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THE WHITE HOUSE

WASHINGTON

September 2, 1975

MEMORANDUM FOR: JIM CONNOR

FROM: RON NESSEN *RHN*

You asked me to suggest a plan for announcing and explaining the campaign financing formula to the White House press corps.

I propose that this announcement be made through two briefings:

- (1) A relatively small group of journalists who will be covering the campaign should be invited to the Rosevelt Room late one afternoon and given details of the formula and allowed to ask questions. The information would be embargoed for use the next day when a public announcement is made. This small group should include:

Helen Thomas - UPI
Frank Cormier - AP
Tom Brokaw - NBC
Tom Jarriel - ABC
Bob Schieffer - CBS
Tom DeFrank - Newsweek
Dean Fischer - Time
Jim Naughton - New York Times
Carroll Kilpatrick - Washington Post
Don Irwin - Los Angeles Times
Jim Wieghart - New York Daily News
Peter Lisagor - Chicago Daily News
Aldo Beckman - Chicago Tribune
Fred Barnes - Washington Star-News
John Osborne - New Republic
Jim Deakin - St. Louis Post Dispatch
Bud Sperling - Christian Science Monitor
Gene Risher - Cox
Adam Clymer - Baltimore Sun



- (2) A public announcement and briefing on the campaign spending formula at my 11:30 a.m. press session.

Both of the briefings should probably be done by you, Rumsfeld or Cheney. We also might want to have Barry Roth of the Legal Counsel's office available at the briefings.

THE WHITE HOUSE

WASHINGTON

September 2, 1975

MEMORANDUM FOR: JIM CONNOR

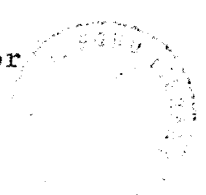
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THE WHITE HOUSE

WASHINGTON

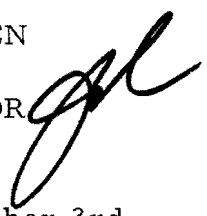
September 4, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

RON NESSEN

FROM:

JIM CONNOR 

The President reviewed your memorandum of September 3rd regarding The Four Days of Mayaguez and made the following notation:

"Great"

cc: Don Rumsfeld



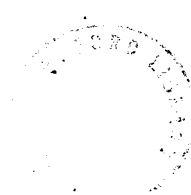
[ca 9/8/75]

THE WHITE HOUSE
WASHINGTON

✓ NOTE FOR: *Jim Connor*
FROM : RON NESSEN

Disapproved.

RHN



THE WHITE HOUSE
WASHINGTON

Date 9/8/75

TO: RON NESSEN

FROM: JAMES E. CONNOR

For your approval as
supervisor.

THE WHITE HOUSE
WASHINGTON

DATE September 5, 1975

TO: Jerry H. Jones

FROM: DAVID H. KENNERLY

SUBJECT: Request for Travel

NAME DAVID H. KENNERLY
(Typed and Signature)

DESTINATION Minnesota

PURPOSE OF TRIP To speak at the 3rd Annual Minnesota Symposium
of Visual Communication

DEPARTURE DATE 9-17-75 RETURN DATE 9-18-75

MODE OF TRANSPORTATION Air

LODGING ACCOMMODATIONS to be determined
(Name)

Holiday Inn Central
(Address)

ESTIMATED TOTAL EXPENSES \$ 190.00

AUTHORIZATION OF SUPERVISOR [Signature]
(Signature of Certifying Officer if appropriate)

ACKNOWLEDGED BY: Jerry H. Jones

(Submit in Duplicate)

THE WHITE HOUSE
WASHINGTON

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ACKNOWLEDGED BY: _____
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(Submit in Duplicate)

THE WHITE HOUSE
WASHINGTON

September 19, 1975

MEMORANDUM FOR:

JIM CONNOR

FROM:

RON NESSEN *R. H. N.*

Attached find a recent memorandum from Bill Baroody and Jim Lynn to the President.

It indicates that in addition to hiring his own Press Secretary and putting out his own News Summary -- both duplications of the White House Press Office functions -- Bill Baroody is now reviewing answers to questions directed to the President at the White House Conferences.

This, of course, is a total duplication of what Jim Shuman and others in the White House Press Office do for the President on a regular basis. But, more seriously, separate Q & A briefing papers from Baroody apparently are NOT coordinated throughout the White House staff and the Administration, as Jim Shuman's briefing books are. This is dangerous because the President, following guidance provided by Baroody, could easily say something which is in conflict with Administration policies or is factually wrong because Baroody apparently is not clearing his suggested answers with the Domestic Council, NSC, FEA, the Counsel's office, the Congressional Relations office, etc., etc., all of whom check and approve the Shuman briefing book.

If we really are trying to reduce the White House staff, it seems to me that Baroody might well limit his activities to those functions he has been assigned and stop trying to take over or duplicate the functions assigned to (and performed very well) by the White House Press Office.

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

MEMORANDUM FOR THE PRESIDENT

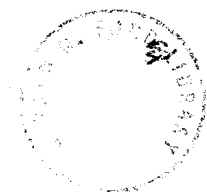
FROM: JAMES E. LYNN
WILLIAM J. BAROODY (P)

SUBJECT: Follow-up on Presidential Questions and
Answers at St. Louis White House Conference,
September 12, 1975

This memorandum and attachments provide back-up data, proposed responses, and follow-up actions on the issues raised in your questions and answers at St. Louis.

Seven of your eighteen responses to questions at St. Louis were complete in themselves and require no further data, additional responses, or follow-up. Nine of the responses could have been improved by presentation of more data or by restructuring your answers. Two responses required staff follow-up.

Shown at Tabs A-I are the specific questions and answers which could have been improved and the data or restructured answer as appropriate. Tabs J and K are the two questions and answers which required staff follow-ups.



THE WHITE HOUSE

WASHINGTON

September 23, 1975

MEMORANDUM FOR: RONALD NESSEN

FROM: JAMES E. CONNOR 

Ron, this is to set down the agreement you and I had on Tuesday, September 23rd, regarding your slot situation.

We agreed that your slot ceiling, less the Kennerly photo office, will be 35. This means that you can add Wendall and Woods to your staff and that you will have two vacancies to fill. It is my understanding that you will use one of these vacancies to assume all typing and reproduction duties for the News Summary. Bob Linder's office will still undertake to distribute copies of the News Summary and we will establish a distribution list when you let us know how many copies you will be able to reproduce daily.

In addition, you can keep one WAE employee (Cathy Goltra).

Further, we have agreed that you will have certain other of your activities, particularly in the area of scheduling and correspondence, performed by the appropriate White House offices. You will refer media invitations to Rustand with your recommendations and he will be responsible for responding to such invitations and informing you of his responses. Letters to you from the public will be referred to the Correspondence Section for appropriate handling.

In calculating your ceiling we have taken into account the departures of Tom DeCair (December), Elizabeth O'Neill (asap), Jon Hoonstra (November) and Darlene Schmalzried (end of October).

Your effective ceiling is understood now to be 35 full time employees. So long as that remains your ceiling, you will be able to hire against vacancies which might occur (other than those identified above).

September 23, 1975

MEMORANDUM FOR:

JIM CONNOR

FROM:

RON NESSEN

SUBJECT:

Your memo of 9/19
re autographed copies
of the President's Helsinki
speech for "ethnic" groups.

Since the "ethnic" groups, at least initially, opposed the Helsinki agreement, I wonder if sending them autographed copies of the President's speech might appear to them to be rubbing their noses in the fact that the President went ahead and signed it despite their opposition.

RN/pp



THE WHITE HOUSE
WASHINGTON

September 19, 1975

MEMORANDUM FOR:

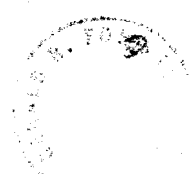
BOB HARTMANN
JACK MARSH
RON NESSEN ✓

FROM:


JIM CONNOR

The suggestion has been made that the President autograph copies of his Helsinki speech and send them to the "ethnic" groups he met with on July 26th prior to his departure for the ESC meetings.

I'd appreciate it if you could let me have your views on this. Thanks.



