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THE WHITE HOUSE
WASHINGTON

5/6

RON:

We presented the case again to the President. The decision is still go.

JIM

Jack

FYI



RAN

THE WHITE HOUSE
WASHINGTON



NOTE FOR: *Jim Connor*

FROM : RON NESSEN

*F.Y.I. I have
no way of judging
these points Huskin
makes.*

*But I thought
you should be
aware of them.*

RHN

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

May 5, 1975

MEMORANDUM TO RON NESSEN

FROM: JACK HUSHEN *Just*

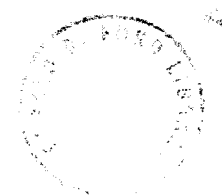
RE: Proposed Presidential Visit to Charlotte, North Carolina

Ron: we presented the case again to the President. The decision is still go.

I understand the President has approved a proposal to go to Charlotte, North Carolina on Tuesday, May 20, to participate in a bicentennial event. This trip will result in some negative stories for two reasons and we would do well to reconsider the decision. It is my understanding that Senator Helms (R-NC) has been the only one pressing for the President to go to Charlotte and there are several people in the White House who are opposed, including Cavaney and Rosenberger.

The problems are that the event is really not something connected with the 200th anniversary. It is supposed to be the anniversary of the signing of the Mechlenberg Declaration of Independence, although there is nothing to show that such a document ever existed and historians do not believe the event ever took place. There has already been a lot of local publicity -- even without the President's appearance.

The other problem has to do with the civil suit against several current White House personnel which grew out of an incident in Charlotte during the 1972 election campaign. It was "Billy Graham Day" and several demonstrators were denied entrance to the site where Nixon was speaking. Named in the suit are Bill Henkel, Mike Duval (an advancement man at the time), Bob Haldeman and Ron Walker. Secret Service and the Charlotte police were dropped from the suit today, leaving only White House staff and VFW as defendants. The VFW acted as ushers. The case went to the jury today. A verdict undoubtedly will be reached before the President's visit, but the trip will certainly focus additional attention on this case and allow it to be injected into stories about the President. I don't know if we can get this decision reversed, but I think we are just asking for trouble if we go ahead with it.



THE WHITE HOUSE

WASHINGTON

May 6, 1975

MEMORANDUM FOR:

JIM CONNOR *file*
WARREN RUSTAND

FROM:

RON NESSEN

I am hosting a reception for the Michigan Association of Broadcasters and their wives (a total of about 50 people), Thursday, May 8, 1975 from 6-8:00 p.m. at the Tayloe House on Jackson Place across from the White House.

I have invited from the White House staff, Bill Seidman, Phil Buchen, Don Rumsfeld, Bob Hartmann and Jack Marsh, as well as members of my staff.

The Michigan Association of Broadcasters are in Washington to attend the annual dinner for the Michigan Congressional Delegation. We were unable to fulfill the Broadcasters' request for a meeting with the President because of his busy schedule this week, even though he has seen this group nearly every year in the past.

I propose that the President drop-by briefly at the reception sometime between his 6:00 p.m. meeting with Don Rumsfeld and Dick Cheney and his 8:00 p.m. state dinner for Prime Minister Lee of Singapore. These broadcasters are from the President's home state and support him almost 100%. This would be the first year in some time that he has not been able to meet with them. I believe it would be well worth 15 minutes of his time.

RN/pp



THE WHITE HOUSE
WASHINGTON

May 6, 1975

MEMORANDUM FOR: JAMES E. CONNOR

FROM: RON NESSEN

SUBJECT: Involvement of Presidential
Appointees with Senior White House
Staff.

In reference to your memo of May 1, we are at this time planning several activities within the President's guidelines.

The first of these would be the use of the Sequoia to brief and solicit comments from the senior public affairs officials from each of the Departments. A proposal to do this is now being worked out with Jerry Jones.

Secondly, I have asked Bill Greener, my deputy, to work out utilization of the President's box to invite newsmen, Sub-Cabinet officials and members of the senior White House staff to join us at regular intervals for performances at either the Kennedy Center or the National Theater. Bill also is working out a schedule for him and me to have a series of breakfast or luncheon meetings at the various departments with the Secretaries and Assistant Secretaries.

It is very important that the Sub-Cabinet officials understand thoroughly the workings of the White House Press Office as well as the key policy positions of the President.

As other ideas for briefings and/or closer coordination with Sub-Cabinet officials occur to us, I will forward them to you.

B.GREENER/R.NESSEN/pp

cc: Bill Greener
Connie - fyi



THE WHITE HOUSE


WASHINGTON

May 1, 1975

MEMORANDUM FOR:

JIM CANNON
MAX FRIEDERSDORF
JIM LYNN
JACK MARSH
RON NESSEN ✓
BILL SEIDMAN

FROM:

JAMES E. CONNOR 

SUBJECT:

Involvement of Presidential Appointees
With Senior White House Staff

The President has indicated that he would like to have a greater involvement of Sub-Cabinet members with the Senior White House Staff. Such involvement should include regular briefings and discussions with the Sub-Cabinet members as well as social contact using some of the facilities available to the White House.

Some suggestions that have been made include the use of Camp David, the Sequoia and Blair House for meetings with small groups in a pleasant and informal setting. I would appreciate it if you would consider specific ways in which you might involve the Sub-Cabinet appointees and let me know by May 7th what plans you have. Should you choose to use White House facilities, we can facilitate the process for you.



May 6, 1975

MEMORANDUM FOR:

BOB HARTMANN
JACK CALKINS
JACK MARSH
JIM GONNOR ✓

FROM:

RON NESSEN

Congressman William Cohen of Maine (who apparently considers me his White House contact since I met him at a party one night), phoned today to request help with a Maine Republican fund-raising dinner on June 22.

The Maine GOP Chairman, Jack Linell, is staging the dinner to pay off a \$30,000 debt from the last election and to raise money for the next election. Congressman Cohen and Linell would like the President to come as the star attraction because they believe he would attract more people and more money could be raised. If the President could not make it, Linell plans to invite Reagan and this is what worries Cohen.

Cohen says he is "alarmed" by the growing Reagan support in Maine and he feels that a Reagan appearance at this dinner would further advance Reagan's popularity in Maine. So Cohen hopes the President will make every effort to attend this dinner.

Among others who have recently volunteered concern to me about the growing Reagan organization and support are: Congressman Pete McCloskey, Bob Finch and Herb Klein.

RN/pp



THE WHITE HOUSE

WASHINGTON

May 6, 1975

MEMORANDUM FOR:

JIM CONNOR

FROM:

RON NESSEN *RHN.*

Attached find the talking points on refugee aid which you requested for the Cabinet meeting Wednesday. I have already given the President a copy of this, at his request, for preparation for his news conference tonight.

Attachment



Jim — —

Is the Pres.
going to drop-
in at my
reception for
Michigan
broadcasters.

To morrow?

I wish
Yes

but I must

No see

the way off
RNA

5-7-75

THE WHITE HOUSE

WASHINGTON

May 8, 1975

MEMORANDUM FOR:

THE PRESIDENT

THROUGH:

JIM CONNOR

FROM:

RON NESSEN *RHN*

SUBJECT:

Possible interview with foreign
journalists before your European
trip.

BACKGROUND:

We have received a number of requests for interviews with you from foreign journalists, both based in Washington and overseas. You have expressed an interest in considering an interview with foreign journalists prior to your European trip at the end of this month. If you should decide to do it, I feel the best date would be May 21.

RECOMMENDATION:

We have reviewed a number of options, ranging from an open news conference restricted to foreign journalists to not doing one at all because of the difficulty of selecting a small group of questioners. After careful consideration, I recommend and Bob McCloskey at the State Department concurs with the following:

A one hour interview filmed for television. This interview would be filmed by the BBC at the White House for showing throughout Europe on the Eurovision network. The questions would be asked by a panel consisting of:

Adalbert de Segonzac (France)
France Soir

Henry Brandon (England)
London Sunday Times

Jan Reifenberg (Germany)
Frankfurter Allgemeine

Marino de Medici (Italy)
Il Tempo

The moderator would be a senior BBC diplomatic correspondent. All of these people speak good English.

You will probably want to spend several hours in preparation, with Secretary Kissinger and General Scowcroft, since your words would be weighed very, very carefully for any nuances of policy throughout Europe and worldwide.

ADVANTAGES:

The advantage of doing this interview is to make yourself and your views better known throughout Europe just before your trip. It would also present the opportunity to send any policy assurances to our European allies and to set the tone for your trip.

