can succeed and exist with equal stature to existing medical schools is to have an equal opportunity to succeed. This equality in opportunity demands that this school have the benefit of the legislative precedents which were available to other medical schools during the past 15 years. The funding for medical education in the 1960's has not had a sufficient impact on the national need as described above. This was because funding which enabled all schools to attempt to meet the need did not recognize that these schools did not significantly alter their institutional mission. Programs intended to address the need were added on rather than built in, because of this, when funding cutbacks occurred in the 1970's the programs were discontinued or phased down without damaging the institutional base.

It is necessary for the School of Medicine at Morehouse College to be provided the same kinds of incentives and support which other medical schools have had. This is especially cogent since this School is being developed to meet recognized national needs.

Prior to 1960, direct Federal support for health professions education was provided at a minimal level. In the early 1960's two reports commissioned by DHEW

LEGISLATIVE PRECEDENTS

PAGE 2

and one report prepared by the Senate Committee on Appropriations provided a new focus for a more active funding role by the Federal Government. This increase in funding was based on information that the supply of health professionals was not keeping up with population growth and that, without Federal assistance in constructing new facilities and in expanding and renovating existing facilities, a national health crisis would probably result.

A series of Acts were subsequently passed in response to the situation described above:

PL 88-129 Health Professions Education Assistance Act

(October 1963): authorized loans for students of medicine, osteopathy and dentistry and authorized construction grants for all health professions schools if they increased enrollments.

PL 80-290 Health Professions Educational Assistance Amendments

of 1965: Congress recognized, for the first time, health professions schools as national resources. Funds were provided, in the form of basic and special improvement grants, for institutional support of a portion of the operational costs of such schools if they expanded enrollments.

PL 90-490 Health Manpower Act of 1968: higher levels of institutional support were provided in an attempt to assure financial viability of health professions schools. One principal feature of PL 90-490 was the inauguration of financial distress grants under the special project authority; of the \$54,299,601 obligated for special projects in Fall 1970, \$38,589,362 was awarded in financial distress grants to 60 (or 102) medical schools and 30 (of 51) dental schools.

PL 92-157 Comprehensive Health Manpower Training Act of 1971:

Congress passed this Act largely in response to the 1971 Carnegie Commission

Report, Higher Education and the Nation's Health. The substance of this Report is that the health status of the American people is significantly below that of other developed nations and that there is a great need for more health professionals to be trained. Because health professions schools are financially unable to meet this need from their own resources, the Report recommended that the Federal Government provide a substantial contribution to the basic operating expenses of these schools. Congress moved in this direction with the inception of the capitation grant program, with accompanying requirements of enrollment expansion and maintenance of non-Federal support levels.

All these Acts have been predicated on two issues: the shortage of health manpower and the financial inability of health professions schools to increase the manpower supply without stable Federal assistance. These Acts have also been promulgated in the context of recognizing health professions schools as national resources, but funding has been tied to specific requirements for schools (such as enrollment expansion) rather than as an entitlement.

With the assistance of these Acts and with tax dollars, 26 new medical schools have been established since 1960.

The 1970's have been characterized by less generous Federal support of health professions schools. This reduction in support was coupled with a position that current health professions enrollment levels are sufficient to meet future manpower needs; the Administration's projections relied on the continued massive influx of foreign medical graduates (FMG's). In addition Congress has indicated that capitation (institutional) support in perpetuity is not to be expected; continuing reductions in capitation support are a signal to schools that alternative funding sources must be found.

PL 92-426 (Uniformed Services Health Professions Revitalization Act) was the legislative basis for establishing the Uniformed Services University of the Health Sciences and the Armed Forces Health Professions Scholarship Program. This Act was a response to the termination of the national draft and was the "assurance mechanism" for providing America's military establishment with physicians. Congress provided \$15 million to establish temporary facilities, the first increment for permanent construction, and operational, maintenance and research funding in the first appropriation for the University. Funding for the University is appropriated annually through the Department of Defense.

PL 94-437 (Indian Health Care Improvement Act). On April 28, 1976, Assistant Secretary for Health, Theodore Cooper, M.D., testified before the House Sub-committee on Health and the Environment on the then proposed "Indian Health Care Improvement Act." At that time, he said: "...we feel the methods provided...are administratively unsound, and the authorizations of \$1.2 billion over a seven year period with out regard to funds appropriated for existing activities are excessive."