September 30, 1975

MEMORANDUM FOR JIM CONNOR ✓

COPY TO: DON RUMSFELD

FROM: RON NESSEN

Beginning October 15, the daily news summary will be distributed to the following people only:

The President
Bill Baroody
Phil Buchen
Jim Cannon
Max Friedersdorf
Bob Hartmann
Henry Kissinger
Jack Marsh
Ron Nessen
Don Rumsfeld
Bill Seidman

The Vice President

Alan Greenspan
Jim Lynn

Six file copies

Also beginning October 15, the news summary will be limited to about 20 pages, the exact number being determined by the amount of typing and duplicating which can be done by one person.

Just before the change-over, from the large distribution list, and from the larger news summary, a note will be published in the summary explaining the change.

RN/cg



THE WHITE HOUSE
WASHINGTON

September 30, 1975

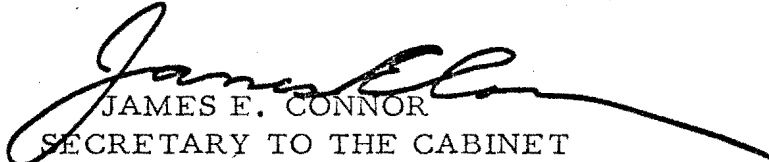
MEMORANDUM FOR

THE CABINET

SUBJECT: CABINET MEETING AGENDA ITEMS
OCTOBER 8, 1975

The next meeting of the Cabinet is scheduled for Wednesday, October 8th, at 11:00 a.m., in the Cabinet Room. I would appreciate receiving any suggestions you might have for agenda items by 12:00 noon on Friday, October 3rd.

If you wish to send your suggestions by phone, the direct number is 456-6697.


JAMES E. CONNOR
SECRETARY TO THE CABINET



THE WHITE HOUSE
WASHINGTON

Date 10/1/75

TO: RON NESSEN

FROM: JAMES E. CONNOR

DON RUMSFELD mentioned you
were interested in seeing copies
of the most recent energy legislation.

A BILL

To provide temporary authority for the President, the Federal Power Commission and the Federal Energy Administration to institute emergency measures to minimize the adverse effects of natural gas shortages; and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as the "Natural Gas Emergency Standby Act of 1975."

Title I

Section 101. (a) The Congress hereby finds that:

(1) inadequate domestic production of natural gas has resulted in serious natural gas shortages which threaten severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of agricultural production, and curtailment of vital public services;

(2) such shortages constitute a threat to the public health, safety, and welfare and to national defense;

(3) such shortages have created an unreasonable burden on certain areas of the country and on certain sectors of the economy;

(4) such shortages affect interstate and foreign commerce by jeopardizing the normal flow of commerce;

(5) while deregulation of wellhead prices of new natural gas is urgently needed to minimize such shortages in the future, serious shortages during the next two winters cannot be averted; and

(6) the adverse effects of such shortages can be minimized most efficiently and effectively by providing emergency authority to permit prompt further action by the Federal government to supplement existing Federal, State and local government efforts to deal with such shortages.

(b) The purpose of this Act is to authorize the President or his delegate, the Federal Power Commission and the Federal Energy Administration to deal with existing and imminent shortages and dislocations of natural gas in the national distribution system which jeopardize the public health, safety, and welfare; and to provide protection of natural gas service to customers who use natural gas for high priority end uses during periods of curtailed deliveries by natural gas companies. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of shortages or dislocations on the American people and the domestic economy.

Section 102. This Act shall expire at midnight June 30, 1977.

Title II

Section 201. This Title may be cited as the "Interstate Pipeline Emergency Natural Gas Purchases Act of 1975."

Section 202. The purpose of this Title is to grant the Federal Power Commission authority to allow interstate pipeline companies with insufficient natural gas for their high priority consumers of natural gas to acquire natural gas from intrastate sources and other interstate pipeline companies on an emergency basis free from the provisions of the Natural Gas Act.

Section 203. Section 2 of the Natural Gas Act (15 U.S.C. 717a) is amended by inserting immediately after subsection (9) thereof the following new subsections:

"(10) 'Gas distributing company' means a person involved in the distribution or transportation of natural gas for ultimate public consumption for domestic, commercial, industrial or any other use but does not include a natural-gas company as defined in subsection (6) of this section.

"(11) 'High priority consumer of natural gas' means a person so defined by the Commission by rules and regulations."

Section 204. Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) is amended by designating the two unnumbered paragraphs thereof as paragraphs (1) and (2) and by adding

at the end of paragraph (2) as designated hereby the following:

"Provided further, That within fifteen days after the enactment of this amendment, the Commission may by regulation exempt from the provisions of this Act the transportation, sale, transfer or exchange of natural gas from any source, other than any land or subsurface area within the Outer Continental Shelf as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), by a producer, an interstate pipeline company, an intrastate pipeline company or gas distributing company, to or with an interstate pipeline company which does not have a sufficient supply of natural gas to fulfill the requirements of its high priority consumers of natural gas, and which is curtailing deliveries pursuant to a curtailment plan on file with the Commission. No exemption granted under this proviso shall exceed one hundred and eighty days in duration."

Title III

Section 301. This Title may be cited as the "Curtailed Consumers Emergency Natural Gas Purchases Act of 1975."

Section 302. The purpose of this Title is to allow curtailed high priority consumers of natural gas to purchase natural gas from the intrastate market by enabling them to arrange for the transportation of such gas by regulated interstate pipeline companies.

Section 303. Section 2 of the Natural Gas Act (15 U.S.C. 717a), as amended by section 203 of this Act, is amended further by inserting immediately after subsection (11) thereof, the following new subsection:

"(12) 'Independent producer' means a person, as determined by the Commission, who is engaged in the production of natural gas and who is not (i) an interstate pipeline company or (ii) affiliated with and interstate pipeline company."

Section 304. (a) Section 1 of the Natural Gas Act (15 U.S.C. 717) is amended by adding at the end thereof the following new subsection:

"(d) The provisions of this Act shall not apply to the use of the facilities of a gas distributing company for the transportation of natural gas produced by an independent producer from lands, other than any land or subsurface area within the Outer Continental Shelf as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), and sold by such a producer directly to a high priority consumer of natural gas, provided that the rates applicable to the use of such facilities for the transportation of natural gas described in this subsection are subject to regulation by a State commission. The transportation of natural gas exempted from the provisions of this Act by this subsection is hereby declared to be a matter primarily of local concern and subject to regulation by the several States. A certification from such State

commission to the Federal Power Commission that such State commission has regulatory jurisdiction over rates and service of such person and facilities and is exercising such jurisdiction shall constitute conclusive evidence of such regulatory power or jurisdiction."

(b) Subsection (c) of section 7 of the Natural Gas Act (15 U.S.C. 717f(c)), as amended by section 204 of this Act, is amended further by inserting therein the following new paragraph:

"(3) Pursuant to the substantive and procedural provisions of this section the Commission may in its discretion issue a certificate of public convenience and necessity upon filing of an application by a natural gas company to transport natural gas produced by independent producers from lands, other than any land or subsurface area within the Outer Continental Shelf as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), and sold by such producers directly to existing high priority consumers of natural gas whose current supply of natural gas is curtailed due to natural gas company curtailment plans on file with the Commission. Provided, however, That in issuing a certificate pursuant to this paragraph, the Commission need not review or approve the price paid by a high priority consumer of natural gas directly to an independent producer."

Title IV

Section 401. This Title may be cited as the "Emergency Energy Supply and Environmental Coordination Act Amendments of 1975."

Section 402. The purpose of this Title is to continue the conservation of natural gas and petroleum products by fostering the use of coal by power plants and major fuel burning installations, and if coal cannot be utilized, to provide authority to prohibit the use of natural gas when petroleum products can be substituted.

Section 403. Section 2 of the Energy Supply and Environmental Coordination Act of 1974 is amended by:

(a) Redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(b) Amending redesignated subsection (g)(1) to read as follows:

"(g)(1) Authority to issue orders or rules under subsections (a), (b), (d), and (e) of this section shall expire at midnight June 30, 1977. Authority to issue orders under subsection (c) shall expire at midnight June 30, 1975. Any rule or order issued under subsections (a) through (e) may take effect at any time before January 1, 1979."

