

**The original documents are located in Box 26, folder “Privacy” of the James M. Cannon Files at the Gerald R. Ford Presidential Library.**

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Date: December 20, 1975

Time:

FOR ACTION:

Phil Buchen  
Doug Bennett  
Jim Cannon

Max Friedersdorf  
Bob Hartmann  
Jim Lynn

cc (for information):

Jack Marsh  
Bill Seidman

FROM THE STAFF SECRETARY

DUE: Date: December 23

Time: 10 A.M.

SUBJECT:

Vice President's Memorandum regarding  
Domestic Council Committee on the Right of  
Privacy

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

SEE ATTACHED.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

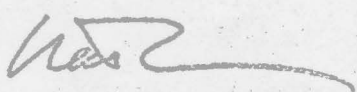


Jim Connor  
For the President

THE VICE PRESIDENT  
WASHINGTON

December 17, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: THE VICE PRESIDENT 

At my request, the staff of the Domestic Council Committee on the Right of Privacy has analyzed the broad policy implications of the privacy issue. Staff has concluded that privacy is a forerunner of a host of broader information issues which will confront Government throughout the coming decades.

Public awareness of the importance of information policy has been stimulated by three important political issues of recent years:

- privacy;
- freedom of information (the "peoples right to know"); and
- confidentiality of Government processes.

The enactment of the Privacy Act last year, the amendments to the Freedom of Information Act at about the same time, and the steady progress through Congress of the so-called Sunshine Law (opening Government decision-making to public scrutiny) point to considerable pressure from the public at large for progress toward certain generalized objectives, some of them quite laudable.

At the same time, disclosures concerning improper activities of the intelligence agencies and the FBI, coupled with Congressional demands for information used in the Executive Branch decision-making process, have demonstrated that there are complex issues where all these otherwise attractive goals intersect.



My concern is that neither the Federal Government (and particularly the Executive Branch) nor the American people have any comprehensive overview or conceptual framework for addressing these issues.

Information policy now arises in a piecemeal, ad hoc fashion through the actions of numerous Congressional committees, editorials in the press, and uncoordinated decisions by individuals scattered throughout the bureaucracy. The mere fact that there are already ten Federal commissions (see attached list) and at least a score of agencies dealing with pieces of this overall problem is an indication of both growing interest and policy fragmentation in this area.

The result is inconsistency and conflict in which advocates of legislation such as the Sunshine Law or of a drastic reduction in Government information gathering for intelligence or other purposes can attract support by citing laudable goals, without an understanding by the American people of the many countervailing considerations which these proposals involve. Fundamentally, then, this lack of a conceptual framework and a public understanding of the complexity of the issues makes it difficult to resist even the most unworkable proposals in the face of emotional advocacy.

In addition to the importance of balancing the interests involved in current information conflicts, it would be timely for your Administration to begin to consider and anticipate important economic issues in the area of information policy.

I believe that there are many reasons to begin a serious review of these economic issues. Many commentators have noted recently that the United States is increasingly becoming a society which produces and sells information (such as knowledge and technical know-how) rather than goods. This is a key characteristic of what has become known as the Post-Industrial society.

There are many reasons to encourage this trend, since it promises continued economic growth without substantial materials and environmental costs, and opens the



possibility of reducing unemployment by stimulating the development of growth in new areas where we do not face such severe international competition. However, to do this we must anticipate and provide for the economic dislocations, the educational deficiencies and the development of the legal framework which will be required as our economic base shifts from production of tangible goods to the production and manipulation of information.

### Recommendations

In view of the foregoing analysis, I recommend:

a. That you devote a section of your State of the Union Address to the importance of these emerging information issues, particularly the need to reconcile privacy, freedom of information and confidentiality of Government processes; and

b. That you reconstitute the Domestic Council Committee on the Right of Privacy as a Committee on Privacy and Information Policy, charging it with the responsibility of developing an information policy for the United States. Its study would focus on

(1) reconciling conflicting claims of privacy, freedom of information and Government confidentiality,

(2) reconciling the Government's need for information, as a regulator and provider of services, in the context of the legitimate privacy rights of individuals and the needs of the private sector for confidentiality, and

(3) those issues of information policy including its economic, political, and social importance, which will require Government attention in coming years.



The present membership of the Domestic Council Privacy Committee includes the major Federal agencies with an interest in these questions and could form the nucleus of such a group. Some expansion of that group might be warranted, particularly the addition of the President's Science Adviser, who in past Administrations had a role in certain aspects of information policy issues. I believe that the staff of the Domestic Council Committee on the Right of Privacy, which has already been working extensively in the privacy area, could appropriately serve as staff for this undertaking.

DECISION

- Approve inclusion in State of the Union Message.
- Approve reconstituting Domestic Council Committee on the Right of Privacy as the Domestic Council Committee on Privacy and Information Policy.
- Disapprove.

Attachment



COMMISSIONS WITH RESPONSIBILITIES IN INFORMATION POLICY

- Electronic Funds Transfer Commission
- Privacy Protection Study Commission
- Federal Paperwork Commission
- National Commission on New Technological Uses of Copyrighted Works
- Commission on CIA Activities
- National Commission on Libraries and Information Science
- Public Documents Commission
- National Historical Publication and Records Commission
- National Commission for Review of Federal and State Laws, Wiretapping and Electronic Surveillance
- National Commission to Review the Confidentiality of Health Records (Private body)



AGENCIES THAT ARE MEMBERS OF THE DOMESTIC COUNCIL  
COMMITTEE ON THE RIGHT OF PRIVACY

Department of the Treasury

Department of Defense

Department of Justice

Department of Commerce

Department of Labor

Department of Health, Education & Welfare

U.S. Civil Service Commission

Office of Management & Budget

Office of Telecommunications Policy

Special Assistant to the President for Consumer Affairs

General Services Administration








B

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 13, 1975

MEMORANDUM FOR: Jim Cannon   
FROM: Jim Cannon  
SUBJECT: The Vice President's Memorandum Concerning  
the Domestic Council Committee on the Right  
of Privacy

You requested my comments and recommendations concerning the Vice President's memorandum on the Domestic Council Committee on the Right of Privacy.

The Vice President made two recommendations: (1) that the President devote a section of his State of the Union message to the importance of emerging information issues and (2) that he reconstitute the Domestic Council Committee on the Right of Privacy as the Domestic Council Committee on Privacy and Information Policy.

With respect to the first recommendation, I have no problem with having the President address these issues now, in the State of the Union message, or in a subsequent message or speech.

With respect to the second recommendation, I believe that it is overly broad and imprecise and that it would result in jurisdictional or "turf" squabbles among agencies of the Executive Branch. I recommend, instead, that the Privacy Committee be directed to undertake a study of the information policy issues which will confront the Federal government in the next 20 years, clearly define those issues, and report to the President by September 1, 1976, its recommendations on how the Federal government should organize itself to deal with these issues. This recommendation will enable the staff of the Committee, working with the Vice President, to address in meaningful fashion the problems identified in the Vice President's memorandum without placing the Committee staff in a competitive posture vis-a-vis other Federal agencies.

Members of my staff have discussed this alternative recommendation with members of the Vice President's staff, OMB and the Privacy Committee and all are in concurrence with this suggestion.