On September 30, 1976, President Ford signed PL 94-437 which provides an initial \$480 million authorization for health professions recruitment activities for Indians, health professions preparatory and regular scholarships, Indian Health Services "catch-up" money, and a feasibility study for an American Indian School of Medicine.

Preference for assistance under PL 94-437 will be given to Indians; Indians are not precluded from existing grant and contract programs.

THE SCHOOL OF MEDICINE AT MOREHOUSE COLLEGE

AND PL 94-484

The Health Professions Education Assistance Act of 1976, authorizing up to \$2.7 billion over the next four (4) years, was signed by President Ford on October 12, 1976. There are several features in this Act which are of special interest to the School of Medicine at Morehouse College:

1) Special Project Authority includes four sections, of which start-up grants is most important. A total of \$25 million has been authorized for Special Projects, with not more than \$5 million for start-up grants. A SCHOG-type provision has been included under Special Projects with an annual authorization of \$20 million.

2) A new program of first-year scholarship for students of exceptional financial need has been enacted, with annually-increasing authorizations of \$16 million, \$17 million, and \$18 million.

3) The construction grant authorization level was decreased from \$103 million in the Fall of 1977 to \$40 million in the Fall of 1978.

4) Non-conditional scholarship authority has been repealed.

5) Requirements for receiving capitation (which has been reduced) include reservation in the third year of medical school, an "equitable number" of places for U.S. students enrolled in foreign medical schools.

The current health manpower authority, PL 94-484, and all previous health professions training legislation, have treated the problem of minority representation in the health professions as an isolated issue which health professional schools could address but which they were not obligated to address. The level of the nation's civil rights awareness has been reflected in manpower legislation: the 1960's provided a climate for justifying increased recruitment and admission of minority students. Federal financial incentives were provided to schools to assist in these activities. Offices for minority affairs were established with assistant deans to supervise minority recruitment and counseling. The Federal government and the nation's foundations provided substantial funding for financial aid for these students, for remedial programs, and for a phlethora of innovative curricula projects aimed at meeting the needs (and capabilities) of these students.

We have seen that these programs and priorities are now subsiding.\* Pressures from "reverse discrimination" complaints and from the ranks of women for more "opportunity" have dispersed the funding base and the philosophical commitment to providing support for minority students in the health professions. Because funding to meet the needs of these students was provided in an "add-on" way, the programs are being rather drastically "lopped off" with no apparent effect on the institutions' base. It is doubtful that health professions schools can or will institutionalize their concern with the needs of these students to the degree necessary to assure that the needs will be met. We are beginning to see the effects of this failure to institutionalize with the enrollment data presented above.

---

\*(Also see Nov./Dec. 1976 Foundation News)

Because of the following reasons, therefore, the Federal Government should make substantial outlays for capital and program purposes for the development of the School of Medicine at Morehouse College:

- 1) There is an immediate and urgent need to increase the number of physicians from minority and other disadvantaged backgrounds to meet the pressing health care needs of the nation's urban and rural poor.
- 2) The mission of the School of Medicine at Morehouse College is a direct and specific response to the national need for more primary care physicians.
- 3) The School of Medicine at Morehouse College is a national resource by virtue of its mission and has been recognized as particularly deserving of support by the Senate Committee on Health and the Carnegie Council.
- 4) There are specific legislative authorizations which provide precedents for general institutional development and for the development of specific institutions needed to meet national needs.
- 5) Equality of opportunity requires a period of catching-up to assure equal ability to achieve.

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Stu Eizenstat

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

Rick Hutcheson

cc: Charles Schultze  
Secretary Blumenthal thru  
Jack Watson.

*COWPS activities*

THE WHITE HOUSE  
WASHINGTON

Sty

Schultz

~~Blumenthal~~

Tach for Blumenthal

skanors - copy back

to me - also - tell me

if this was stapled

to Travis Watson

Rich

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE  
WASHINGTON

February 12, 1977

*Stu - This kind of memo  
should be assessed by OMB,  
CEA & Treasury before being  
Submitted to me - Econ  
Policy Bd would cover  
it, I guess -*

*J*

MEMORANDUM FOR:

THE PRESIDENT

FROM:

STU EIZENSTAT *Stu*

SUBJECT:

Bob Crandall's Memorandum on  
COWPS Activities

1. Wage and Price Policies

Bob's principal recommendation here is that COWPS be permitted to exercise its statutory authority to require periodic reports of data from key industries on a regular basis. This suggestion should be reviewed by Charlie Schultze and the EPG in their current effort to develop an anti-inflation program.

