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November 5, 1974

MEMORANDUM FOR:

PHILLIP ARREDA

FROM:

RON NESSEN

SUBJECT:

Legal Aspects of
Paul Miltich's Mailings

I am sending you some samples of the kinds of informational mailing packets that Paul Miltich of my office sends to editors and publishers across the Nation.

Following a discussion yesterday on this subject with Don Rumsfeld, there are several legal points which we would like you to advise us on concerning these informational packets:

1. Can the RNC pay for the mailing costs if they are mailed out under the White House letterhead signed by Paul Miltich using his official title?
2. Should White House letterhead be used if the RNC is paying for the mailing cost?
3. Should Paul Miltich sign the cover letter with his official title if the RNC is paying for the mailing cost?
4. Can appropriated funds be used to cover mailing costs using official White House letterhead considering the subject matter in these sample mail-outs?
5. As I understand the language of the authorization legislation, appropriated funds may not be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress. Does this mean that if these informational packets are judged to be partisan but do not directly refer to pending legislation that we may use official funds for preparation or distribution of the material?



Page 2

I am not interested in limiting the flexibility of our office in informing the public of Administration policy. I do, however, desire to be able to legally justify whatever we do distribute.

cc: Dick Cheney

LT/pp



November 5, 1974

MEMORANDUM FOR: PHILLIP AREEDA
FROM: RON NESSEN
SUBJECT: Staff Coordination of
Informational Materials
from Paul Miltich.

At Don Rumsfeld's instruction you will begin receiving copies of information which Paul Miltich mails out to editors and publishers throughout the Nation. This information will be in draft form for your clearance prior to dissemination.

Paul Theis will also receive draft copies of the same information sheets for staffing through his system with the Domestic Council, NSC, and the economic adviser, as appropriate.

I would appreciate your expeditious review of this information for any legal ramifications. As I am sure you understand, many times the dissemination of this kind of information is only effective if it is sent out on a timely basis. If you encounter in you review any problems, please notify Lou Thompson, my Assistant Press Secretary for Administration, and he will work with you.

cc: Dick Cheney

LT/pp



THE WHITE HOUSE
WASHINGTON

November 29, 1974

Ron --

Here is a draft response to
Mr. Arieff about your letter
to Taylor.

P.A.

Phil Areeda



11/29/74 - DRAFT

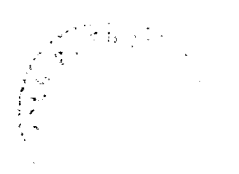
Dear Mr. Arieff:

I have your letter of the 19th requesting a copy of my reply to Arthur Taylor's October 17 letter to the President.

Quite apart from any bearing that your invocation of the Freedom of Information Act may have -- and I don't know what the lawyers would say about that -- I am happy to send you a copy of the requested letter. It is enclosed.

Sincerely,

Ronald Nessen



MEMORANDUM

THE WHITE HOUSE
WASHINGTON

November 27, 1974

MEMORANDUM FOR: PHIL AREEDA
FROM: RON NESSEN *RHN*
SUBJECT: Information requested through the Freedom
of Information Act

The attached letter has been sent to me from Television Digest, asking for a copy of a letter I sent to CBS President Arthur Taylor. It is requested through the Freedom of Information Act.

I have attached the incoming letter from Mr. Taylor and also my letter to him. Would you draft a response for me to use to Mr. Arieff after you determine how I should respond?

Thank you.



October 25, 1974

Dear Mr. Taylor:

The President has asked me to respond to your letter expressing concern about his request for television time for his Kansas City speech on Tuesday, October 15.

Neither I nor the President meant to challenge the news judgment of the three television networks and their initial decisions not to broadcast the speech live. The President did feel that while this speech did not contain any new or dramatic proposals, it was specifically directed to the public listing a number of the steps he expected them to take to fight inflation and conserve energy, and, therefore, should be seen by the public in its entirety. After all, the President's inflation-fighting and energy-saving program depends in part on voluntary compliance and he felt that the people should see and hear directly what he expected of them in this voluntary program.

I am not sure I understand your concern about "these kinds of tactics" being pursued in the future, and I must respectfully disagree with your comment that the television coverage of the speech was "announced as a victory over the broadcasting press by your press representatives."

I am sure we both share the common goal of providing the American public as much information as possible about their President and their government, especially in the crucial area of the economy. I hope you will agree that the televising of the President's Kansas City speech contributed to that goal.

Let me assure you that the President and I fully share your strong determination to see a free, vigorous and independent press preserved in America.