(c) Inserting after subsection (d) the following new subsection (e):

"(e) (1) The Federal Energy Administrator may, by order, prohibit any powerplant or major fuel burning installation from burning natural gas if--

"(A) the Administrator determines that:

"(i) such powerplant or installation had on June 30, 1975 (or at any time thereafter) the capability and necessary plant equipment to burn petroleum products,

"(ii) an order under subsection (a) may not be issued with respect to such powerplant or installation,

"(iii) the burning of petroleum products by such powerplant or installation in lieu of natural gas is practicable,

"(iv) petroleum products will be available during the period the order is in effect,

"(v) with respect to powerplants, the prohibition under this subsection will not impair the reliability of service in the area served by the plant, and

"(B) the Administrator of the Environmental Protection Agency has certified that such powerplant or installation will be able to burn the petroleum products which the Federal Energy Administrator has determined under subparagraph (A)(iv) will be available to it and will be able to comply with the Clean Air Act (including applicable implementation plans).

"(2) An order under this subsection shall not take effect until the earliest date the Administrator of the Environmental Protection Agency has certified that the powerplant or installation can burn petroleum products and can comply with the Clean Air Act (including applicable implementation plans).

"(3) The Federal Energy Administrator may specify in any order issued under this subsection the periods of time during which the order will be in effect and the quantity (or rate of use) of natural gas that may be burned by a powerplant or major fuel burning installation during such periods, including the burning of natural gas by a powerplant to meet peaking load requirements."

Section 404. Section 11 (g) (2) of the Energy Supply and Environmental Coordination Act of 1974 is amended by striking out "June 30, 1975" wherever it appears and inserting in lieu thereof "June 30, 1977."

Title V

Section 501. This Title may be cited as the "Propane Standby Allocation Act of 1975."

Section 502. The purpose of this Title is to provide standby authority for the President to allocate propane during periods of actual or threatened severe shortages of natural gas.

Section 503. For purposes of this Title, the following

terms shall have the following meanings:

(a) "Propane" means propane derived from natural gas streams or crude oil, and mixtures containing propane.

(b) "United States" means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

Section 504. Upon finding that shortages of natural gas exist or are imminent and upon finding that such shortages or potential shortages constitute a threat to the public health, safety or welfare, the President is authorized to issue orders and regulations as he deems appropriate to provide, consistent with section 507 of this Title, for the establishment of priorities of use and for systematic allocation and pricing of propane in order to meet the essential needs of various sections of the United States and to lessen anticompetitive effects resulting from shortages of natural gas.

Section 505. (a) Whoever willfully violates any order or regulation under this Title shall be fined not more than \$5,000 for each violation.

(b) Whoever violates any order or regulation under this Title shall be subject to a civil penalty of not more than \$2,500 for each violation.

(c) Any person or agency to whom the President has delegated his authority pursuant to section 513 of this Title may issue such orders and notices as are deemed necessary to insure compliance with any order or regulation issued pursuant to section 504 of this Title, or to remedy the effects of violations of any such orders or regulations.

Section 506. There shall be available as a defense to any action brought under the antitrust laws, or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange any product covered by this Title that such delay or failure was caused solely by compliance with the provisions of this Title or with any regulations or any orders issued pursuant to this Title.


Section 507. (a) Subject to subsections (b), (c), and (d) of this section, which shall apply to any rule or regulation, or any order having the applicability and effect of a rule as defined in section 551 (4) of Title 5, United States Code, and issued pursuant to this Title the functions exercised under this Title are excluded from the operation of Subchapter II of Chapter 5, and Chapter 7 of Title 5, United States Code, except as to the requirements of sections 552, 553, and 555(e) of Title 5, United States Code.

(b) Notice of any proposed rule, regulation, or order described in subsection (a) shall be given by publication of such proposed rule, regulation, or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to comment; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where strict compliance is found to cause serious harm or injury to the public health, safety, or welfare, and such finding is set out

in detail in such rule, regulation, or order.

(c) In addition to the requirements of subsection (b), if any rule, regulation, or order described in subsection (a) is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and arguments shall be afforded. To the maximum extent practicable, such opportunity shall be afforded prior to the issuance of such rule, regulation, or order, but in all cases such opportunity shall be afforded no later than forty-five days after the issuance of any such rule, regulation, or order. A transcript shall be kept of any oral presentation.

(d) The President or any officer or agency authorized to issue the rules, regulations, or orders described in subsection (a) shall provide for the making of such adjustments, consistent with the other purposes of this Title, as may be necessary to prevent special hardship, inequity, or unfair distribution of burdens and shall, by rule, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, rescission of, exception to, or exemption from such rules, regulations, and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the President or the officer or agency to whom he has delegated his authority pursuant to section 513 of this Title and may obtain judicial review in



accordance with section 508 of this Title when such denial becomes final. The President or the officer or agency shall, by rule, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this paragraph.

Section 508. (a) The district courts of the United States shall have exclusive original jurisdiction of cases or controversies arising under this Title or under regulations or orders issued thereunder, notwithstanding the amount in controversy; except that nothing in this subsection or in subsection (h) of this section affects the power of any court of competent jurisdiction to consider, hear, and determine any issue by way of defense (other than a defense based on the constitutionality of this Title or the validity of action taken by any agency under this Title) raised in any proceeding before such court. If in any such proceeding an issue by way of defense is raised based on the constitutionality of this Title or the validity of actions under this Title, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of Chapter 89 of Title 28, United States Code.

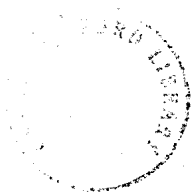
(b) Except as otherwise provided in this section, exclusive appellate jurisdiction is vested in the Temporary Emergency Court of Appeals, a court which is currently in existence, but which is independently authorized by this

section. The court, a court of the United States, shall consist of three or more judges to be designated by the Chief Justice of the United States from judges of the United States district courts and circuit courts of appeals. The Chief Justice of the United States shall designate one of such judges as chief judge of the Temporary Emergency Court of Appeals, and may, from time to time, designate additional judges for such court and revoke previous designations. The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. Except as provided in subsection (e) (2) of this section, the court shall not have power to issue any interlocutory decree staying or restraining in whole or in part any provision of this Title, or the effectiveness of any regulation or order issued thereunder. In all other respects, the court shall have the powers of a circuit court of appeals with respect to the jurisdiction conferred on it by this Title. The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases over which it has jurisdiction under this Title. The court shall have a seal, hold sessions at such places as it may specify, and appoint a clerk and such other employees as it deems necessary or proper.

(c) Appeals from the district courts of the United States in cases and controversies arising under regulations or orders issued under this Title shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

(d) In any action commenced under this Title in any district court of the United States in which the court determines that a substantial constitutional issue exists, the court shall certify such issue to the Temporary Emergency Court of Appeals. Upon such certification, the Temporary Emergency Court of Appeals shall determine the appropriate manner of disposition which may include a determination that the entire action be sent to it for consideration or it may, on the issues certified, give binding instructions and remand the action to the certifying court for further disposition.

(e) (1) Subject to paragraph (2) no regulation of any agency exercising authority under this Title shall be enjoined or set aside, in whole or in part, unless a final judgment determines that the issuance of such regulation was in excess of the agency's authority, was arbitrary or capricious, or was otherwise unlawful under the criteria set forth in section 706(2) of Title 5, United States Code, and no order of such agency shall be enjoined or set aside, in whole or in part, unless a final judgment determines that



such order is in excess of the agency's authority, or is based upon findings which are not supported by substantial evidence.

(2) A district court of the United States or the Temporary Emergency Court of Appeals may enjoin temporarily or permanently the application of a particular regulation or order issued under this Title to a person who is a party to litigation before it. Except as provided in this subsection, no interlocutory or permanent injunction restraining the enforcement, operation or execution of this Title, or any regulation or order issued thereunder, shall be granted by any district court of the United States or judge thereof. Any such court shall have jurisdiction to declare (i) that a regulation of an agency exercising authority under this Title is in excess of the agency's authority, is arbitrary or capricious, or is otherwise unlawful under the criteria set forth in section 706(2) of Title 5, United States Code, or (ii) that an order or such agency is invalid upon a determination that the order is in excess of the agency's authority, or is based upon findings which are not supported by substantial evidence. Appeals from interlocutory decisions by a district court of the United States under this paragraph may be taken in accordance with the provisions of section 1292 of Title 28, United States Code; except that reference in such section to



the courts of appeals shall be deemed to refer to the Temporary Emergency Court of Appeals.