2. Government Regulation

Bob's principal recommendation here is for the formation of a coordinating group or groups within EOP to generate an administration regulatory reform program. As he notes, we have done this, with a regulatory reform working group including Si Lazarus of my staff, Harrison Wellford from OMB, William Nordhaus from CEQ, Bob himself from COWPS, Larry Gilson on Jack's behalf, and others.

The first product of the regulatory working group, a proposed Presidential message to the Congress on airline regulatory reform, has been circulated to the interested agencies, and will be on your desk early the week of February 13.

In light of the discussion at your meeting concerning the regulatory process with Bob, Fred Emery, myself, and others last Wednesday, February 9, the working group met on Friday, February 11, to begin developing proposals for your review. Our initial focus will be on framing a series of actions to be taken in two areas --

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- 1) simplification, clarification, and accountability in regulation-drafting;
- 2) assessment of the economic impact of health, safety, and environmental regulations.

By next Friday, February 17, we will have prepared for you a status report laying out the specific types of proposals we are developing on the simplification and economic impact issues. Specific executive orders and other proposed actions will follow shortly thereafter.

We will be following your instructions to involve Congress in the work.

EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON WAGE AND PRICE STABILITY  
726 JACKSON PLACE, N.W.  
WASHINGTON, D.C. 20506

February 8, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: ROBERT W. CRANDALL, ACTING DIRECTOR, CWPS *lwc*

SUBJECT: Council Activities

I am responding to your request for a short memorandum, dealing with potential future directions for the Council on Wage and Price Stability. As you know, the Council has two types of responsibilities: (1) monitoring wage and price developments and (2) reviewing and commenting upon federal regulatory policies. The former activity now employs 11 professionals while the latter is the province of 9 professionals. We have recently received OMB approval to increase this professional staff by 10 in the third quarter of fiscal 1977.

1. Wage and Price Policies. Since Charles Schultze and his colleagues are currently preparing a wage-price policy for your approval, I will not attempt to anticipate this policy. Rather, I shall detail the shortcomings of our procedures and policies under the previous Administration and suggest procedural improvements which will assist in the implementation of a new policy.

The Council has no authority to rescind or delay wage or price increases. Our powers are simply to request voluntarily and if needed to subpoena necessary information, usually confidential business data, for the purposes of analyzing market developments. In the past, this power has been utilized after the fact of a price increase or a collective bargaining settlement. While I was able to launch some industrial capacity and supply studies in industries which could be "bottlenecks" in the near future (such as paper, textiles, cement, and metals), most of our wage-price effort was directed towards reporting some months later why a particular price had risen or a wage settlement had been negotiated.

This reactive form of operation usually created problems in gathering data, since firms were contacted only after announcing their price increases and were asked to provide data within a very short horizon. Given the difficulties in tailoring information requests to the accounting systems employed by diverse firms, this approach delayed our reports needlessly

- 2 -

and limited our input to policy discussions within the Administration. Moreover, this mode of operation inevitably created an atmosphere of an adversary proceeding, further delaying the firm's responses to our requests. I would hope that we could use our statutory power to require limited "periodic reports" of data from firms in key industries on a regular basis. These would be very specific requests for significant data kept in the ordinary course of business. This would allow us to respond more quickly to wage and price developments and to reduce the burden imposed by asking for information under the pressure of limited time. More continuous high-quality work could be forthcoming under such an approach with the additional staff authorized by OMB. Regardless of the anti-inflation program you finally adopt, I feel that requiring these periodic reports would both be more productive and relieve firms of the uncertainty attendant to a sudden "data request" from CWPS whenever a price increase is announced.

*Mike -  
let soon  
Policy Sec  
Comment*

2. Government Regulation. Our Government Operations staff has devoted its efforts largely to filing comments on proposed rules or regulations of federal regulatory agencies. In these filings, the central themes have been that the benefits of the proposed regulation should be more carefully compared with the costs, or that alternative rules or regulations may be available which would provide the same results at lower cost. In addition, CWPS has shared with OMB the responsibility for implementing the Inflation Impact Statement Program. President Ford extended this program, renaming it the Economic Impact Analysis (EIA) Program, in Executive Order 11949 on December 31, 1976. Thus, unless you revoke this Executive Order, or otherwise modify it, the program -- requiring that regulatory agencies within the Executive Department prepare analyses of the economic impact of all rules or regulations whose impact upon the economy is substantial -- remains in force.