Sincerely,

Ron Nessen
Press Secretary to the President

Mr. Arthur R. Taylor
President
Columbia Broadcasting Company
51 West 52nd Street
New York, New York 10019





CBS Inc., 51 West 52 Street
New York, New York 10019
(212) 785-4321

Arthur R. Taylor, President

October 17, 1974

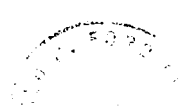
Dear Mr. President:

This letter is occasioned by the events leading up to the live television broadcasting of your Kansas City speech, Tuesday, October 15. The manner in which the negotiations for the televising of your speech were handled by your representatives has caused us concern. In an effort to forestall a serious misunderstanding between us on what we believe to be a most important matter, and because you and I have talked in the past (both when you were Minority Leader of the House and later as Vice President) concerning the need to increase the trust between the news organizations and the Presidency, I bring this matter directly to your attention.

As you know, the television networks have always honored a formal request by the President of the United States for broadcast time to speak to the Nation. In doing so we have relied on the President to use this privilege in good faith when he had issues of extreme importance and newsworthiness to bring before the American people. We sincerely hope that this informal practice can continue to be maintained.

I need not tell you the right of the President to utilize our broadcasting facilities is not an automatic one, and the Constitution rightly provides that we are free to make news judgments as to whether or not those facilities will be made available. I am sure you agree that two centuries of history and experience confirm the necessity of maintaining these Constitutional guarantees.

We, of course, knew of your plans to speak Tuesday night to the Future Farmers of America. Over the weekend, your associates informed us of the nature and content of the speech, and some of the specific points that were planned to be included. By Tuesday, we were furnished with the text of the forthcoming speech.



October 17, 1974

In light of the absence of news immediacy, live television broadcasting of your speech -- as distinguished from full reportage, including excerpts in regular news broadcasts -- was not justified in our news judgment. When Mr. Nessen inquired as to whether or not we intended to televise live, and further indicated the White House interest in our doing so, he was told by our representatives in our Washington bureau that our news judgment did not indicate a live broadcast was in order. At that point, on Tuesday, Mr. Nessen made an official request for time. That time was granted on behalf of CBS because, as I have noted, we have never refused an official request from the President of the United States to speak to the Nation. This procedure, however, raises grave questions.

We believe that our news judgment was justified in retrospect. In effect, what Mr. Nessen did was to attempt to override our news judgment by invoking the solemn request to address the Nation, which we have always honored, in the name of the President of the United States. The result is that, of course, your speech was televised. For the first time in our history, to the best of our recollection, we broadcast live a Presidential speech which in our serious, careful, professional news judgment did not warrant such coverage -- doing so only because you had made a formal request. This raises grave issues of our news functions and our relationships to the Government.

It is not possible to maintain the forthright and forthcoming attitudes that I know both of us wish, if in fact these kinds of tactics are to be pursued and, less importantly, announced as a victory over the broadcasting press by your press representatives. The unfortunate end result of such an approach conceivably could be a formal request for television time on your behalf which we refused on journalistic grounds, a situation which we sincerely hope will never have to occur.



3

October 17, 1974

This matter is so serious from our point of view and portends so much for the future that we would welcome an opportunity to meet with you to discuss this question.

With all good wishes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur Hays Sulzberger". The signature is fluid and extends across the width of the page.

The President
The White House
Washington, D. C.

A faint, circular stamp or seal is visible in the lower right quadrant of the page. The text within the stamp is illegible due to fading.

November 29, 1974

Dear Mr. Arieff:

I have your letter of the 19th requesting a copy of my reply to Arthur Taylor's October 17 letter to the President.

Quite apart from any bearing that your invocation of the Freedom of Information Act may have -- and I don't know what the lawyers would say about that -- I am happy to send you a copy of the requested letter. It is enclosed.

Sincerely,

Ron Nessen
Press Secretary
to the President

Mr. Irwin B. Arieff
Assistant Editor
Television Digest
1836 Jefferson Place, NW
Washington, D.C. 20036

P.Areeda/pp



December 4, 1974

MEMORANDUM FOR:

PHIL ARREDA

FROM:

RON NESSEN

I'm sorry to bother you with small matters but would appreciate it if you could let me know if there are any legal problems on accepting the attached honorary membership.

RN/pp





INTERNATIONAL CLUB OF WASHINGTON, INC.