FOLLOW UP TO PHONE CONVERSATION  
WITH CONNOR'S OFFICE



THE WHITE HOUSE  
WASHINGTON

February 5, 1976

MEMORANDUM FOR : JIM CONNOR  
FROM : JIM CANNON  
SUBJECT : The Vice President's Memorandum  
Concerning the Domestic Council  
Committee on the Right of Privacy

I recommend that the Domestic Council Committee on the Right of Privacy be directed by the President to undertake a study of information policy issues, clearly define those issues, and report to the President by September 1, 1976, its recommendations on how the Federal government should organize itself to deal with the issue in the coming years.

The Vice President made two recommendations: (1) that the President devote a section of his State of the Union message to the importance of emerging information issues and (2) that he reconstitute the Domestic Council Committee on the Right of Privacy as the Domestic Council Committee on Privacy and Information Policy.

With respect to the first recommendation, I have no problem with having the President address these issues now in a subsequent message or speech.

With respect to the second recommendation, I believe that it is overly broad and imprecise and that it would result in jurisdictional or "turf" squabbles among agencies of the Executive Branch. I recommend, instead, that the Privacy Committee be directed to undertake a study of the information policy issues which will confront the Federal government in the next 20 years, clearly define those issues, and report to the President by September 1, 1976, its recommendations on how the Federal government should organize itself to deal with these issues. This recommendation will enable the staff of the Committee, working with the Vice President, to address in meaningful fashion the problems identified in the Vice President's memorandum without placing the Committee staff in a competitive posture vis-a-vis other Federal agencies.

Members of my staff have discussed this alternative recommendation with members of the Vice President's staff, OMB and the Privacy Committee and all are in concurrence with this suggestion.

[1976]

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

January 13, 1975

*Part -  
cell  
common*

MEMORANDUM FOR: Jim Cannon  
FROM: Dick Parsons *D*  
SUBJECT: The Vice President's Memorandum Concerning  
the Domestic Council Committee on the Right  
of Privacy

You requested my comments and recommendations concerning the Vice President's memorandum on the Domestic Council Committee on the Right of Privacy (at Tab A).

The Vice President makes two recommendations: (1) that the President devote a section of his State of the Union message to the importance of emerging information issues and (2) that he reconstitute the Domestic Council Committee on the Right of Privacy as the Domestic Council Committee on Privacy and Information Policy.

With respect to the first recommendation, I have no real problem. Given the lateness of the hour and the relative freshness of the issue, however, I think this matter could be more appropriately addressed in a speech or special message following up the State of the Union message.

With respect to the second recommendation, I have serious problems. The Vice President has recommended that the Privacy Committee be reconstituted and charged with responsibility for developing an information policy for the United States. Specifically, the Committee would be charged with:

- reconciling conflicting claims of privacy, freedom of information and government confidentiality;
- reconciling the government's need for information, as a regulator and provider of services, in the context of the legitimate privacy rights of individuals and the needs of the private sector for confidentiality; and
- focusing on those issues of information policy, including the economic, political and social importance thereof, which will require government attention in the coming years.

I believe that this proposed mandate is overly broad. There are a number of departments and agencies of the Executive Branch which have, as part of their normal responsibilities, the analysis and development of information policy-type issues (e.g., the Departments of Justice, Commerce and Health, Education, and Welfare and the Office of Telecommunications Policy). Not only is there a question as to the need for yet another policy formulating entity, but any attempt to place the staff of the Privacy Committee in a supervisory or oversight role with respect to these other departments and agencies would almost certainly result in jurisdictional disputes and so-called "turf" problems. Moreover, the staff of the Privacy Committee is simply not up to this task. There are not enough of them and they do not possess the required levels of skill or expertise to do this job.

In discussing this matter with the Executive Director of the Privacy Committee and Peter Wallison, we have developed a compromise which is acceptable to each of us. Instead of the broad mandate set forth in the Vice President's memorandum, the President could direct the Privacy Committee to undertake a study of the information policy issues which will confront Federal policy-makers in the next decade or two, clearly define those issues, and report to the President its recommendations on how the Federal government should organize itself to deal with those issues in the future. This avoids putting the Privacy Committee in a competitive or supervisory posture vis-a-vis other Federal agencies. Rather, it assumes that the Committee staff will be working with the staffs of other agencies to ferret out the important information policy issues which are coming down the pike. The Committee would make its report to the President in six or eight months.

I am advised by Paul O'Neill, who has spoken to the Vice President about this subject, that the Vice President is comfortable with this compromise.

#### RECOMMENDATION


That you communicate to Jim Connor the recommendation that the Domestic Council Committee on the Right of Privacy be directed by the President to undertake a study of information policy issues, clearly define those issues, and report to the President by September 1, 1976, its recommendations on how the Federal government should organize itself to deal with the issues in the coming years. An appropriate draft memorandum from you to Jim Connor is attached at Tab B.

THE WHITE HOUSE  
WASHINGTON

INFORMATION

January 13, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON   
SUBJECT: Privacy Committee

Paul O'Neill, who talked with the Vice President about the Domestic Council Committee on Privacy, tells me that this was resolved to the Vice President's satisfaction.

In brief, the work of the Committee would be continued at the direction of the President by the Domestic Council staff.

I did not discuss this with the Vice President, but Paul O'Neill assures me that the Vice President seems to be comfortable with this approach.

cc: Dick Cheney  
Jack Marsh  
Paul O'Neill

THE WHITE HOUSE  
WASHINGTON

INFORMATION

January 13, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *JC*  
SUBJECT: Privacy Committee

Paul O'Neill, who talked with the Vice President about the Domestic Council Committee on Privacy, tells me that this was resolved to the Vice President's satisfaction.

In brief, the work of the Committee would be continued at the direction of the President by the Domestic Council staff.

I did not discuss this with the Vice President, but Paul O'Neill assures me that the Vice President seems to be comfortable with this approach.

cc: Dick Cheney  
Jack Marsh  
Paul O'Neill

*Handwritten notes:*  
P  
7  
4  
6  
11





FOLLOW UP TO PHONE CONVERSATION  
WITH CONNOR'S OFFICE

THE WHITE HOUSE

WASHINGTON

February 5, 1976

MEMORANDUM FOR : JIM CONNOR  
FROM : JIM CANNON  
SUBJECT : The Vice President's Memorandum  
Concerning the Domestic Council  
Committee on the Right of Privacy

I recommend that the Domestic Council Committee on the Right of Privacy be directed by the President to undertake a study of information policy issues, clearly define those issues, and report to the President by September 1, 1976, its recommendations on how the Federal government should organize itself to deal with the issue in the coming years.

The Vice President made two recommendations: (1) that the President devote a section of his State of the Union message to the importance of emerging information issues and (2) that he reconstitute the Domestic Council Committee on the Right of Privacy as the Domestic Council Committee on Privacy and Information Policy.

With respect to the first recommendation, I have no problem with having the President address these issues now in a subsequent message or speech.

With respect to the second recommendation, I believe that it is overly broad and imprecise and that it would result in jurisdictional or "turf" squabbles among agencies of the Executive Branch. I recommend, instead, that the Privacy Committee be directed to undertake a study of the information policy issues which will confront the Federal government in the next 20 years, clearly define those issues, and report to the President by September 1, 1976, its recommendations on how the Federal government should organize itself to deal with these issues. This recommendation will enable the staff of the Committee, working with the Vice President, to address in meaningful fashion the problems identified in the Vice President's memorandum without placing the Committee staff in a competitive posture vis-a-vis other Federal agencies.