The size of our Government Operations staff -- 9 professionals -- seriously constrains our attempts to persuade agencies of the necessity of calculating the costs and benefits of alternative courses of action. While we can cover a substantial share of the important issues which emerge from some of the 90 federal regulatory agencies, we do not have the resources to pursue the issues in depth once an initial filing is made. An important step in assuring that these issues are considered by relevant decision-makers is the formation of task forces or liaison groups, staffed by CWPS, OMB, CEA and agency analytical personnel, which could work with the regulators and suggest alternative approaches and even legislative initiatives for correcting some of the inefficiencies

MEMORANDUM FOR THE PRESIDENT  
February 8, 1977

- 3 -

currently observed in regulation. Stuart Eizenstat has begun to staff a task force of this nature, and our senior regulatory economists are participating in it.

At present, the EIA Program is attracting the interest of Congress. Three bills which would codify the EIA for dependent and independent agencies have been introduced this session. While the objective of these bills -- to require that agencies examine the alternative costs of achieving a regulatory result and compare these costs with the social benefits of rule -- is commendable, the application of this procedure to all regulatory actions could create a large procedural burden and invite legal challenges where none are appropriate. Some criterion for selecting rules or regulations with large impacts upon the economy should be included so as not to further encumber the regulatory process. At present, however, the EIA Program is questioned by agencies and it is not having the impact it could have.

Finally, I would suggest that persons from Stuart Eizenstat's staff, from the Council of Economic Advisers, and from our staff work with OMB to develop initiatives for simplifying regulations and examining existing rules which may be burdensome or even outdated. Our present procedures are focused upon newly-implemented regulations. We also need a mechanism for identifying older regulations which are contributing unduly to social costs without providing compensating social benefits.

THE WHITE HOUSE

WASHINGTON

Date: February 9, 1977

MEMORANDUM

**FOR ACTION:**  
The Vice President  
Stu Eizenstat Jody Powell  
Jack Watson  
Frank Moore  
Hamilton Jordan  
Bert Lance  
Charles Schultze

**FOR INFORMATION:**

**FROM:** Rick Hutcheson, Staff Secretary

**SUBJECT:** Robert W. Crandall, Acting Director, CWPS  
memo 2/8/77 re Council Activities.

**YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:**

**TIME:** 1:00 P.M.

**DAY:** Friday

**DATE:** February 11, 1977

**ACTION REQUESTED:**

Your comments

Other:

**STAFF RESPONSE:**

I concur.

No comment.

*Please note other comments below:*

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON WAGE AND PRICE STABILITY  
726 JACKSON PLACE, N.W.  
WASHINGTON, D.C. 20506

February 8, 1977

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FROM: ROBERT W. CRANDALL, ACTING DIRECTOR, CWPS *RWC*

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MEMORANDUM FOR THE PRESIDENT  
February 8, 1977

- 3 -

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THE WHITE HOUSE

WASHINGTON

Date: February 9, 1977

MEMORANDUM

FOR ACTION:  
The Vice President  
Stu Eizenstat Jody Powell  
Jack Watson  
Frank Moore FM  
Hamilton Jordan  
Bert Lance  
Charles Schultze

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Robert W. Crandall, Acting Director, CWPS  
memo 2/8/77 re Council Activities.

YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:

TIME: 1:00 P.M.

DAY: Friday

DATE: February 11, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Tel. 3-3850)

THE WHITE HOUSE

WASHINGTON

Date: February 9, 1977

MEMORANDUM

FOR ACTION:  
The Vice President  
Stu Eizenstat Jody Powell  
Jack Watson  
Frank Moore  
Hamilton Jordan  
Bert Lance  
Charles Schultze

FOR INFORMATION:

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TO THE STAFF SECRETARY BY:

TIME: 1:00 P.M.

DAY: Friday

DATE: February 11, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

Please note other comments below:

No comment.

*JW*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (T. L. ...)

THE WHITE HOUSE  
WASHINGTON

The attached is forwarded to  
you for your information.

The Vice President

Midge Costanza

Stu Eizenstat

Hamilton Jordan

Bob Lipshutz

Frank Moore

Jody Powell

Jack Watson

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Jack Watson

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

Rick Hutcheson

Re: Coordinating Committee on  
Weather and Energy Problems.



THE PRESIDENT HAS SEEN.