DISADVANTAGES:

The disadvantage of this interview is that the questioners might try to force you into making some policy statement that would not be helpful before the European trip. Also, by limiting the questioners to four, there will be a lot of hurt feelings among those foreign journalists who have requested interviews but will not be chosen to conduct this interview.

DECISION:

_____ Proceed with plans for interview as outlined
in your recommendation.

_____ No interview before my European trip.

_____ I would like to discuss this with you.

_____ Other:

cc: Don Rumsfeld
General Brent Scowcroft



THE WHITE HOUSE

WASHINGTON

May 8, 1975

MEMORANDUM FOR:

THE PRESIDENT

THROUGH:

JIM CONNOR

FROM:

RON NESSEN *RHN*

SUBJECT:

Background and likely areas of questioning from Malcolm S. Forbes, Sr. at Friday interview.

Forbes is President and Editor-in-Chief of Forbes Magazine which comes out twice a month and is devoted to news of interest to the financial and business community. He writes a series of short editorials in each issue outlining his generally conservative economic and political views.

Forbes is a well known amateur balloonist, unsuccessful Republican candidate for Governor in New Jersey in 1957, and a World War II Army hero.

Based on recent Forbes editorials, he is likely to ask you questions in the following areas:

1. On energy. (In a recent issue Forbes opposed your energy program and came out instead for a "sizably increased gasoline tax".)
2. Foreign investments in the United States. (In a recent editorial Forbes called for guidelines limiting foreign investments in the United States.)
3. Indochina. (In recent editorials before the end of the war, Forbes opposed any further military aid and he may ask some questions about the lessons learned from the war.)
4. Defense budget. (In a recent cover story Forbes praised Secretary Schlesinger for his efforts to cut defense costs and said the big problem with the defense budget is that it is huge but it still provides very little additional power.)
5. Public power. (In another recent cover story Forbes opposed public ownership of power companies saying it might save the consumers money but it would cost the taxpayers money.)
6. Economy. (In still another recent cover story Forbes attempted to dampen prophecies that the country is heading into another great depression. The magazine has been generally up-beat on the future outlook on the economy and is a strong advocate of a free economy unhindered by excessive government regulations.)

Page 2

Forbes, Sr. will ask all the questions at the interview but he will be accompanied by his son, Malcolm Forbes, Jr., who now writes his own column of opinion in the magazine.

cc: Alan Greenspan



May 8, 1975

MEMORANDUM FOR:

JIM CONNOR

FROM:

BOB NESSEN

Alan Greenspan suggested that he spend a few minutes with the President tomorrow morning in preparation for the Forbes interview. Alan has to leave town about mid-day and will have to get in to see the President early.

cc: Alan Greenspan

BN/PP



THE WHITE HOUSE
WASHINGTON

Start on
file

[ca. 5/12/75]

NOTE FOR: Jim Connor.

FROM : RON NESSEN

FYI and for
advice.

My opinion is
strongly "No". Takes
too much of the
President's time.

RAN



Av Westin
Vice President and Director
Television Documentaries

May 12, 1975

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

Dear Ron:

This is a follow-up to our meeting last November and our subsequent correspondence about FORD: ACTION BIOGRAPHY. ABC News has been given a September air date for the program. This was a result of our agreement with you that ABC News should be able to present an important broadcast marking the end of President Ford's first year in office. We now need the President's approval. It is of the utmost importance that we begin filming almost immediately if we are to meet that September deadline.

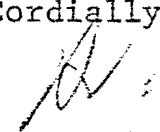
Aetna Life & Casualty will sponsor the one hour prime time program which will be reported by Howard K. Smith and Tom Jarriel.

Correspondence in the White House files with you, Mr. Terhorst, and Mr. Miltich details our requirements and affirms that the completed broadcast will be subject to national security review. These were the same ground rules followed by ABC News while preparing ACTION BIOGRAPHIES on Secretary Kissinger, President Sadat and Prime Minister Rabin.

Mr. Ron Nessen
May 12, 1975
Page 2

I am enclosing an updated list of our production requirements so you will have a realistic idea of exactly what is needed.

Cordially,


Av Westin
Vice-President
ABC News
TV Documentaries

AW/nml

Enclosure



The ABC News ACTION BIOGRAPHY Series is divided roughly into three parts. The first traces the life and career of the subject. The second section shows the subject in action. . . . in real decision-making situations, so our viewers can see how he functions as a leader. The third and final section of the broadcast is a straight interview devoted to current events conducted by Howard K. Smith and Tom Jarriel. The date for this interview is ideally as close to the air date as possible. Perhaps, a day or two before.

In documenting the President's life we will need access to still pictures and films showing Mr. Ford from his earliest years on. Hopefully, we will have access to family archives.

We would expect that certain of the President's close friends and associates would be notified of our efforts and that they would be available for interviews.

For the second section of the broadcast, the "Action Section", we would need a tentative outline of the President's schedule from now until September. We would like to show the variety of activities in which the President is involved. For example, a Cabinet Session, where we might be able to show the anatomy of a decision . . . preferably a meeting where there is a substantive issue being discussed. All of this film and other sensitive filming will be sequestered from regular news programming and all of it is subject to national security review. We would like to show staff meetings; Mr. Ford starting his day with morning exercises; perhaps, preparation for a News Conference.

We want to demonstrate how the President is briefed for a foreign visit. What he does on Air Force One, with whom he speaks. The actual trip is important and we know it will be covered by regular news teams. What we need on ACTION BIOGRAPHY is a behind-the-scenes look.

In keeping with that premise, we should include preparations that precede a State Visit and a State Dinner. We know Prime Minister Rabin is coming in June.

We would also like to interview Mrs. Ford and some of the children on what this past year has meant to them.

From our experience with the three other ACTION BIOGRAPHIES, we require the following: two one-hour interviews to be used as the main narration for the program. They are casual and can be done in informal surroundings. The location is unimportant, the President's recollections are. The first of these interviews will cover Mr. Ford's boyhood through his Vice-Presidency. The second will review the first year in office. The third and final session mentioned earlier is a straight interview on current events and will be used at the end of the program. That interview usually lasts thirty minutes.

In addition to these scheduled interviews, we anticipate following and filming the President's activities over the next three months in many activities; perhaps, as many as fifteen separate occasions.

Obviously, the key to the success of this broadcast is planning. It is of the utmost importance that once we have the President's approval there be someone from your office who will be our liason.

Our team will consist of four camera crew members. Our two Producers are Eileen Russell and Marge Lipton.

May 13, 1975

MEMORANDUM FOR: JIM CONNOR

FROM: RON NESSEN

I am in the process of preparing some recommendations on formats for the President to fulfill the many requests from columnists. I think this is the next area in which he should concentrate for contact with the press since he has already been interviewed by the networks, wire services, news magazines, and major newspapers.

I should have the proposals for columnists ready for consideration before the European trip or just after. So why don't we hold off on a definite answer to Evans and Novak until we see how they fit into the over-all columnists plan.

cc: Dick Cheney

RN/cg



THE WHITE HOUSE
WASHINGTON

May 10, 1975

MEMORANDUM FOR: RON NESSEN
FROM: DICK CHENEY

D

Ron, we received a request for the President to meet with Evans and Novak for an interview.

He's inclined to do it. We'd like your thoughts on it.

We'd also like to do it after he gets back from Europe for about 30 minutes.

Get back to me or Jim Connor with your views on it.

THE WHITE HOUSE
WASHINGTON


May 13, 1975

MEMORANDUM FOR
THE CABINET

As you may recall, at the last Cabinet meeting the President drew attention to the Attorney General's speech to the New York Bar Association and requested that it be made available so that all members of the Cabinet would have an opportunity to read it, with particular attention to the area of the relationship between personal and governmental privacy.

The Attorney General's office has now made copies of his speech available, and I am pleased to enclose a copy for your use.

Attachment


JAMES E. CONNOR
SECRETARY TO THE CABINET





Department of Justice

ADVANCE COPY FOR RELEASE AT 8:00 P.M., E.D.T.
MONDAY, APRIL 28, 1975

ADDRESS

BY

THE HONORABLE EDWARD H. LEVI
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

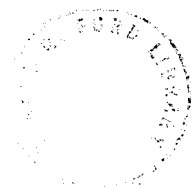
THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

8:00 P.M.
MONDAY, APRIL 28, 1975
42 WEST 44TH STREET
NEW YORK, NEW YORK



I would like to speak to you this evening about confidentiality and democratic government. The subject is an important one. It is complicated and has many facets. I do not suggest there are easy answers. I do suggest, however, that public understanding of the issues involved and the relationship among the issues is extremely important. The bar as a profession has an enormous responsibility to help clarify these issues. My belief is that understanding may be increased by putting together certain doctrines and values with which most of us would agree. The relationship among these doctrines and values may have been obscured in the recent past. If hard cases sometimes make bad law, emergency situations also have distorted our perspective. The public good requires that we try to correct that distortion.

