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THE WHITE HOUSE

WASHINGTON

September 11, 1975

*Hold for
response
from
Wildenrath*

MEMORANDUM FOR: MAX FRIEDERSDORF
FROM: VERN LOEN *VL*
SUBJECT: Subpoena served on Secretary Morton

As you may know, Secretary Morton has been subpoenaed by Rep. John Moss' Government Operations Subcommittee on Oversight and Investigations to produce information supplied by American firms in regard to discriminatory actions by the Arab nations.

Under the Export Control Administration Act's section 7 (c), the Commerce Department asks American firms to report on a voluntary basis any request for discriminatory actions against Jews in business transactions. For example, in exchange for a major contract an Arab nation might request that an American firm discharge a Jewish member of it's Board of Directors. These firms have been assured that reports of such incidents will be kept confidential by Commerce. Moss' subcommittee wants the whole file turned over to them.

Secretary Morton intends to fight this action and I understand he has been coordinating with Counsel Buchen's office.

The Export Control Act expires next year and Commerce would like to get rid of this reporting procedure at this time. This is part of the overall Arab boycott problem.

cc: Phil Buchen ✓
Rod Hills
Les Jenka



THE WHITE HOUSE

WASHINGTON

November 21, 1975

MEMORANDUM FOR: PHIL BUCHEN
ED SCHMULTS

FROM: BOBBIE GREENE KILBERG

SUBJECT: Status of Secretary Morton's
Contempt Citation

Morton went to see Congressman Staggers on Monday, November 17, to explore the possibility of having the Committee waive its speech and debate clause immunity in order to facilitate a suit by the Commerce Department for a declaratory judgment on the statute. Staggers was not responsive to the idea, and I understand that Morton was somewhat upset by the meeting. According to Commerce, Staggers felt that Moss would not stand for a waiving of the speech and debate clause and that Staggers did not want a confrontation with Moss over the issue.

Dick Hull, Assistant General Counsel at Commerce, tells me that he believes the Commerce Department can sue in court for a declaratory judgment regardless of the Committee's right to speech and debate immunity. While the waiving of immunity is desirable because it would mean an automatic stay in the contempt proceedings, Hull feels it would/not be essential if we could convince Staggers to hold up the contempt proceedings during the period of time the court is acting on the request for a declaratory judgment.

Commerce thinks there is a flaw in the Committee subpoena. One House rule requires that subpoenas voted by a subcommittee must also be voted by a majority of the full committee in order to be issued. Another House rule states that committees cannot adopt rules inconsistent with the rules of the House. The Staggers Committee, however, has adopted a rule which provides for the issuance of a subpoena, upon subcommittee request, by the chairman of the full committee or by any member that he so designates without a requirement for a vote by



the full committee. While this flaw may invalidate the subpoena, there is nothing to stop the full committee from voting another one. Thus, this would be a delaying tactic at best which could have implications for Elliott Richardson.

Congressmen Ross and Rosenthal are in the process of trying to get signatures on a request to Senator Magnuson to have the confirmation of Richardson held up until Richardson commits himself to disclosing the documents in question and to have him defeated if he does not so commit himself.



Wednesday 11/19/75

10:10 Bobbie said you had received a copy of a memo (11/12) she wrote to John Carlson which basically described the legal reasoning for Morton's position on contempt.

She wanted you to know that there was a memo that had preceded that went to Carlson --

1. Mortin is not invoking executive privilege
2. He is relying on straight statutory construction and therefore the Press Office knew that from the very beginning.



THE WHITE HOUSE
WASHINGTON

To: Phil
FYI

November 12, 1975

MEMORANDUM FOR: JOHN CARLSON
FROM: BOBBIE GREENE KILBERG *B.K.*
SUBJECT: Facts on Recommendation by Moss Subcommittee
That Secretary Morton Be Held in Contempt of
Congress

By a vote of 10-5 the Subcommittee on Oversight and Investigation of the House Committee on Interstate and Foreign Commerce passed a resolution on November 11 in which the Subcommittee found Secretary Morton in contempt for failure to comply with a subpoena dated July 28, 1975 and reported its conclusion to the full Committee.

The resolution constitutes a recommendation to the full Committee that Secretary Morton be held in contempt of Congress. If the full Committee, chaired by Congressman Staggers, votes to support the Subcommittee's findings, it would report that to the full House which is the only body that can cite the Secretary for contempt of Congress. Commerce believes the resolution report will reach the full Committee within a week.

The actual subpoena was issued by the House Committee, and it requested Morton to produce the reports filed by private firms with the Department of Commerce pursuant to Section 4(b) of the Export Administration Act of 1969. Domestic exporters are required by the Department to file reports of any Arab boycott requests they receive.

Section 7(c) of the Export Administration Act provides that:

No department . . . or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential . . . unless the head of such department . . . determines that the withholding thereof is contrary to the national interest.



The reporting forms for the Arab boycott request reports expressly advise the reportee that the information contained in the reports is confidential. In addition to the exporter's name, each report contains details of the specific transaction involved. In a letter of August 22, 1975 to Chairman Staggers, Secretary Morton stated that he would submit the reports to the Committee "subject only to deletion of any information which would disclose the identity of the firms and the details of the commercial transactions involved." This offer was turned down.

Because the Department of Commerce expressly had advised reporting firms that the information submitted would remain confidential and because, in the Secretary's view, disclosure would expose the reporting firms to possible competitive injury and economic pressure, it was the Secretary's judgment that maintaining the confidentiality of information "would not be contrary to the national interest and, in fact, that . . . disclosure might well be inconsistent with the national interest." Under the statute, the Secretary and not the Congress must make the determination of what is and what is not in the national interest in relationship to disclosure of the reports.

The Attorney General has advised Secretary Morton and the Subcommittee that the confidentiality requirements of Section 7(c) of the Act apply to disclosure to Congressional committees as well as to the public generally and that "the Committee is not entitled to receive the reports in question unless, in exercising the discretion granted by Section 7(c), the [Secretary] determine[s] that withholding them would be 'contrary to the national interest.'" In the Attorney General's opinion, a statutory restriction upon Executive agency disclosure of information is presumptively binding even with respect to requests or demands of Congressional committees, unless the Congress in passing the statute included an explicit exception for Congressional requests. The Export Administration Act does not contain such an exception and therefore it is presumably not intended.

When Morton was asked by a reporter whether he had talked with the White House on this matter, he said no. That is technically accurate since I and Rod Hills* had been in touch only with Karl Bakke, Commerce's General Counsel, Dick Hull, Commerce Assistant General Counsel, Kent Knowles of their staff, and Nino Scalia, Assistant Attorney General for the Office of Legal Counsel. However,

* Rod Hills was not involved in this matter after his confirmation as Chairman of the SEC.

on the evening news, Leslie Stahl stated that the Secretary had "at least tacit" White House approval for his position. In response to a question from a Subcommittee member about where he had received advice, Secretary Morton stated that he had been given advice on his position only by the Department's Counsel and the Attorney General. According to Karl Bakke, Commerce's General Counsel, the Secretary added that of course the issue was a high profile item and that a lot of people were aware of what was going on, but that the Secretary did not get any more specific than this before the Subcommittee.

In response to any questions about White House involvement, I think the proper approach would be to state that the White House supports the decision of the Secretary of Commerce and will rely on the legal opinion of the Attorney General.

In response to what our view would be on a vote by the full Committee to recommend contempt or on a vote by the House to hold Secretary Morton in contempt, we should say this would be most unfortunate because Secretary Morton is simply fulfilling his legal obligation under the statute as passed by Congress.



THE WHITE HOUSE

WASHINGTON

November 18, 1975

MEMO FOR: JIM CONNOR

FROM: KEN LAZARUS/s/

Attached is a rewrite of the memo prepared yesterday.

The letters referred to in the text of the memo are included as an appendices.

Phil indicated that he would like to have the memo distributed to members of the Cabinet and the senior White House staff.

cc: Phil Buchen ✓



file

THE WHITE HOUSE

WASHINGTON

November 18, 1975

M E M O R A N D U M

Re: Congressional Demands for Executive
Branch Documents

This is to present the development of several controversies which have arisen involving Congressional committee demands for Executive Branch documents directed to Secretaries Kissinger, Morton and Mathews. Also treated are the several bases underlying the Administration's refusal to comply with certain of these requests. Particular emphasis is given to the concept and scope of Executive Privilege.

I. Relevant Controversies.

Three areas of conflict involving demands for Executive Branch documents have arisen between committees of the Congress and representatives of the Ford Administration. The circumstances giving rise to these conflicts may be summarized in the following manner.

A. House Select Committee Demand of November 6
(Secretary Kissinger).

On November 6, 1975, seven (7) subpoenas were issued by the House Select Committee on Intelligence, chaired by Representative Otis Pike. On November 7, the subpoenas were served as follows:

1. State Department. Only one (1) subpoena was actually directed to Secretary Kissinger demanding all documents relating to State Department recommendations for covert actions made to the National Security Committee and the Forty Committee (composed of the President's principal personal advisers on matters of military and foreign affairs) from



January 20, 1965 to the present. On November 14, the Legal Adviser of the Department of State advised the Select Committee that Secretary Kissinger had been directed by the President to respectfully decline compliance with the subpoena and to assert the Constitutional doctrine of Executive Privilege as the basis for the refusal. On the same day, the Select Committee adopted a resolution calling on the House of Representatives to cite Secretary Kissinger for contempt in failing to provide the subpoenaed materials.

2. Central Intelligence Agency. One (1) subpoena was served on the Central Intelligence Agency and substantial compliance was effected on November 11 by a letter from Mitchell Rogovin, Special Counsel to the CIA, to the Select Committee. No assertion was made of a right to withhold the materials requested.
3. National Security Council. Five (5) subpoenas were directed to the President's Assistant for National Security Affairs. These were accepted by a representative of the Office of the Counsel to the President on behalf of Jeanne Davis, Executive Secretary, National Security Council. Under date of November 11, Lieutenant General Scowcroft, Deputy Assistant to the President for National Security Affairs responded to the subpoenas by forwarding the documents available at that time and by agreeing to provide other requested documents as they became available. Thus, the Administration is in substantial compliance with this request, and has not asserted a right to withhold the materials from the committee.

B. House Subcommittee on Oversight and Investigations Demand of July 28 (Secretary Morton).

On July 10, the Chairman of the Subcommittee on Oversight and Investigations of the Committee on



Interstate and Foreign Commerce, Representative John Moss, wrote the Department of Commerce to request copies of all quarterly reports filed by exporters, since 1970, concerning any "request for [Arab] boycott compliance". On July 24, Secretary Morton sent Representative Moss a summary of boycott information reported by exporters, but declined to furnish copies of the reports themselves, invoking the statutory authority contained in Section 7(c) of the Export Administration Act.

On July 28, the Subcommittee issued a formal subpoena to Secretary Morton calling for a turnover of the reports. On September 4, the Attorney General provided Secretary Morton with a formal opinion to the effect that the Secretary need not disclose the reports under the authority conferred by Section 7(c) and this position was asserted by Secretary Morton in an appearance before the Subcommittee on September 22.

On November 12, the Subcommittee approved a resolution calling for full committee action on a contempt citation against Secretary Morton. A finding of contempt, of course, would require floor action by the House of Representatives.

C. House Subcommittee on Oversight and Investigations Demand of November 5 (Secretary Mathews).

On October 23, Chairman Moss of the Subcommittee on Oversight and Investigations requested Secretary Mathews to provide a list of deficiencies which showed up in surveys of hospitals by the Joint Commission on Accreditation of Hospitals. Acting on the advice of counsel, Secretary Mathews refused to comply with the request, asserting a statutory exemption contained in Section 1865(a) of the Social Security Act.



On October 23, the Subcommittee issued a subpoena for the list and this was referred by Secretary Mathews to the Attorney General for his review. On November 12, the Attorney General indicated that he found the language of the Social Security Act's confidentiality provision to be very weak, as opposed to the strong provision contained in the Export Administration Act noted supra. In his opinion, Section 1865(a) of the Social Security Act lent itself to the interpretation that information so furnished is not to be made public but may be conveyed to the Congress on proper request. Accordingly, on November 12 Secretary Mathews made the list available to the Subcommittee, thus ending the controversy.

II. Bases For Denials

The basis for Secretary Morton's refusal to comply with the request of the Moss Subcommittee is statutory law. The basis for the refusal by President Ford to comply with the request made to Secretary Kissinger is grounded in Constitutional doctrine, i. e. Executive Privilege.

A. The Statutory Basis for Denial.

Section 3(5) of the Export Administration Act of 1969, 50 U.S.C. App. 2402(5), provides in pertinent part that:

* * *

It is the policy of the United States (A) to oppose restrictive trade practices or boycotts . . . imposed by foreign countries against other countries friendly to the United States, and (B) to encourage and request domestic concerns engaged in . . . [exporting] to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering . . . [such] restrictive trade practices or boycotts

* * *

Section 4(b) calls for issuance of rules and regulations to implement Section 3(5) and states that the rules and regulations are to "require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements . . . [of the type specified in Section 3(5)(B)] must report that fact to the Secretary of Commerce"

The Act's confidentiality provision, Section 7(c), 50 U.S.C. App. 2406(c), reads as follows:

* * *

No department . . . or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential . . . , unless the head of such department . . . determines that the withholding thereof is contrary to the national interest.