THE WHITE HOUSE  
WASHINGTON

February 14, 1977

*Jack.  
No further report  
required -  
J*

MEMORANDUM FOR: The President  
FROM: Jack Watson *Jack*  
RE: Coordinating Committee on  
Weather and Energy Problems

Flood Threat

Despite widespread reports on flood threats and a flood watch in the Buffalo area, there was no significant flooding during the weekend thaw.

Major Disaster Areas

In the five states that were declared major disaster areas, over 40,000 individuals have received assistance. As of Friday, February 11:

Emergency Food Stamps .....	3,533
Small Business Administration	
Home/Personal Loans .....	769
Business Loans .....	2,452
Farms Home Administration	
Emergency Loans .....	930
Disaster Unemployment Assistance .....	37,226

The sales of flood insurance policies have increased dramatically in the past few weeks. In Pennsylvania, weekly sales figures show an increase from 200 to 3,400 policies. In December, 50,000 policies were sold nation-wide.

Energy/Drought

The Emergency Natural Gas Act of 1977, the combined efforts of Federal agencies, and the break in the severe cold have substantially relieved the energy crisis in the Eastern

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United States. However, there is a high potential for an electrical energy shortage in the Western states this spring and summer due to the prolonged drought in the West.

A number of Federal hydroelectric power administrations expect to have insufficient water storage to generate power to meet the summer peak load. For example, the Southwest Power Administration (SPA) has requested \$6.4 million supplemental appropriation to enable that organization to purchase electricity from non-hydropower utilities in order to save water to meet the expected summer demand.

The demand for water to produce electrical power and the competition for water from municipal, industrial and agricultural interests will force consideration of a number of significant issues dealing with water rights and priority of uses. With respect to the drought or allocation of scarce water supplies, there is little that can be accomplished by the Federal government since water rights have historically been the responsibility of state and local governments. In a number of instances, proposed studies of such problems have been blocked by opposition from the Congress and the States.

Representatives of the Bureau of Reclamation and the National Oceanic and Atmospheric Administration have been providing information to the Coordinating Committee.

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Frank Moore

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

Rick Hutcheson

cc: The Vice President  
Hamilton Jordan

Re: Ken Curtis at DNC



Frank Moore  
for Action  
on VP

VP

MEMORANDUM -- ACTION

THE PRESIDENT HAS SEEN.

THE VICE PRESIDENT

WASHINGTON

February 10, 1977

MEMORANDUM FOR: THE PRESIDENT

FROM : THE VICE PRESIDENT *uf*

I understand from many people that Ken Curtis is off to an excellent start at the DNC. He is clearly doing a first-rate job for all of us. It occurred to me that his credibility -- and the Party's -- might be enhanced if he were occasionally included in the Tuesday Congressional Leadership breakfast. If you agree, I think he would be a valuable addition and everyone would know that he is working closely with you and our friends on the Hill.

AGREE

DISAGREE

*When <sup>only</sup> Democrats attend -  
(on occasion only)*

*J*

THE WHITE HOUSE  
WASHINGTON

70:

~~The attached is forwarded to  
you for your information.~~

The Vice President ✓

Midge Costanza

Stu Eizenstat

Hamilton Jordan ✓

Bob Lipshutz

Frank Moore ✓

Jody Powell

Jack Watson

THE WHITE HOUSE  
WASHINGTON

Mr. President:

Hamilton concurs with the  
Vice President.

Frank says that Curtis should  
attend occasionally, but not  
at critically important meetings.

Rick

THE WHITE HOUSE  
WASHINGTON

70:

~~The attached is forwarded to  
you for your information.~~

The Vice President ✓

Midge Costanza

Stu Eizenstat

Hamilton Jordan ✓

Bob Lipshutz

Frank Moore ✓

Jody Powell

Jack Watson

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

Date: February 11, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan  
Frank Moore

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT:

The Vice President's memo 2/10/77 re  
Ken Curtis at DNC.

YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:

TIME: 4:00 P.M.

DAY: Monday

DATE: February 14, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

*HJ  
concur*

*occasionally  
but not as  
critical as  
mtg*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

cc Action



HJ

Frank Moore

Date: February 11, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan  
Frank Moore *FM*

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT:

The Vice President's memo 2/10/77 re  
Ken Curtis at DNC.

YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:

TIME: 4:00 P.M.