(f) The effectiveness of a final judgment of the Temporary Emergency Court of Appeals enjoining or setting aside in whole or in part any provision of this Title, or any regulation or order issued thereunder shall be postponed until the expiration of time for filing a writ of certiorari with the Supreme Court under subsection (g). If such petition is filed, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the action by the Supreme Court.

(g) Within thirty days after entry of any judgment or order by the Temporary Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of Title 28, United States Code. The Temporary Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Temporary Emergency Court of Appeals, shall have exclusive jurisdiction to determine the constitutional validity of any provision of this Title or of



any regulation or order issued under this Title. Except as provided in this section, no court, Federal or State, shall have jurisdiction or power to consider the constitutional validity of any provision of this Title or of any such regulation or order, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this Title authorizing the issuance of such regulations or orders, or any provision of any such regulation or order, or to restrain or enjoin the enforcement of any such provision.

Section 509. Whenever it appears to any person or agency authorized by the President pursuant to section 513 of this Title that any individual or organization has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any order or regulation under this Title, such person or agency may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any such order or regulation. In addition to such injunctive relief, the court may also order restitution of moneys received in violation of any such order or regulation.

Section 510. (a) An agency or person exercising authority pursuant to section 513 of this Title shall have authority,



for any purpose related to this Title, to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths.

(b) Upon presenting appropriate credentials and a written notice to the owner, operator, or agency in charge, any agency or person exercising authority pursuant to section 513 of this Title may enter, at reasonable times, any business premise or facility and inspect, at reasonable times and in a reasonable manner, any such premise or facility, inventory and sample any stock of energy resources therein, and examine and copy books, records, papers, or other documents, in order to obtain information as necessary or appropriate for the proper exercise of functions under this Title and to verify the accuracy of any such information.

(c) Witnesses summoned under the provisions of this section shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States. In case of refusal to obey a subpoena served upon any person under the provisions of this section, the agency or person authorizing such subpoena may request the Attorney General to seek the aid of the district court of the United States for any district in which such person is found to compel such person, after notice, to appear and give testimony, or to appear and produce documents before the agency or person.



Section 511. Any person suffering legal wrong because of any act or practice arising out of this Title, or any order or regulation issued pursuant thereto, may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment, writ of injunction (subject to the limitations in Section 508 of this Title), and/or damages.

Section 512. Section 5 of the Federal Energy Administration Act of 1974 (15 U.S.C. 761) is amended in subsection (b) by adding the word "and" after the semicolon in paragraph 10; by deleting paragraph 11; and by redesignating paragraph 12 as paragraph 11.

Section 513. The President may delegate the performance of any function under this Title to such offices, departments, and agencies of the United States as he deems appropriate.

Section 514. (a) No law, rule, regulation, order or ordinance of any State or municipality in effect on the date of enactment of this Title, or which may become effective thereafter, shall be superseded by any provision of this Title or any rule, regulation or order issued pursuant to this Title except insofar as such law, rule, regulation, order or ordinance is inconsistent with the provisions of this Title or any rule, regulation or order issued thereunder.



Title VI

Section 601. Termination of this Act or the authorities granted under this Act shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to such date.

Section 602. If any provision of this Act, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.



September 10, 1975

Dear Mr. Chairman:

Should the Senate vote today to sustain the President's veto of S.1849, price controls will not be re-imposed. While the President has indicated that he would still attempt to compromise on a phased plan, a windfall profits tax will be necessary if this effort fails.

In the event this occurs, we believe assistance should be provided to small farmers and independent refiners to ease the transition to a free market.

Farmers

- Farmers are faced with rising production costs generally and fuels represent about three percent of the cost of farming.
- To reduce any added inflationary pressures on food, the Administration requests that a direct tax rebate be provided on the increased price of gasoline and diesel oil as a result of decontrol.
- The rebate, which would amount to about six cents per gallon, should be aimed at the smaller farmer. This could be accomplished by either a gross income or a maximum rebate limitation.
- While a full rebate to all farmers could cost about \$450-500 million annually, a limitation to those that need it the most -- small farmers, could cut this cost to \$100-150 million.

Small and Independent Refiners

- Small and independent refiners have received some form of protection since 1959.
 - Under the Mandatory Oil Import Program a "sliding scale" was used to provide greater than proportionate shares of imports.
 - Under the Old Oil Entitlements Program, provision was made for a "small refiner bias" which effectively duplicated the maximum subsidy under



the oil import program (about \$.74 per barrel for refineries of less than 10,000 barrels per day and decreasing to zero for refineries greater than 175,000 b/d).

- To ensure competition and to avoid a sudden adverse impact to small refiners, the Administration requests that legislation be enacted to continue these subsidies and that they be gradually phased out over three years.
- Such protection could cost \$225 million in the first year.

These rebates should be provided out of the revenues collected from a windfall profits tax on old oil. The basic approach of the Finance Committee's windfall profits tax is acceptable to the Administration. We will be happy to work with the Joint Committee staff to make the appropriate modifications.

It is also essential that the remaining revenues raised by the windfall profits tax net of the refunds to farmers and small refiners be returned to the American consumer. The rebates should not exceed the revenues raised by the tax and should be directed primarily to individuals.

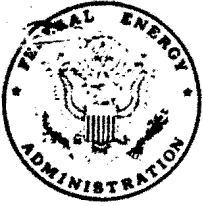
We would welcome the opportunity to review these proposals with you and develop the detailed mechanism to be used.

Sincerely,


Stephen S. Gardner
Acting Secretary

Honorable Al Ullman, Chairman
Ways and Means Committee
U.S. House of Representatives
Washington, D. C. 20515





FEDERAL ENERGY ADMINISTRATION

WASHINGTON, D.C. 20461

September 10, 1975

OFFICE OF THE ADMINISTRATOR

Honorable Nelson A. Rockefeller
President of the Senate
Washington, D. C. 20510

Dear Mr. President:

During the existence of price and allocation controls under the Emergency Petroleum Allocation Act of 1973, as amended (EPAA), independent retail marketers of gasoline have been reasonably assured of obtaining supplies of petroleum products at controlled prices. Though the EPAA was designed primarily to permit the Nation to deal with the acute shortage of the embargo, one of its effects was to regulate directly a variety of relationships between suppliers and retailers. Expiration of the rigid controls of the EPAA will terminate abruptly the constraints placed upon supplier-retailer relationships.

Independent retail gasoline dealers constitute a significant element in the distribution of petroleum products in interstate commerce. These dealers obtain their petroleum products from refiners or distributors pursuant to lease and franchise agreements which govern virtually every aspect of their businesses and, indeed, their livelihood.

As a result, the good faith performance of the obligations and duties imposed by lease and franchise agreements is essential to promote efficiency and competition in retail gasoline marketing. In many instances, however, the structure of this industry is such that there exists an imbalance of bargaining power between retail dealers and their suppliers.

In order to deter and provide redress to retail dealers for certain coercive or intimidative lease or franchise terminations or other coercive practices which may jeopardize these small businessmen, I am transmitting herewith the Gasoline Dealers' Protection Act of 1975.



This legislation, which is intended to supplement the anti-trust laws in the fashion of the Automobile Dealers' Day in Court Act of 1956, would:

- prohibit a refiner or distributor from canceling, failing to renew or otherwise terminating a petroleum products franchise unless he provides 90 days notice to the retail dealer affected, except for good cause.
- permit a retailer to bring a civil action for treble damages or injunctive relief in a federal district court against any refiner or distributor which fails to act in "good faith" in performing or complying with the terms of the franchise, or in terminating, canceling or failing to renew the franchise with the dealer.

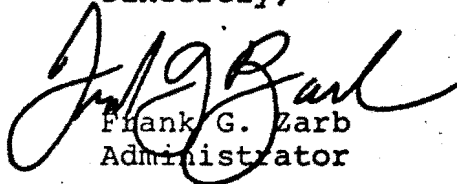
The term "good faith" is defined as the duty of each party to a petroleum products franchise to act in a fair and equitable manner toward each other, thereby insuring each party freedom from coercion, intimidation or threats of coercion or intimidation. It is designed to adopt the body of case law which has defined this term in cases brought under the Automobile Dealers' Day in Court Act of 1956.