In recent years, the very concept of confidentiality in government has been increasingly challenged as contrary to our democratic ideals, to the constitutional guarantees of freedom of expression and freedom of the press, and to our structure of government. Any limitation on the disclosure of information about the conduct of government, it is said, constitutes an abridgement of the people's right



to know and cannot be justified. Indeed, it is asserted that governmental secrecy serves no purpose other than to shield improper or unlawful action from public scrutiny. This perception of the relationship between confidentiality and government has been shaped in large measure by the Watergate affair. The unfortunate legacy of that affair is a pervasive distrust of public officials and a popular willingness to infer impropriety. Skepticism and distrust have their value; they are not the only values to which our society must respond.

Our understanding of what is involved in the present controversy over government confidentiality is further inhibited by the very words sometimes used to describe the legal authority of the Executive branch to withhold information. I am referring, of course, to the term "executive privilege." The term fails to express the nature of the interests at issue; its emotive value presently exceeds and consumes what cognitive value it might have possessed. The need for confidentiality is old, common to all governments, essential to ours since its formation. The phrase "executive privilege" is of recent origin. It apparently made its first appearance in the case law in a Court of Claims

opinion by Mr. Justice Reed in 1958. It is only in the last few years that the phrase has preempted public discussion of governmental confidentiality, and the phrase has changed in meaning and connotation. Because it has been seen against the background of the separation of powers, and in this setting has often involved the directive of the President, the phrase has come to be viewed by the public as an exercise of personal presidential prerogative, protecting the President and his immediate advisers or subordinates in their role of advising or formulating advice for the President. Whether or not disclosure in response to congressional demands should be withheld only by Presidential directive, sweeping as was the case with President Eisenhower's order, or specific as President Kennedy promised, the phrase "executive privilege" has ceased to be a useful description of what is involved in the need for confidentiality. Our ability to analyze the legal and public interests involved has become a prisoner of our vocabulary. Much more is involved than the President's personal prerogative standing against the people's right to know. The problem is the need for confidentiality and its limitations in the public interest for the protection of the people of our country.



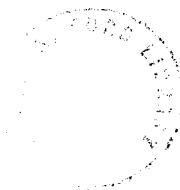
Let me suggest starting points for an analysis of the place of government confidentiality in our society. Government confidentiality does not stand alone. It is closely related to the individual's need for privacy and the recognition we frequently give to the needs of organizations for a degree of secrecy about their affairs. It also exists alongside the American citizenry's need to know and government's own right to investigate and discover what it needs to know. Those rights are not always consistent or fully compatible. They are circumscribed where they conflict. Yet sometimes these diverse interests are inter-related. One reason for confidentiality, for example, is that some information secured by government if widely disseminated would violate the rights of individuals to privacy. Other reasons for confidentiality in government go to the effectiveness --and sometimes the very existence -- of important governmental activity. Finally we should recognize that if there is a need for confidentiality, it is not necessarily based upon the doctrine of separation of powers found in our Constitution.

That doctrine may condition or shape the exercise of confidentiality, but governments having no doctrine of separa-

tion of powers have an essential need for confidentiality, and the doctrine does not diminish the need.

At the most general level of analysis, the question of confidentiality in government cannot be divorced from the broader question of confidentiality in the society as a whole. The recognition of a need for it reflects a basic truth about human beings, whether in the conduct of their private lives or in their service with the government. Throughout its history our society has recognized that privacy is an essential condition for the attainment of human dignity -- for the very development of the individuality we value -- and for the preservation of the social, economic, and political welfare of the individual. Indiscriminate exposure to the world injures irreparably the freedom and spontaneity of human thought and behavior and places both the person and property of the individual in jeopardy.

As a result, protections against unwarranted intrusion whether by the government or public have become an essential feature of our legal system. Testimonial privileges protect the confidentiality of the most intimate and sensitive human relationships -- between husband and wife, lawyer and client, doctor and patient, priest and penitent.



A number of the rights enumerated in the Constitution's first ten amendments are said to cast "penumbras" which overlap to produce the "right to privacy," a shadow that obscures from public view and intrusion certain aspects of human affairs. Several amendments -- most obviously the First and the Fourth -- mark off measures of confidentiality. The First Amendment -- guaranteeing freedom of expression -- shields the confidentiality of a person's thoughts and beliefs. The Fourth Amendment protects the "right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures." In spirit this is an expression of the confidentiality of the person and his property and a recognition that a fundamental element of individuality would be sacrificed if all aspects of one's life were exposed to public view. In Katz v. United States the Court held that the Fourth Amendment guards not only the privacy of the person but also the confidentiality of his communications.

The need for confidentiality applies not only to individuals but also to groups, professions, and other social organizations. The Supreme Court in NAACP v. Alabama noted that public scrutiny of membership lists might well expose the members to "economic reprisal, loss of employment, threat

of physical coercion, and other manifestations of public hostility" and thereby condition their freedom of association upon their payment of an intolerable price. The point of the case is plain enough. Public disclosure would have destroyed the NAACP. Confidentiality was indispensable to its very existence. The claim of the news media for a privilege to protect the confidentiality of their sources of information is based on a belief that public disclosure of news sources, coupled with the embarrassment and reprisals that might ensue, could well deter informers from confiding in reporters. It would diminish the free flow of information. Another manifestation of the need for confidentiality of groups may be found in the law's protection of trade secrets. Again, businesses require some privacy as a prerequisite to economic survival.

Confidentiality is a prerequisite to the enjoyment of many freedoms we value most. The effective pursuit of social, economic, and political goals often demands privacy of thought, expression, and action. The legal rights created in recognition of that need undoubtedly infringe on the more generalized right of the society as a whole to know. But the absence of these legal rights would deprive our society of the quality we prize most highly.



The rationale for confidentiality does not disappear when applied to government. Indeed the Supreme Court recently noted that confidentiality at the highest level of government involves all the values normally deferred to in protecting the privacy of individuals and, in addition, "the necessity for protection of the public interest in candid, objective, and even blunt or harsh opinions in presidential decision-making."

I doubt if we would wish the conferences of the United States Supreme Court to be conducted in public. We accept as fact that each Justice must be free to confer in confidence with his colleagues and with his law clerks if decisions are to be reached effectively and responsibly. And insofar as the product of the Supreme Court is primarily its words, the words it speaks publicly must be shaped and nurtured with care. We realize that some words are so important that their meaning should not be diluted by exposure of the often ambiguous process by which they were chosen.

For similar reasons, confidentiality is required in the decision-making processes with the Executive branch. As the Court recently stated, "Human experience teaches that

those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decision-making process." */

Now I realize that linking law's protection of personal or organizational privacy with the government's need for confidentiality may seem disingenuous. It is of course true that a good deal of the law protecting individual and organizational privacy has been created to guard against the intrusion of government. But the origin of the threat to privacy should not obscure the value to be protected. It is the underlying wisdom about human nature found in the law of individual privacy that suggests the analogy. Much as we are used to regarding government as an automaton -- a faceless, mechanical creature -- government is composed of human beings acting in concert, and much of its effectiveness depends upon the candor, courage and compassion of those individual citizens who compose it. They are vulnerable to the same fears and doubts as individuals outside government. Undoubtedly we expect government officials to rise to the responsibilities they must meet. But this is just as true of the demands of private life.

*/ U. S. v. Nixon (1974).



Moreover, the law's protection of privacy does not only go to individuals but also to organizations, some of which rightly regard themselves as important adjuncts and correctives to the government. Just as the ability of these organizations to function effectively has come within the law's concern, so must the ability of government to function.

Yet of course there is another side -- a limit to secrecy. As a society we are committed to the pursuit of truth and to the dissemination of information upon which judgments may be made. This commitment is embodied in the First Amendment to our Constitution. In a democracy, the guarantee of freedom of expression achieves special significance. The people are the rulers; they are in charge of their own destiny; government depends on the consent of the governed. If the people are to rule, then the people must have the right to discuss freely the issues relevant to the conduct of their government. As Professor Meiklejohn noted, the First Amendment is thus an integral part of the plan for intelligent self-government. ^{*}/ But it is equally clear that it is not enough that the people be able to discuss these issues freely. They must also have access to the information

^{*}/ Meiklejohn, Political Freedom (1960).

required to resolve those issues correctly. Thus, basic to the theory of democracy is the right of the people to know about the operation of their government. Our theory of government seeks an informed electorate. As James Madison wrote

"A popular Government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives." */

So it has been urged that the news media should enjoy under the First Amendment an extraordinary right of access to information held by the government. Indeed, it cannot be doubted that our press has assumed a special role as an indispensable communicator of information vital to an informed citizenry. Investigative reporting, however annoying, has often served the public well by discovering governmental abuse and corruption.