Members of my staff have discussed this alternative recommendation with members of the Vice President's staff, OMB and the Privacy Committee and all are in concurrence with this suggestion.

Date: December 20, 1975

Time:

FOR ACTION:

Phil Buchen  
Doug Bennett  
Jim Cannon

Max Friedersdorf  
Bob Hartmann  
Jim Lynn

cc (for information):

Jack Marsh  
Bill Seidman

FROM THE STAFF SECRETARY

DUE: Date: December 23

Time: 10 A.M.

SUBJECT:

Vice President's Memorandum regarding  
Domestic Council Committee on the Right of  
Privacy

ACTION REQUESTED:

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

REMARKS: SEE ATTACHED.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

Jim Connor  
For the President





THE VICE PRESIDENT  
WASHINGTON

December 17, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: THE VICE PRESIDENT 

At my request, the staff of the Domestic Council Committee on the Right of Privacy has analyzed the broad policy implications of the privacy issue. Staff has concluded that privacy is a forerunner of a host of broader information issues which will confront Government throughout the coming decades.

Public awareness of the importance of information policy has been stimulated by three important political issues of recent years:

- privacy;
- freedom of information (the "peoples right to know"); and
- confidentiality of Government processes.

The enactment of the Privacy Act last year, the amendments to the Freedom of Information Act at about the same time, and the steady progress through Congress of the so-called Sunshine Law (opening Government decision-making to public scrutiny) point to considerable pressure from the public at large for progress toward certain generalized objectives, some of them quite laudable.

At the same time, disclosures concerning improper activities of the intelligence agencies and the FBI, coupled with Congressional demands for information used in the Executive Branch decision-making process, have demonstrated that there are complex issues where all these otherwise attractive goals intersect.



My concern is that neither the Federal Government (and particularly the Executive Branch) nor the American people have any comprehensive overview or conceptual framework for addressing these issues.

Information policy now arises in a piecemeal, ad hoc fashion through the actions of numerous Congressional committees, editorials in the press, and uncoordinated decisions by individuals scattered throughout the bureaucracy. The mere fact that there are already ten Federal commissions (see attached list) and at least a score of agencies dealing with pieces of this overall problem is an indication of both growing interest and policy fragmentation in this area.

The result is inconsistency and conflict in which advocates of legislation such as the Sunshine Law or of a drastic reduction in Government information gathering for intelligence or other purposes can attract support by citing laudable goals, without an understanding by the American people of the many countervailing considerations which these proposals involve. Fundamentally, then, this lack of a conceptual framework and a public understanding of the complexity of the issues makes it difficult to resist even the most unworkable proposals in the face of emotional advocacy.

In addition to the importance of balancing the interests involved in current information conflicts, it would be timely for your Administration to begin to consider and anticipate important economic issues in the area of information policy.

I believe that there are many reasons to begin a serious review of these economic issues. Many commentators have noted recently that the United States is increasingly becoming a society which produces and sells information (such as knowledge and technical know-how) rather than goods. This is a key characteristic of what has become known as the Post-Industrial society.

There are many reasons to encourage this trend, since it promises continued economic growth without substantial materials and environmental costs, and opens the



possibility of reducing unemployment by stimulating the development of growth in new areas where we do not face such severe international competition. However, to do this we must anticipate and provide for the economic dislocations, the educational deficiencies and the development of the legal framework which will be required as our economic base shifts from production of tangible goods to the production and manipulation of information.

### Recommendations

In view of the foregoing analysis, I recommend:

a. That you devote a section of your State of the Union Address to the importance of these emerging information issues, particularly the need to reconcile privacy, freedom of information and confidentiality of Government processes; and

b. That you reconstitute the Domestic Council Committee on the Right of Privacy as a Committee on Privacy and Information Policy, charging it with the responsibility of developing an information policy for the United States. Its study would focus on

(1) reconciling conflicting claims of privacy, freedom of information and Government confidentiality,

(2) reconciling the Government's need for information, as a regulator and provider of services, in the context of the legitimate privacy rights of individuals and the needs of the private sector for confidentiality, and

(3) those issues of information policy including its economic, political, and social importance, which will require Government attention in coming years.



The present membership of the Domestic Council Privacy Committee includes the major Federal agencies with an interest in these questions and could form the nucleus of such a group. Some expansion of that group might be warranted, particularly the addition of the President's Science Adviser, who in past Administrations had a role in certain aspects of information policy issues. I believe that the staff of the Domestic Council Committee on the Right of Privacy, which has already been working extensively in the privacy area, could appropriately serve as staff for this undertaking.

DECISION

- \_\_\_\_\_ Approve inclusion in State of the Union Message.
- \_\_\_\_\_ Approve reconstituting Domestic Council Committee on the Right of Privacy as the Domestic Council Committee on Privacy and Information Policy.
- \_\_\_\_\_ Disapprove.

Attachment



COMMISSIONS WITH RESPONSIBILITIES IN INFORMATION POLICY

- ° Electronic Funds Transfer Commission
- ° Privacy Protection Study Commission
- ° Federal Paperwork Commission
- ° National Commission on New Technological Uses of Copyrighted Works
- ° Commission on CIA Activities
- ° National Commission on Libraries and Information Science
- ° Public Documents Commission
- ° National Historical Publication and Records Commission
- ° National Commission for Review of Federal and State Laws, Wiretapping and Electronic Surveillance
- ° National Commission to Review the Confidentiality of Health Records (Private body)



AGENCIES THAT ARE MEMBERS OF THE DOMESTIC COUNCIL  
COMMITTEE ON THE RIGHT OF PRIVACY

Department of the Treasury

Department of Defense

Department of Justice

Department of Commerce

Department of Labor

Department of Health, Education & Welfare

U.S. Civil Service Commission

Office of Management & Budget

Office of Telecommunications Policy

Special Assistant to the President for Consumer Affairs

General Services Administration





[1976]

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE VICE PRESIDENT

SUBJECT: Information Policy

I have reviewed your recent memorandum concerning the need to develop a conceptual framework for addressing emerging information issues and I concur in your assessment that there is a need to better coordinate and direct the way in which government policy is made in this important area.

As a first step in dealing with this matter, I am directing the Domestic Council Committee on the Right of Privacy to undertake a review of the information policy issues which will confront Federal policy-makers during the next decade, to clearly define those issues, and to report to me by September 1, 1976, its recommendations on how the Federal government should organize and prepare itself to deal with them. In conducting this review, the Committee should work closely with the various departments and agencies having specific responsibilities in formulating information policy, such as the Departments of Justice, Commerce and Health, Education, and Welfare and the Office of Telecommunications Policy in the Executive Office of the President.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

February 9, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: Jim Cannon

SUBJECT: Domestic Council Committee on the  
Right of Privacy

The Vice President recently gave you a memorandum recommending that you reconstitute the Domestic Council Committee on the Right of Privacy as a Committee on Privacy and Information Policy (at Tab A).