The legislation provides a speedy, equitable and relatively inexpensive remedy where none presently exists. It does not, however, prevent mere failure to renew a lease or franchise agreement for legitimate business or economic reasons.

Prompt enactment of this legislation will assure retail dealers a remedy for coercive conduct, while using a well established body of law which permits necessary and proper adjustments in the petroleum marketing system.

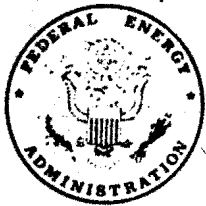
The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,


Frank G. Zarb
Administrator

Enclosure





FEDERAL ENERGY ADMINISTRATION

WASHINGTON, D.C. 20461

September 10, 1975

OFFICE OF THE ADMINISTRATOR

Honorable Carl Albert
Speaker of the House
of Representatives
Washington, D. C. 20515

Dear Mr. Speaker:

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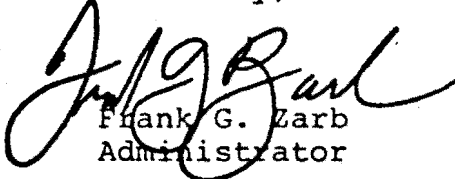
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Prompt enactment of this legislation will assure retail dealers a remedy for coercive conduct, while using a well established body of law which permits necessary and proper adjustments in the petroleum marketing system.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,


Frank G. Zarb
Administrator

Enclosure



A BILL

To provide for the protection of franchised dealers of petroleum products from coercive business practices, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gasoline Dealers' Protection Act of 1975."

Findings and Purposes

Section 1. (a) The Congress hereby finds that:

(1) Retail gasoline dealers constitute a significant element in the distribution of petroleum products in interstate commerce;

(2) The terms and conditions of petroleum products franchises govern virtually every aspect of the retail dealer's business; and

(3) Good faith performance of the obligations and duties set forth in petroleum products franchises promotes efficiency and fair dealing in retail petroleum marketing, and contributes to the public welfare.

(b) It is the purpose of this Act --

(1) to supplement the antitrust laws of the United States by providing retail sellers of petroleum products with judicial recourse against certain business practices affecting interstate commerce;

(2) to enable a retail seller of petroleum products to



bring a civil action for declaratory or injunctive relief in a District Court of the United States and to recover threefold any damages sustained from the failure of his supplier or franchisor to act in good faith in performing or complying with the terms or conditions of a petroleum products franchise;

(3) to permit retail sellers of petroleum products to obtain redress, including treble damages, for coercive or intimidative terminations and non-renewals of lease and franchise agreements; and,

(4) to require refiners and other distributors of petroleum products to give effective and timely notice of terminations and non-renewals of lease and franchise agreements.

Section 2. As used in this Act, the term -

(1) "Commerce" means commerce among the several States of the United States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or among the Territories or between any Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

(2) "Distributor" or "distributorship" means a person engaged in commerce in any State in the marketing of petroleum products through the sale, consignment, or distribution of such products to wholesale or retail outlets (whether or not such person owns, leases, or in any way controls such outlets) under a petroleum products franchise.



(3) "good faith" means the duty of each party to a petroleum products franchise, and all officers, employees, or agents thereof to act in a fair and equitable manner toward each other, so as to guarantee each party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: Provided, That recommendation, endorsement, exposition, persuasion, urging or argument shall not be deemed to constitute a lack of good faith.

(4) "petroleum products" means gasolines and diesel fuels for use in motor vehicles, distillates used as heating fuel, and kerosene;

(5) "petroleum products franchise" means any agreement or contract --

(A) between a refiner or a distributor and a retailer or between a refiner and distributor, under which such retailer or distributor is granted authority to use a trademark, trade name, service mark, or other identifying symbol or name, owned by such refiner or distributor; or,

(B) which grants such a retailer or distributor the authority to occupy premises owned, leased, or in any way controlled by a party to such agreement or contract; or,

(C) which delineates in writing the terms and conditions by which a refiner or distributor supplies a retailer with any petroleum product.

(6) "Refiner" means a firm which refines petroleum products or blends and substantially changes petroleum products, or refines liquid hydrocarbons from oil and gas



field gases, or recovers liquefied petroleum gases incident to petroleum refining and sells those products to distributors, retailers, or ultimate consumers. "Refiner" includes any owner of petroleum products which contracts to have those products refined and then sells the refined petroleum products to distributors, retailers, or ultimate consumers.

(7) "Retailer" means a person engaged in the sale of any petroleum product in commerce under a petroleum products franchise in any State.

(8) "State" means any state of the United States, its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Canal Zone.

Section 3(a). A refiner or distributor shall not cancel, fail to renew, or otherwise terminate a petroleum products franchise except for good cause, unless he furnishes prior notification pursuant to this paragraph to each distributor or retailer who is a party to the petroleum products franchise agreement. Such notification shall be in writing and shall be sent to such distributor or retailer by certified mail not less than ninety days prior to the date on which such petroleum products franchise will be canceled, not renewed, or otherwise terminated. Such notification shall contain a statement of intention to cancel, not renew, or to terminate (together with the reasons therefor); the date on which such action shall take effect; and a statement of the remedy or remedies available to such distributor or retailer under



this Act, including a summary of the applicable provisions of this Act.

(b) As used in this section, "good cause" exists when any one or more of the following circumstances have occurred:

(1) conviction of the retailer of any state or federal crime directly related to the petroleum products franchise or the associated business.

(2) fraudulent operation of the retail establishment, such as intentionally damaging automobiles, intentionally overcharging or intentionally deceiving customers as to repairs which are not needed.

(3) court determined mental incompetency of the retailer.

(4) failure of the retailer to pay obligations due the refiner or distributor, such as rent, franchise fees or charges for petroleum products sold to the retailer, within a reasonable period of time.

(5) abandonment of the retail establishment leased from the distributor or refiner.

(6) adulteration, mislabeling, or misbranding of a petroleum product.

(7) violation of trademark rights associated with any petroleum product sold by the refiner or distributor to the retailer pursuant to a petroleum products franchise.





(8) mutual agreement of the parties to terminate the petroleum products franchise.

Section 4(a). A retailer may bring a civil action for declaratory or injunctive relief against any refiner or distributor engaged in commerce, in any district court of the United States in the district in which said refiner or distributor resides, or is found, or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained and the costs of suit by reason of the failure of said refiner or distributor to act in good faith in performing or complying with any of the terms or provisions of the franchise, or in terminating, canceling, or not renewing the franchise with said dealer: Provided, that in any such suit the refiner or distributor shall not be barred from asserting in defense of any such action the failure of the dealer to act in good faith. Provided further, that in any action based on the cancellation, termination or failure to renew a petroleum products franchise, it shall be a complete defense that such cancellation, termination or failure to renew was due to the retailer's failure to comply substantially with the provisions of such franchise.

(b) No action under this section shall be maintained unless it is commenced within three years after the cancellation, failure to renew, termination or modification of the applicable petroleum products franchise.

(c) The court shall grant such relief as is necessary or appropriate to remedy the effects of conduct it finds to exist if such conduct is prohibited under sections 3(a) and 4(a) of this Act. Such relief may include, but is not limited to, declaratory judgments, mandatory or prohibitive injunctive relief, interim equitable relief, and actual and exemplary damages in an amount equal to three times the damages suffered as a result of such action.

RELATIONSHIP TO OTHER LAWS

Section 5(a). Nothing in this Act shall be deemed to convey to any individual, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions under the antitrust laws.

(b). As used in this section, the term "anti-trust law" means --

(1) The Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes:", approved August 27,



1894 (15 U.S.C. 8 and 9), as amended; and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(c) No provision of this Act shall be construed as limiting or in any way affecting any remedy or penalty that may result from any legal action or proceeding arising from any acts or practices that occurred --

(1) prior to the date of enactment of this Act, or

(2) outside the scope and purpose, or not in compliance with, the terms of this Act.

SEPARABILITY

Section 6. If any provision of this Act, or the application of such a provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such a provision to any other person or circumstance, shall not be affected thereby.