The concern over the need of the general public for access to information about government has not gone unanswered. The Freedom of Information Act has conferred a visitatorial right on each citizen to inquire into the myriad workings

*/ (To W. T. Barry, Aug. 4, 1822) 9 Writings of James Madison 103 (G. Hunt ed. 1910).



of government. It is not an exaggeration to observe that the broad provisions of the Act have engendered a general uncertainty as to whether disclosure of almost any government document might not be compelled. The administrative burdens of compliance with the Act are enormous. The demands for information have constantly increased. Between October 1, 1973 and December 1 of that year, for example, the Federal Bureau of Investigation received 64 requests for information under the Act, or 1 per work day. Throughout the whole of 1974, the Bureau received 447 requests. In the current year, the Bureau is now receiving an average of 88 to 92 requests per work day. From January 1 to March 31 of this year, the Bureau received 705 requests, including 483 in the month of March and 161 on March 31 alone. As of March 31, compliance with outstanding requests would require disclosure of more than 765,000 pages from Bureau files. This does not include a request for information relating to the Communist Party which itself would entail over 3,000,000 pages. At present, the information released by the federal government pursuant to the Act, especially when coupled with information released as a matter of course, make it difficult to maintain that the volume of facts and opinions

disclosed to the public about the conduct of government is not truly of leviathan proportions. Yet claims persist that even the Act does not extend far enough and that official secrecy still holds too much sway.

As is so often the case in human affairs, we are met with a conflict of values. A right of complete confidentiality in government could not only produce a dangerous public ignorance but also destroy the basic representative function of government. But a duty of complete disclosure would render impossible the effective operation of government. Some confidentiality is a matter of practical necessity. Moreover, neither the concept of democracy nor the First Amendment confer on each citizen an unbridled power to demand access to all the information within the government's possession. The people's right to know cannot mean that every individual or interest group may compel disclosure of papers and effects of government officials whenever they bear on public business. Under our Constitution, the people are the sovereign but they do not govern by the random and self-selective interposition of private citizens. Rather, ours is a representative democracy, as in reality all democracies are, and our government is an expression of the collective will of the people. The concept of demo-



cracy and the principle of majority rule require a special role of the government in determining the public interest. The government must be accountable. so it must be given the means, including some confidentiality, to discharge its responsibilities.

For similar reasons, the special role of the news media cannot be understood to include a trespassorial easement over all that lies within the governmental realm. The Supreme Court addressed the point when it said:

"It has generally been held that the First Amendment does not guarantee the press a constitutional right of access to information not available to the public generally. . . . Despite the fact that news gathering may be hampered, the press is regularly excluded from grand jury proceedings, our own conferences, the meetings of other official bodies in executive session, and the meetings of private organizations. */

Just last term the Court reaffirmed this principle.

Demands by Congress for information from the Executive, while obviously raising problems of comity among the branches of government, do not change the need of all govern-

*/ Branzburg v. Hayes, 408 U.S. 665, 684-685 (1972)

ments, however organized, for some confidentiality. Such demands, however, emphasize the point that the preservation of confidentiality where really necessary requires special modes of responsibility, as it indeed does in the executive branch. The risk that the confidentiality of information may be breached, even by inadvertence, is of course ever present. In this country, constitutional guarantees create special limitations on the ability of the Executive to prevent unauthorized disclosure of information. The Speech and Debate Clause, for example, confers on Members of Congress and their aides absolute immunity from civil or criminal liability, including questioning by a grand jury, for conduct related to their legislative functions. The Gravel case, in particular, raises the question whether laws legitimately restricting the dissemination of classified or national defense information can provide any assurance of confidentiality. New York Times Co. v. United States, or the so-called Pentagon Papers Case, further demonstrates the inability of the government to prevent publication of classified documents. The apparent lesson to be drawn from such cases is that once information is improperly released, its publication to the world becomes a certainty.



If the dissemination to Congress of some information is to be limited, acquiescence in this responsibility and limitation becomes a duty which must be willingly recognized. The choice which must be made concerns the extent of dissemination, the likely travels of disclosure, and the consequences which may follow. Successful democracies achieve an accommodation among competing values.

No provision of the Constitution, of course, expressly accords to any branch the right to require information from another. Article II does state that the President "shall from time to time give to the Congress information of the State of the Union. . . ," but the decision as to what information to provide is left to the discretion of the President.

So far I have referred only to the free and candid discussion of policy matters that is promoted by the governmental confidentiality. There are, however, several additional contexts in which confidentiality is also required and where the primary effect of disclosure would be to prevent legitimate and important government activity from occurring altogether. Aspects of law enforcement, including the detection of crime and the preparation of criminal prosecutions, cannot be conducted wholly in public. Of

particular importance is the confidentiality of investigative files and reports. The rationale for confidentiality in this regard was stated by Attorney General Robert Jackson in 1941 in declining to release investigative reports of the Federal Bureau of Investigation demanded by a congressional committee. The Attorney General wrote:

"[D]isclosure of the reports would be of serious prejudice to the future usefulness of the Federal Bureau of Investigation. . . [M]uch of this information is given in confidence and can only be obtained upon pledge not to disclose its sources. A disclosure of the sources would embarrass informants -- sometimes in their employment, sometimes in their social relations, and in extreme cases might even endanger their lives. We regard the keeping of faith with confidential informants as an indispensable condition of future efficiency."

Disclosure could infringe on the privacy of those mentioned in the reports and might constitute "the grossest kind of injustice to innocent individuals." Mr. Jackson observed that "investigative reports include leads and suspicions, and sometimes even the statements of malicious and misinformed people," and that "a correction never catches up with our accusation."

Government must also have the ability to preserve the confidentiality of matters relating to the national



defense. Espionage statutes and national security classification procedures are examples of the acknowledged need to prevent unauthorized dissemination of sensitive information that could endanger the military preparedness of the nation. The Supreme Court addressed the issue in United States v. Reynolds, where disclosure of information possibly relating to military secrets was sought in the context of a civil suit. The Court stated:

"It may be possible to satisfy the court, from all the circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged. When this is the case, the occasion for the privilege is appropriate, and the court should not jeopardize the security which the privilege is meant to protect by insisting upon an examination of the evidence, even by the judge alone, in chambers."

The value of safeguarding the confidentiality of national security intelligence activities has recently been made even more apparent with the publication of Fred Winterbotham's book, The Ultra Secret. Britain's success in learning the Germans' cipher in 1939 later proved to be an important factor in the Allies' victory in World War II. Could anyone claim that Britain should not have worked secretly in

peacetime to prepare itself in case of war? Or that once prepared, it should have disclosed that it had broken the code? To have disclosed that information would have destroyed its usefulness.

Closely related is the need for confidentiality in the area of foreign affairs. History is filled with instances where effective diplomacy demanded secrecy. In the first of his Fourteen Points, President Wilson exuberantly proclaimed his support for "Open Covenants of Peace openly arrived at." As Lord Devlin has recently pointed out, "What Wilson meant to say was that international agreements should be published; he did not mean that they should be negotiated in public." Under our Constitution, the President has special authority in foreign affairs. In numerous decisions, the Supreme Court has recognized the unique nature of the President's diplomatic role and its relationship to confidentiality. Thus, in United States v. Curtiss-Wright, the Court stated that Congress must

"Often accord to the President a degree of discretion and freedom from statutory restrictions that would not be admissible were domestic affairs alone involved. Moreover, he, not Congress, has confidential sources of information. He has his agents in the form of diplomatic, consular, and other officials. Secrecy



in respect of information gathered by them may be highly necessary, and the premature disclosure of it productive of harmful results. Indeed, so clearly is this true that the first President refused to accede to a request to lay before the House of Representatives the instructions, correspondence and documents relating to the negotiation of the Jay Treaty -- a refusal the wisdom of which has never since been doubted."

The inappropriateness of the Judicial branch requiring disclosure of foreign policy information was emphasized in C & S Airlines v. Waterman Steamship Corp., where the Court said:

"The President, both as Commander-in-Chief, and as the Nation's organ for foreign affairs, has available intelligence services whose reports are not and ought not to be published to the world. It would not be tolerable that courts, without the relevant information, should review and perhaps nullify actions of the Executive taken on information properly held secret."

In United States v. Nixon, the Court strongly intimated that disclosure of information held by the Executive would not be required even in the context of a criminal trial if "diplomatic or sensitive national security secrets were involved," and expressly noted that "[a]s to these areas of Art. II duties the courts have traditionally shown the utmost deference to presidential responsibilities."