DAY: Monday

DATE: February 14, 1977

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

*Occasionally, but not at  
a crucial meeting.*

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If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

MEMORANDUM -- ACTION

THE VICE PRESIDENT  
WASHINGTON

February 10, 1977

MEMORANDUM FOR: THE PRESIDENT  
FROM : THE VICE PRESIDENT 

I understand from many people that Ken Curtis is off to an excellent start at the DNC. He is clearly doing a first-rate job for all of us. It occurred to me that his credibility -- and the Party's -- might be enhanced if he were occasionally included in the Tuesday Congressional Leadership breakfast. If you agree, I think he would be a valuable addition and everyone would know that he is working closely with you and our friends on the Hill.

AGREE \_\_\_\_\_

DISAGREE \_\_\_\_\_

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Peter Bourne

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

Rick Hutcheson

cc: Jack Watson  
Stu Eizenstat

Re: World Health Initiatives

MEMORANDUM

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE  
WASHINGTON

February 4, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: Peter G. Bourne *P.B.*

SUBJECT: A World Health Initiative

*Peter - Proceed  
without any public  
statement. Incorporate  
Jack's ideas re  
attitude and coop-  
eration - international  
agencies. CDC in Atlanta  
can help also -*

*J.C.*

This is to follow up on our discussion concerning the development of an initiative for you in the area of world health. This memo outlines the general concept that I have in mind. Following your suggestions and reaction, I would then develop a detailed action plan, working with key agency people in the H.E.W., N.S.C., State, AID, the Institute of Medicine and others.

The idea is for you to announce a "World Health Agenda" in which you would call for the United States to take the lead in dealing with the great "crippers and killers" of the world. This would be backed by a plan in which you would direct various agencies to take specific steps in allocating their resources, and in setting their priorities to deal with those diseases and conditions that afflict the largest number of people in the world. I do not anticipate it would require any significant new expenditures, but would be a dramatic gesture of our willingness to redirect a small portion of the extraordinary medical resources of the United States in a remarkably humanitarian way that would affect people throughout the world creating an exceptionally positive impact for you and the United States. I anticipate that the private sector including foundations and the World Bank would then also follow your lead.

The magnitude of the problems we are dealing with is staggering, as is the opportunity to save literally millions of lives by a relatively minimal effort. For instance, a quiet decision was made several years ago for the United States to set a goal, in collaboration with the World Health Organization, to wipe out

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## MEMORANDUM FOR THE PRESIDENT

From: Peter Bourne

Subject: A World Health Initiative

February 4, 1977

smallpox. Last year they succeeded and smallpox, a terrible scourge for centuries, has been eliminated from the globe. We could do something similar with several other conditions, and we would select from among the remaining most serious diseases afflicting mankind those with which we could reasonably expect to have an impact in the next four years, and especially those which really afflict large numbers of people (more than 10 million). These include malaria (400 million affected each year), hypertension (100 million, 250,000 die each year in the U.S. alone), gastroenteritis (more than 100 million affected each year), and a variety of other infections that kill as many as 25 per cent of the children under 5 years in some countries. Filariasis (200 million), alcoholism (25 million affected), trypanosomiasis (35 million infected in Africa), Schizophrenia (40 million), leprosy (15 million affected and eventually will die from it), Leishmaniasis (180-200 million) and malnutrition (76 million moderately affected, 12 million with severe protein and calorie deficiency), and populations that exceed the carrying capacity of the land. Some of these conditions such as hypertension and alcoholism afflict United States citizens as well as those in the rest of the world, some, such as schistosomiasis, affect no one in this country, but 200 million elsewhere. Some we can really improve quickly, with others such as malnutrition the impact can only be gradual, and we can only anticipate making a start in the next four years. Leprosy one of the most feared diseases since biblical times could be eliminated today by treatment now already available, and by preventive measures which in the last fifty years allowed us to eradicate it from Europe and North America.

We do not need dramatic scientific breakthroughs. Prevention will be emphasized. The single most important global health need today may be the provision of safe water supply. This alone would save the lives of upward of fifty million people afflicted by these diseases, several of which are water born. Other similar measures to change environmental factors that contribute to these diseases rather than merely providing medical treatment can help to eradicate several of these conditions.

I realize that most of these diseases have obscure and unfamiliar names to the American public, but they do have other labels such as "African sleeping sickness" and "River blindness". I also feel we can phrase the whole concept in

MEMORANDUM FOR THE PRESIDENT

From: Peter Bourne

Subject: A World Health Initiative

terms that the American people can understand and support.