At your direction, the Vice President's memorandum was circulated among your senior staff and, in the course of staffing, several questions were raised which Paul O'Neill and I ~~had an opportunity to discuss directly~~ with the Vice President. In brief, while there is general agreement concerning the need to address emerging information issues, there is some question as to the appropriate way in which to do so. Further, the problem of reconstituting the Privacy Committee as the Committee on Privacy and Information Policy is complicated by the fact that funding for the Committee's staff will terminate at the end of this fiscal year. *on September 30, 1976.*

In light of these questions and limitations, I recommend that you direct the Privacy Committee to undertake a review of the information policy issues outlined in the Vice President's memorandum and to report to you by September 1, 1976, its recommendations on how the Federal government should organize and prepare itself to deal with these issues. This modified recommendation has been raised with the Vice President and he is comfortable with it.

If you concur in this recommendation, a draft of an appropriate memorandum to the Vice President is attached (at Tab B).



[March 1976]

THE WHITE HOUSE  
WASHINGTON

Jim -

HP →  
would  
submit  
decision  
use money

Here are the "privacy"  
memoranda you asked  
for. Also enclosed  
are the memos you gave  
me this morning.

)





THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 1, 1976

Time: 3:00 p.m.

FOR ACTION:

Dick Cheney  
Phil Buchen  
Robert T. Hartmann  
Jack Marsh  
Rogers Morton

~~XXXXXXXXXXXXXXXXXXXX~~  
Max Friedersdorf  
Jim Lynn  
Brent Scowcroft  
Bill Seidman

FROM ~~THE STAFF SECRETARY~~ JIM CANNON

DUE: Date: Wednesday, March 3

Time: COB

SUBJECT:

Memorandum to the President regarding Domestic Council Committee on the Right of Privacy

ACTION REQUESTED:

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

REMARKS:

Please phone or send comments to Jennifer Morgan, X6515.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

~~H. R. COLE, JR.~~  
~~For the President~~

THE WHITE HOUSE

WASHINGTON

MAR 1

REC'D

LOG NO.:

ACTION MEMORANDUM

Date: March 1, 1976

Time: 3:00 p.m.

FOR ACTION:

Dick Cheney  
Phil Buchen  
Robert T. Hartmann  
Jack Marsh  
Rogers Morton

~~XXXXXXXXXXXXXXXXXXXX~~

Max Friedersdorf  
Jim Lynn  
Brent Scowcroft  
Bill Seidman

FROM ~~XXXXXXXXXXXXXXXXXXXX~~

JIM CANNON

DUE: Date: Wednesday, March 3

Time: COB

SUBJECT:

Memorandum to the President regarding Domestic Council Committee on the Right of Privacy

ACTION REQUESTED:

\_\_\_ For Necessary Action

\_\_\_ For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

XX For Your Comments

\_\_\_ Draft Remarks

REMARKS:

*3-1-76*  
*Concur with Jim Cannon's recommendation*  
*Bill Borog for LWS*

Please phone or send comments to Jennifer Morgan, X6515.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

W. R. COLE, JR.



MAR 1 1976

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

*dec:*  
*3/3*  
*COB*

Date: March 1, 1976

Time: 3:00 p.m.

FOR ACTION:

Dick Cheney  
Phil Buchen  
Robert T. Hartmann  
~~Jack Marsh~~  
Rogers Morton

~~XXXXXXXXXXXXXXXXXXXX~~  
Max Friedersdorf  
Jim Lynn  
Brent Scowcroft  
Bill Seidman

FROM ~~XXXXXXXXXXXXXXXXXXXX~~ JIM CANNON

DUE: Date: Wednesday, March 3

Time: COB

SUBJECT:

Memorandum to the President regarding Domestic Council Committee on the Right of Privacy

ACTION REQUESTED:

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

REMARKS:

*approve draft decision*  
*JM*

Please phone or send comments to Jennifer Morgan, X6515.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

~~W. R. COLE, JR.~~





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

Date:

TO:

Dick Parsons

FROM: Deputy Director

As we discussed, the  
new memo is one from  
Jim Cannon. Therefore  
the Dec. 17. reference  
is OK but it should be  
1975 not 1976.

P





THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 1, 1976

Time: 3:00 p.m.

FOR ACTION:

Dick Cheney  
Phil Buchen  
Robert T. Hartmann  
Jack Marsh  
Rogers Morton

~~XXXXXXXXXXXXXXXXXXXX~~

Max Friedersdorf  
Jim Lynn  
Brent Scowcroft  
Bill Seidman

FROM ~~XXXXXXXXXXXXXXXXXXXX~~ JIM CANNON

DUE: Date: Wednesday, March 3

Time: COB

SUBJECT:

Memorandum to the President regarding Domestic Council  
Committee on the Right of Privacy

ACTION REQUESTED:

- |   |   |
|---|---|
| <input type="checkbox"/> For Necessary Action         | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief     | <input type="checkbox"/> Draft Reply              |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks            |

REMARKS:

Please phone or send comments to Jennifer Morgan, X6515.

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

W. R. COLE, JR.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 1, 1976

Time: 3:00 p.m.

FOR ACTION:

Dick Cheney  
Phil Buchen  
Robert T. Hartmann  
Jack Marsh  
Rogers Morton

~~XXXXXXXXXXXXXXXXXXXX~~

Max Friedersdorf  
Jim Lynn  
Brent Scowcroft  
Bill Seidman

FROM ~~XXXXXXXXXXXXXXXXXXXX~~

JIM CANNON

DUE: Date: Wednesday, March 3

Time: COB

SUBJECT:

Memorandum to the President regarding Domestic Council  
Committee on the Right of Privacy

ACTION REQUESTED:

\_\_\_ For Necessary Action

\_\_\_ For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

XX For Your Comments

\_\_\_ Draft Remarks

REMARKS:

Please phone or send comments to Jennifer Morgan, X6515.

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

~~H. R. COLE, JR.~~

THE WHITE HOUSE  
WASHINGTON

DRAFT  
DECISION

March 1, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

SUBJECT: Domestic Council Committee on the  
Right of Privacy

The Vice President recommended, in December, that you broaden the Domestic Council Committee on the Right of Privacy to a Committee on Privacy and Information Policy (Tab A).

At your direction, the Vice President's memorandum was circulated among your senior staff; and, in the course of staffing, several questions were raised. It was pointed out that Justice, Commerce, HEW and the Office of Telecommunications Policy are currently reviewing issues relating to information policy.

The Domestic Council Committee on Privacy staff does not now have the resources to oversee all these departmental studies, and its funds will run out entirely on September 30, 1976.

In light of these limitations, we now recommend that the Domestic Council Committee on Privacy:

- review and clearly define the information policy issues which confront federal policy makers,
- ascertain the status of information policy studies now going forward within a number of agencies of the Executive Branch, and
- report to you by September 1, 1976, with recommendations on how the federal government should organize itself to deal with these information policy issues.

This modified recommendation is supported by the Vice President.

\_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ concur.

If you accept this recommendation, a draft of an appropriate memorandum to the Vice President is attached (Tab B).



THE VICE PRESIDENT  
WASHINGTON

December 17, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: THE VICE PRESIDENT

At my request, the staff of the Domestic Council Committee on the Right of Privacy has analyzed the broad policy implications of the privacy issue. Staff has concluded that privacy is a forerunner of a host of broader information issues which will confront Government throughout the coming decades.