In the context of law enforcement, national security, and foreign policy the effect of disclosure would often be to frustrate completely the government's right to know. Government ignorance in these areas clearly and directly endangers what has been said to be the basic function of any government, the protection of the security of the individual and his property.

Even as to national security and foreign policy, of course, the tensions between confidentiality and disclosure continue to place stress on the fragile structure of our government. The desire of Congress to know more about the activities of government in these areas, for example, has recently produced a legislative proposal that would impose extraordinary burdens on the ability of the Executive to conduct electronic surveillance even where foreign powers are involved. It would require the government not only to procure a court order as a precondition to electronic surveillance, but also to report to both the Administrative Office of the United States Courts and to the Committee on the Judiciary of both the Senate and the House of Representatives detailed information, including a transcript of the proceedings in which the order was requested, the names of all parties and places involved in the intercepted com-



munications, the disposition of all records and logs of the interceptions, and the identity of and action taken by all individuals who had access to the interceptions.

The wisdom of this scheme is dubious at best, since it would represent a severe incursion on the Executive's ability both to guard against the intelligence activities of foreign powers and to obtain foreign intelligence information essential to the security of this nation. In Title III of the Omnibus Crime Control and Safe Streets Act of 1968, Congress previously disclaimed any attempt to place limitations on the President's constitutional authority in this area. In addition, the Supreme Court has specifically left open the question whether and to what extent the Fourth Amendment, and specifically the warrant requirement, applies to electronic surveillance authorized by the President to obtain information relating to the national security and the activities of foreign powers. In United States v. United States District Court, while holding that the warrant requirement of the Fourth Amendment applied in the domestic security field, the Court expressly stated that "the instant case requires no judgment with respect to the activities of foreign powers, within or without this country." It is not without significance that the words of the Court focus on the subject matter of the surveillance, rather than on the physical location where it is conducted.

It is by no means clear that the proposed legislative measures are compelled by the Fourth Amendment. Indeed, the only two Courts of Appeals to address the issue, the Third Circuit and the Fifth Circuit, have held that the warrant requirement does not apply to national security cases involving foreign powers, and that the President has the authority to conduct such electronic surveillance as part of his military or commander-in-chief and diplomatic responsibilities. I think it is also helpful to recall the exact words of the Fourth Amendment: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated." It is the "people" whose security is to be protected, not that of foreign powers. The Fourth Amendment was intended to protect the privacy, not of other nations, but of the "We, the People" of this nation. Nor is there a requirement of public disclosure inherent in the Fourth Amendment. It was not designed to compel exposure of the government, but to prevent the unreasonable exposure of the individual. I think all of us understand the impulse which leads to such proposals. It comes in part from a desire to protect citizens from harass-



ment and from unfair prosecutions, and personal abuses of this nature. But this is to misstate the purpose and need of such surveillance; and therefore to misconceive the remedy for possible abuses.

As history has shown, implicit in the concept of government, including democratic government, is the need and hence right to maintain the confidentiality of information. Confidentiality cannot be without limit, of course, and must be balanced against the right of all citizens to be informed about the conduct of their government. An exercise of discretion is clearly required. In each instance the respective interests must be assessed so that ultimately the public interest may be served.

In most governments, the question of which governmental body shall have the authority to determine the proper scope of the confidentiality interest poses no problem. Under our Constitution, however, the answer is complicated by the tripartite nature of the federal government and the doctrine of separation of powers. But history, I believe, has charted the course. For the most part, we have entrusted to each branch of government the decision as to whether, and under what circumstances, information properly within its possession should be disclosed to the

other branches and to the public. Competing claims among the branches for information have been resolved mainly by the forces of political persuasion and accommodation. We have placed our trust that each branch will exercise its right of confidentiality in a responsible fashion, with the people as the ultimate judge of their conduct.

The only exception to this rule was established by the Supreme Court last Term in United States v. Nixon. The Court held in effect that need for demonstrably relevant and material evidence in the context of a criminal trial prevailed over the need of the Executive for confidentiality in decision-making. The Court also held, however, that the Executive's right of confidentiality was founded in the Constitution and in the doctrine of separation of powers. Thus, the Court stated:

"The privilege is fundamental to the operation of government and inextricably rooted in the separation of powers under the Constitution."

* * *

"Nowhere in the Constitution. . . is there any explicit reference to a privilege of confidentiality, yet to the extent this interest relates to the effective discharge of a President's powers, it is constitutionally based."



The Court was careful to emphasize that the information sought was not claimed to involve military, diplomatic, or sensitive national security secrets, the disclosure of which the Court has repeatedly suggested could never be compelled and which as a matter of historical fact no court has ever compelled.

The practice as between the Executive and the Congress has been of a similar order. Each branch has traditionally accorded to the other that proper degree of deference and respect commanded by the doctrine of separation of powers and by the concomitant need for confidentiality in government. Attorney General Jackson, in declining to disclose investigative files to the congressional committee, observed that the precedents for such refusals extended to the very foundation of the nation and to the Administration of President Washington. He concluded:

"This discretion in the executive branch has been upheld and respected by the judiciary. The courts have repeatedly held that they will not and cannot require the executive to produce such papers when in the opinion of the executive their production is contrary to the public interests. The courts have also held that the question whether the production of the papers would be against the public interest is one for the executive and not for the courts to determine."

Congress, of course, has an oversight function under our Constitution. But that function has never been thought to include an absolute right of access to confidential information within the possession of the other branches. Its limits are necessarily defined by the legitimate need of the Judiciary and the Executive for confidentiality.

Comparative law may offer an insight in this regard. In resolving legal issues, we have often looked to Great Britain and the Parliament as helpful models. Many of our most cherished notions concerning justice and government have been shaped and influenced by the English tradition. The issue that presently confronts us is no exception. An examination of the British system reveals that little or no confidential information is ever disclosed by the Cabinet to parliamentary committees in the House of Commons. This is so despite the fact that maintaining the confidentiality of such information would be far easier than in this country. Parliamentary committees, for example, have far fewer members and staff than their American counterparts, thus appreciably minimizing the dangers of unauthorized disclosure. Moreover, the sweeping criminal provisions of the British Official Secrets Act, coupled with the absence of a First Amendment, deter unauthorized disclosure to a far greater extent than would be possible under our system.



More generally, having surveyed the democracies of Western Europe, it may be said without equivocation that it is not the practice of governments to disclose sensitive, national security, or foreign policy information to parliamentary committees. Furthermore, congressional committees in this country, through the cooperation and acquiescence of the Executive, receive far more such information than do legislative counterparts in any other country.

The more general question of disclosure by government to the public may also be illuminated by a comparison between the American system and the Swedish system. Under the Freedom of the Press Act, which is a part of its Constitution, Sweden is committed to the "principle of publicity," which states that both Swedish citizens and aliens alike shall have free access to all official documents. The extent of disclosure of official documents in Sweden is exceeded by few, if any, other governments in Western Europe. Sweden's principle of publicity is, however, subject to numerous exceptions specified in its Secrecy Act. These exceptions not only parallel but in many instances exceed the exceptions specified in our own Freedom of Information Act. It is also worth noting that under the

Swedish Act the unauthorized release of a document excepted from disclosure subjects a civil servant to criminal liability. By contrast, under the Freedom of Information Act, it is the arbitrary failure to release a document required to be disclosed that subjects a civil servant to disciplinary action.

Again, when compared with the democratic governments in Western Europe, it is fair to conclude that there is by far a greater degree of public disclosure of information by the United States Government than by any other government. As Professor Gerhard Casper has recently written, "From the vantage point of comparative politics, I think, there can be little doubt that governmental Geheimniskrämerei (petty secretiveness) looms less large in the United States than anywhere else."

Measured against any government, past or present, ours is an open society. But as in any society conflicts among values and ideals persist, demanding continual reassessment and reflection. The problem which I have discussed this evening is assuredly one of the most important of these conflicts. It touches our most deeply-felt democratic ideals and the very security of our nation. I am reminded of the



title which E. M. Forster gave to a collection of his essays, Two Cheers for Democracy. The third cheer, he suggested, must still be earned. I do not share that hesitancy. The structure established by our Constitution itself represents a compromise and a genius for government.

What I have said is not intended to minimize in any way the need for candor between the government and the people to whom it is responsible. Indeed this talk is an exercise in candor -- an attempt to confront issues directly because the issues are there. The issues will not go away. The American public is misused if it does not understand that important values are involved, that these values must be balanced, and that among these values are confidentiality, the right of the people to know, and the right of the government to obtain important information. No trick phrases will solve our problem. Reactions built upon crises in the immediate past are suspect. Rather we must reach back into the sources of our government, and to our own history of endeavor and accommodation, where wisdom has often been exercised to make the difficult choices.