* * *

The regulation of the Department of Commerce implementing Section 3(5) expressly states that the information contained in reports filed by exporters "is subject to the provisions of Section 7(c) of the . . . Act regarding confidentiality" 15 CFR §369.2(b). Moreover, the basic reporting form (Form DIB-621) states that: "Information furnished herewith is deemed confidential and will not be published or disclosed except as specified in Section 7(c) of the . . . [Act]."

Statutory restrictions upon executive agency disclosure of information are presumptively binding even with respect to requests or demands of congressional committees. That this assumption accords with general legislative intent is demonstrated by the inclusion, in a number of statutes concerning confidentiality of information, of explicit exceptions for

congressional requests. When, as in Section 7(c), such an exception is not provided, it is presumably not intended. In the present case, this standard interpretation finds additional support in the legislative history of the statute, in an apparently consistent administrative construction, and in Congress' reenactment of the provision with knowledge of that construction.

No constitutionally-based privilege has been asserted.

B. Executive Privilege as a Basis for Denial.

Beginning with President Washington, Presidents have claimed and exercised the responsibility of withholding from Congress information the disclosure of which they consider to be contrary to the public interest. This responsibility is frequently called "Executive privilege." Information of this type usually comes within the categories of military or diplomatic state secrets, investigatory reports, and internal governmental advice. The Supreme Court has held in United States v. Nixon, 418 U.S. 683, 708 (1974), that the Executive privilege is "fundamental to the operation of government and inextricably rooted in the separation of powers under the Constitution." It also distinguished the presumptive privilege accorded all confidential communications from sensitive national security matters involved here, which are entitled to the highest degree of confidentiality under the Constitution. It, therefore, does not require any statutory basis and cannot be controlled by Congress.

Recent examples of Presidential directions to Cabinet members not to release certain information to Congress are:



1. President Eisenhower's letter of May 17, 1954, to the Secretary of Defense not to testify with respect to certain top level conversations which occurred during the Army-McCarthy investigations. [See Tab A.]

2. President Kennedy's letters to the Secretaries of Defense and State, dated February 8 and 9, 1962, respectively, instructing them not to disclose the names of individuals who had reviewed certain draft speeches prepared by military officers. The issue of Executive Privilege was also treated in President Kennedy's letter to Senator Stennis dated June 23, 1962. These arose during an investigation by the Senate Armed Services Committee into "Military Cold War Education and Speech Review Policies." [See Tab B.]

Congressional (as distinct from judicial) demands for material may fall into two categories. The first would be a normal committee request, demand, or subpoena for material as discussed above, which may be rejected on the basis of Executive Privilege where it is deemed by the President that the production of such material would be detrimental to the functioning of the Executive Branch. This, at least, has been the consistent practice by practically every administration and acceded to by Congress. This should be contrasted with a demand for material pursuant to an impeachment inquiry, which some presidents have acknowledged would require production of any and all executive material. See e.g., Washington's Statement, 5 Annals of Congress 710-12 (1796).

III. Procedures for Asserting Executive Privilege.

In early years, the Executive Branch practice with respect to assertion of Executive Privilege as against Congressional

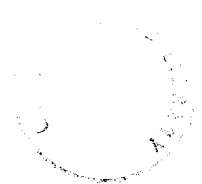
requests was not well defined. As noted above, during the McCarthy investigations, President Eisenhower, by letter to the Secretary of Defense, in effect prohibited all employees of the Defense Department from testifying concerning conversations or communications embodying advice on official matters. This situation eventually produced such a strong Congressional reaction that on February 8, 1962, President Kennedy wrote to Congressman Moss stating that it would be the policy of his Administration that "Executive privilege can be invoked only by the President and will not be used without specific Presidential approval." Mr. Moss sought and received a similar commitment from President Johnson. (President's letter of April 2, 1965.)

President Nixon continued the Kennedy-Johnson policy but formalized it procedurally by a memorandum dated March 2, 1969, addressed to all Executive Branch officials. The memorandum notes that the privilege will be invoked "only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise."

President Ford publicly addressed the concept of Executive Privilege in his televised appearance before the House Subcommittee on Criminal Justice on October 17, 1974. He expressed his view that ". . . the right of Executive Privilege is to be exercised with caution and restraint" but also said: "I feel a responsibility, as you do, that each separate branch of our Government must preserve a degree of confidentiality for its internal communications."

#

TAB
A



113 ¶ Letter to the Secretary of Defense
Directing Him To Withhold Certain Information
from the Senate Committee on Government
Operations. May 17, 1954

Dear Mr. Secretary:

It has long been recognized that to assist the Congress in achieving its legislative purposes every Executive Department or Agency must, upon the request of a Congressional Committee, expeditiously furnish information relating to any matter within the jurisdiction of the Committee, with certain historical exceptions—some of which are pointed out in the attached memorandum from the Attorney General. This Administration has been and will continue to be diligent in following this principle. However, it is essential to the successful working of our system that the persons entrusted with power in any one of the three great branches of Government shall not encroach upon the authority confided to the others. The ultimate responsibility for the conduct of the Executive Branch rests with the President.

Within this Constitutional framework each branch should cooperate fully with each other for the common good. However, throughout our history the President has withheld information whenever he found that what was sought was confidential or its disclosure would be incompatible with the public interest or jeopardize the safety of the Nation.

Because it is essential to efficient and effective administration that employees of the Executive Branch be in a position to be completely candid in advising with each other on official matters, and because it is not in

the public interest that any of their conversations or communications, or any documents or reproductions, concerning such advice be disclosed, you will instruct employees of your Department that in all of their appearances before the Subcommittee of the Senate Committee on Government Operations regarding the inquiry now before it they are not to testify to any such conversations or communications or to produce any such documents or reproductions. This principle must be maintained regardless of who would be benefited by such disclosures.

I direct this action so as to maintain the proper separation of powers between the Executive and Legislative Branches of the Government in accordance with my responsibilities and duties under the Constitution. This separation is vital to preclude the exercise of arbitrary power by any branch of the Government.

By this action I am not in any way restricting the testimony of such witnesses as to what occurred regarding any matters where the communication was directly between any of the principals in the controversy within the Executive Branch on the one hand and a member of the Subcommittee or its staff on the other.

Sincerely,

DWIGHT D. EISENHOWER

NOTE: Attorney General Brownell's memorandum of March 2, 1954, was released with the President's letter. The memorandum traces the development from Washington's day of the principle that the President may, under certain circumstances, withhold information from the Congress.

Taking the doctrine of separation of powers as his text, the Attorney General stated that it is essential to the successful working of the American system that the persons entrusted with power in any one of the three branches should not be permitted to encroach upon the powers confided to the others.

The memorandum continues: "For over 150 years . . . our Presidents have established, by precedent, that they and members of their Cabinet and other heads of executive departments have an undoubted privilege and discretion to keep confidential, in the public interest, papers and information which require secrecy.

American history abounds in countless illustrations of the refusal, on occasion, by the President and heads of departments to furnish papers to Congress, or its committees, for reasons of public policy. The messages of our past Presidents reveal that almost every one of them found it necessary to inform Congress of his constitutional duty to execute the office of President, and, in furtherance of that duty, to withhold information and papers for the public good."

As for the courts, they have "uniformly held that the President and the heads of departments have an uncontrolled discretion to withhold . . . information and papers in the public interest; they will not interfere with the exercise of that discretion, and that Congress has not the power, as one of the three great branches of the Government, to subject the Executive Branch to its will any more than the Executive Branch may impose its unrestrained will upon the Congress."

Among the precedents cited in the Attorney General's memorandum are the following:

President Washington, in 1796, was presented with a House Resolution requesting him to furnish copies of correspondence and other papers relating to the Jay Treaty with Great Britain as a condition to the appropriation of funds to implement the treaty. In refusing, President Washington replied "I trust that no part of my conduct has ever indicated a disposition to withhold any information which the Constitution has enjoined upon the President as a duty to give, or which could be required of him by either House of Congress as a right; and with truth I affirm that it has been, as it will continue to be while I have the honor to preside in the Government, my constant endeavor to harmonize with the other branches thereof so far as the trust delegated to me by the people of the United States and my sense of the obligation it imposes to 'preserve, protect, and defend the Constitution' will permit."

President Theodore Roosevelt, in 1909, when faced with a Senate Resolution

directing his Attorney General to furnish documents relating to proceedings against the U.S. Steel Corporation, took possession of the papers. He then informed Senator Clark of the Judiciary Committee that the only way the Senate could get them was through impeachment. The President explained that some of the facts were given to the Government under the seal of secrecy and could not be divulged. He added "and I will see to it that the word of this Government to the individual is kept sacred."

"During the administration of President Franklin D. Roosevelt," the Attorney General's memorandum states, "there were many instances in which the President and his Executive heads refused to make available certain information to Congress the disclosure of which was deemed to be confidential or contrary to the public interest." Five such cases are cited, including one in which "communications between the President and the heads of departments were held to be confidential and privileged and not subject to inquiry by a committee of one of the Houses of Congress."



TAB
B

MILITARY COLD WAR EDUCATION AND
SPEECH REVIEW POLICIES

HEARINGS
BEFORE THE
SPECIAL PREPAREDNESS SUBCOMMITTEE
OF THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
EIGHTY-SEVENTH CONGRESS
SECOND SESSION

PART 6

~~MAY 16, 24, JUNE 4, 7, 8, 1962~~

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WASHINGTON : 1962



The Chair has ordered the witness to answer the question.

Senator STENNIS. Yes, I think, Senator Thurmond, that that is technically correct, but, at the same time, the Secretary of Defense is here and this question of executive privilege has been talked about back and forth.

I assume the Secretary has something to bear directly upon that in this question, so I recognize the Secretary to make a statement.

Secretary McNAMARA. Thank you, Mr. Chairman.

Would you like me to swear under oath?

Senator STENNIS. You are already under oath. I beg your pardon, you have not been here.

Secretary McNAMARA. No, sir: I have not.

Senator STENNIS. All right; thank you very much for reminding me.

Will you please stand, Secretary McNamara. Do you solemnly swear that your testimony before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Secretary McNAMARA. I do, sir.

Senator STENNIS. Have a seat.

Secretary McNAMARA. Mr. Chairman—

Senator STENNIS. I assume this is with reference to executive privilege, is it not?

KENNEDY LETTER TO McNAMARA

Secretary McNAMARA. It is, sir.

I would like to read a letter to me from the President. This is dated February 8.

DEAR MR. SECRETARY: You have brought to my attention the fact that the Senate Special Preparedness Investigating Subcommittee intends to ask witnesses from your Department to give testimony identifying the names of individuals who made or recommended changes in specific speeches.

As you know, it has been and will be the consistent policy of this administration to cooperate fully with the committees of the Congress with respect to the furnishing of information. In accordance with this policy, you have made available to the subcommittee 1,500 speeches with marginal notes, hundreds of other documents, and the names of the 14 individual speech reviewers, 11 of whom are military officers. You have also made available the fullest possible background information about each of these men, whose record of service and devotion to country is unquestioned in every case, and you have permitted the committee's staff to interview all witnesses requested and to conduct such interviews outside the presence of any departmental representative. Finally, you have identified the departmental source of each suggested change and offered to furnish in writing an explanation of each such change and the policy or guideline under which it was made.

Your statement that these changes are your responsibility, that they were made under your policies and guidelines and those of this administration, and that you would be willing to explain them in detail is both fitting and accurate, and offers to the subcommittee all the information properly needed for the purposes of its current inquiry. It is equally clear that it would not be possible for you to maintain an orderly Department and receive the candid advice and loyal respect of your subordinates if they, instead of you and your senior associates, are to be individually answerable to the Congress, as well as to you, for their internal acts and advice.

For these reasons, and in accordance with the precedents on separation of powers established by my predecessors from the first to the last, I have concluded that it would be contrary to the public interest to make available any information which would enable the subcommittee to identify and hold accountable any individual with respect to any particular speech that he has reviewed. I, therefore, direct you and all personnel under the jurisdiction of your Depart-



not to give any testimony or produce any documents which would disclose such information, and I am issuing parallel instructions to the Secretary of State. The principle which is at stake here cannot be automatically applied to every request for information. Each case must be judged on its own merits. But I do not intend to permit subordinate officials of our career services to bear the brunt of congressional inquiry into policies which are the responsibilities of their superiors.

Sincerely yours,

JOHN F. KENNEDY.

WITNESS INSTRUCTED BY M'NAMARA NOT TO ANSWER QUESTION

Mr. Chairman, acting in accordance with that instruction, I have instructed Mr. Lawrence not to answer the question, thereby invoking executive privilege.

WITNESS DECLINES TO ANSWER QUESTION

Senator STENNIS. Mr. Lawrence, of course, you have heard what the Secretary has said here. Is that your position now?

Mr. LAWRENCE. Yes, sir; it is.

Senator STENNIS. You decline to answer the question for the reasons assigned by the Secretary?

Mr. LAWRENCE. That is right, sir.

CHAIRMAN CLEARS WITNESS AND ASSOCIATES

Senator STENNIS. I just want the record to be clear and positive. As I understood it from the following letter, the President puts it on the ground of being contrary to the public interest.