If we are to successfully eliminate these problems, then we must prepare for the potential increase in population that would occur. Therefore any plan should include emphasis on family planning, and some acknowledgement of the need to increase food supplies.

I have discussed this concept in general terms with Zbigniew Brzezinski and Andrew Young both of whom expressed support for the idea. I would appreciate any thoughts or ideas you might have. If this general idea meets with your approval I will proceed with a detailed plan that I anticipate will take 6 weeks to two months to prepare fully.

COMMENTS

THE WHITE HOUSE  
WASHINGTON

cc to

Peter Bourne

Jack

Step

THE WHITE HOUSE  
WASHINGTON

Mr. President:

Stu and Jack have some reservations about Peter's memo, which are attached.

Both think that further study and consultation are in order before any steps are taken.

Rick

THE WHITE HOUSE

WASHINGTON

February 8, 1977

MEMORANDUM FOR: THE PRESIDENT  
FROM: STU EIZENSTAT *Stu*  
SUBJECT: Peter Bourne's Memo on World Health  
Initiatives

This is a potentially exciting initiative. It does require, however, undertaking major public health and population control projects. Initial soundings at AID suggest \$400 million expenditures on the public health aspects of the program and similar expenditures for the population control aspects.

On the other hand, beginning steps can possibly be taken which cost much less. The domestic policy staff could begin this initiative immediately.

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

February 11, 1977

TO: Rick Hutcheson  
FROM: Jack Watson *Jack*  
RE: PETER BOURNE'S MEMORANDUM REGARDING A  
WORLD HEALTH INITIATIVE

Peter's idea is a good one which carries a strong theme of inspirational leadership. His proposal fully supports the President's desire for the United States to be respected, not for our power to destroy, but for our willingness to develop and share the fruits of a free government. Nevertheless, I state the following caveats to the proposal:

(1) The wording of the announcement should be developed very carefully so as not to sound condescending. Moreover, we should not act unilaterally but should consult with the World Health Organization and our major allies before making any announcement.

(2) In response to such a move, some may say that we would be well advised to "get our own house in order first." The health delivery of this country leaves a great deal to be desired and some of our mortality and morbidity rates are extremely poor compared with other countries of the world.

(3) The idea should be carefully coordinated with the State Department and appropriate Congressional committees.

(4) We must be careful not to posture ourselves again as the world's saviour, but rather as a partner with other nations of the world in addressing global concerns.

Finally, we must be prepared to follow through. Peter says it won't cost much but that needs to be checked carefully.

JHWJr;ply

THE WHITE HOUSE  
WASHINGTON

*2/15 (Pitt)*

LOG NO.: *2/10*

*Done soon from Jan 6*

ACTION MEMORANDUM

Date: February 5, 1977

Time:

FOR ACTION:

cc (for information):

The Vice President  
Stu Eizenstat  
Jack Watson  
Zbigniew Brzezinski

*Hold additional day at OACH Watson's request*

FROM THE STAFF SECRETARY

DUE: Date: *wed* ~~Tuesday~~, February 8, 1977

Time: 4:00 P.M.

SUBJECT:

Peter Bourne memo 2/4/77 re A World Health Initiative.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

RICK HUTCHESON  
STAFF SECRETARY

THE WHITE HOUSE  
WASHINGTON

Mondale  
Eizenstat  
Watson  
Brz

Date: February 5, 1977

Time:

FOR ACTION:

cc (for information):

The Vice President  
Stu Eizenstat  
Jack Watson  
Zbiniew Brzezinski

xc: Joe Onek

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, February 8, 1977

Time: 4:00 P.M.

SUBJECT:

Peter Bourne memo 2/4/77 re A World Health Initiative.

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate any changes, please contact the staff secretary at 191 11th Hall.

RICK HUTCHESON  
STAFF SECRETARY

THE WHITE HOUSE  
WASHINGTON

attach note from

me

due 2-17-77  
4:00 PM

to Rich

---

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Jody Powell  
Ham Jordan  
Stu Eizenstat  
Jack Watson  
Bob Lipshutz  
Frank Moore  
Midge Costanza  
Bunny Mitchell  
Hugh Carter  
Richard Harden

Re: Employment of Women and  
Minority

The attached was returned in the President's  
outbox. Your responses are requested in  
my office no later than Thursday, February 17  
at 4 P.M.