Public awareness of the importance of information policy has been stimulated by three important political issues of recent years:

- privacy;
- freedom of information (the "peoples right to know"); and
- confidentiality of Government processes.

The enactment of the Privacy Act last year, the amendments to the Freedom of Information Act at about the same time, and the steady progress through Congress of the so-called Sunshine Law (opening Government decision-making to public scrutiny) point to considerable pressure from the public at large for progress toward certain generalized objectives, some of them quite laudable.

At the same time, disclosures concerning improper activities of the intelligence agencies and the FBI, coupled with Congressional demands for information used in the Executive Branch decision-making process, have demonstrated that there are complex issues where all these otherwise attractive goals intersect.



My concern is that neither the Federal Government (and particularly the Executive Branch) nor the American people have any comprehensive overview or conceptual framework for addressing these issues.

Information policy now arises in a piecemeal, ad hoc fashion through the actions of numerous Congressional committees, editorials in the press, and uncoordinated decisions by individuals scattered throughout the bureaucracy. The mere fact that there are already ten Federal commissions (see attached list) and at least a score of agencies dealing with pieces of this overall problem is an indication of both growing interest and policy fragmentation in this area.

The result is inconsistency and conflict in which advocates of legislation such as the Sunshine Law or of a drastic reduction in Government information gathering for intelligence or other purposes can attract support by citing laudable goals, without an understanding by the American people of the many countervailing considerations which these proposals involve. Fundamentally, then, this lack of a conceptual framework and a public understanding of the complexity of the issues makes it difficult to resist even the most unworkable proposals in the face of emotional advocacy.

In addition to the importance of balancing the interests involved in current information conflicts, it would be timely for your Administration to begin to consider and anticipate important economic issues in the area of information policy.

I believe that there are many reasons to begin a serious review of these economic issues. Many commentators have noted recently that the United States is increasingly becoming a society which produces and sells information (such as knowledge and technical know-how) rather than goods. This is a key characteristic of what has become known as the Post-Industrial society.

There are many reasons to encourage this trend, since it promises continued economic growth without substantial materials and environmental costs, and opens the



possibility of reducing unemployment by stimulating the development of growth in new areas where we do not face such severe international competition. However, to do this we must anticipate and provide for the economic dislocations, the educational deficiencies and the development of the legal framework which will be required as our economic base shifts from production of tangible goods to the production and manipulation of information.

### Recommendations

In view of the foregoing analysis, I recommend:

a. That you devote a section of your State of the Union Address to the importance of these emerging information issues, particularly the need to reconcile privacy, freedom of information and confidentiality of Government processes; and

b. That you reconstitute the Domestic Council Committee on the Right of Privacy as a Committee on Privacy and Information Policy, charging it with the responsibility of developing an information policy for the United States. Its study would focus on

(1) reconciling conflicting claims of privacy, freedom of information and Government confidentiality,

(2) reconciling the Government's need for information, as a regulator and provider of services, in the context of the legitimate privacy rights of individuals and the needs of the private sector for confidentiality, and

(3) those issues of information policy including its economic, political, and social importance, which will require Government attention in coming years.



The present membership of the Domestic Council Privacy Committee includes the major Federal agencies with an interest in these questions and could form the nucleus of such a group. Some expansion of that group might be warranted, particularly the addition of the President's Science Adviser, who in past Administrations had a role in certain aspects of information policy issues. I believe that the staff of the Domestic Council Committee on the Right of Privacy, which has already been working extensively in the privacy area, could appropriately serve as staff for this undertaking.

DECISION

- Approve inclusion in State of the Union Message.
- Approve reconstituting Domestic Council Committee on the Right of Privacy as the Domestic Council Committee on Privacy and Information Policy.
- Disapprove.

Attachment





COMMISSIONS WITH RESPONSIBILITIES IN INFORMATION POLICY

- Electronic Funds Transfer Commission
- Privacy Protection Study Commission
- Federal Paperwork Commission
- National Commission on New Technological Uses of Copyrighted Works
- Commission on CIA Activities
- National Commission on Libraries and Information Science
- Public Documents Commission
- National Historical Publication and Records Commission
- National Commission for Review of Federal and State Laws, Wiretapping and Electronic Surveillance
- National Commission to Review the Confidentiality of Health Records (Private body)



THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE VICE PRESIDENT

SUBJECT: Information Policy

I have reviewed your memorandum of December 17, 1976, concerning the need to develop a conceptual framework for addressing emerging information issues, and I concur in your assessment that there is a need to better coordinate and direct the way in which government policy is made in this important area.

As a first step in dealing with this matter, I am directing the Domestic Council Committee on the Right of Privacy, of which you are the chairman, to:

- review and clearly define the information policy issues which confront federal policymakers,
- ascertain the status of information policy studies now going forward within a number of agencies of the Executive Branch, and
- report to me by September 1, 1976, with recommendations on how the federal government should organize itself to deal with these information policy issues.

In conducting this review, the Committee should work closely with the various departments and agencies having specific responsibilities in formulating information policy, such as the Departments of Justice, Commerce, and Health, Education and Welfare, and the Office of Telecommunications Policy in the Executive Office of the President.

THE WHITE HOUSE  
WASHINGTON

DRAFT  
DECISION

March 3, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

SUBJECT: Domestic Council Committee on the  
Right of Privacy

The Vice President recommended, in December, that you assign an additional duty to the Domestic Council Committee on the Right of Privacy to consider government information policy (Tab A).

At your direction, the Vice President's memorandum was circulated among your senior staff; and, in the course of staffing, several questions were raised. It was pointed out that Justice, Commerce, HEW and the Office of Telecommunications Policy are currently reviewing issues relating to information policy. ~~However, it also appeared that such a~~ fragmented approach has itself led to conflicting policies and approaches within the Executive Branch.

Although the Domestic Council Committee on Privacy is scheduled to be phased out on September 30, 1976, it could undertake a limited policy review of these issues before that date.

In light of these considerations, we now recommend that the Domestic Council Committee on Privacy:

- review and clearly define the information policy issues which confront federal policy makers.
- ascertain the status of information policy studies now going forward within a number of agencies of the Executive Branch, and
- report to you by September 1, 1976, with recommendations on how the federal government should organize itself to deal with these information policy issues.

*This suggests that the important field of information policy may be the subject of*

THE WHITE HOUSE  
WASHINGTON

March 3, 1976

MEMORANDUM FOR: JAMES CANNON

FROM: BRENT SCOWCROFT *BS*

SUBJECT: Study of Information Policy  
by Domestic Council Committee

I concur in the proposed memorandum to the President suggesting a study of government information policy by the Domestic Council Committee on Privacy provided that questions concerning national security information policy continue to be handled in the NSC framework.

There is currently underway, under NSSM 229, an interagency study of information policy as it relates to national security information, based on our experience with E. O. 11652, the amended FOIA and the Privacy Act. We will be reporting the results of this study, including specific recommendations, to the President within the next month or so.



THE WHITE HOUSE  
WASHINGTON

*DeLj*  
DECISION

March 4, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *J Cannon*  
SUBJECT: Domestic Council Committee on  
the Right of Privacy

The Vice President recommended in December that you broaden the Domestic Council Committee on the Right of Privacy to a Committee on Privacy and Information Policy (Tab A).