All right, let me say an additional word here about Mr. Lawrence, if I may, and in reference to the other gentlemen. This executive privilege presented by the Secretary and also adopted by Mr. Lawrence presents a new question. Before I leave this situation, I want to say that there is no furnish of any kind on Mr. Lawrence or any of his 13 associates. All of them, according to my information, including all that collected by the staff members and all that I have ever heard, are intelligent, dedicated, hard-working, patriotic, loyal Americans, and I firmly believe that they are, each of these gentlemen. Some of them are members of the services, and some of them are in civilian life.

STATEMENT BY SENATOR JOHN STENNIS IN RULING ON PLEA OF EXECUTIVE PRIVILEGE, FEBRUARY 8, 1962

Senator STENNIS. Members of the subcommittee, in view of the express plea here of executive privilege, I think it clearly the duty of the Chair now to rule upon the plea. Not only is my duty clear, but it is clear that I should rule on it now.

It is a question that I have long anticipated in connection with these hearings. It is a matter which became evident to me many weeks ago and caused me to make a special study of it. I have therefore, examined what I believe to be all of the authorities on the subject. I have also consulted with others who have had Senatorial experience in this field. I have a brief statement to make here as background for the ruling I shall make.



In the arsenal of our cold war weapons there is no place for boasting or bellicosity, and name calling is rarely useful. As Secretary of State Rusk has said:

The issues called the cold war are real and cannot be merely wished away. They must be faced and met. But how we meet them makes a difference. They will not be scolded away by invective nor frightened away by bluster. They must be met with determination, confidence, and sophistication.

Our discussion, public, or private, should be marked by civility; our manners should conform to our dignity and power and to our good repute throughout the world. But our purposes and policy must be clearly expressed to avoid miscalculation or an underestimation of our determination to defend the cause of freedom.

The solemn nature of the times calls for the United States to develop maximum strength but to utilize that strength with wisdom and restraint.

Or, in other words, as President Theodore Roosevelt aptly said at an earlier time, we should "speak softly but carry a big stick."

This, I submit, Mr. Chairman, is the only appropriate posture for the leading nation in the world.

I should like, if I may, to hand up to the committee copies of the President's letter to the Secretary of State.

KENNEDY LETTER TO RUSK ON EXECUTIVE PRIVILEGE

Senator STENNIS. All right, Mr. Reporter, at this point in the record you may insert the letter from President Kennedy dated February 9, 1962.

(The letter referred to is as follows:)

THE WHITE HOUSE,
Washington, February 9, 1962.

The Honorable the SECRETARY OF STATE,
Washington, D.C.

DEAR MR. SECRETARY: I am attaching a copy of my letter to Secretary McNamara of February 8 in which I have directed him, and all personnel under the jurisdiction of the Department of Defense, not to give any testimony or produce any documents which would enable the Senate's Special Preparedness Investigating Subcommittee to identify and hold accountable any individual with respect to any particular speech that he has reviewed.

That letter states that I am issuing parallel instructions to the Secretary of State. I therefore direct you, and all personnel under the jurisdiction of your Department, not to give any such testimony or produce any such documents.

As I noted in my letter to Secretary McNamara, the principle of Executive privilege cannot be automatically applied to every request for information. Each case must be judged on its own merits. But the principle as applied to these facts governs the personnel of your Department equally with that of the Department of Defense. In neither case do I intend to permit subordinate officials of the career services to bear the brunt of congressional inquiry into policies which are the responsibilities of their superiors.

Sincerely,

JOHN F. KENNEDY

Enclosure.

Senator STENNIS. Mr. Secretary, we certainly want to thank you for a very clear and positive statement and, without delaying this matter any further, because we were late convening this morning due to the pressure of other meetings, I am going to ask counsel if he will proceed now with his questions, if you are ready.

Mr. BALL. Thank you, sir.



It is to these men, who have risen to the top in the Nation's Armed Forces after a generation of experience and effort in military life, to whom we must look and to whom the President must look, for the most authoritative advice on our national defense requirements."⁷²

We begin to enter more controversial ground when we consider the advisory function of the military vis-a-vis the American public. Under a directive of the National Security Council in 1958, military people were encouraged to undertake this advisory function, primarily through seminar-type discussions on the cold war. These seminars led to criticism from some quarters that the military has no proper role in such public advisory activities and the further raising of the chimera of military control over the civil authority.

Shelves of books could be written and learned arguments adduced both against and in support of the military role in advising the American people about the many facets of the cold war. But the essence of the matter is whether or not we wish fully to inform the public. James Madison wrote in the Federalist Papers that "the genius of republican liberty seems to demand on one side, not only that all power should be derived from the people, but that those intrusted with it should be kept in dependence on the people." No one has yet discovered how this genius—our noblest achievement in Government—can function except through an informed public.

Senator Strom Thurmond has said with reference to the public information or advisory role of the military that there are "facts that the American people must have, regardless of where the chips may fall. Censorship and suppression is a shield behind a smokescreen of civilian control policies on which the American people have too few facts. If these policies cannot stand the spotlight of public attention and discussion, then they should be rejected."⁷³

How portentous is the presentation of the facts of the cold war to the American public in the 1960's may be seen by comparison with the sleepwalkers of the Munich era in Great Britain. How much might not have England—and the world—been spared had the appeasers heeded Churchill's advice: "Tell the truth, tell the truth to the British people."⁷⁴

SECOND ADDENDUM TO RECORD

KENNEDY LETTER TO STENNIS ON NATIONAL POLICY PAPERS

Subsequent to the final hearing, Chairman Stennis transmitted to President Kennedy the request by Senator Thurmond that the subcommittee be furnished with copies of certain National Security Council papers and the policy paper prepared by Mr. Rostow. Senator Thurmond's request for these documents appears on pages 2951 through 2957 of the printed transcript. The President replied to this request by a letter dated June 23, 1962. In order that the record might be complete, and by direction of the chairman, President Kennedy's letter is printed below.

THE WHITE HOUSE,
Washington, June 23, 1962.

HON. JOHN STENNIS,
Chairman, Special Preparedness Subcommittee,
U.S. Senate.

DEAR SENATOR STENNIS: I have your letter enclosing excerpts from the record of the Special Preparedness Subcommittee hearing during which Senator Thurmond requested you to ask me to furnish copies of National Security Council papers to the Subcommittee.

As you know, it has been and will be the consistent policy of this Administration to cooperate fully with the Committees of the Congress with respect to the furnishing of information. But the unbroken precedent of the National Security

⁷² Congressional Record, 81st Cong., 1st sess., vol. 95, Mar. 30, 1949, p. 3540.

⁷³ Of course, classified information cannot be disclosed to the public except in such instances in which the President would decide it to be in the interest of the United States.

⁷⁴ Quoted World, Jan. 31, 1932, p. 23.

⁷⁵ See p. 6, supra.



Council is that its working papers and policy documents cannot be furnished to the Congress.

As President Eisenhower put it in a letter dated January 22, 1958, to Senator Lyndon Johnson: "Never have the documents of this Council been furnished to the Congress."

As I recently informed Congressman Moss, this Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents. In the case of National Security Council documents, however, I believe the established precedent is wise. I am therefore obliged to decline the request for Council papers.

It seems to me that explanations of policy put forward in the usual way to committees of Congress by representatives of the State Department are fully adequate to the need expressed by Senator Thurmond during your hearing.

Sincerely,

JOHN F. KENNEDY.

○



THE WHITE HOUSE
WASHINGTON

Bob Reintsema

November 25, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF
FROM: VERN LOEN *VL*
SUBJECT: Contempt Citation of
Secretary Morton

Bob Reintsema of the Commerce Department reports that the Secretary has offered Subcommittee Chairman John Moss two options:

- 1) Try to get a declaratory judgment which would uphold the confidentiality of the material the Committee seeks in accordance with the Export Administration Act. This, in effect, would make the Committee a defendant in the action and Chairman Staggers has rejected that option.
- 2) Secretary Morton has offered to make a "national interest" determination permitting release of the information on a confidential basis. If it is leaked, as in all probability it would be, the onus would be on the Committee. This offer is designed to attract more votes in full Committee and, failing there, in the full House if the offer is rejected by Moss and Staggers.

Meanwhile, Moss, Rosenthal, and Waxman have circulated a "Dear Colleague" letter inviting signatures on a letter to Senator Magnuson in conjunction with the Elliot Richardson confirmation. The letter to Magnuson requests that he make Richardson's confirmation contingent upon the Commerce Department's release of the information sought. A copy of the letter is being sent to us.

The Minority Members of the Committee have been consulted and concur in option #2.

cc: Phil Buchen
Jim Cannon
Bill Kendall
Pat O'Donnell
Charles Leppert
Tom Loeffler



The Washington Star *Morton*

JOE L. ALLBRITTON, *Publisher*

JAMES G. BELLOWS, *Editor*

SIDNEY EPSTEIN, *Managing Editor*

EDWIN M. YODER JR., *Associate Editor*

Rog

MONDAY, JANUARY 19, 1976

Too much ado over Morton

The flap over whether Rogers Morton is a governmental or political appointee has reached rather ridiculous proportions.

Erud. Harris, the Democratic neo-populist

many if not most congressional aides would have to be taken off the public payroll, since they spend a good deal of time working on their bosses' re-elections. It is significant, perhaps,

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January 13, 1976

Morton, Rogers

Office of the White House Press Secretary

THE WHITE HOUSE

The President today announced the appointment of Rogers C. B. Morton, of Easton, Maryland, as Counsellor to the President with Cabinet rank. He has been Secretary of Commerce since May 1, 1975.

Secretary Morton's duties will encompass several areas of responsibility in domestic and economic policy. He will retain his membership on the Economic Policy Board, the Energy Resources Council and the Domestic Council. He will also direct the liaison with the Republican National Committee and the President Ford Committee. In addition, the Secretary will be available to take on such specific assignments as the President may direct.

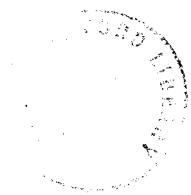
Born on September 19, 1914, in Louisville, Kentucky, Secretary Morton received his B. A. degree from Yale University in 1937. He served with the United States Army from 1943 to 1945, attaining the rank of Captain.

Secretary Morton was elected to the 88th Congress from Maryland's First District in 1962 and subsequently elected to the 89th through 92nd Congresses. He was Secretary of the Interior from January, 1971 until May, 1975. He also served as Chairman of the Republican National Committee.

While serving in the Congress, Secretary Morton was a member of the Committee on Interior and Insular Affairs (1963-1968), the Committee on Merchant Marine and Fisheries (1963-68), the Select Committee on Small Business (1967-68) and from 1969 until he became Secretary of the Interior, he was a member of the Committee on Ways and Means.

Secretary Morton is married to the former Anne Jones and they have two children.

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FOR IMMEDIATE RELEASE

JANUARY 13, 1976

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE
PRESS CONFERENCE
OF
ROGERS C. B. MORTON

THE BRIEFING ROOM

4:18 P.M. EST

MR. NESSEN: In response to popular demand, Rog has come out to answer your questions that I couldn't quite manage this morning.

MR. MORTON: I will do the best I can with your questions. Maybe we ought to go right into it. I guess the statement was released this morning. I am going to try to help the President in his role of being President.

Q How are you going to do that?

MR. MORTON: I am going to continue to serve on both the Executive Committee of the Economic Policy Board and I am going to stay on the Energy Resources Council, and I am going to try to bring about 20 years of Government experience to him.

I think he wants people to confer with on policy issues and on political issues that he is comfortable with and that have had some experience, and I am hopeful -- I think I made a contribution in this area during the time I was in Interior and in the time I have been in Commerce, and I think I can continue to make the contribution without all of the additional pressures of the administrative side of both of those big departments, which I have been in for the last several years, as you know, and in the Cabinet five years, since January 29, 1971.

Q Is it your understanding or would you describe your political duties here at the White House as being incidental?

MR. MORTON: I think that the political duties will be a concentration of those political duties now being carried out by other members of the staff. Dick Cheney has had a running liaison communication with the campaign community -- Bo Callaway's committee. There has been a normal communication between Bob Hartmann, for example, and the National Committee.

MORE



I think these duties would be concentrated into one shop, which I am very happy to do, and I don't think they are incidental in the sense of their importance, but I don't think they are going to be overwhelming in the sense of their consumption of time on my part.

I am not going to get into the management of the campaign. I have not thought of that. However, I think the President has to have some vehicle through which he can communicate with his campaign and also as party leader with the National Committee. I am a very logical person, having been Chairman of the National Committee and having been involved in campaigns, to do that.

Q Do you expect to do any speech making?

MR. MORTON: Yes, I hope to.

Q Political speech making?

MR. MORTON: I think good politics is good government and I think obviously I am for the President. I would certainly make speeches that would advocate his policies. I have never been the kind of partisan that has in any way tried to destroy my fellow man, but I have always felt that the people, your audience, should have a feeling that you are excited and enthusiastic about what you are trying to sell and what we are trying to sell here is the policies of the President and the President himself, and I don't think there is anything wrong with that.

If that is what a political speech is, I certainly will make them. But if I make political speeches in the sense I am going to fund raisers and that sort of thing, under the rules I have been following, the expenses and all the other travel and things pertinent thereto will not be charged to the Government.

Q How do you think he is doing in his head-to-head with Reagan?