As these choices are made I trust it is the bar's responsibility to enlighten them with understanding, to help

all see them in perspective because that is essential
for the future of our country and for the protection and
freedom of our citizens.



May 13, 1975

MEMORANDUM FOR:

JIM SHUMAN

FROM:

RON NESSEN

Attached find a memo from Jim Shuman of my staff with an idea for a Presidential July 4 activity this year. What do you think?

On a somewhat related matter, NBC has send me the attached letter asking if the President would participate in a special July 4th TODAY show program.

Perhaps these two activities could be combined?

RN/pp

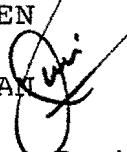


MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 15, 1975

MEMORANDUM FOR: RON NESSEN
FROM: JIM SHUMAN 
SUBJECT: Homecoming Party and Agenda for
 The Ford Administration

As we discussed on the telephone early this morning. I think the administration's first priority now should be to heal the wounds left by the schisms of the 1960's, and to restore the self-confidence and sense of self-reliance we seem to have lost as a nation. I would see the next year, until July 4, 1976, as a time of reconciliation and healing, a time of homecoming in which all the elements of society would realize that despite their differences, we are all Americans, and we all have much to be proud of.

Many Presidential activities can be devolved to carry out this theme. The kick-off, however, should be an old-fashioned, slightly corny, down-home type Fourth of July celebration on the South Lawn of the White House. It should be a homecoming, family reunion such as people will be holding all over the United States. Only this one should be for the American family. There should be hot dogs, and corn on the cob and watermelon, and iced tea, and music, and....

And the people invited ought to include the best that America produces, but not necessarily in an eliteist sense of the richest and most powerful. For it ought to include a selection of those unsung pillars in every community who organize community activities, such as the Boy Scouts or the Little League or, better, other less known activities. And there have to be former war protestors and present generals.



May 15, 1975

MEMORANDUM FOR: RON NESSEN
FROM: JIM SHUMAN
SUBJECT: Homecoming Party and Agenda for
 The Ford Administration

Page Two

I would follow the party throughout the following year with other activities aimed at getting the nation back together, and restoring that sense we once had - that we can all work together to solve our problems.

Then, about July 4, 1976, when everyone is feeling good and the Bicentennial begins to get a bit too self-congratulatory, I'd have the President start to raise some substantive questions about national problems, ones that people will have been told he has been thinking about while the healing was going on.



NBC NEWS

100 NEEBANK AVENUE NEW YORK, N.Y. 10019

May 13, 1975

RONALD MEANEY
Vice President

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

Dear Ron:

As I believe I told you in connection with that big reception to which we invited The President in January, our TODAY program is carrying a heavy share of NBC's observance of the Bicentennial. From early July of this year until the Bicentennial date next year, TODAY will devote one full program every week to one state of the Union plus the District and Puerto Rico. That full program will often include live pickups from the state in question and, in some cases, may even be an entire origination. NBC News, besides covering all aspects of the observance as straight news, is doing three 90-minute documentaries with David Brinkley entitled "Life, Liberty and the Pursuit of Happiness," and on the Bicentennial date next year will devote an entire day of programming opening with a Sunday version of TODAY and concluding late at night. Most of that occasion will be devoted to live coverage of Bicentennial events around the Nation, in effect creating a truly national observance in which all Americans can share.

We are going to kick off NBC News' Bicentennial observance on Friday, July 4, of this year originating the final half hour of the program, 8:30 to 9, from Lafayette Park. We would like to invite participation by The President which could be limited in form merely to a greeting to the American people by him on the date, that in general terms, launches the celebration of the Bicentennial year. As you know, we can easily move a small camera up to the White House to minimize the distraction from the remainder of his morning activities.



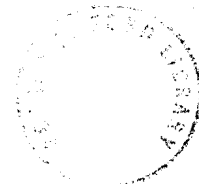
I am putting this before you in writing before discussing it with you because I know you like to be able to take a careful look. I will call you later this week to see what your early reaction is.

Best regards.

Sincerely,

Don

cc: Stuart Schulberg
Ron Steinman



BRITNEY

THE WHITE HOUSE
WASHINGTON

May 15, 1975

MEMORANDUM FOR:

JIM CONNOR ✓
DICK CHENEY

FROM:

RON NESSEN R. N.

Do we want to consider a Presidential visit with the Captain or crew of the MAYAGUEZ when they fly back to the States? Or does the President want to visit or present medals to any of the American military personnel involved?



May 17, 1975

MEMORANDUM FOR: JIM CONNOR ✓
DICK CHENEY

FROM: RON NESSEN

SUBJECT: European Trip

My staff notices that on the European trip, in Brussels, there are no scheduled events after 5:00 P. M. on Friday, May 30. Has any thought been given to the President holding a reception at the U. S. Embassy residence for the Heads of States?

This would demonstrate that he is the first among equals since for all other NATO events he will be just one more Head of State.

RN/pac



5-19-71

NOTE FOR: *Jim Connors*

FROM : RON NESSEN

*I agree
strongly.*

RAN

THE WHITE HOUSE
WASHINGTON

Forwarded to Dr. Connor

from Warren Rustand

*Connie:
Jim would like
Ron Nessen news on
this before we submit
it. I think
Elean
5/19*



RECOMMENDED TELEPHONE CALL

TO: MATTHEW MUDD
Son of CBS Reporter Roger Mudd

DATE: Saturday, May 17, 1975

RECOMMENDED BY: Bob Mead *Bm*

PURPOSE: To bolster morale

BACKGROUND: Matthew was recently struck by an automobile and hospitalized in critical condition at Fairfax Hospital. He is now off the critical list and in fair condition. His father, as you know, is Roger Mudd, Congressional correspondent for CBS News, who knew you when you were on the Hill. Matthew has two brothers and lives in McLean. He is in traction with a broken hip, elbow and liver damage. However, the doctors expect a complete recovery.

- TOPICS OF DISCUSSION:
1. Matthew is a ski enthusiast. The entire Mudd family are skiers and have a weekend home at Bryce Mountain. The Mudd boys are all athletically inclined. Matthew likes to read about sports.
 2. Matthew, at 11 years of age, is having a hard time staying still while in traction, and like all boys this age, doesn't like bed rest.
 3. Matthew will miss summer sports this year because he won't be released from the hospital until August. However, he will probably recuperate in time for the start of school.

DATE SUBMITTED: May 16, 1975



May 21, 1975

MEMORANDUM FOR: JIM CONNOR

FROM: RON NESSEN

The President has indicated his desire to have an interview with Robert Novak and Roland Evans. I understand this is being considered for after the European trip.

The President has indicated he would like to arrange it before the European trip. I recommend it. 30-45 minutes would be sufficient.

**cc: Dick Cheney
Bob Hartmann**

RN/cg



THE WHITE HOUSE

WASHINGTON

May 22, 1975

MEMORANDUM FOR: JIM CONNOR

FROM: RON NESSEN *R.N.*

The President has expressed an interest in meeting various columnists as part of his continuing contacts with the press. Columnists generally have been ignored as we have concentrated on interviews with television, newspaper, and magazine reporters.

I propose a series of "conversations with the President" for groups of 5 or 6 columnists at a time. This could be done once a week or less frequently. The conversations would be about one hour each or slightly longer, between 6:30 and 7:30 in the evening. The location could be the library, the Red Room, the Solarium, or another informal room in the White House or West Wing. The President and the columnists could be served drinks during the conversation.

I propose the following schedule of such conversations with columnists. The dates shown are free according to the advance schedule.

Thursday, June 12, 1975

Marquis Childs	United Features
Joseph Kraft	Field Newspapers
Crosby Noyes	Washington Star
Roscoe Drummond	Los Angeles Times
Godfrey Sperling	Christian Science Monitor
Nicholas VonHoffman	Washington Post

Friday, June 20, 1975

Hugh Sidey	Time Magazine
Carl Rowan	Field Newspapers
Peter Lisagor	Chicago Daily News
George Will	Washington Post
James J. Kilpatrick	Washington Star
Martin Agronsky	Agronsky and Company

(This is Agronsky and Company's regular group.)