At your direction, the Vice President's memorandum was circulated among your senior staff, and in the course of staffing, several questions were raised. It was pointed out that Justice, Commerce, HEW, and the Office of Telecommunications Policy are currently reviewing issues relating to information policy.

Although the Vice President's original proposal would have accomplished the coordination of Executive Branch activities in the important area of information policy, the Domestic Council Privacy Committee staff does not now have the resources to oversee all these departmental studies, and its funds will run out entirely on September 30, 1976. Nevertheless, it would be valuable to have the Committee staff undertake a review of the information policy issue and the status of current Executive Branch activities in the field.

In light of these circumstances, we now recommend that the Domestic Council Committee on Privacy:

- Review and clearly define the information policy issues which confront federal policy makers,
- Ascertain the status of information policy studies now going forward within a number of agencies of the Executive Branch, and

--Report to you by September 1, 1976, with recommendations on how the federal government should organize itself to deal with these information policy issues.

This modified recommendation is supported by the Vice President.

Phil Buchen, Robert T. Hartmann, Jack Marsh, Rogers Morton, Jim Lynn, Brent Scowcroft, and Bill Seidman (Gorog) concur.

If you accept this recommendation, a draft of an appropriate memorandum to the Vice President is attached (Tab B).

THE VICE PRESIDENT  
WASHINGTON

December 17, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: THE VICE PRESIDENT 

At my request, the staff of the Domestic Council Committee on the Right of Privacy has analyzed the broad policy implications of the privacy issue. Staff has concluded that privacy is a forerunner of a host of broader information issues which will confront Government throughout the coming decades.

Public awareness of the importance of information policy has been stimulated by three important political issues of recent years:

- privacy;
- freedom of information (the "peoples right to know"); and
- confidentiality of Government processes.

The enactment of the Privacy Act last year, the amendments to the Freedom of Information Act at about the same time, and the steady progress through Congress of the so-called Sunshine Law (opening Government decision-making to public scrutiny) point to considerable pressure from the public at large for progress toward certain generalized objectives, some of them quite laudable.

At the same time, disclosures concerning improper activities of the intelligence agencies and the FBI, coupled with Congressional demands for information used in the Executive Branch decision-making process, have demonstrated that there are complex issues where all these otherwise attractive goals intersect.



My concern is that neither the Federal Government (and particularly the Executive Branch) nor the American people have any comprehensive overview or conceptual framework for addressing these issues.

Information policy now arises in a piecemeal, ad hoc fashion through the actions of numerous Congressional committees, editorials in the press, and uncoordinated decisions by individuals scattered throughout the bureaucracy. The mere fact that there are already ten Federal commissions (see attached list) and at least a score of agencies dealing with pieces of this overall problem is an indication of both growing interest and policy fragmentation in this area.

The result is inconsistency and conflict in which advocates of legislation such as the Sunshine Law or of a drastic reduction in Government information gathering for intelligence or other purposes can attract support by citing laudable goals, without an understanding by the American people of the many countervailing considerations which these proposals involve. Fundamentally, then, this lack of a conceptual framework and a public understanding of the complexity of the issues makes it difficult to resist even the most unworkable proposals in the face of emotional advocacy.

In addition to the importance of balancing the interests involved in current information conflicts, it would be timely for your Administration to begin to consider and anticipate important economic issues in the area of information policy.

I believe that there are many reasons to begin a serious review of these economic issues. Many commentators have noted recently that the United States is increasingly becoming a society which produces and sells information (such as knowledge and technical know-how) rather than goods. This is a key characteristic of what has become known as the Post-Industrial society.

There are many reasons to encourage this trend, since it promises continued economic growth without substantial materials and environmental costs, and opens the





possibility of reducing unemployment by stimulating the development of growth in new areas where we do not face such severe international competition. However, to do this we must anticipate and provide for the economic dislocations, the educational deficiencies and the development of the legal framework which will be required as our economic base shifts from production of tangible goods to the production and manipulation of information.

### Recommendations

In view of the foregoing analysis, I recommend:

a. That you devote a section of your State of the Union Address to the importance of these emerging information issues, particularly the need to reconcile privacy, freedom of information and confidentiality of Government processes; and

b. That you reconstitute the Domestic Council Committee on the Right of Privacy as a Committee on Privacy and Information Policy, charging it with the responsibility of developing an information policy for the United States. Its study would focus on

(1) reconciling conflicting claims of privacy, freedom of information and Government confidentiality;

(2) reconciling the Government's need for information, as a regulator and provider of services, in the context of the legitimate privacy rights of individuals and the needs of the private sector for confidentiality, and

(3) those issues of information policy including its economic, political, and social importance, which will require Government attention in coming years.



The present membership of the Domestic Council Privacy Committee includes the major Federal agencies with an interest in these questions and could form the nucleus of such a group. Some expansion of that group might be warranted, particularly the addition of the President's Science Adviser, who in past Administrations had a role in certain aspects of information policy issues. I believe that the staff of the Domestic Council Committee on the Right of Privacy, which has already been working extensively in the privacy area, could appropriately serve as staff for this undertaking.

DECISION

- Approve inclusion in State of the Union Message.
- Approve reconstituting Domestic Council Committee on the Right of Privacy as the Domestic Council Committee on Privacy and Information Policy.
- Disapprove.

Attachment



COMMISSIONS WITH RESPONSIBILITIES IN INFORMATION POLICY

- Electronic Funds Transfer Commission
- Privacy Protection Study Commission
- Federal Paperwork Commission
- National Commission on New Technological Uses of Copyrighted Works
- Commission on CIA Activities
- National Commission on Libraries and Information Science
- Public Documents Commission
- National Historical Publication and Records Commission
- National Commission for Review of Federal and State Laws, Wiretapping and Electronic Surveillance
- National Commission to Review the Confidentiality of Health Records (Private body)



AGENCIES THAT ARE MEMBERS OF THE DOMESTIC COUNCIL  
COMMITTEE ON THE RIGHT OF PRIVACY

Department of the Treasury

Department of Defense

Department of Justice

Department of Commerce

Department of Labor

Department of Health, Education & Welfare

U.S. Civil Service Commission

Office of Management & Budget

Office of Telecommunications Policy

Special Assistant to the President for Consumer Affairs

General Services Administration



THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE VICE PRESIDENT

SUBJECT: Information Policy

I have reviewed your memorandum of December 17, 1975, concerning the need to develop a conceptual framework for addressing emerging information issues, and I concur in your assessment that there is a need to better coordinate and direct the way in which government policy is made in this important area.

As a first step in dealing with this matter, I am directing the Domestic Council Committee on the Right of Privacy, of which you are the chairman, to:

- review and clearly define the information policy issues which confront federal policymakers,
- ascertain the status of information policy studies now going forward within a number of agencies of the Executive Branch, and
- report to me by September 1, 1976, with recommendations on how the federal government should organize itself to deal with these information policy issues.

In conducting this review, the Committee should work closely with the various departments and agencies having specific responsibilities in formulating information policy, such as the Departments of Justice, Commerce, and Health, Education and Welfare, and the Office of Telecommunications Policy in the Executive Office of the President.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE VICE PRESIDENT

SUBJECT: Information Policy

I have reviewed your memorandum of December 17, 1975, concerning the need to develop a conceptual framework for addressing emerging information issues, and I concur in your assessment that there is a need to better coordinate and direct the way in which government policy is made in this important area.