MR. MORTON: I think he is doing very well. I drove all the way up the other day from Dade County, having met with some good political types in Dade County at a dinner. It was just a social dinner. Then I drove up. I had to go to Jacksonville and so with National Airlines on strike the most convenient way was to drive. I stopped and met with some people pretty much all day Saturday and I think he is doing well in Florida. That would be a place where you would say this is going to be the tough one, this is going to be the close one.

It is no easy thing but I think he is going to get nominated and get nominated handily but I don't think we can just do nothing about it. I think people are going to have to work.

MORE



Q Mr. Secretary, is your taking this position evidence the President is becoming more concerned about the state of his campaign?

MR. MORTON: I don't think so. During the time Rummy was over here--Rummy and I became acquainted in the Congress. We were closely associated with Jerry Ford, the Minority Leader, and I think he is a very persuasive person. I was prepared to go back in the private sector but I think he felt there was a gap here in a kind of counseling gap, if you will, left by Rummy, and I think he felt he wanted to fill it. Also, I think he kind of wanted to get me before I got involved in the private sector, and he did. He is a pretty persuasive person.

Certainly I didn't come over here to address myself to any crises. I don't see them.

Q How is your health?

MR. MORTON: Pretty good. I am in good shape. I just went out to Stanford about six months ago and had my six-month in-depth evaluation. The doctor was pleased but not near as much as I was.

Q Sir, why should the taxpayer have to pay for a man for the President to communicate with his campaign committee?

MR. MORTON: Well, I think this is part of the American system. For example, I don't think there are any staff members of a Senatorial staff or any staff members of a Congressional staff that should not and are not involved in the Member's political activity -- the Member's effort to get re-elected. This is part of the American system.

You can't separate Government from politics and I think it would be an impingement upon the Government if the President said, "Now look, all you fellows are sterilized against any communication with the Ford For President Committee" and he had to drop the important matters of State and get on the phone with Bo Callaway or Stu Spencer and deal with the details of the campaign. I think that would be a terrible misuse of the President's time.

Q That is not the question. Why don't you just let the campaign committee pay your salary, Mr. Morton? You could still do the same service for the President.

MR. MORTON: I don't know whether you should have people working in the White House advising the President on Governmental matters that are paid by external revenue sources.

MORE

This is the way it has always been. I am not defending it -- it is a difficult question -- but I believe that you would have more of a conflict in interest if you accepted funds from an external source whether it be the campaign committee, General Electric or anybody else.

It seems to me that the people who advise the President -- and I don't think you can separate political issues from Government issues -- shouldn't receive their funds from external sources. I think you would have a bad tug of war in terms of interests in the White House. It is a tough one.

If you could separate it cleanly, if you could say now that is political and that is Governmental, I think you could say you mustn't cross this line. But the nature of the beast in a free economy and a free society and a place where the people will establish Government through our electoral process, there is no way to separate it that way, so I think you actually would be in more of a conflict of interest position if you came in here and developed a loyalty to this institution and to the President but were paid by funds from the outside, the source of which you don't entirely know.

MORE

Q You go along with Mr. Nessen's characterization of your job, that you are mainly here as an energy and economic adviser rather than as a political adviser?

MR. MORTON: I think I am here as an overall adviser to the President. The experience I have had in the EPB -- the Economic Policy Board -- the energy field, the resource management field and the economic development field in Government over the last five years -- previous to that on the Ways and Means Committee and other committees of the House of Representatives -- provides me with enough background to advise the President in an overall sense, and to take a matter that he can assign to me, look at it, evaluate it and give him my best judgment on whether it is a good way to go or whether it should be a different way to go or what have you.

Q Mr. Secretary, I think the problem some of us are having is, first of all, they talked about Mr. Scranton coming in here. Now he is an independently wealthy man, and I don't think there was too much talk about if he had been a political adviser, he probably wouldn't have needed the money. I don't know if you are independently wealthy or not. Maybe you do need the money.

MR. MORTON: I don't like this pay cut I am taking.

Q The fact is, all the talk around the White House and with the election committee has been that the President needed a political liaison man, not that he needed another counsellor or energy or economic adviser. He seemed to have plenty of those.

It seems this job has been created for you so that you can advise him on political matters.

MR. MORTON: I think the job -- obviously if you have a person who has had a certain kind of experience, that you would use that person in a way to maximize the values of his experience. I certainly have a very, very high evaluation and degree of admiration for Governor Scranton. I think he is a wonderful person.

I don't feel that in any way I was competing with Governor Scranton for this job. It took a lot of persuasion to get me to come here under these circumstances because I did feel that at 61 I was ready to kind of go back into the private sector and now I have had to turn that around.

I do it because I think the country is important, the President is important, and I am a loyal citizen. But, I don't feel that this has been created for me. If it has been created just for me, it is totally a waste of time because I am here to make a contribution. This is no sinecure for me.

MORE



Q Mr. Morton, how do you feel about President Ford's present political image, the accuracy of it, the inaccuracy of it, the fact he is rated at less than 50 percent acceptance in doing his job, the fact that Ronald Reagan was polled ahead of him in the New Hampshire primary? How do you feel overall about the Ford political image as now perceived by the public?

MR. MORTON: I think the public -- as you know, national leaders have vacillated in the mathematical interpretation of their image. I have a tremendous personal admiration for this man. I just feel a strength of character and devotion to duty that he has.

I feel that he is not being accurately portrayed. I understand this. I have been in politics long enough to be a realist about it, and I am in hopes that we can shore up those areas where it is weak.

I don't think fundamentally the artists who have been painting this picture have had the man and his job just as precisely in focus perhaps as they could have or should have.

I think he has been a victim of circumstance, the circumstance being that he has come into the office under a very difficult nonelection situation. I think those of us who are loyal to him, those of us who are Republicans and who want to get him re-elected, have got our work cut out for us, and that goes for everybody.

That goes for his friends in the Congress. That goes for his friends across the Nation because, obviously, there is some work to do. But, I think we are fortunate in having President Ford in this country at this time, and when you compare him in substance with all the other offerings, you have a great sense of confidence that the best man we have for the job is in the job.

Q Sir, without questioning your expertise on economic, energy and other domestic matters, do you think you would be getting this job if it weren't also for your political expertise?

MR. MORTON: I don't know. I don't think I would want the job necessarily unless I could give him some overall advice, unless I could make a contribution to the President, that I could help him through putting an experienced, political and governmental judgment to the problems that he faces.

MORE



Obviously, I am not speaking or going after the job. This is not anything that is being made for me to get me to the point of time when I can draw a Government pension.

So, I think it is from my overall, previous, historical relationship with the President. I know him well. I am easy for him to talk with, to consult with, to share with a problem. This is an easy thing, from that point of view, and I have had a broad experience, including a political experience.

Q Mr. Secretary, in accepting the job, when the President asked you to take it, was there any discussion about how long you would remain in this post? Is it your intention to leave, for example, after the election?

MR. MORTON: I don't know. I don't want to drive any spikes in a calendar, and I think it will depend on (a) how I feel then and (b) what kind of contribution I have been able to make. I am not looking at the election as being, "Well, that is the day I am done because that is primarily what I am here for."

I just feel at 61 I can make a contribution and still a couple of years from now I can do some other things. I don't have any page on the calendar based on the election.

Q Did you discuss this with the President? Did you say, "I will take this job, but only for a few months"?

MR. MORTON: No. I don't think I ought to burden the President with my personal plans. He asked me if I felt well enough to do it, and I do feel well. I said, "I think I can, if you really want me to do this." I finally said, "I will do it." He said, "I really want you to do it."

I think it is a matter, too, of sort of filling the gap that maybe in a personal way that maybe Rummy had here because he could talk to him about personalities in the Congress and things in the Congress and background in the Congress that I have a similar thing.

I am not here to say, "Well, I am going to get the guy elected and then I am going to go off and peddle my papers." I don't feel that way.

Q Are you going to do a lot of public speaking in the President's behalf?

MORE



MR. MORTON: It would be hard for me not to. I get invited to a lot, and I think I would do it to the limit that it was tasteful and the limit it was effective and to the limit of time that I find I can do it. I am not one of these itinerant, back-on-the-back-of-the-wagon guys. The fact is, I just don't like to travel that much. If you are six feet six you don't like to sleep in too many strange beds.

Q What do you think of the job Callaway has done?

MR. MORTON: I am a Callaway fan. I think Bo has done a good job. I think Bo has made some mistakes, which he admits to. I think the experience of getting this thing started and bringing in good professionals, like Stu Spencer, has gotten the campaign going.

I think if you compare it to any of the other campaigns, Democratic or Republican, Mr. Reagan's or any of the Democratic candidates, I think you will say that is the best organized and the best. I think we are getting better every day, and the campaign is on the way back.

I am all for Bo, and I am going to help him and support him in every way I can. I am delighted the President has every confidence in him.

Q Didn't you wince a little bit when he revealed he called over here at the White House and asked them if it wouldn't be a nice idea to delay the Gurney retrial?

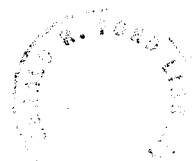
MR. MORTON: I was on vacation and didn't know about it until after it happened, so there was no point in wincing.

I don't know what the circumstances of that are. He may have had a good reason for doing that. I think he has a responsibility to explore ideas and he doesn't expect all of these ideas that are put forward to be gobbled up.

I don't think that was too good a one, but I have had some bad ideas myself and some of my editor friends around the country have, too.

Q Mr. Secretary, you described your role as an overall adviser. I was wondering inasmuch as we have talked politics here, isn't it fairly safe to say while you won't be managing the President's campaign that you will play a fairly significant role as a coordinator and as a liaison with the President's election committee and, in that sense, you will be playing within that framework a fairly significant role in the President's campaign?

MORE



MR. MORTON: Let's put it this way: I think that is a good statement, not in his campaign. I think it is up to me and up to Dick Cheney and up to Bob Hartmann or any of us, if we see the campaign going in what we think is the wrong direction, not to bury our heads in the sand and say, "Oh, we can't do anything about that," but to talk to the President, advise with the President and then talk with the committees that are involved or the campaign, whatever is involved, and turn it around and move it in a different direction.

You know, the ultimate responsible person in a campaign is the candidate. He is the person who finally goes up or down as a result of it. I think it is up to his advisers to say, "We think you are doing good, or we think you are doing poorly."

If we think this is a good idea politically or that is a good idea politically, it is up to us to communicate this, not only to him, but after getting a sign-off to whoever the people involved are, whether it is a State group or national group.

I think your statement encompasses that.

Q Is there any political significance to you being assigned to Richard Nixon's old office? (Laughter)

MR. MORTON: I didn't realize it was that until somebody told me about it.

Q Are there no microphones there?

MR. MORTON: I don't know whether there are or not. Did you put any in there?

Q I have never been in there.

THE PRESS: Thank you.

END (AT 4:40 P.M. EST)



*Morton
Rog'*

This Copy For _____

NEWS CONFERENCE

#416

AT THE WHITE HOUSE
WITH JOHN G. CARLSON
AT 11:30 A.M. EST
JANUARY 15, 1976
THURSDAY

MR. CARLSON: Good morning.

I might just first point out there has been an addition to the President's schedule. At 2 o'clock this afternoon he will be meeting with Vice President Rockefeller and this is essentially a continuation of yesterday's meeting.

Because of numerous requests, there will be a photo of the President working on the State of the Union this afternoon at 3:30 and we will have a pool list posted shortly.

Q Who requested that?

MR. CARLSON: Several magazines, newspapers and I think even a network.

Q Not ours. (Laughter)

Q Tell us about the Rocky meeting.

MR. CARLSON: I have no information. They meet on a regular basis, Fran, and we don't have an agenda.

Q Was yesterday's meeting cut short?

MR. CARLSON: I don't think so. They had a lot of items and just didn't finish.

I have no other announcements. I might just point out, because there has been some interest in the comments by the FEC -- this is about all the information I can give you at this time -- Mr. Philip Buchen, Counsel to the President, has been in touch with the Federal Elections Commission this morning and there will be a meeting this afternoon between Mr. Buchen and their counsel--FEC counsel -- and Mr. Curtis, the Chairman.

Q What time is that meeting?

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MR. CARLSON: Probably late this afternoon, Bob. The time is not firm yet.

Q Here or there?

MR. CARLSON: It will be over there.

The purpose of the meeting is to explore their concerns and explore their questions. From our standpoint, it will be essentially a listening session. Beyond that, at this point that is all I can give you and all I have.

Q What is the name of that counsel?

MR. CARLSON: The counsel's name is John G. Murphy.

Q Will there be a readout after the meeting?

MR. CARLSON: I would not expect a readout after the meeting, Dick.

Q Is there any concern here at the White House that the President's appointment of Rogers Morton as a Counsellor may indeed be breaking the law? Doesn't the fact Buchen is going to meet with these people indicate some concern here at the White House that Morton may indeed be violating the law?

MR. CARLSON: Walt, I think it is inappropriate to comment when they are going to meet this afternoon.

Q If it does turn out he is breaking the law, will they switch him over to the President Ford Committee payroll?

MR. CARLSON: I think it is safe to say the President and his staff will totally and completely obey the letter and spirit of the law just as we expect all other candidates to do.

Q John, are you indicating that you will be guided by the opinions of this counsel for the Commission if he says "We believe you are violating under the intent or the letter of the law;" that then you will go back and change Morton's status or will you make your own determination independently of what this counsel says?