THE WHITE HOUSE

WASHINGTON

October 3, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

RON NESSEN

FROM:

JIM CONNOR *JEC*

SUBJECT:

GRIDIRON CLUB SPEECHES

The President reviewed your memorandum of September 30 concerning the book being published by the Gridiron Club and made the following notation:

"All OK"

Please follow-up with appropriate action.

cc: Don Rumsfeld



THE WHITE HOUSE

WASHINGTON

September 30, 1975

MEMORANDUM FOR THE PRESIDENT

THROUGH: DON RUMSFELD

FROM: RON NESSEN *RAN*

The Gridiron Club is publishing a book reminiscing about the speeches made to its annual dinner by Presidents and other public officials. The book is being written by Harold Brayman, a former president of the Gridiron Club and former president of the National Press Club.

Mr. Brayman has sent me the attached pages from his manuscript which quote from the speeches you have made to the Gridiron dinners. Since these speeches have always been considered off-the-record, Mr. Brayman and the Gridiron Club feel an obligation to obtain your permission before publishing the excerpts from your speeches.

When you have a moment, would you please review the manuscript and scratch out whatever lines you would prefer not to have published?

Attachment



Ford, as the House Minority Leader, was introduced to speak for the Republicans. "And if the electoral fates are in his favor," said Finney, "he may be the next Speaker of the House."

Referring to the last song, Ford said that "what the President calls us in public -- wooden soldiers -- is nothing compared to what he calls us in private.

"Let me tell you a little inside story. I've heard that President Johnson tells his visitors: 'There's nothing wrong with Jerry Ford except he played football too long -- without a helmet.'

"Now I don't mind a little joke. But like so many other things you hear nowadays, that just isn't true.

"And I can prove it. On the Gridiron, I always wear my helmet."

He pulled out a helmet from under the table and put it on

"This is really my helmet -- ," he said, "it used to fit.

Humphrey was to be the Democratic speaker, and Ford paid his respects to him in the following comment:

"Why did I ever tell Nat Finney I wanted to be the next Republican Speaker? Matching me against Hubert Humphrey for laughs is like putting Twiggy up against Zsa Zsa Gabor.

"Nat told me how it would go tonight. He said first he'd give a little talk -- and next I'd give a little talk -- and then the Vice President would follow.

"I said: 'Who follows the Vice President?'

"He said: 'Hardly anybody.'

"It's good to see so many great political writers here tonight. More and more lately, you gentlemen have been the zipper on the Credibility Gap.



"Now where else in Washington can you bask in the warm glow of good fellowship -- and see Bill Fulbright toast President Johnson's health in Charlie DeGaulle's wine?"

After some references to the "Garbage Gap" in New York City, which had supplanted the Missile Gap, he noted that "Presidents are not always considerate of their Vice Presidents."

"Remember when Nixon returned from South America -- stone

"Remember when Johnson had to fly 26,000 miles -- for a camel?" A reference to the fact that he had been given a camel in Saudi Arabia⁷.

"Frankly, if I were Vice President Humphrey, and just got home from a backbreaking tour of Africa, and the next day my President put a stop to all foreign travel -- well, I'd lead a pretty good riot myself.

"But what a full public career Vice President Humphrey has had.-- just one long struggle against McCarthyism.

"He's been birched red by the Old Right, and rapped brown by the New Left.

"But Hubert always comes up smiling. He's really the Pagliacci of politics."

As to Bobby Kennedy, Ford remarked that "Bobby's now at the awkward age. He's too young to be President -- and he's really too old for that haircut."

Of George Wallace he commented that "if George sneaks off with just a few little ol' electoral votes, we may have to pick the next President in the House of Representatives."



Of Nelson Rockefeller: "He still won't volunteer, but last week installed a hot line to his draft board."

Concerning President Johnson, he recalled that Henry Clay always said he'd rather be right than president.

"Now President Johnson has proved once and for all," he said, "it really is a choice.

"You know, I nearly didn't get here on time tonight. When I heard it was to be a bi-partisan affair, I went straight to the President's Club.

"Isn't that where you go to Buy Partisans?"

But partisanship, he said, had to stop somewhere, and it does, for "the things that unite us as Americans are far more enduring than the things that divide us, and one of these is our national sense of humor...

"Our unwritten compact of respect for the convictions of others and faith in the decency of others, allows Americans the luxury of rugged political competition. Let's all work to banish war from our shrinking world and hate from our expanding hearts -- to make this whole planet as full of friendship and felicity as this room tonight.

"In this spirit, let me assure the distinguished Vice President of the United States, before all of you, that I have absolutely no designs on his job.

"How many others in this room can make that statement?"

"I'm serious. I'm not at all interested in the Vice Presidency.

"I love the House of Representatives, despite the long, irregular hours.



"Sometimes, though, when it's late and I'm tired and hungry -- on that long drive home to Alexandria, as I go past 1600 Pennsylvania Avenue, I do seem to hear a little voice sayin

"'If you lived here, you'd be home now.'"

The Democratic skit was laid at the Alamo, where "132 years ago tonight, in the war for Texas independence, 4,000 Mexicans at the Alamo had Lyndon B. Johnson's grandfather surrounded. Since then, things haven't changed much," said the announcer. "Once again the Alamo is under siege, and once again its defender is the head of the Johnson family."

A long list of Democratic Senators were among the defectors and an impersonator of John Bailey, Chairman of the Democratic Party thought them "a likely bunch of defenders! Look at them!"

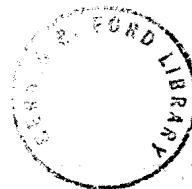
He named seven or eight. "I'd feel safer with the Viet Cong."

An impersonator of Senator Everett Dirksen asked that Bailey not forget him, and Bailey inquired, "Aren't you in the war skit?"

"Possibly I am," replied Dirksen. "But when anybody knows as much about me as does Lyndon Baines Johnson I stalwartly and graciously rush to his defense. He is my command-in-chief -- so long as he doesn't begin to tell all he knows."

Bailey decided that in order to make a proper defense of the citadel, they would have to call in the reserves. The reserves proved to be Bobby Kennedy with an entourage including ^{John} Kenneth Galbraith and Arthur Schlesinger, Jr."

This led Bailey to comment of Kennedy, "He may be ready, but he's not about to be called."



We can walk through the storm
with our heads held high,
And not be afraid of the night.
For the stars we have followed
Still ride the sky,
And still show us the way back to light.

The times may be hard,
the road may be long,
But our destiny's our own.
We'll all join hands with the rest
of the world,
And we'll never walk alone --
We'll never walk alone. (1)

The toast was offered to President Ford, and he responded with good grace and closed with a tribute to the Gridiron Club, which, with his permission, is reproduced here:

Since he had moved into the White House, he said, "I've learned how much of a life-saving medicine a little laughter is for Presidents. So, if a fine evening of fun and friendship like this is good for Presidents, it must also be good for America.

"The Gridiron Club nurtures this great national asset. And I'm very glad we can all poke gentle jokes at ourselves and one another just this way -- singeing without really burning -- and I hope it will always stay that way.

"Americans are a very diverse people, living together in many different styles and many different places. We are united more by the way we look at things than by the traditional ties of blood or belief or battles long forgotten. And when we are able to look at the brighter side of our troubles and the lighter side of our struggles, and see the smile that lies just below the surface of our neighbor's face, I think we Americans are at our very best.

"Thank you and good night."

(1) Book of the Dinner - Closer, p. 3



And so ended 90 years of Gridiron history, during which 15 Presidents, hundreds of distinguished Americans who never made the Presidency, and thousands of guests heard and saw themselves satirized; and often answered with great wit in an organization like of which does not exist in any comparable degree anywhere else in the world.

####



THE WHITE HOUSE
WASHINGTON

5

Ron --

Lu Warren says this guy is legit.
He is writing the book he says he is.

He is a past President of the Gridiron.
He is past President of National
Press Club

He was director for Public Relations of
Dupont for a long, long time

Lu was surprised that he sends you
that stuff at home.

He'd like you to cooperate with
Brayman if possible.

c



October 4, 1975

Dear Mr. Brayman:

The President has reviewed your manuscript for your book on Presidential speeches to Gridiron Club dinners over the years. He has no objections to including any of his remarks in the book.

The President has asked me to send you his best wishes for a successful book on the Gridiron dinners which he has enjoyed so much over the years.