Therefore, as its final work product, I am directing the Domestic Council Committee on the Right of Privacy, of which you are the chairman, to:

- review and clearly define the information policy issues which confront federal policymakers,
- ascertain the status of information policy studies now going forward within a number of agencies of the Executive Branch, and
- report to me by September 1, 1976, with recommendations, on how the federal government should organize itself to deal with these information policy issues.

In conducting this review, the Committee should work closely with the various departments and agencies having specific responsibilities in formulating information policy, such as the Departments of Justice, Commerce, and Health, Education and Welfare, and the Office of Telecommunications Policy in the Executive Office of the President.

*cc: Dick Cheney*

THE WHITE HOUSE

WASHINGTON

March 8, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

JIM CANNON

FROM:

JIM CONNOR *JEC*

SUBJECT:

Domestic Council Committee on  
the Right of Privacy

The President reviewed your memorandum of March 4 on the above subject and approved your recommendation. The signed memorandum to the Vice President implementing his decision is forwarded with a copy of this memorandum to Robert Linder who will handle the delivery of the memorandum to the Vice President.

Please follow-up with any other appropriate action.

cc: Dick Cheney  
Robert Linder

## THE WHITE HOUSE

DECISION

WASHINGTON

March 4, 1976

## MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *J Cannon*

SUBJECT: Domestic Council Committee on  
the Right of Privacy

The Vice President recommended in December that you broaden the Domestic Council Committee on the Right of Privacy to a Committee on Privacy and Information Policy (Tab A).

At your direction, the Vice President's memorandum was circulated among your senior staff, and in the course of staffing, several questions were raised. It was pointed out that Justice, Commerce, HEW, and the Office of Telecommunications Policy are currently reviewing issues relating to information policy.

Although the Vice President's original proposal would have accomplished the coordination of Executive Branch activities in the important area of information policy, the Domestic Council Privacy Committee staff does not now have the resources to oversee all these departmental studies, and its funds will run out entirely on September 30, 1976. Nevertheless, it would be valuable to have the Committee staff undertake a review of the information policy issue and the status of current Executive Branch activities in the field.

In light of these circumstances, we now recommend that the Domestic Council Committee on Privacy:

- Review and clearly define the information policy issues which confront federal policy makers,
- Ascertain the status of information policy studies now going forward within a number of agencies of the Executive Branch, and



--Report to you by September 1, 1976, with recommendations on how the federal government should organize itself to deal with these information policy issues.

This modified recommendation is supported by the Vice President.

Phil Buchen, Robert T. Hartmann, Jack Marsh, Rogers Morton, Jim Lynn, Brent Scowcroft, and Bill Seidman (Gorog) concur.

If you accept this recommendation, a draft of an appropriate memorandum to the Vice President is attached (Tab B).

THE VICE PRESIDENT  
WASHINGTON

December 17, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: THE VICE PRESIDENT 

At my request, the staff of the Domestic Council Committee on the Right of Privacy has analyzed the broad policy implications of the privacy issue. Staff has concluded that privacy is a forerunner of a host of broader information issues which will confront Government throughout the coming decades.

Public awareness of the importance of information policy has been stimulated by three important political issues of recent years:

- privacy;
- freedom of information (the "peoples right to know"); and
- confidentiality of Government processes.

The enactment of the Privacy Act last year, the amendments to the Freedom of Information Act at about the same time, and the steady progress through Congress of the so-called Sunshine Law (opening Government decision-making to public scrutiny) point to considerable pressure from the public at large for progress toward certain generalized objectives, some of them quite laudable.

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The result is inconsistency and conflict in which advocates of legislation such as the Sunshine Law or of a drastic reduction in Government information gathering for intelligence or other purposes can attract support by citing laudable goals, without an understanding by the American people of the many countervailing considerations which these proposals involve. Fundamentally, then, this lack of a conceptual framework and a public understanding of the complexity of the issues makes it difficult to resist even the most unworkable proposals in the face of emotional advocacy.

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I believe that there are many reasons to begin a serious review of these economic issues. Many commentators have noted recently that the United States is increasingly becoming a society which produces and sells information (such as knowledge and technical know-how) rather than goods. This is a key characteristic of what has become known as the Post-Industrial society.

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possibility of reducing unemployment by stimulating the development of growth in new areas where we do not face such severe international competition. However, to do this we must anticipate and provide for the economic dislocations, the educational deficiencies and the development of the legal framework which will be required as our economic base shifts from production of tangible goods to the production and manipulation of information.

### Recommendations

In view of the foregoing analysis, I recommend:

a. That you devote a section of your State of the Union Address to the importance of these emerging information issues, particularly the need to reconcile privacy, freedom of information and confidentiality of Government processes; and

b. That you reconstitute the Domestic Council Committee on the Right of Privacy as a Committee on Privacy and Information Policy, charging it with the responsibility of developing an information policy for the United States. Its study would focus on

(1) reconciling conflicting claims of privacy, freedom of information and Government confidentiality;

(2) reconciling the Government's need for information, as a regulator and provider of services, in the context of the legitimate privacy rights of individuals and the needs of the private sector for confidentiality, and

(3) those issues of information policy including its economic, political, and social importance, which will require Government attention in coming years.



The present membership of the Domestic Council Privacy Committee includes the major Federal agencies with an interest in these questions and could form the nucleus of such a group. Some expansion of that group might be warranted, particularly the addition of the President's Science Adviser, who in past Administrations had a role in certain aspects of information policy issues. I believe that the staff of the Domestic Council Committee on the Right of Privacy, which has already been working extensively in the privacy area, could appropriately serve as staff for this undertaking.

DECISION

- \_\_\_\_\_ Approve inclusion in State of the Union Message.
- \_\_\_\_\_ Approve reconstituting Domestic Council Committee on the Right of Privacy as the Domestic Council Committee on Privacy and Information Policy.
- \_\_\_\_\_ Disapprove.

Attachment



COMMISSIONS WITH RESPONSIBILITIES IN INFORMATION POLICY

- Electronic Funds Transfer Commission
- Privacy Protection Study Commission
- Federal Paperwork Commission
- National Commission on New Technological Uses of Copyrighted Works
- Commission on CIA Activities
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- National Commission to Review the Confidentiality of Health Records (Private body)



AGENCIES THAT ARE MEMBERS OF THE DOMESTIC COUNCIL  
COMMITTEE ON THE RIGHT OF PRIVACY

Department of the Treasury

Department of Defense

Department of Justice

Department of Commerce

Department of Labor

Department of Health, Education & Welfare

U.S. Civil Service Commission

Office of Management & Budget

Office of Telecommunications Policy

Special Assistant to the President for Consumer Affairs

General Services Administration



THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE VICE PRESIDENT

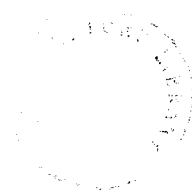
SUBJECT: Information Policy

I have reviewed your memorandum of December 17, 1975, concerning the need to develop a conceptual framework for addressing emerging information issues, and I concur in your assessment that there is a need to better coordinate and direct the way in which government policy is made in this important area.