MR. CARLSON: John, it is premature for me to sit up here and speculate. I really can give you no more than this. We are going over there this afternoon for a listening session and after that point perhaps we may have more information.

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Q As of now, does the White House believe the appointment is a proper one?

MR. CARLSON: I will stand on what was said yesterday and leave it at that.

Q Who requested the meeting?

MR. CARLSON: Mr. Buchen called this morning to the counsel.

Q Why did he call?

MR. CARLSON: He wanted to explore their concerns, their questions.

Q Has there been any formal contact from the FEC at all or did you just learn of this meeting?

MR. CARLSON: I know of no contact from the FEC.

Q Why are you calling this a listening session when in fact it is the White House that has to answer questions?

MR. CARLSON: I think, Bob, after we hear their concerns and explore their questions we will come back and perhaps have a response to them. I think I better just leave it where it is now and not speculate on any further acts today.

Q John, going back to the State of the Union, can you tell us what speechwriters are closeted where and what is going on in Williamsburg? Are things being put together, or are there problems with it?

MR. CARLSON: As I understand it, the President now each afternoon has been spending a good deal of time reviewing the State of the Union, the drafts, and basically the President and a couple of speechwriters, including Bob Hartmann, are going over the drafts. It is not a group of eight or nine speechwriters.

Q Is anybody in Williamsburg?

MR. CARLSON: No. Last week, as we mentioned when people asked us, there was a small group down there to pull together the tremendous amount of material that had been gathered.

Q Could Mr. Buchen come out and talk to us when he returns from the meeting this afternoon?

MR. CARLSON: We could check it, Walt, but I would be doubtful.

Q This is very appropriate to all of us.

MR. CARLSON: I know and I think at the appropriate time and after we have had a chance to hear their concerns, we will be making our response known.



Q John, I am told the President, if he were to become involved in any kind of inquiry here, has the option of allowing this entire procedure to be open to the public or to keep it private and secret. Can you tell us at this point whether he would be inclined to go one way or the other?

MR. CARLSON: Dick, really, it is premature to go beyond what I have said now until after we have the meeting this afternoon.

Q I would like to reinforce one thing that was theoretically on the record, although disputed yesterday. Is it still the White House position that Mr. Morton will play only an incidental role in the campaign?

MR. CARLSON: Walt, I don't think I am going to get up here and play semantics with you. Those are not my words, and Secretary Morton also discussed that. Secretary Morton said he felt the job would not be incidental, he thought.

Q This is the big problem, John. I don't mean to pick a fight with you, but Morton did say that, and that was my point. Morton contradicted the claim "incidental" and Ron yesterday stood by it. I want to know if the White House, as it goes into this meeting with Tom Curtis this afternoon, still believes Mr. Morton will play an incidental role in the campaign?

MR. CARLSON: Walt, for me to comment further I think would be premature until after the meeting.

Q John, I have a related question to this. Ron, in the transcript announcing Morton's appointment, twice referred to the Hatch Act. Does the President intend to sign or veto H.R. 8617, which amends the Hatch Act, and Sec. 7325 allows the entire White House staff to engage in political activity in the White House during business hours that has been passed by a voice vote in the House?

What about that? Ron brought it up. He twice mentioned the Hatch Act. I went over that transcript, and I just wonder -- Magee says he hears it is going to be vetoed. Is this true or not? What are you going to do with that?

MR. CARLSON: Okay, stop talking and I will answer.

Q What was the question?

MR. CARLSON: Whether the President will veto the House-passed version of the Hatch Act, is that right?



Q The Hatch Act amendment.

MR. CARLSON: I have not followed this to see what has happened since probably 45 days ago. At that time, the President told Bob Hampton that he would veto the House-passed Hatch Act.

Q In view of Ron's extensive explanations and justifications of this, what in your view -- that is, the Morton "incidental" thing -- what would inhibit the appointment of Bo Callaway as, say, a military counsellor with incidental duties as campaign manager? Would there be anything, in your view, or Ron's view?

MR. CARLSON: I can't answer that.

Q Prior to the announcement of Morton's appointment, did the White House consider the FEC rules, and did it, at the time of the appointment, regard it as being within the letter and the spirit of the FEC rules?

MR. CARLSON: I think Ron answered that, and I think Secretary Morton also did, and yes.

Q John, we are happy to have you here with us today, but can you tell us why Ron is in hiding?

MR. CARLSON: Ron was invited to address the Shreveport, Louisiana Chamber of Commerce this evening.

Q John, would Mr. Buchen consult or confer with FEC counsel to get their questions and concerns if the White House was 100 percent sure that there would be no change in Mr. Morton's announced status?

MR. CARLSON: Ted, I think for me to comment and make all these speculations here just prior to this meeting would not be helpful, so bear with me.

Q Doesn't this leave open the possibility that there would be a change in his designation or a change in who pays all or part of his salary?

MR. CARLSON: Ted, you can make that judgment. I think I will not make any judgment from here.

Q Is anybody going down with Mr. Buchen?

Q A travel pool? (Laughter)

MR. CARLSON: I think there will be one or two others from the White House, other counsel and perhaps someone else.



Q John, can you tell us whether Mr. Buchen's phone call to the FEC was at the direction of the President?

MR. CARLSON: I can't. I assume that he recognized the importance and the needs and so forth. I don't know.

Q What is the status of Richard Ober of the National Security Council, who is under investigation by the Justice Department for possible participation in a break-in?

MR. CARLSON: I don't know. We have stated here that the Justice Department -- we are aware the Justice Department is investigating the Fairfax break-in, and that is all we have acknowledged here.

Q Will you acknowledge that name? Is that the name of the person?

Q John, can you confirm published reports that the President is going to make a two-day political visit to California in March?

MR. CARLSON: I can confirm the President will be in California March 11, possibly overnight. But, there are so many details yet to be worked out that we just have not really gotten the program together.

Q Is the purpose political?

MR. CARLSON: It will be political.

Q Will it be LA and San Francisco?

MR. CARLSON: The details are somewhat fuzzy, Fran.

Q Who will pay for it?

MR. CARLSON: I would expect the President Ford Committee would pay for it.

Q What about the published reports he will be in Florida twice in --

MR. CARLSON: I saw those reports, and I asked this morning, and that is still fuzzy. I would not confirm that. He will be in Florida. The exact dates and times are not set.

Q Can you confirm en route to California he will go to Illinois?

MR. CARLSON: I can't. I don't know that.



Q Where is Mr. Morton today?

MR. NESSEN: He is in Des Moines, Iowa.

Q What is he doing there?

MR. CARLSON: I think he is giving a speech.

Q What kind of speech?

MR. CARLSON: My understanding is it is a political speech, and his expenses are paid for by the President Ford Committee.

Q Can you give us some White House reaction to reports the money the Federal Government is loaning to New York City may indeed not be repaid? Is the White House concerned at all that New York City may not be able to repay this latest installment?

MR. CARLSON: Bill Simon, before he makes any payments to New York City, must make the determination that he has been able to conclude there is reasonable prospect of repayment. This morning I asked him that same question, and he said he had made that conclusion.

Q The President is just taking Simon's word?

MR. CARLSON: The President is receiving regular updates and reports, as is the Congress, on New York City's situation, and as the money flows out, the amount, the timing and so forth.

Q John, the \$2.3 billion that is going to be made available to New York over the next year must come out as a supplemental budget item. It must be budgeted in, and I understand that will be done in March. Does the President expect Congress to cut its expenses by \$2.3 billion to make up for that?

MR. CARLSON: It is my understanding that the money is off budget and as such is not included in the normal appropriation process.

Q Excuse me, but to follow up, that is not the version some Members of the House are saying. They say it definitely has to be a budget item.

MR. CARLSON: The terminology may not be correct here, but the Treasury sells the paper to, I believe, a Federal financing bank and, for that reason, it is not on budget. I should check that to make sure I am completely accurate, but that is my understanding.



Q John, Charlie Goodell held a news conference this morning on the final report of the Clemency Board, and he indicated he personally favors a pending bill in the House to grant amnesty on a case-by-case basis. Do you know the President's position on this?

MR. CARLSON: When the Clemency Board terminated on September 15 officially, the President sent a letter to Charlie Goodell and all the other members of the board and expressed his views at that time. I think we should pull that out for you. It is not fresh in my memory.

THE PRESS: Thank you, John.

END (AT 11:45 A.M. EST)

#416



Morton, Roy

This Copy For _____

NEWS CONFERENCE

#414

AT THE WHITE HOUSE

WITH RON NESSEN

AT 11:30 A.M. EST

JANUARY 13, 1976

TUESDAY

MR. NESSEN: You know that there is an NSC meeting going on. As usual, we don't tell what the topic is.

The President had staff meetings all morning, until it was time for the NSC. In the afternoon, he will spend all his time on the State of the Union, which he will be doing every afternoon this week. Basically, all afternoon every afternoon this week will be devoted to the State of the Union. It is fair to say the State of the Union is in the drafting process now.

The budget will go to the printer tonight. It will go to Congress a week from tomorrow, on the 21st.

Q Ron, when is the briefing going to be?

MR. NESSEN: The day before, on Tuesday, the 20th. That will be the central briefing, and then throughout the rest of the day there will be departmental briefings for specialists in each area, so basically the 20th is set aside for budget briefings.

Q Have you announced the time of the State of the Union?

MR. NESSEN: I have not. Properly, that should come out of the Speaker's office. I guess everybody in town knows it is nine o'clock.

I think you have all seen the Executive Order which sets up the Sinai support mission. It is pretty self-explanatory and gives the details. A director for that mission has not been selected yet, although I think I will have the name for you soon.

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Eleanor Green, who most of you know, and I think respect, is ready to answer additional questions on the Sinai support mission, rather than Mr. McNanaway, as I think some of you were told earlier. Eleanor Green's phone number is 632-2566, and she is very good, as you know, and has the information on this.

You are probably interested in the reaction to the conclusion of the OAU summit meeting. I am not sure that there is much more that we can say at this stage, except that the President still feels that the best solution is the series of goals that he has set, which is for a cease-fire, an end of all foreign intervention and a withdrawal of all foreign elements, a Government of national unity, and in the pursuit of this set of goals, following the OAU, the President will continue to work through diplomatic channels and also will give limited amounts of assistance to countries which share that set of goals.

He also, when Congress returns, will continue his efforts to persuade Congress and obtain from Congress the support for that set of goals.

Q You mean he is going to ask Congress for money for this?

MR. NESSEN: For continued limited assistance to countries which share those goals.

Q What do you mean "continued limited assistance"?

MR. NESSEN: I mean continuation of the limited assistance now being given.

Q Military aid to Zaire?

MR. NESSEN: I think I will not go into the details of the assistance, but obviously the appropriate Members of Congress will be informed of what the President has in mind.

Q Is he going to drop the idea of trying to get the CIA's Angola budget restored, Ron?

MR. NESSEN: I don't think we ever talked about a CIA budget here, Bob.

Q I know, but it has been talked about everywhere else in town. I think it is a legitimate question. The CIA has admitted it has a budget.

MR. NESSEN: All I can say is one of the ways he will pursue those goals is to continue to give limited amounts of assistance to countries which share those goals and to obtain the support of Congress for that policy.

Q You did issue a statement here when the Senate cut off the funds and, at that time, you said he was going to the House and ask the House to reverse the stand. The question is, is he going to continue to do that?

MR. NESSEN: Yes, that is what I am saying.

Q He cannot continue this if he does not get Congressional support, can he?

MR. NESSEN: Whatever money that has been previously approved, of course, is what is being used now.

Q Does that mean channeling arms and weapons to other countries?

MR. NESSEN: I think as far as I can go is to say limited assistance.

We have one of the personnel announcements you have all been waiting for.

The President is announcing today the appointment of Rogers C. B. Morton of Easton, Maryland, as a Counsellor to the President with Cabinet rank. Rog has been the Secretary of Commerce since May 1. His duties here at the White House will include several areas of economic and domestic policy. He will continue his membership on the Economic Policy Board, the Energy Resources Council --

Q Will you start those boards over?

MR. NESSEN: It is all written down on the paper there. I will run through it quickly, but it is all in writing.

As I say, he will continue his membership on the Economic Policy Board, the Energy Resources Council and the Domestic Council. He also will be in charge of liaison with the Republican National Committee and the President Ford Committee and any other specific assignments that the President may direct him to take.

I will say that his liaison duties with the RNC and the PFC will be incidental to his substantive duties in economic policy and domestic policy. Rog does have a very broad background in Government, in Congress, the Interior Department and the Commerce Department, and it is upon that experience the President wants to draw.

You can see the rest of his biography printed there in front of you.

Q Does this mean Bob Hartmann will cease to be the President's political adviser?

MR. NESSEN: No, it doesn't. What it means is that Bob Hartmann and Dick Cheney, who have both had liaison duties with the RNC and the PFC, will concentrate now the majority of their time on their other White House duties.

Q So, Hartmann will be mainly a speechwriter and he will concentrate on that?

MR. NESSEN: And his other roles as Adviser to the President, Counsellor to the President. So, Cheney and Hartmann will be relieved of their day-to-day political liaison duties. However, they will give political advice to the President when he asks for it.

Q Ron, we were led to believe -- correct me if I am wrong -- that the President felt a full-time political contact man was needed at the White House.