1700 K STREET, N.W., WASHINGTON, D.C. 20005

TELEPHONE 337-1111

December 2, 1974

Mr. Ron Nessen
Press Secretary
The White House
Washington, D. C. 20501

Dear Mr. Nessen:

It has been the custom of the International Club to propose Honorary Memberships to those senior members of the White House staff to whom the Club might be of value in the performance of their duties (or as a place to relax in those rare moments).

On behalf of the Board of Governors it is my privilege to invite you to become an Honorary member of the Club.

As you may know, the Club is a privately financed non-profit organization established in 1964 as an informal meeting place for persons in international affairs and as a positive contribution to better understanding and improved relations in the international field.

Sincerely,

A handwritten signature in dark ink, reading "Luis F. Corea". The signature is written in a cursive style with a large, sweeping initial "L".

Luis F. Corea
President

December 21, 1974

**MEMORANDUM FOR: PAUL MILTICH
JERRY WARREN**

FROM: RON NESSEN

Attached find a memorandum from Phil Areeda discussing the legal aspects of White House mailings. Please read this carefully and make sure that our policy conforms exactly to it.

If you have any questions or doubts, please take them up with me or directly with Phil Areeda.

Attachment



THE WHITE HOUSE
WASHINGTON

December 20, 1974

MEMORANDUM FOR: RON NESSEN
FROM: PHIL AREEDA

P.A.

1. You asked me about the legal implications of press office mailings.
2. It is my understanding that the White House information office makes weekly, or occasionally twice weekly, mailings to the approximately 250 largest newspapers and 300 TV stations. On rare occasions, a larger mailing is made to some 1,300 daily newspapers and some 5,000 weekly publications.
3. You provided samples of the material mailed. One, for example, restated the President's veto message on the Freedom of Information Amendments (and included the hope that Congress would enact the President's revised legislation). Another concerned the President's remarks about veterans. Another concerned the legislation the President signed on Commodity Futures.
4. Such mailings of such materials are a legitimate part of the public information function for which appropriated funds may properly be spent. Furthermore, such mailings do not offend the statutory restrictions of the use of appropriated funds for lobbying. Please be sure, however, that readers are not asked to communicate with Congress to support or oppose legislation. Be especially careful with the larger mailings, and do not make "saturation" mailings without consulting me.
5. Let me also mention an alternative procedure that has sometimes been used: The White House information official sends his letter and enclosure to only a few persons. One of the recipients is at the Republican National Committee which then duplicates

the incoming letter and enclosure and mails them at the Republican National Committee's expense and without using White House envelopes or stationery (although, of course, the copied letter was on White House stationery). I assume that considerable efforts would not be expended for the sole purpose of communicating with the RNC. In any event, this procedure seems less desirable because it may "politicize" the White House in the sense of making a political committee the vehicle for informing the citizenry concerning the activities of the Executive Branch and other matters of national importance.



THE WHITE HOUSE
WASHINGTON

January 8, 1975

MEMORANDUM FOR: RON NESSEN
FROM: PHIL AREEDA *PA*

The NEW YORK TIMES had a story this morning about former Solicitor General Erwin Griswold's testimony in the Kleindienst confirmation hearings concerning his getting an extension of time in which to appeal the ITT case to the Supreme Court.

Contrary to the story, an appeal was filed by Griswold.

That appeal was then made moot when the Government and ITT settled the case. Griswold was not involved in the settlement.

Griswold talked to S.P. office. Was not invited. S.P. denied

1. Dean Griswold himself brought this matter to the attention of the White House Staff before he was appointed.
2. It was fully considered.
3. The Special Prosecutor was consulted.

Q: Did the Special Prosecutor "clear" the appointments?

A: He never "clears." He provides facts.

Q: What did he say?

A: It is, of course, inappropriate to disclose material gathered by the Special Prosecutor.

Q: Was Griswold a "target" of the inquiry by the Special Prosecutor?

A: Same answer.

4. The President was fully informed of all this before he made the appointment.

5. The appointment reflects the President's judgment that Dean Griswold is a man of integrity and will make a splendid contribution to the work of Commission inquiring into the CIA.



man of stature, experience + integrity

~~*SP decided not to prosecute*~~

My conclusion was that it was nothing less - that would disqualify him from service on this Council. He is a

January 27, 1975

MEMORANDUM FOR: PHIL AREEDA

FROM: RON NESSEN

Attached find a series of copies of newspaper articles which ran in the St. Louis Post Dispatch involving alleged wrong-doing by the Civil Service Commission.

Jim Deakin, the White House reporter for the St. Louis Post Dispatch, has asked me whether there is any White House comment on these articles or on this alleged wrong-doing by the Civil Service Commission.