Rick Hutcheson

THE WHITE HOUSE

WASHINGTON

2-15-77

To Jody, Ham, Stu, Jack,  
Bob, Frank, Midge, Bunny,  
Hugh, Richard

Please give me a tally  
on your present & prospective  
employment of women &  
minority staff members -  
by number & as a % of  
your allotted positions.  
Route through Rick.

J. C.

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for Preservation Purposes

THE WHITE HOUSE  
WASHINGTON

February 15, 1977

Jack Watson -

The attached was returned in  
the President's outbox. It is  
forwarded to you for appropriate  
handling with the Attorney General.

Rick Hutcheson

cc: Ham Jordan

RE: Lionel Castillo

THE WHITE HOUSE  
WASHINGTON

TO Bell

THE WHITE HOUSE  
WASHINGTON

2-15-77

To Griffin Bell

This is a good  
man to consider for  
Immigration & Naturalization  
Service. Please check  
him out further &  
compare him with  
others.

J. C.

cc: Ham

LIONEL CASTILLO

BIO: Born, 6/9/39, Victoria, Texas, Controller City of Houston, Texas; B.A., St. Mary's University, cum laude, 1961; M.A., University of Pittsburgh, Public and International Affairs, School of Social Work; Taught at Radcliffe; Serves on 29 Boards of Directors; Peace Corps, 4 years; Advisory Committee to INS; Married, two children, Catholic.

SUMMARY: Phone interviews conducted during the day of February 14th with WOODROW SEALS, Federal District Judge of the 5th Circuit, Houston (713 226 4324); BEN LOVE, Chairman and Chief Executive Officer of the Texas Commerce Bank (713 236 4010); PATRICK FLORES, Catholic Bishop of San Antonio (512 344 2331); and JACK HEARD, County Sheriff of Harris County (713 221 6044).

CASTILLO is 37 and is Controller of the City of Houston. He was elected in 1971 and was re-elected in 1973 and 1975. He is a family man, a low key leader, well respected by the financial and business community, with an excellent planning and administrative record and a distinguished public service record. As a financial administrator he has taken the City of Houston from a national city bond rating of "AA" to the highest possible rating, "AAA". As BEN LOVE indicates below, LIONEL is respected by the financial and business community of Houston. His public service activities are impressive. He is Vice Chairman of the Texas United Community Services, the agency that combines all United Way activities. He is Vice Chairman of the Mexican American Legal Defense and Educational Fund (MALDEF). He is on the Executive Committee of the National Urban Coalition. All in all he serves on 29 different boards and Councils.

In the area of immigration he has very direct experience. He is a supporter of the Houston Immigration Center, a program that deals with immigration and naturalization problems.

In addition, he is known by and I gather liked by none other than Leonard Chapman. Apparently it was at LIONEL's suggestion that Chapman formed an Advisory Committee on the INS. CASTILLO is a member of that committee.

Last, CASTILLO has been through 3 FBI checks over the years in connection with his employment. The most recent one was about four months ago when he appointed to the INS Advisory Committee.

INTERVIEWS

WOODROW SEALS - Federal District Judge of the 5th Circuit, Houston was effusive in his praise. "I've already told Kirbo and Griffin Bell that this man should be in government. He's the best we've got." SEALS had apparently talked to both Kirbo and Bell about LIONEL sometime ago in another context. He especially commended him for his courage and integrity as well as his professional abilities. He described LIONEL as a good example of a Mexican-American who was of cabinet level ability.

DETERMINED TO BE AN ADMINISTRATIVE  
MARKING BY Jay DATE 2/19/89

BEN LOVE - Chairman and Chief Executive Officer of the Texas Commerce Bank described LIONEL as a person of "high integrity" and one who was respected by the business and Chicano communities alike. He added that CASTILLO's appointment to the government should it come about, would be well received in Houston.

PATRICK FLORES - Catholic Bishop of San Antonio, described LIONEL CASTILLO as an individual who is widely admired within the Mexican-American community of Texas. To quote Bishop FLORES, "Lionel made it but didn't forget us". The Bishop went on to describe CASTILLO as a person with "strong leadership qualities" and "a very level headed individual".

JACK HEARD - County Sheriff of Harris County where the City of Houston is located was very complimentary of CASTILLO and described him as a very competent, well-liked individual who had been able to maintain excellent working relations with both the private business community and the Mexican-American community. He further described CASTILLO as an "honest and trustworthy individual" with an excellent reputation among those in the law enforcement community who know him.