MR. NESSEN: Where were you led to believe that?

Q I thought the President said that.

MR. NESSEN: No, I think Evans and Novak said that.

Q No, I don't quote from Evans and Novak. By diluting Morton's political work here, does that mean that the President does not feel he needs a full-time political man at the White House?

MR. NESSEN: No. The President Ford campaign is being run by Bo Callaway. Chosen by the President, he has the President's full confidence and support, and the President thinks he is doing a very good job.

The decision was made a long time ago that the campaign would not be run from the White House. It would be run by Bo. Bo himself has urged that he have one person in the White House, and he did express a preference for Rog, to whom he can go to get questions answered and decisions made and to pass information to.

So, that is one of the duties Rog will have, but this is a full job description of what Rog will be doing at the White House.

Q Is this to take the onus off the fact that he will be on the Government payroll and, therefore, it would be difficult to appoint strictly a political operative?

MR. NESSEN: No, it is an accurate description of what he will be doing here.

Q How much money will he get here?

MR. NESSEN: Rog will take a pay cut of \$18,400 from his Cabinet salary and instead will get a job of \$44,600 in his post here as Counsellor to the President.

Q Isn't it true if he didn't have these other jobs he would not be eligible for a Government job as liaison man to the Republican National Committee? He wouldn't be eligible for a Government salary?

MR. NESSEN: You know, I don't know how you ask a "what if" question. The fact is, these will be his duties at the White House. He has a wide range of experience in the Government in these various areas, and that is what the President wants him to do, and his liaison duty will be incidental to these other things.

Q How incidental? How often is he going to be engaged in that? How much of his time?

MR. NESSEN: He hasn't started yet, so I don't know how his day will break down.

Q How do you know it will be incidental?

MR. NESSEN: Because that is the way the job is planned.

Q When is he scheduled to start?

MR. NESSEN: The exact day is not set, but I would say if you speculated that it might be later this week, you probably would be all right.

Q Ron, do you expect that his economic and domestic demands on his talent might end about early November?

MR. NESSEN: No.

Q Is this a short-term appointment?

MR. NESSEN: I don't have any indication that it will. It is a job as Counsellor to the President with these wide-ranging duties.

Q Will he be able to work full-time?

MR. NESSEN: Yes, he will.

Q How is his health, since he said he wanted to step down from a full-time job previously?

MR. NESSEN: His health is fine, and he certainly wouldn't take this job if he felt otherwise.

Q Is this job replacing anyone; that is to say, is there a deficiency in your economic and domestic policy staff? Is somebody being replaced here?

MR. NESSEN: No.

Q Why is it necessary? Why does the President feel he needs yet another economic and domestic counsellor?

MR. NESSEN: Because Rog does have this wide range of experience in the Government and in these areas, and the President wants to benefit from it.

Q Will this be an easier job than his job in the Cabinet, his position in the Cabinet previously?

MR. NESSEN: None of them around here are too easy.

Q As I understand it, he was not healthy enough to continue his Cabinet post, and now he is taking on these duties.

MR. NESSEN: And the question is?

Q Is this an easier job physically? Is it not going to take so much work on his part as his Cabinet post did?

MR. NESSEN: I don't have any idea what his day is going to be like, Phil, other than to fulfill these duties.

Q The second question I have, you have volunteered previously information on how much the President has worked during the week. I would like to put in a request now for a daily report on Mr. Morton's activities, how much time he spends on this other business and how much in liaison.

MR. NESSEN: I am sure his office can provide you with that, Phil.

Q We have gotten it previously from you, from the Press Office.

MR. NESSEN: On the President's activities, that is right.

Just to clear up the quotation of the President on why he was considering a person of stature, what the President was asked was, "Mr. President, Callaway says he has no points of contact here at the White House other than yourself. Are you thinking of putting in some political operative here at the White House to handle some of this liaison?"

The President goes on to praise Bo and says he has good contact with several top people, he has access to me, we meet, and so forth. "It is possible that we would have somebody of stature well-recognized who might be a contact for him as the 1976 year progresses."

As I say, that will be an incidental duty of his, to be a liaison man with the PFC and the RNC.

Q Ron, isn't that the principal reason why Rog Morton was prevailed upon to take the position in the White House?

MR. NESSEN: Jim, my understanding is he is coming here as Counsellor to the President, with these duties I have outlined, including the incidental duty of liaison with the PFC and the RNC.

Q Ron, may I ask you a question, please?

MR. NESSEN: Yes.

Q Isn't it true that his qualifications as the great smoother of the ruffles in the Republican Party is the major reason for him being chosen?

MR. NESSEN: I think that is the same question I have had about four times, and the answer is, for the fifth time, that he is being brought here as a Counsellor to the President whose main duties will be in the areas of economic and domestic policy, and incidentally he will be taking over duties that are now done by Cheney and Hartmann as liaison with the RNC and the PFC.

Q I am talking about the greater picture of the concern of the moderate Republicans and their unhappiness. Isn't it true that the President wants him for that job, also, to help smooth some of those problems?

MR. NESSEN: I have not heard that, no.

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Q Ron, how can you justify paying a man at the White House to spend time being liaison with the campaign committee? How can you justify that to the taxpayers? Why shouldn't he deduct the time he spends with those people and then deduct that from his salary?

MR. NESSEN: Let me say this, Sarah. As I say, he will have duties as liaison with the PFC and the RNC. His main duties are as Counsellor to the President in the areas of domestic policy and economic policy.

Now, obviously Rog Morton, and everybody else at the White House, is going to follow both the letter and the spirit of the Federal Election Commission's rulings and regulations.

MORE

Q Have they made a ruling on this?

MR. NESSEN: No, but I suspect if somebody raised the question they might. But they do have rulings that seem to me apply to some extent.

You know a number of people who are on the White House payroll are considered by the FEC to have political duties, including the Press Secretary, and, for instance, when the President travels in his capacity as candidate, the FEC has approved a formula in which certain travel expenses will be paid out of the campaign because people on the White House staff are considered to have political duties.

Q That is why I bring up the question. Why don't they pay him out of the campaign committee for the time he spends his liaison with them?

MR. NESSEN: I think you know -- speaking philosophically, how do you separate precisely what is political and what is Governmental in the White House? The President's own time, for instance, some of our other time, as well as other people, Members of Congress who run for re-election, I don't know how you separate their time out between their public duties and political duties. It is not a very nice, clean, sharp line.

Q There is another angle to this, Ron, if I may bring it up while we are talking. The other day somebody from the campaign committee, I believe, said they were going to have a man named soon in the White House, on the White House staff, who would advise other people in the White House about political angles during the campaign. Will that be Mr. Morton's duty, too?

MR. NESSEN: I don't know of any such person.

Q Will that be Mr. Morton's duty?

MR. NESSEN: It is not planned that that will be a duty of his.

Q Ron, what is the President's reaction to the vote in the UN Security Council on seating of the PLO?

MR. NESSEN: I think Ambassador Moynihan made pretty clear what the American position was.

Q The President has made no special comments on that?

MR. NESSEN: Pat is the President's representative at the UN and certainly spoke for the American position.

Q Ron, how does the hiring of or the addition of Mr. Morton fit in with the President's program of cutting down the White House staff?

MR. NESSEN: The President was notified the other day that the number of White House employees has now reached his goal of 485 and his reaction to that was, "Can we go any lower?"

Now Rog will be coming aboard and he will be bringing one assistant with him -- namely, Roy Hughes -- and I suppose a secretary or two.

Q Who is Roy Hughes?

MR. NESSEN: Roy Hughes was his legislative assistant when he was in Congress and then was Assistant Secretary of Interior for Program Planning and Budget. Now whether that raises it to 489, if you count two secretaries, or whether there will be four other people, four other positions reduced -- but the goal of the President is 485 or less. It is at 485 now.

Q What is that down from, Ron?

MR. NESSEN: I forget where we started. I believe 540 was the start.

Q When was it 540?

MR. NESSEN: The day we arrived, as far as I know.

Q Ron, when Morton comes --

MR. NESSEN: The day the President arrived. I didn't arrive at the same time.

Q -- will Morton be superseding some other domestic or economic advisers or taking their place?

MR. NESSEN: No. He will be a Counsellor to the President. As you know, the Counsellors to the President are Hartmann, Marsh and Buchen. They have specific areas of responsibility but the Counsellor title means that they advise the President on a range of issues, on the whole range of issues outside of their own specific area.

Q Where will his office be, Ron?

MR. NESSEN: His office will be in the Executive Office Building.

Q Do you know where Mr. Morton is now?

MR. NESSEN: He was in here this morning but I don't know if he still is.

Q Can you explain one thing, Ron? Let me see if I have this right. What you are saying is that -- you didn't say this but -- although it is true that other Presidential candidates do not have the advantage of having the Government pay for the salaries of people who serve only incidentally as political advisers to the President, what you are saying is there is really no way the White House could divide up the salary between the Ford Election Committee and the Federal payroll? You are saying it is a gray area; it would be too messy to divide up the hours spent on one duty and the hours spent politically and non-politically?

MR. NESSEN: I didn't say anything like that, John. Why don't you say it. (Laughter)

What I did say is in the real world it is difficult to separate out what activities of a President, or United States Senator, or a Member of Congress, or a Governor -- how many hours a day they spend being a public official and how many hours they spend in something that is strictly political, and where is the line between public service and strictly political, and what members of a United States Senator's staff do political functions for him, what members of a House Member's staff do political functions for him -- it is difficult to draw those lines.

Q Let me follow this up. Take Mr. Reagan. He has none of those. He is not a Congressman. Would you say it is a unique advantage that the President has and one which was forced upon him by being the incumbent?

MR. NESSEN: No. I think you better say that, John.

Q Don't you have a responsibility here? Granted, Buchen and Hartmann and those fellows have known the President for a considerable period of time, but here you are bringing on a political fixture, if you don't mind that expression too much.

MR. NESSEN: I do.

Q Right in the middle of the primary campaigns and right before you get into an election and you ask us how we would solve it, it is not our responsibility. Under these very special circumstances to bring in a guy like Rog Morton in in an election year, isn't it your responsibility to see that that line is not crossed?

MR. NESSEN: It has not been.

Q And will not be?

MR. NESSEN: And will not be.

Q Ron, I want to get back to something -- an answer you gave to Sarah -- and make sure I understand what you are saying. You are saying Rog Morton has been brought on as a domestic and economic adviser --

MR. NESSEN: As a Counsellor to the President.

Q -- with incidental duties as liaison --

MR. NESSEN: Right. In the same way, Ted, if I may interrupt at that point, in the same way Bob Hartmann was head of the President's speechwriting department, as one of his responsibilities as Counsellor to the President with a wider range of advisory duties and incidentally as the liaison with the RNC; as Dick Cheney is the coordinator for the White House, I suppose referred to as Chief of Staff and incidentally with duties as liaison with the PFC up until now.

Q Ron, you have not answered my question. The question is: Are you saying -- I believe your answer was that in advising the President on political matters, it is not planned that those will be his duties. Are you saying he will not be a political adviser to the President as well as an adviser on domestic and economic matters?

MR. NESSEN: Certainly not. I said that both Cheney and Hartmann, when asked, will give political advice. I suppose Rog will and I suppose anybody else in the building will.

Q So he will be adviser on domestic and economic and political matters?

MR. NESSEN: And incidentally he will have liaison duties with the PRC and RNC and, if asked, will certainly give the President political advice as anybody in the building does.

Q Ron, has the President ever deplored the fact that as competitors all these Senators, especially those running on the Democratic side, are using their Senatorial offices and facilities at the Capitol almost every day to put out their campaign statements? Does he complain about that?

MR. NESSEN: No.

Q Ron, can you explain to me why after 16 to 18 months the President now needs an expert adviser on economic and domestic policies that he did not need before?

MR. NESSEN: As I say, he is a Counsellor to the President, Fran, and in the organization here the three Counsellors, now four Counsellors to the President, advise the President on a broad range of subjects. Rog does have an expertise in this area and the President wanted his counsel.

Q Does he have a particular need for that now going into the campaign or does he feel a lack of advice in these areas?

MR. NESSEN: I don't know that I would say he has had a lack of advice in these areas. He feels that he wants to bring Rog's expertise into the White House.

Q Ron, will Morton sit on the council of the President Ford Committee as well as in the White House committees?

MR. NESSEN: What do you mean sit in the council?

Q Whatever they do. Do they have a back room committee that decides things?

MR. NESSEN: I don't know whether liaison -- I assume liaison means some face-to-face meetings as well as telephone calls and written memos and so forth.

Q Will he take part in the President Ford Committee planning for the campaign?

MR. NESSEN: I think you will have to ask him because I don't know precisely what the liaison portion of his duties will entail.

Q Ron, when you came out here to make this announcement, did you anticipate a certain measure of disbelief? (Laughter)

MR. NESSEN: No. I thought everybody would nod and go on to another subject, Peter. I didn't anticipate any of this.

Q Ron, I have a related subject. Yesterday you referred to the Common Cause code of campaigning --

MR. NESSEN: Have we finished with the disbelief?

Q I haven't finished my question.

MR. NESSEN: Has all the disbelief been expressed or is there more?

Q If Rogers Morton is in the building, why isn't he out here?

MR. NESSEN: He was earlier this morning. I don't know if he is still here.

Q Did he see the President?