Wednesday, June 25; or Thursday, June 26, 1975

William Safire	New York Times
Nick Thimmesch	Los Angeles Times
Jerry terHorst	Detroit News
Ralph deToledano	Copley
John P. Roche	King Features
Mary McGrory	Washington Star-News

Wednesday, July 2, 1975

Clayton Fritchey	Los Angeles Times
Holmes Alexander	McNaught Syndicate
Martin Nolan	United Features
William Anderson	Chicago Tribune
Tom Wicker	New York Times

Monday, July 7; Tuesday, July 8; or Wednesday, July 9, 1975

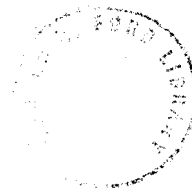
Smith Hempstone Jr.	Washington Star
Robert S. Allen	Field Newspapers
Thomas Braden	Los Angeles Times
Pat Buchanan	New York Times
Ray Cromley	NEA
James Reston	New York Times

Week of July 14, 1975

David Broder	Washington Post
Kevin Phillips	King Features
Victor Riesel	Field Newspapers
Don Bacon	Newhouse
John Osborne	New Republic
Gary Wills	Washington Star

Week of July 21, 1975

George Embrey	Columbus Dispatch
Clark Mollenhoff	Des Moines Register and Tribune
Alan Emory	North American Newspaper Alliance
Frank vanderLinden	United Features
Lucian Warren	Buffalo Evening News
Joseph Alsop	Washington Post



Week of July 28, 1975

Charles Bartlett
Ernest B. Ferguson
Saul Kohler
Marianne Means
Don Larrabee
Edgar Allen Poe

Field Newspapers
Baltimore Sun
Newhouse
Knight
Griffin-Larrabee News Service
New Orleans Times-Picayune

Week of August 4, 1975

Anthony Lewis
John Lofton
Max Lerner
Vera Glaser
Jack Bell
Vic Gold

New York Times
United Features
New York Post
Knight
Gannett News Service
Field Newspapers

Some of the leading correspondents (Reston, Alsop, Osborne, Broder) are scheduled at later sessions because they already have been in to talk to the President privately.

cc: Don Rumsfeld
Bob Hartmann



May 23, 1975

MEMORANDUM FOR: JIM CONNOR

FROM: RON NESSEN

The President has expressed an interest in meeting various columnists as part of his continuing contacts with the press. Columnists generally have been ignored, as we have concentrated on interviews with television, newspaper, and magazine reporters.

I propose a series of "conversations with the President" for groups of three columnists at a time. This could be done once a week or less frequently. The conversations would be about one hour each or slightly longer.

_____ Approve series of conversations with groups
of 3 for one-hour or slightly longer

_____ Disapprove

If approve, they could be held

_____ Once a week

_____ Less frequently

The conversations could be held over lunch in the Solarium; or over cocktails in the late afternoon in the Red Room, the Library, or other informal rooms in the White House or West Wing.

_____ Over lunch

_____ Over cocktails

_____ Some over lunch and some
over cocktails



I propose the following schedule of conversations with columnists:

Group 1 - Week of June 9, 1975:

Marquis Childs	United Features
Joseph Kraft	Field Newspapers
Godfrey Sperling	Christian Science Monitor

(These 3 are especially interested in foreign affairs, and this would be shortly after your return from Europe.)

_____ Approve _____ Disapprove

Group 2 - Week of June 16, 1975:

Jack Bell	Gannett News Service
Marianne Means	Knight Newspapers
Roscoe Drummond	Los Angeles Times

(These 3 write almost exclusively about politics, and this will be the period when you will be announcing your candidacy.)

_____ Approve _____ Disapprove

Group 3 - Week of June 23, 1975:

Peter Lisagor	Chicago Daily News
Ernest Ferguson	Baltimore Sun
Bill Anderson	Chicago Tribune

(These 3 all write for papers that often deal with subjects of interest to readers in the so-called heartland of America.)

_____ Approve _____ Disapprove



Group 4 -- Week of June 30, 1975:

Tom Braden	Los Angeles Times
Carl Rowan	Field Newspapers
Bill Safire	New York Times

(These 3 all tend toward the moderate-to-liberal end of the political spectrum)

_____ Approve _____ Disapprove

Group 5 -- Week of July 7, 1975:

John Lofton	United Features
James J. Kilpatrick	Washington Star-News
Holmes Alexander	McNaught Syndicate

(These 3 range from the conservative to extreme conservative end of the political spectrum.)

_____ Approve _____ Disapprove

Group 6 -- Week of July 14, 1975:

Pat Buchanan	New York Times
Mary McGrory	Washington Star-News
David Broder	Washington Post

(These 3 generally deal with political theories and concepts, and broad historical perspectives.)

_____ Approve _____ Disapprove

Group 7 -- Week of July 21, 1975:

Jack Anderson	Washington Merry-Go-Round
Clark Mollenhoff	Des Moines Register and Tribune
Nick Thimmesch	Los Angeles Times

(These 3 are all well-known investigative reporters.)

_____ Approve _____ Disapprove



Group 8 -- Week of July 28, 1975:

Robert Allen	Field Newspapers
George F. Will	Washington Post
Clayton Fritchey	Los Angeles Times

(These are 3 more political reporters.)

_____ Approve _____ Disapprove

Group 9 -- Week of August 4, 1975:

Don Bacon	Newhouse Newspapers
Alan Emory	North American Newspaper Alliance
Frank vanderLinden	United Features

(These 3 generally write for smaller papers in Middle America.)

_____ Approve _____ Disapprove



May 23, 1975

MEMORANDUM FOR: JIM CONNOR

FROM: RON NESSEN

The President has expressed an interest in meeting various columnists as part of his continuing contacts with the press. Columnists generally have been ignored, as we have concentrated on interviews with television, newspaper, and magazine reporters.

I propose a series of "conversations with the President" for groups of three columnists at a time. This could be done once a week or less frequently. The conversations would be about one hour each or slightly longer.

Approve series of conversations with groups of 3 for one-hour or slightly longer

Disapprove

If approve, they could be held

Once a week

Less frequently

The conversations could be held over lunch in the Solarium; or over cocktails in the late afternoon in the Red Room, the Library, or other informal rooms in the White House or West Wing.

Over lunch

Over cocktails

Some over lunch and some over cocktails



I propose the following schedule of conversations with columnists:

Group 1 -- Week of June 9, 1975:

Marquis Childs	United Features
Joseph Kraft	Field Newspapers
Godfrey Sperling	Christian Science Monitor

(These 3 are especially interested in foreign affairs, and this would be shortly after your return from Europe.)

_____ Approve _____ Disapprove

Group 2 -- Week of June 16, 1975:

Jack Bell	Gannett News Service
Marianne Means	Knight Newspapers
Roscoe Drummond	Los Angeles Times

(These 3 write almost exclusively about politics, and this will be the period when you will be announcing your candidacy.)

_____ Approve _____ Disapprove

Group 3 -- Week of June 23, 1975:

Peter Lisagor	Chicago Daily News
Ernest Ferguson	Baltimore Sun
Bill Anderson	Chicago Tribune

(These 3 all write for papers that often deal with subjects of interest to readers in the so-called heartland of America.)

_____ Approve _____ Disapprove



Group 4 -- Week of June 30, 1975:

Tom Braden	Los Angeles Times
Carl Rowan	Field Newspapers
Bill Safire	New York Times

(These 3 all tend toward the moderate-to-liberal end of the political spectrum)

_____ Approve _____ Disapprove

Group 5 -- Week of July 7, 1975:

John Lofton	United Features
James J. Kilpatrick	Washington Star-News
Holmes Alexander	McNaught Syndicate

(These 3 range from the conservative to extreme conservative end of the political spectrum.)

_____ Approve _____ Disapprove

Group 6 -- Week of July 14, 1975:

Pat Buchanan	New York Times
Mary McGrory	Washington Star-News
David Broder	Washington Post

(These 3 generally deal with political theories and concepts, and broad historical perspectives.)

_____ Approve _____ Disapprove

Group 7 -- Week of July 21, 1975:

Jack Anderson	Washington Merry-Go-Round
Clark Mollenhoff	Des Moines Register and Tribune
Nick Thimmesch	Los Angeles Times

(These 3 are all well-known investigative reporters.)

_____ Approve _____ Disapprove



Group 8 -- Week of July 28, 1975:

Robert Allen	Field Newspapers
George F. Will	Washington Post
Clayton Fritchey	Los Angeles Times

(These are 3 more political reporters.)

_____ Approve _____ Disapprove

Group 9 -- Week of August 4, 1975:

Don Bacon	Newhouse Newspapers
Alan Emory	North American Newspaper Alliance
Frank vanderLinden	United Features

(These 3 generally write for smaller papers in Middle America.)

_____ Approve _____ Disapprove



THE WHITE HOUSE
WASHINGTON

May 24, 1975

MEMORANDUM FOR:

JIM CONNOR

FROM:

RON NESSEN

file
R.N.
boran interview.