Sincerely,

Ron Nessen
Press Secretary
to the President

Mr. Harold Brayman
Rooms 3 and 4 - Suite 1250
Wilmington Trust Building
Wilmington, Delaware 19801

RN/cg



HAROLD BRAYMAN
ROOMS 3 AND 4 - SUITE 1250
WILMINGTON TRUST BUILDING
WILMINGTON, DELAWARE 19801

AREA CODE 302
774-7255

September 4, 197

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

Dear Mr. President:

In March 1968, you, as Minority Leader of the House, were the Republican speaker at the Gridiron dinner.

There hasn't been a book written about Gridiron dinners and skits since 1915. By agreement with the Gridiron Club, I have undertaken the task of doing one and it is now completed. Title: "Presidents on the Gridiron." It covers all Presidents and dinners from 1885 down through 1975 and contains considerable material of historic interest.

The club has made its very voluminous records fully available to me, and I have about 40 speeches made to the club by Presidents of the United States and a great many by other major public figures, including many candidates for President.

What I have attempted to do is to weave the speeches together with skits and songs relating to Presidents and to major policy matters before the country at the time.

The Gridiron Club has agreed that for the purposes of this book all speeches of persons no longer living need no longer be considered off the record. It was also agreed that any speeches which I use of persons still living would be used only with their permission. I am writing you this letter to request your permission to use some of the key quotes from your speech, which we have in the Gridiron files.

*19. In
to the President
to the Secretary
of the Gridiron Club*

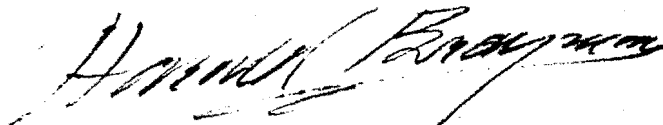


However, since this speech was made by you on the understanding that it was off the record, I think it only fair to give you an opportunity to edit the portions which I use, in case there are any quotes which you would rather not make public.

Consequently, I am attaching to this letter the copy on your speech, and if you wish to make any changes or eliminations, I will be glad to accede to your wishes. I very much desire your permission to use this, and I hope you will give it to me without change.

The Gridiron Club and I have agreed that all recent speeches at the Gridiron dinners -- "recent" being defined as since 1972 -- are to remain off the record. However, I have their permission, and I would like yours, to use the last three paragraphs of your speech at the March 1975 dinner as the conclusion of the book. You paid a nice tribute to the Gridiron Club and to the purpose which it serves, and I hope you will also agree to permit me to include that, copy of which is attached.

Sincerely yours,



October 4, 1975

MEMORANDUM FOR: JIM CONNOR
FROM: RON NESSEN

The television networks have been in touch with me to describe the mammoth problems they anticipate in covering the President's anticipated trip to China. I have asked Bob Mead to spend more and more of his time on the anticipated television problems of the China trip.

The television executives, Mead, and Rosenberger all agree that it might be helpful to bring someone into the Press Office on a temporary consulting basis who has had previous experience with handling press problems of a Presidential trip to China. As it is, no one on the Press Office staff has ever been involved in arrangements for a Presidential trip to China.

I would like your permission to hire on a temporary part-time consulting basis either Tim Elbourne or Ron Walker, who did make the Nixon trip to China and are well thought of by the television executives and other members of the press. I have not contacted either Elbourne or Walker to ascertain their availability should you give permission to bring them back as consultants for this one trip only.

I want to emphasize the enormous difficulties which we will encounter in arranging press coverage of the China trip, and especially the television problems. This comes from both the need to negotiate every detail with the Chinese and the logistics difficulties of working in such a country. In order to provide the best press coverage of the Presidential trip, I feel strongly that we ought to tap someone who has had previous experience on a Presidential China trip.

cc: Eric Rosenberger

RN/cg



October 13, 1975

MEMORANDUM FOR:

JIM CONNOR

FROM:

RON NESSEN

I received a phone call Sunday night from a friend of the President, Jack Westland. Mr. Westland suggested that the President send a telegram of best wishes to a Seniors Golf Tournament taking place this week with teams of the United States, Great Britian and Canada.

Westland suggests that the telegram be sent in time to arrive for a tournament dinner on Thursday. The telegram should be addressed as follows:

Mr. Warner Shelly
U.S. Team Captain
Pine Valley Golf Club
Clementon, New Jersey

I have no recommendation one way or another on this.

RN.pp



October 14, 1975

MEMORANDUM FOR: JAMES E. CONNOR

FROM: RON NESSEN

**SUBJECT: Suggested name of Press Office staff member
for Sadat after-dinner entertainment**

I would appreciate it if an invitation could be issued for the after-dinner entertainment of the state dinner honoring President Sadat of Egypt on October 27 to:

**Mr. and Mrs. William Greener
Deputy Press Secretary to the President**

Mr. Greener has not been a guest at any social function at the White House other than press functions in his official capacity. The same is also true for each member of my staff, with the exception of Bill Roberts, who was invited by the President to an after-dinner entertainment.

I hope Mr. and Mrs. Greener can be invited guests on this occasion.



THE WHITE HOUSE
WASHINGTON

PERSONAL AND CONFIDENTIAL

October 13, 1975

TO: RON NESSEN

FROM: JAMES E. CONNOR
SECRETARY TO THE CABINET

I'd appreciate it if you would give me the name of an individual from your office whose name you would like to suggest be invited to the after-dinner entertainment at the White House for President Sadat of Egypt in November.* The invitation will include the individual's spouse or escort if appropriate. Your suggestion will then be submitted by my office to the Social Office for preparation of the final list, and the final decision will be made in the Social Office. If you have any questions, please call. I would appreciate receiving your suggestion as soon as possible.

October
*date is ~~November~~ 27th.

Nussen — *yes*

— *no*

Greener *yes*

— *no*



October 16, 1975

MEMORANDUM FOR: JIM CONNOR

FROM: RON NESSEN

Here are Eric Rosenberger's thoughts on your request for possible reduction in the number of press vehicles in Presidential motorcades.

Attachment



RN/jb

NATIONAL ARCHIVES AND RECORDS SERVICE
WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Memo	Eric Rosenberger to Ron Nessen regarding Motorcade Press Vehicles, 10/16/1975	10/16/75	B

FILE LOCATION

Ron Nessen Papers, Box 128, "Connor, Jim - 1975 (4) "

RESTRICTION CODES

- (A) Closed by Executive Order 12356 governing access to national security information.
- (B) Closed by statute or by the agency which originated the document.
- (C) Closed in accordance with restrictions contained in the donor's deed of gift.

SD
11/25/2013

October 16, 1975

MEMORANDUM FOR: JIM CONNOR

FROM: RON NESSEN

Adam Clymer of the Baltimore Sun has requested a copy of what he calls "the White House payroll," including names and salaries.

He raises the prospect of seeking it through the Freedom of Information Act if we do not comply voluntarily.

What answer should I give?

RN/jb



MEMORANDUM

THE WHITE HOUSE
WASHINGTON

October 22, 1975

MEMORANDUM FOR: PHIL BUCHEN
DOUG BENNETT
JIM CANNON
JIM LYNN
MAX FRIEDERSDORF
RON NESSEN

FROM: JIM CANNON

The President has seen the attached memorandum from Secretary Dunlop and asked that it be distributed to you for your information.

Encl.
10/7 memo from
Secretary John Dunlop

Grumaker



U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

October 7, 1975

MEMORANDUM FOR THE PRESIDENT

It would seem timely to review briefly the past six months as Secretary of Labor, at your invitation, and to comment on some problems in the period ahead.

More than a third of my time probably has been devoted to issues before the Economic Policy Board, the President's Labor-Management Committee, the Productivity Commission, the grain problem, International Labor Organization (ILO), the construction legislation, and other questions technically beyond the ordinary activities of the Department of Labor with which you are familiar. This memorandum concentrates, accordingly, on Department of Labor activities and problems.

1. Personnel and Internal Management

The most immediate problems of the Department that needed attention, you stated at the outset in March, involved its internal management and quality of personnel. I agreed. There has been considerable headway, I believe, in this area although much more ideally should be done over a longer time frame. The recruitment of high quality people with high standards for an 18-month assured period is both more difficult in some respects and easier in some cases than recruitment for a four-year term.