MR. NESSEN: As far as I know he didn't see the President today.

Seriously, Rog has not come aboard here yet but I am sure after he does he will -- like the other Counsellors to the President -- certainly be available to the reporters.

Q Does that mean for a while, until Richardson can be confirmed, the post of Secretary of Commerce is vacant?

MR. NESSEN: There will be the Deputy or Under Secretary, whichever they have there will run the department during the -- I guess it might amount to two weeks or so before Elliot takes over there.

Let's get all the disbelief out of the way.

Q Will the office in the EOB be the one Mr. Nixon used to use over there?

MR. NESSEN: He is going to have an office in the EOB but I am not precisely sure where the office is going to be.

Q One more question on his duties. Will he be going out across the country making speeches advocating the President's nomination and election?

MR. NESSEN: I don't know, Ted, but if he does it will certainly be done under the rules and regulations and the spirit and the letter of the FEC.

Q Ron, you obviously have been familiarizing yourself with some of the laws involved in this case because you mentioned some of them. If you had come out and announced that he was simply going to be the political adviser to the President and liaison with the President's political committees, would there be a legal problem of some kind?

MR. NESSEN: No.

Q Who would have paid him under those circumstances? In other words, could he be a Counsellor to the President whose primary function would be to be a liaison with the PFC and the RNC and still draw a taxpayer's salary as opposed to a PFC salary?

MR. NESSEN: You know, that didn't happen, Walt.

Q We like these incidental, hypothetical questions, so would you tell us what --

MR. NESSEN: I think you all know there are people in the White House who are exempt from the Hatch Act, if that is what you are asking.

Q That is not what I was asking.

MR. NESSEN: The Hatch Act prohibits campaign activities by Federal officials, and there are a number of White House officials who are exempt from the Hatch Act.

Q It is a simple question. Who would have paid him?

MR. NESSEN: Look, Jim, it didn't happen. The guy is here as a Counsellor to the President. How can I say what if he had not done it this way?

Q Ron, as I recall, this is the fourth job that the President has named Morton to, is that right?

MR. NESSEN: I can think of only two.

Q He named him as Secretary of Interior. Then he named him to head the energy czar --

MR. NESSEN: Resources Council, yes.

Q Then Commerce and here.

MR. NESSEN: Right. The ERC was coincidental with his other post, yes.

Q What is the old history of their relationship in Congress? Did they serve on committees together? Were their offices side by side or what?

MR. NESSEN: I don't know, but I know the President and other people throughout the Government and out of the Government respect Rog's --

Q But there seems to be a close affection between those two. When they meet there always is.

MR. NESSEN: I wouldn't quarrel with that, Sarah.

Q Ron, can you check -- other members of your staff seem to know -- is Morton going to use the old Nixon office in the EOB? Can you check that for us?

MR. NESSEN: My understanding is that the office number is Room 175. Now, whether that is what you refer to as the old Nixon office, I don't know. I don't understand exactly what --

Q Why did you tell us you didn't know which office he was going to use?

MR. NESSEN: I said I didn't know whether that was the old Nixon office, and I still don't. It is Room 175.

Q Is it the one you go up the steps to, across the way?

MR. NESSEN: I don't know.

Q Will you ask one of your staff members?

MR. NESSEN: I don't know what difference it makes, but we certainly will.

Q I think the dictaphone there is very interesting. (Laughter)

Q Ron, does Morton's appointment mean that the President felt that Cheney and Hartmann had too much to do, or he was dissatisfied with the quality of the political advice he was getting?

MR. NESSEN: No, I don't think he was dissatisfied with the quality of the political advice he was getting. I think Bo has expressed his feeling that he would like one person to go to, both to ask questions and get decisions and to get information back.

He, in fact, recommended Bo for the job, and that is what he is going to do. It is a centralizing process more than any dissatisfaction with who is doing it now.

Q Doesn't this mean, then, Morton is going to run the campaign?

MR. NESSEN: Absolutely not. You know, I don't know how many times the President has to repeat it. You know I respond to questions about it. The President appointed Bo to run the campaign. Bo is running it and will continue to run it with the President's support and confidence.

The President thinks Bo is doing a good job. The results will show that. At the urging of Bo, Rog will have duties as liaison between the campaign run by Bo and the White House, and he is not going to run the campaign.

Q Ron, if I understand, Bo Callaway --

MR. NESSEN: The big news of the day, Fran. Room 175 is the former President Nixon office.

Q Ron, if I understand what Bo Callaway said last week, his objection was it was not that there were several people involved but that the attention to the campaign was incidental.--

MR. NESSEN: I don't know what you mean by --

Q -- that there wasn't enough attention being paid for a sufficiently long duration of any given day to the campaign to enable him to run it with White House liaison.

MR. NESSEN: I don't know what the question is.

Q How does this resolve his problem?

MR. NESSEN: He has a guy who is going to be his one point of contact to get answers to the questions he asks.

Just to clear up an earlier question of what was the previous size of the White House payroll before it shrank to 485, as of September 30, 1974 -- which was, I guess, roughly a month and a half after President Ford took over -- it was 547, and I think that was probably the peak.

Q What was it when he took over, Ron?

MR. NESSEN: Roughly the same. This was the first accurate count made after --

Q Wasn't there a duplication of staff people at that time for the first month or two when Ford people came in and Nixon people were still on the payroll? So, 547 is really an artificial figure. I would like to know what it was on or about August 9 or August 1.

MR. NESSEN: Some of that duplication, Bill tells me, was taken care of by not transferring people from the Vice President's payroll to the White House payroll. For instance, Bill Roberts himself at that time was on the Vice President's payroll, and was for several weeks. So, this is really the most accurate figure we can obtain for the size at that time.

Q Whether or not it is the most accurate, I would like to know what your records show as the level of White House staff employment at the time that President Ford took office?

MR. NESSEN: I think this is going to be the most accurate figure we can get, Ted, but we will check into it.

Q How do you differentiate between the people on the White House staff when it is clear there are many hundreds more than this who work in the Executive Office Building?

MR. NESSEN: I don't know that there are clearly hundreds that work in the Executive Office Building that are not counted in this 547. I think we went through this one time with some charts Jim Connors prepared. The NSC is set up statutorily by Congress, the Council of Economic Advisers is, a couple of other groups. I mean obviously the size of those payrolls is available.

Q The Domestic Council is statutorial, isn't it?

MR. NESSEN: Yes, they are.

Q It is not included in this number.

MR. NESSEN: But those figures are all available. I can get those Jim Connors' charts updated for you, if you would like.

Q Ron, yesterday you were going to check into that thing in the Star about that unnamed official.

MR. NESSEN: Yes.

Q Did you find out who that is?

MR. NESSEN: I think the Star has named who they believe -- they didn't? I think we know who they are referring to.

Q Who?

MR. NESSEN: Sarah, I don't mean to give you a civics lecture, but let me say this: The White House is aware of a Justice Department investigation, and if the Justice Department finds any reason to recommend a personnel action involving anybody working at the White House, they will notify the President.

As I think you detected yesterday, the President strongly believes in the principle that a man is innocent unless he has been proven guilty of something. The fact of the matter is that this investigation is in the investigation stage at a lower level of the Justice Department, and has not even reached the Deputy Attorney General or the Attorney General.

The White House has taken the position on this, and all other investigations by the Justice Department, that we do not ask about the progress of investigations. The White House is not interfering in any way in the investigations and is, in fact, not being kept advised.

I mean, we have come through a period, it seems to me -- just to offer a little side personal comment -- where there was a good deal of criticism of alleged interference from the White House in investigations by the Justice Department, and this particular President has taken this position, that he doesn't want to get involved or know about or interfere with or ask about investigations.

That is the status of this one.

Q It seems to me this gets into the public domain very much if the taxpayers are going to have to pay for the fee for Edward Bennett Williams to defend a United States Ambassador in a misdemeanor case, or if there is going to be another co-defendant in there and if the White House people are going to have to be defending this man, it seems to me the public has a right to know.

We didn't say he was guilty or innocent. We just have a right to know who is involved.

MR. NESSEN: Sarah, I will tell you, the President feels strongly about this, and I do, and I expect that you do. A man is innocent unless he has been proven guilty. Nobody has been charged with anything. No grand jury has been even convened. I just think it is improper -- and the President does, too -- to drag people's names around unless and until they are charged with something.

Q But you are confirming for us today that some member of the White House staff is under investigation?

MR. NESSEN: I certainly am not.

Q You just got through saying the White House is aware of a Justice Department investigation.

MR. NESSEN: Correct.

Q Now, all he is asking you is for you to confirm there is a Justice Department investigation. What is the difference?

MR. NESSEN: I am confirming that there is a Justice Department investigation of this matter of a break-in at a photo store in Fairfax County.

Q Does the President know who it is? When we asked you if you knew who the official was, you said, "I think we know." You first thought it was in the Washington Star and then said, "I think we know."

MR. NESSEN: I just don't think I can go on into any more depth on this, Bob, and still have the rights of innocent people not violated.

MORE

Q How is the White House aware? Through the newspapers? You just said there has been no contact, no questions from the White House to the Justice Department.

MR. NESSEN: The White House has been told by the Justice Department. In fact, I think the Justice Department testified on the Hill, or notified the Hill there was an investigation of this particular incident.

Q So the White House is interested in whether any of its own people are involved?

MR. NESSEN: I say the White House knows there is an investigation.

Q Without identifying anyone, is the White House aware someone working in the White House is under investigation?

MR. NESSEN: Jim, I am not going to answer that.

Q Ron, yesterday you referred to --

MR. NESSEN: Is that all of the questions on this area?

Q Ron, look, I have been asking all morning.

Q I have a question. You will recall President Nixon accepted the resignations of Haldeman, Mr. Ehrlichman and Mr. Dean at a time when they had not been indicted by anybody for anything but they nevertheless resigned. Has there been any discussion with this employee about his resignation? Has he, himself, the employee, with his immediate superior, raised the possibility or question of whether he should resign or has anyone raised it with him?

MR. NESSEN: I am not going to confirm that there is a White House employee involved in the investigation.

Q Is Rog Morton taking on his duties? (Laughter)

Q You have confirmed this, Ron.

MR. NESSEN: I have not, Helen. I want to make that clear. I have not confirmed, and won't, who is involved in this investigation and neither has the Justice Department, and won't.

Q Ron, Number 7 in the Common Cause campaign code --

MR. NESSEN: Wait. I think Fran has a question.

Q Ron, I have been asking 10 times now. I really would appreciate your courtesy. You referred to the Common Cause campaign code and said you would have to check into it. Here is a copy of it. It says "...engages in unrehearsed communication with voters, including participation in open hearings and forums with other candidates on the same platform."

When will the President appear on the same platform as Governor Reagan or was Common Cause wrong in announcing that the President agreed with its campaign standards?

MR. NESSEN: None of the above. (Laughter)

Q That is amusing. I do appreciate your humor, Ron. (Laughter)

MR. NESSEN: Nobody else does.

Q Can we get to it? There seems to be a contradiction. You referred, or certainly said that the President agrees to these standards and yet every time I mention the idea of the President appearing on the same platform with Reagan you treat it like smallpox. There seems to be a contradiction here. Am I wrong? Is there a contradiction? Is he going to subscribe to this, Ron, if invited?

MR. NESSEN: I said yesterday that I don't have any plans to announce for such appearances today.

Q Let me rephrase it. Will he, if invited, automatically not appear with Reagan? What is the story? Is he going to subscribe to this or is he not, Ron, if invited?

MR. NESSEN: I am told the President has subscribed to it. I will have to check that.

Q To appear with other candidates? When?

MR. NESSEN: To the Common Cause standards, Les.

Q I know, but one of the standards is appearing with other candidates. Has he agreed to appear with any other candidates or not?

MR. NESSEN: The only campaign appearance by the President that has been decided upon so far is the one trip to New Hampshire on the 7th and 8th of February.

Q With no other candidate?

Q And the Republican National Convention.
(Laughter)

Q What does the President think of Reagan saying the \$90 billion was a mistake?

MR. NESSEN: I am not going to comment every day -- pardon?

Q Is there a Press Association reporter in the room capable of ending this affair? (Laughter)

Q Ron, there are other reporters in the room who still have questions.

Q Do you have any other announcements, Ron?

MR. NESSEN: No, I don't.

Let me answer Helen's question. I am not and the President has indicated he won't be day-in and day-out responding to each and every little comment here and there in the campaign.

Q Ron, do you have further announcements?

MR. NESSEN: No, let me just catch Sarah.

Q Going back to Angola, when we appropriated that money they announced spending on a limited basis, it wasn't appropriated specifically for Angola. It may have been appropriated specifically for the State Department. But in view of Congress' actions and vote on Angola, and the President who is sworn to uphold the law, isn't he going against the law by allowing any of that money to be used for Angola operations?

MR. NESSEN: I am not confirming any of that money is being used for Angola operations, but I am saying that the President has not violated the law.

Q Ron, was Morton given the additional assignments of domestic and economic responsibilities so that he could be paid for out of the White House budget as opposed to a political budget?

MR. NESSEN: No.

THE PRESS: Thank you.