As a first step in dealing with this matter, I am directing the Domestic Council Committee on the Right of Privacy, of which you are the chairman, to:

- review and clearly define the information policy issues which confront federal policymakers,
- ascertain the status of information policy studies now going forward within a number of agencies of the Executive Branch, and
- report to me by September 1, 1976, with recommendations on how the federal government should organize itself to deal with these information policy issues.

In conducting this review, the Committee should work closely with the various departments and agencies having specific responsibilities in formulating information policy, such as the Departments of Justice, Commerce, and Health, Education and Welfare, and the Office of Telecommunications Policy in the Executive Office of the President.





THE WHITE HOUSE

WASHINGTON

March 8, 1976

MEMORANDUM FOR THE VICE PRESIDENT

SUBJECT: Information Policy

I have reviewed your memorandum of December 17, 1975, concerning the need to develop a conceptual framework for addressing emerging information issues, and I concur in your assessment that there is a need to better coordinate and direct the way in which government policy is made in this important area.

As a first step in dealing with this matter, I am directing the Domestic Council Committee on the Right of Privacy, of which you are the chairman, to:

- review and clearly define the information policy issues which confront federal policymakers,
- ascertain the status of information policy studies now going forward within a number of agencies of the Executive Branch, and
- report to me by September 1, 1976, with recommendations on how the federal government should organize itself to deal with these information policy issues.

In conducting this review, the Committee should work closely with the various departments and agencies having specific responsibilities in formulating information policy, such as the Departments of Justice, Commerce, and Health, Education and Welfare, and the Office of Telecommunications Policy in the Executive Office of the President.

*Gerald R. Ford*

MARCH 19, 1976

*Privacy*

Office of the Vice President

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Press Release

Vice President Nelson A. Rockefeller announced today that President Ford had directed the Domestic Council Committee on the Right of Privacy to undertake a comprehensive study of the emerging issues of information policy.

In announcing the study, the Vice President, who serves as Chairman of the Committee, stated, "The Committee will examine a number of critical issues facing this country, including the political, social, economic and international consequences of our economy's growing information sector. Specific issues, such as the impact of computer and related technologies, the relationship between privacy and freedom of information, and access to information and information delivery systems will also be considered."

In a memorandum to the Vice President, the President noted that there is a need to better coordinate and direct the way in which government policy is made in the area of information policy.

The President specifically directed the Domestic Council Committee on the Right of Privacy to review and clearly define the information policy issues which confront Federal policymakers, to ascertain the status of information policy studies now going forward within a number of agencies of the Executive Branch, and to report to him by September 1, 1976, with recommendations on how the Federal government should organize itself to deal with matters of information policy.

The Committee was directed to work closely with the various departments and agencies having specific responsibilities for formulating information policy, such as the Departments of Justice, Commerce, and Health, Education and Welfare, and the Office of Telecommunications Policy in the Executive Office of the President.

# # # #



MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

May 3, 1976

INFORMATION

MEMORANDUM FOR: Jim Cannon  
THROUGH: Dick Parsons  
FROM: Dawn Bennett  
SUBJECT: The Supreme Court's Recent Bank Records  
Ruling -- U.S. v. Miller

*Justice 4/1/76*  
*Dick & Dawn*  
*Frank*  
*I think the*  
*S.C. is wrong*  
*would HR 214*  
*correct the*  
*decision?*

On April 21, 1976, the Supreme Court ruled that a person has no constitutionally protected interest in the records which a bank with which he does business keeps on him and that a bank may release a customer's records to government agents without notifying the customer. The effect of the ruling is to open citizens' private banking records to subpoena-bearing government representatives without the citizens having any knowledge thereof or opportunity to protest. As the decision has been given much publicity to date, we feel that you should be informed of the surrounding circumstances.

FACTS OF THE CASE

After Miller had been charged with various Federal offenses, subpoenas were presented to the presidents of two banks with which he maintained accounts. Without Miller's permission or knowledge, bank officials produced Miller's bank records as requested. The Court said that Miller's bank records did not belong to him but to the bank and that they could not be considered to be private because they were negotiable instruments rather than confidential communications. There being no requisite "ownership of private papers," no constitutional protections could attach to the records to keep the government from seeing them.

DISCUSSION

The repercussions of the decision can be more fully envisioned when it is remembered that, in the process of providing full banking services to its customers, banks may receive information regarding the customer's income, past and present employment, amount and type of customer indebtedness, marital and family status, social and business relationships (for both credit reference and personal association purposes), spending habits, travel, political beliefs and other personal data and affairs.



There are several bills pending in the Congress which would restrict unfettered government access to bank records. The most active of these is H.R. 214, the Bill of Rights Procedures Act. Title I of this bill, which applies only to Federal law enforcement agencies, would establish a procedure for gaining access to a persons' bank records which, among other things, would provide for prior notice to the customer.

Last year, both the FBI and the IRS testified before the Congress in opposition to H.R. 214. We believe that there is merit to this bill, however, particularly in light of Miller, and we are attempting to develop a position paper which you could give to the President.

SENIOR STAFF MEETING  
Tuesday May 25, 1976  
8:00 a.m.

Privacy

Privacy

Justice vs

D.C. for it

~~Privacy~~ - memo in to P  
(upside)

+ then to me



RL  
Pruitt

THE WHITE HOUSE


WASHINGTON

August 3, 1976

MEMORANDUM FOR:

JIM LYNN

FROM:

DICK PARSONS 

SUBJECT:

Proposed Executive Order  
Concerning Personnel and Security  
Clearance Investigations

I herewith submit for clearance a proposed Executive Order establishing new procedures for Federal employment and security-clearance investigations, together with relevant background materials.

The proposed Executive Order was prepared by the Domestic Council Committee on the Right of Privacy and would supersede E.O. 10450, promulgated in 1953. The Vice President, who chairs the Committee, requested that the proposed Executive Order be transmitted to you for clearance.

If I can be of any assistance during the clearance process, please let me know.

Attachment

cc: Jim Cannon ✓  
Peter Wallison  
Quincey Rodgers

*Handwritten notes:*  
Justice (Privacy)

DOMESTIC COUNCIL

FROM: DICK PARSONS

SUBJECT: Privacy (Draft message for President)

Date: 10/13/76

COMMENTS:

QUERN: This is a good idea but really needs to be written with more zip.

*Handwritten notes:*  
ATA -  
W/ [unclear] pls  
or/c with to  
sewnt as you

ACTION:

*Handwritten notes:*  
suggest. Jim


Date:



THE WHITE HOUSE  
WASHINGTONINFORMATION  
GUIDANCE

October 13, 1976

MEMORANDUM FOR: Jim Cannon  
Paul O'Neill

FROM: Dick Parsons 

SUBJECT: Privacy

As you know, the Domestic Council Committee on the Right of Privacy submitted its report to the President on information policy development at the Federal level on September 12, 1976. On October 1, the beginning of the new fiscal year, the Committee lost its independent staff and, for all practical purposes, went out of business.

Because the President has an impressive record in the privacy area, because there is considerable public interest in privacy, and because the President has directed the Vice President and OMB to follow up on the recommendations contained in the Committee's report (see Tab A), I think it would be useful for the President to issue a statement outlining his accomplishments in this area, assigning continuing oversight responsibility to the Office of Telecommunications Policy and indicating his intention to follow up on the Committee's report.

Attached (at Tab B) is a draft of such a statement for your review. Please let me know your reaction.

Attachments

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