The President has expressed an interest in agreeing to a request from Pierre Salinger, of L'Espresso. It seemed inappropriate to include Pierre in the President's televised interview with the five European journalists.

I suggest two possibilities for an interview with the President:

_____ Invite Pierre to return to Washington on Air Force One after the European trip and do the interview aboard the plane.

_____ Invite Pierre to the White House after the European trip and do the interview here in Washington.

The disadvantages of doing it on the plane are that seats may be in short supply on the way home and room would have to be found for Pierre. Also the President might want a few days to collect his thoughts after the visit before taking part in the interview.

On the other hand, the President will probably want to have a news conference in Washington shortly after the trip and if the interview with Pierre is put off until the President returns to the White House the President's open news conference may take away much of the news value of Pierre's interview.

cc: Don Rumsfeld
General Scowcroft



THE WHITE HOUSE

WASHINGTON

May 24, 1975

MEMORANDUM FOR:

BOB HARTMANN

JACK CALKINS

JACK MARSH

JIM CONNOR *fill*

FROM:

RON NESSEN *R.N.*

On May 6 I passed on to you a conversation I had with Congressman William Cohen of Maine concerning his interest in having the President come to a fund-raising dinner in Maine to off-set what he believes is the growing Reagan strength there.

Attached find a new letter from Cohen along with a David Broder column he attached.

Attachment



WILLIAM S. COHEN
2d DISTRICT, MAINE

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WASHINGTON, D.C. 20515
(202) 225-6306

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159 LISBON STREET
LEWISTON, MAINE 04240
(207) 784-6969

523 MAIN STREET
PRESQUE ISLE, MAINE 04769
(207) 754-3266

May 22, 1975

Mr. Ron Nessen
Press Secretary to the President
White House
Washington, D.C. 20500

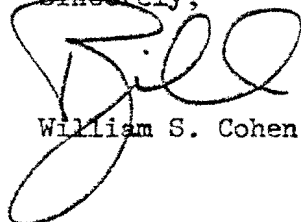
Dear Ron:

In line with the discussion we had the other day about the need for the President to visit Maine, I am enclosing a copy of David Broder's recent column in which our Republican Chairman, John R. Linnell, accurately portrays the political situation in my State.

I hope you will find the article valuable in making the case for a Maine trip by the President.

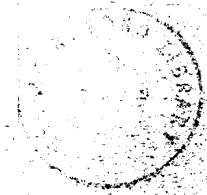
With best regards, I am

Sincerely,



William S. Cohen, M.C.

WSCdp
Enclosure



Maine Chairman Expressed GOP Fears

By David S. Broder

AUGUSTA, Maine — The nature of the struggle now beginning inside the Republican party came into sharp focus with President Ford's designation of Dean Burch as the head of his informal 1976 campaign committee.

Burch, an able and hard-working Arizona lawyer, was the chairman of the Federal Communications Commission before moving to the White House as political counselor in the waning days of the Nixon administration.

IT WAS HIS misfortune to be the last of many political guerrillas used by Mr. Nixon in his desperate struggle to avoid removal. A combative partisan who does not hold back from any fight, Burch assailed the President's enemies in language he would probably just as soon forget today.

When he left the White House to resume his practice of law, as soon after Mr. Ford's succession as he could gracefully arrange, there seemed little reason to suppose he would soon be rehabilitated as the organizer of the Ford-for-President drive. His recall to political service obviously does not reflect any strong desire on the part of the new President to relive the Republican traumas of 1974. Mr. Ford needs to awaken the memories of Watergate about as much as he needs another war or another 100,000 auto layoffs.

What makes it worthwhile for him to incur the cost of bringing back Burch is the Arizonan's other identity as political protégé of Barry Goldwater.

GOLDWATER BROUGHT BURCH to Washington as a staff assistant and made him Republican national chairman after the senator's victory over Nelson Rockefeller at the 1964 convention. When Goldwater lost in a landslide to Lyndon Johnson, it was Burch's head that the temporarily resurgent Republican progressive claimed as their forfeit.

By putting Dean Burch even temporarily in charge of his election bid, Mr. Ford is trying to shore up his sagging right flank by cementing his political al-

liance with Goldwater, the symbol of Republican conservatives. It is as clear a sign of his fear of Ronald Reagan's impending challenge as he can give — and the one that is badly overdue.

A coast-to-coast swing during the past five weeks left this reporter convinced that the President is going to need all the help he can get to defeat Reagan, who, as Burch said "the other day, seems 'very bullish' about his chances if he chooses to make the race. The backing of Goldwater, Burch and others of their tribe will help. But it may not be enough to dissuade the former California governor from making his challenge.



EVEN IN ARIZONA, one can find without difficulty high level Republicans who threaten to rebel if Goldwater tries to whip them into line for Mr. Ford over Reagan. In state after state, GOP loyalists have been questioning the delay in launching a Ford counter-strategy to what seemed to them obvious as a Reagan move to snatch away the nomination.

Indeed, only four hours before Mr. Ford's press conference announcement of the Burch move, the Republican state chairman of Maine, John R. Linnell, put on the record the fears that had been voiced more privately by his GOP counterparts from California east in the past few weeks.

"If Ford doesn't get out and get going and get organized at the grass roots level," Linnell said, "it will be 1964 all over again. It's hard to think a sitting President could be denied renomination — even one who got there the way Ford did — but 1976 is the year it could happen. The conservatives are getting militant again — and they're getting organized.

"FORD DOESN'T COMMAND a lot of

loyalty in Maine," said Linnell, who is an ally of Rep. William Cohen (R-Maine) and far from conservative in his own ideology. "There's some affection for him, but he hasn't had an easy time of it, and there are many people disturbed by the policies he's adopted."

"Reagan, on the other hand, has that charisma with Republicans," Linnell said, repeating a line one often hears from GOP officials. "He brings them up out of their seats."

The Maine chairman said that in the past few weeks he had begun to get calls from unfamiliar people, saying they wanted to get active in the GOP and help get Reagan nominated, and asking if there was some volunteer work they could do.

"There's not a lot of noise about," he said, "but there won't be. They'll be quiet and effective, just like they were in 1964. Why wake the sleeping giant?"

A FEW HOURS LATER, Mr. Ford indicated that the giant was at least rubbing his eyes. The Burch group — balanced with some middle-road and progressive Republicans — may help fill the political vacuum that has concerned Ford supporters across the country. But there is little reason to think it will cause Reagan to retreat.

On the contrary, there is every advantage in his keeping the threat of a candidacy alive as leverage on the Ford administration for the coming year. The same sensitivity to the conservative challenge that led to picking Burch could well influence Mr. Ford on other policies and appointments — including those to any vacancies on the Supreme Court.

AND, IF WORSE CAME to worse, it could even cause him to change vice presidents. Nelson Rockefeller's political advisor, Robert Douglass, is on the Burch committee, but Goldwater's man is the chairman. Burch says that when he discussed taking the job with Goldwater, the senator stressed what everyone knows — "It's no secret that it's the vice presidential thing that's got him concerned."

THE WHITE HOUSE

WASHINGTON

May 27, 1975

MEMORANDUM FOR: JIM CONNOR

FROM: RON NESSEN *RNN*

Last Saturday we discussed possible plans for the President to participate in July 4 activities this year.

We agreed that the President might take part in two separate July 4 activities:

1. Attendance about mid-day at a typical small town July 4 parade. You mentioned the parade in your home town of McConnellsburg, Pennsylvania as one possibility. The President would ride at the head of the parade, perhaps in an antique car, and then get out and watch the parade from a bunting-draped review stand. He might be dressed in casual clothes instead of coat and tie. He would make a 4th of July speech from the platform; then shake hands in the crowd, and perhaps eat a hot dog or some ice cream, or whatever the vendors have to sell.

We considered limiting press coverage to a pool so as not to unduly disrupt what should be Presidential participation in a typical small town July 4 celebration.

2. Late in the afternoon after returning to Washington, the President could be host for his own family July 4 party on the South Lawn of the White House. Attendees would include the President's family, staff members with wives and children, and a cross section of invited guests with wives and children. It would be very informal and as much like a family party as possible at the White House. Instead of lawn chairs, the guests would be invited to bring blankets to sit on. There could be lawn games, ice cream trucks, a band concert. The climax would be very short remarks by the President, and the whole affair would end by watching the fireworks display at the Washington Monument. Typical July 4 picnic food would be served: fried chicken, potato salad, watermelon, etc.

The idea of both events is to tie in with the tone of the President's Bicentennial speeches; that is, bringing the country together again, recalling the traditional American values, and joining together with family, friends, and neighbors in a new era of good-will and optimism.