RN/eg



St. Louis Post-Dispatch 10/8/74

U

Ford Aid Linked To Favoritism Case

PLA 10/8/74

By ROBERT ADAMS

A Washington Correspondent
of the Post-Dispatch

WASHINGTON, Oct. 8 (AP) —

comment.

The aid, Barry Roth, said Casselman "feels it would be inappropriate for him to comment on this or any other matter that is or might be the subject of investigation." Two of the eight GSA staff mem-

and have been asked to be a part

A Nov. 19, 1971 memorandum bearing the signature of A. W. Innamorati, who was then assistant commissioner for buildings management at GSA, continues

but declined an offer in Wheeling and another offer in Martinsburg.

Casselman wrote that he understood that Nesbit had objected to the working hours at Wheeling, and to the cost of living at Martinsburg.

100

Political Job Backing By Civil Service Head

PLA***

By ROBERT ADAMS
Washington Correspondent

Dailey that Hampton had worked with Dailey in the Air Force.

"Any consideration you can give him will be appreciated," Hampton said. In a handwritten postscript, he added:

file indicates that she was discussed earlier with Hampton by Harry S. Flemming, who was then a special assistant to President Nixon.

a Senator. In addition, Civil Service Rule 4.2 provides that all disclosures about political affiliation "shall be ignored" in filling career jobs.

St. Louis Post-Dispatch 1/6/75

1 Service Commissioner erred 11 For Merit Jobs

referred at least 11 persons for jobs in der, a Nixon campaign aid Service

St. Louis Post-Dispatch 12/5/74

File
Names GSA Leaders In Alleged Job

*File****
By ROBERT ADAMS
Washington Correspondent

Ring

is one of the eight charged
with violations.

LeMay cited three specific
cases that he said indicated

W. J. ...

WASHINGTON, Dec. 5 — Arthur F. ...
... and Robert L. Kunzle, the ...

Spoilers Of Merit System

St. Louis
Post-Dispatch

Ran Loose Under Nixon

PLD:***
By ROBERT ADAMS
Washington Correspondent

White House aid.

Dedicated sarcastically to the Civil Service Commission, the manual was

tration investigation — and failed to could do immense harm.

pursue Kunzig and Sampson — because "One of the most encouraging things about Watergate," he said, "was that Hampton was concerned that they

~~THE WHITE HOUSE~~

~~WASHINGTON~~

Dear Phil:

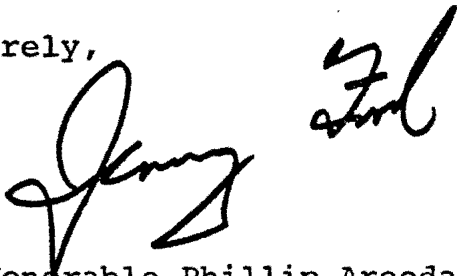
I have your letter of February 7, and it is with sincere gratitude for your dedicated service to our Nation that I accept your resignation as Counsel to the President, effective on a date to be determined.

In doing so, I welcome this opportunity to express my personal gratitude for your unhesitating support and willing assistance during the past months of transition. You brought to your responsibilities on my staff great energy, skill and expertise. Your past experience and knowledge of the White House and of the Federal Government have enabled you to make significant contributions to the development of our legislative programs and to the establishment of my Administration. Your wise counsel and able direction have earned the respect of all your colleagues as well as my own great admiration.

I am most grateful for your good wishes for my Administration and for your kind offer of future assistance. You can be sure if the occasion ever arises, we won't hesitate to again call on your talents.

In the meantime, as you prepare to resume your duties at Harvard, I want you to know that you take with you my warmest best wishes for every continued happiness and success in the years ahead.

Sincerely,



The Honorable Phillip Areeda
The White House
Washington, D.C.

THE WHITE HOUSE
WASHINGTON

February 7, 1975

Dear Mr. President:

Permit me to submit my resignation as Counsel to the President.

I am grateful for the opportunity you have given me to serve the country once more. But now that I have done all that I can as Counsel to help in establishing your Administration, I have satisfied my commitment in coming to the White House last Fall. I plan therefore to return to my teaching and scholarship at Harvard.

I shall be honored to render any occasional future assistance that you might find useful after my return to Cambridge in several weeks. I leave behind my warmest good wishes for your personal well-being and for the success of your Administration.

Yours respectfully,



Phillip Areeda
Counsel to the President

Honorable Gerald R. Ford
President of the United States
The White House