END (AT 12:15 P.M. EST)

#414

Morton, Roy

This Copy For _____

NEWS CONFERENCE

#415

AT THE WHITE HOUSE

WITH RON NESSEN

AT 11:30 A.M. EST

JANUARY 14, 1976

WEDNESDAY

MR. NESSEN: You know Henry has a news conference at noon, which we are going to pipe in here for you, so maybe we can wrap this up by noon. I think we should be able to.

You have the exchange of letters between the President and John Dunlop. You have seen the President announce Anne Armstrong and heard their remarks. You have seen the schedule for today. I, really, don't have anything.

Q Thank you. (Laughter)

Q Who will be the new Secretary of Labor, Ron?

MR. NESSEN: We don't have one to announce today.

Q When will you announce that?

MR. NESSEN: I don't have an exact timetable.

Q You are not denying the general word is it will be Mr. Usery, are you?

MR. NESSEN: I don't have anything to announce on it today, Jim.

Q Ron, can you say whether the President has been talking with Usery in the last 24 or 48 hours?

MR. NESSEN: I don't want to go into that today.

Q When is the effective date of resignation, Ron?

MR. NESSEN: I am told in order to make an orderly transition and have -- let me say that John Dunlop is having a news conference, or maybe has had it, and he may have gone into that. My understanding is for an orderly transition and so forth he will stay on the job until his successor is confirmed. February 1, I believe, is the target date for the transition to take place.

MORE

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Q Ron, at his news conference today, Mr. Dunlop said that yesterday, as on previous occasions -- those are his exact words -- the President tried to persuade him to remain on. Can you tell us on what previous occasions the President urged Mr. Dunlop to remain on?

MR. NESSEN: I don't know of any meeting or phone conversation, for that matter, that the President has had directly with John Dunlop other than the New Year's Day phone call of New Year's greetings, and the meeting they did have, the private meeting following the session at which the President decided to veto the common situs, or on the day the President decided to veto the common situs.

Q On that day, did he urge Mr. Dunlop to stay on?

MR. NESSEN: As I said, at the time I didn't attend the meeting, so I don't know.

Q Ron, Dunlop said today that, after talking with various labor and management people -- this is a quote -- "It is my sober conclusion from these discussions that attitudes have been significantly affected and that the requisite communication, confidence and trust is no longer possible, at least with me, in the post of Secretary of Labor."

Do you have any comment on that?

MR. NESSEN: No. Let me say at the beginning, I think the President's letter is very self-explanatory, and John has had his news conference where he has given at some length his views. I, frankly, won't have anything further to say on this subject.

Q Ron, let me ask one thing about the process by which a successor will be picked. Can you comment on whether the President will talk with leaders of organized labor, or does he plan to solicit a lot of views before he names a successor?

MR. NESSEN: I will have to check on the process, Rus. I don't know which process he will follow.

Q Keeping in mind what you have just said, is there any feeling here about what effect this will have on the President's campaign?

MR. NESSEN: I have not heard any expressed.

Q You told us Monday there were no plans for the President to meet with Dr. Dunlop. I am wondering, when was this meeting they had yesterday scheduled?

MR. NESSEN: Yesterday afternoon.

Q Does the President plan to replace the nine labor members of his Labor-Management Advisory Board?

MR. NESSEN: As far as I know, the members have not officially resigned.

Q They have not?

MR. NESSEN: That is my understanding. Technically, they have not.

I think the reality of the situation, as I said the other day, is that some time will have to pass before that body can be restored.

Q Ron, yesterday at the briefing you told us, when you announced Secretary Morton was to become a Counsellor to the President, he would play only an incidental role in the campaign.

MR. NESSEN: Wait a second. I don't think that is right.

Q Excuse me. You said, if I remember correctly, that he would be here primarily to advise the President on matters of economic and domestic policy and that his role as liaison with the President Ford Committee and the Republican National Committee would be incidental. Is that not a fair paraphrase?

MR. NESSEN: I think that sounds about right.

Q That being the case, the word "incidental," was that the President's description or did you get that description of Mr. Morton's role from somebody else on the White House staff?

MR. NESSEN: No, that is an accurate description of his role.

Q Mr. Morton contradicted that considerably yesterday. He denied, in an answer to Phil Jones, that he would play just an incidental role.

MR. NESSEN: Are you sure he did?

Q I can play the tape for you, if you would like.

MR. NESSEN: I will save you the trouble and read you the transcript.

Q And in response to a second question, he --

MR. NESSEN: Let's do the first thing first. I think Phil said, would you describe your duties as incidental and so forth. Then he said what he was really going to do was pick up the political duties that are now being carried out by Cheney, Hartmann and other people.

Then he said, "I think these duties would be concentrated into one shop, which I am happy to do. I don't think they are incidental in the sense of their importance, but I don't think they are going to be overwhelming in the sense of their consumption of time on my part."

Q Would you please go on and read his response to the last question I asked, that one and the question? I think that flies in the face of the "incidental."

I asked him, if you will remember, "Realizing that you are not going to play a managerial role in the campaign, the fact you are going to be liaison with the Republican National Committee and the President Ford Committee, would you say that that means you will play a fairly significant role in the President's campaign?" He said, "Yes, I think that is a pretty fair way to characterize it." I think that is more than incidental.

Q Ron, you leave me with an impression, and I am not sure you want to, and maybe it is my interpretation only. You seem to be saying that the President never had urged Secretary of Labor Dunlop to stay on, which sounds somewhat uncharacteristic of Mr. Ford.

MR. NESSEN: Certainly he did publicly and repeatedly through me. The only contacts I am aware of, Bob, are the New Year's Day phone call and this meeting on the day that the decision on common situs picketing was made.

As I say, I was not in that meeting, so I don't know what the conversation was. I don't think the President ever left any doubt that he did want John to stay. I think the letter says so.

Q Yes, but I just can't imagine that Mr. Ford, if he really wanted the Secretary of Labor to stay on, did not at some point pick up the phone and call him and say, you know, "Look, is it true you are thinking about leaving and, gee, I hope you won't do that." You have never denied or confirmed that, and I would like it straightened out for the record as to just how much effort he made.

MR. NESSEN: I will have to get somebody to go through the phone log. I am not aware of any such conversation, but at the same time, I don't think any doubt was left either publicly or with Secretary Dunlop that the President wanted him to stay.

Q To make the record complete, going back to Phil's question, Phil Shabecoff asked the question at the very beginning, he referred to Secretary Dunlop saying that the President urged him to stay on as he had, I think, on several previous occasions, as he had on previous occasions.

Just to complete the record, were there other occasions unrelated to situs picketing when for one reason or another Secretary Dunlop spoke of resigning when the President tried to keep him on?

MR. NESSEN: Not that I am aware of.

Q Ron, will Jack Calkins be leaving the White House staff now that he is a candidate for Congress?

MR. NESSEN: Yes, I think he has to. I will check. He has actually left to run for Congress from New York.

Q Is he being replaced or is Secretary Morton's descent on the scene in the nature of a replacement?

MR. NESSEN: No. As Rog said yesterday, if he is replacing anybody in terms of the broad range of areas he will advise the President in, it is Don Rumsfeld. Just by further elaboration, then I will come back to Calkins, Rog feels -- I think in response to Fran's question as to why does the President feel he needs a new domestic counsellor -- I talked to Rog a little bit about that and he made the point which I tried to make but don't think I made very clearly, that it is not so much getting a new adviser or feeling the need for a new adviser, but rather the same adviser because Rog has been on the Economic Policy Board, the Energy Resources Council and Domestic Council, and if he left Government, the President would lose that advice he currently gets from Rog, so it really is sort of a continuation of the same advice he is getting.

On the Calkins thing, Rog is not intended as a replacement for Jack. I will need to check with Hartmann, because that is his particular office, and find out what his plans are for replacing Jack.

Q Ron, yesterday after you said that Morton's political liaison duties would amount to only an incidental duty -- which is the term you used -- I went and looked up "incidental" and it says "nonessential, occurring merely by coincidence or happenstance." (Laughter)

Do you intend to leave us with the impression today that whatever political --

MR. NESSEN: Come on, let's be serious. We have 19 minutes before Henry starts.

Q That is serious, Ron.

MR. NESSEN: I am sorry. I gave the explanation, the accurate explanation, of Rog's duties here at the White House. As Peter pointed out yesterday, there was a good deal of skepticism, and I sensed I am not going to be able to, or Rog either, relieve the skepticism, but I have given you the White House view of what Rog's duties will be here, the President's views, and Rog's own views.

I don't want to -- and I don't think I can -- sort of argue you out of your view, but I have described to you precisely what the President feels Rog will be doing here and what Rog feels are his assignments.

Q Ron, the operative statement for the past three weeks was that the President has no indication that Mr. Dunlop intends to leave his job. Was yesterday's meeting the first indication the President had that Dunlop did intend to resign?

MR. NESSEN: No. I have said all along, Russ, that the President reads the papers and has seen associates of Secretary Dunlop quoted as saying he was considering, and so forth, so I think he was aware of those quotations.

Q And he never called up his Cabinet Secretary, his Cabinet member and Secretary of Labor, and said "Hey, what is this? Are you planning to leave or not?"

MR. NESSEN: As I said before, I am not aware of any contacts. I can check the phone logs. But, at the same time, there was never any doubt in John's mind that the President wanted him to stay.

Q Ron, I was wondering, has the President had any comment on the \$90 billion proposal of Governor Reagan that Reagan says has been misinterpreted?

MORE

#415



MR. NESSEN: No.

THE PRESS: Thank you, Ron.

END (AT 11:45 A.M. EST)

Morton Roy

THE WHITE HOUSE
WASHINGTON

January 19, 1976

MEMORANDUM FOR: PHILIP BUCHEN

FROM: ROY HUGHES

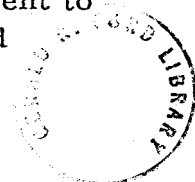
Roy Hughes

It is planned that Rogers Morton will serve the President on the White House Staff as a Counsellor with Cabinet rank in three separate, but occasionally overlapping, capacities. These are:

1. Counsellor to the President.
2. Economic Policy Board, Energy Resources Council, and Domestic Council member.
3. Principal point of contact for the Republican National Committee (RNC) and the President Ford Committee (PFC).

As a Counsellor he will be providing a broad range of advice on such subjects as the President may request. As a member of various Cabinet-level councils he will be giving specific substantive input on domestic, economic, and energy matters. As the principal point of contact for the PFC, Mr. Morton will be responsible for insuring that, within the framework of Federal Election Laws, there is the maximum amount of effective communication and coordination between the White House and the campaign committee regarding the activities of Gerald R. Ford as the President and a candidate. As the principal point of contact with the RNC, he will act as the conduit for information and advice between the Republican Party and its leader. In both instances Mr. Morton will observe the progress of the committees and advise the President as to their direction.

For the purpose of establishing the approximate time commitment to his various roles, the following is a breakdown of his projected



activities during the course of a "typical" week:

1. Counsellor's Activities: Daily meetings with the President to review current assignments and events; daily senior White House Staff meetings; Cabinet meetings (one every three weeks); special projects at the President's direction. (Time allocation, 8 hours -- 5-1/2 hours of meetings; 2-1/2 hours preparation.)
2. (a) Economic Policy Board (Executive Committee): Attendance at daily EPB meetings; review of position papers on specific issues; review of current economic data, economic forecasts, legislation, etc. (Time allocation, 5 hours -- 2-1/2 for meetings and 2-1/2 for preparation and review.)

(b) Energy Resources Council (Executive Committee): Attendance at weekly meeting of the Council; additional consultative meetings with Administration energy leaders (Zarb, Kleppe, Richardson, etc.); review of new and existing policy as well as progress of current programs. (Time allocation, 5 hours -- 2-1/2 for meetings; 2-1/2 for preparation and review.)

(c) Domestic Council: Specific areas of involvement as yet undetermined; however, Mr. Morton's knowledge and interest of existing and proposed programs and legislative initiatives in the areas of water quality, land use, depletable mineral resources, capital formation, employee stock ownership, etc. will foster his direct involvement in various task force and committee activities. (Time allocation, 5 hours -- 2-1/2 for meetings, 2-1/2 for preparation.)
3. (a) President Ford Committee: Principal point of contact to insure communication and coordination between the White House and the campaign committee. This impacts scheduling commitments, Presidential policy statements, campaign literature, campaign expenditures relating to Presidential travel, strategy clearance, etc. (Time allocation, 10 hours.)



- (b) Republican National Committee: Principal point of contact between the Chairperson and the President; responsible for keeping informed on the progress of the Party in general as well as specific Senatorial, Congressional and Gubernatorial primaries and elections, etc. (Time allocation, 2 hours.)
4. Official and Political Public Appearances: Mr. Morton will participate in various speaking engagements as they relate to the Administration policies and record as well as the President's candidacy. (Time allocation, 4 hours -- 2 hours official, 2 hours political.)
5. Administration Activities: In the course of all these duties Mr. Morton will perform the following standard activities: review Presidential speeches, personnel appointments, scheduling proposals, etc.; make phone calls; dictate memos and letters; hold personal staff meetings, etc. (Time allocation, 18 hours.)

TOTAL ALLOCATIONS OF TIME

	<u>Official</u>	<u>Political</u>
Counsellor	8	
EPB	10	
ERC	5	
DC	5	
PFC		10
RNC		2
Speaking	2	2
Administrative	<u>12</u>	<u>6</u>
Subtotals	42	20

TOTAL (approx.): 62 hours