- Bob Aders has joined the Department as Under Secretary, and I believe he can help to provide the general management talent the Department has been short on for quite some time.
- The top staff of the Occupational Safety and Health Administration (OSHA) has been changed. The addition of Dr. Morton Corn as Assistant Secretary, in addition to Bert Concklin and Marshall Miller as deputies, constitutes a first-rate team of technical and managerial experts. Your reorganization of the OSHA Review Commission with Barneko as Chairman is a constructive step in supplementing our management changes.



- The complex pension reform programs also have had a change in effective leadership, and James Hutchinson in the new position of Administrator is moving to clarify rules in this critical and difficult area. The Pension Benefit Guarantee Corporation, with Steve Schanes as Executive Director, is getting into full operation. A viable working relationship has been established between the three agencies under the legislation -- the Labor Department, the Pension Benefit Guarantee Corporation, and the Internal Revenue Service in Treasury. There are complex and fundamental long-term consequences of this pension legislation.
- You have approved the appointment of Ron James as Wage and Hour Administrator.
- The two top positions in the Office of Federal Contract Compliance Programs (OFCCP) are now vacant and a new management team is being put together for this sensitive and difficult area.

We have worked with Chairman Perry, Judge Tyler, Bob Hampton and Arthur Flemming to improve personal relations and to strengthen coordination among the several EEO agencies by revitalizing the EEO Coordinating Council. The issues before the Coordinating Council, however, are likely to remain very difficult to resolve.

- I am pleased with the high quality and experience of my own immediate staff of John Read (executive assistant and counselor), Dick Lukstat (press and public affairs), Jim Hogue (legislative affairs) and Hank Perritt (economic policy).
- We are in the process of redefining the position of Regional Director in the 10 regional offices. There are two vacancies now and more are expected.

2. Labor Disputes in the Economy

One of the classic problems of a Secretary of Labor has been to avoid being directly involved in labor-management disputes. It is terribly time consuming, tends to undermine the effectiveness of



the Director of the Federal Mediation and Conciliation Service, and facilitates access to the White House for dispute settlement. Fortunately, Bill Usery is absolutely first rate and is Special Assistant to the President. Our two offices work very closely together. He is the last step in any mediation; there is no access to the Secretary or to the White House. These arrangements are fundamental in my view.

I hold a regular luncheon meeting once a month with the Chairman of the National Labor Relations Board (Betty Murphy), the Chairman this year of the National Mediation Board (Dave Stowe), and the Director of the Federal Mediation and Conciliation Service (Bill Usery) to seek to get this group of agencies affecting labor relations to work together on both short-term and longer-term issues.

3. Communications Open to Organized Labor and Management

One of the fundamental assignments of any Secretary of Labor, and one which caused special problems to the last two Secretaries, is the maintenance of open communications at all levels with the AFL-CIO, its constituent unions, and other labor organizations. You placed emphasis on this responsibility in our earliest conversations and in our meeting of April 11, 1975. Easy and effective access in communications, both ways, should be maintained for the President, the Labor Department and for other Cabinet officers when appropriate. I believe such arrangements are in place, although in the year ahead they may become more tenuous.

I have always believed that comparable open communications are essential with management. There are some on the Senate Labor Committee who have suggested privately that such contacts are unnecessary or inappropriate. But I have spent a lot of time building upon very considerable personal contacts with management developed over the years. A basic problem is that management is highly fragmented -- top management and industrial relations, into various associations, confederations (NAM, Chamber, and the Roundtable), by special professions or topics, and by industries. It is always possible to say someone was not consulted. It is easy for managements as a group to avoid responsibility since they do not have to face the hard choices of reconciling conflicting and disparate views among management groups. Moreover, managements then tend to



coalesce around extreme and impractical positions to their detriment. I intend to continue to meet, and have staff meet, informally with a wide cross-section of managements on various issues, both in Washington and around the country.

4. Approach to Regulatory Functions

Twenty-five years ago about one-fourth of the employees of the Department were engaged in regulatory functions. Today, despite the size of manpower programs, half of the 13,800 employees of the Department are engaged in regulatory activities.

In the realm of economic regulations, such as ICC, CAB, etc., the deregulation of price or elimination of restrictions on entry is possible. But in social areas such as OSHA, OFCC, equal pay, etc., the need is primarily for reform of the processes of regulation; deregulations is not likely to be a viable alternative. In the area of social regulation, the scope for reform is in a change in the form, tone and methods of regulation and enforcement. Moreover, social regulation is constricting collective bargaining, and we need to find new ways to make them more compatible.

We are working very hard on means of consultation in standard setting and compliance that deeply involve labor and management and others who must live under the regulations. OSHA is a good example. If the government made one inspection a year of all our workplaces, OSHA would need 75,000 employees compared to the 1500 there are now. We clearly need new alternatives to the course we are on. I feel we are making headway on this vital long-term issue you have highlighted.

5. Legislative and Press Affairs

- In the manpower area two general oversight hearings have been arranged at our initiative to present a comprehensive review of (1) the Employment Service and (2) the Comprehensive Employment Training Act (CETA). We are anxious to set forth in a single presentation the record of these programs and the major problems under the legislation and in their administration.



- The subcommittee (Corman-Steiger) of the House Ways and Means Committee has reached agreement on all items of the U.I. proposed legislation, relatively close to your proposals, except for the issue of federal benefit standards, on which the subcommittee is deadlocked. The full committee may consider this issue at the time it considers the subcommittee report.
- I should particularly appreciate your suggestions for improving the legislative phase of our operations, including my own time and effort.
- I continue to seek to maintain good relations with the press in ways with which you are familiar. I would appreciate your advice as to my handling publicly issues important to you.

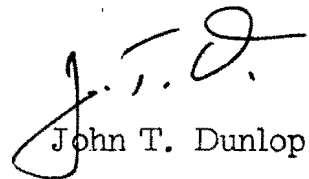
6. Priorities

- With Bob Aders in the post of Under Secretary, concentrate on the improvement of internal management, and internal employee and labor-management relations. Emphasis should now be placed on the quality of first line supervisors, program officers and mid-level managers.
- Rog Morton and I had the top five officers of both departments to lunch at Labor to establish personal contacts, smooth working relations, and put in place a system of continuing consultation and liaison. This should be done with three or four other departments where operations interact substantially.
- Program areas which need special attention are: OSHA, Pensions, OFCC, Employment Service, CETA, and Labor-Management Services.
- Longer-term structural reform in collective bargaining and industrial relations in several industries -- paper, cement, maritime, coal, construction.
- 1976. There has been a specific discussion with Rumsfeld.



7. Questions

- What suggestions and criticism do you have for improving the quality of our work and to better serve you?
- Would you be willing some time before the end of the year to visit the new Department of Labor building and to meet informally with the Assistant Secretaries and other heads of programs? you indicated at our April 11 meeting that this might be possible.


John T. Dunlop



WASHINGTON

10-24-75

NOTE FOR: Lem Connor

FROM : RON NESSEN

The H-podded AF-1
cool has still not
been adequately
explained even to
the Press Office,
much less the
press.

RAN



THE WHITE HOUSE

WASHINGTON

October 24, 1975

MEMORANDUM FOR RON NESSEN

FROM: ERIC ROSENBERGER *ER*

SUBJECT: Size of Air Force One Pool

I feel that the current plan of placing a 25-man pool on AF-1 during political trips has a basic flaw. The flaw is that if a 25-man pool can travel on political trips to save the President and his election committee some money, then why doesn't a pool of 25 fly on AF-1 on non-political trips to save the taxpayer the same amount of money.

The mistake being made is exactly the same one that was made when the Jetstar/C-9 combination was being considered. The nickle and dime money that will be saved is not great enough to withstand the bad press which will appear about the President operating on two standards -- with the tax-payer being the big loser.

The rationale that the President should receive the same financial support from the press on paying for his plane as his opponent does is quite academic because the money in question is not great enough to warrant bad press.

Also, what do you say when the press says, in order to get more people closer to the President, if you take 25 on political trips, then we want 25 on all trips. Considering how tight AF-1 is on regular trips, this will be a very difficult question to answer.

It is the bureau chiefs who want more people on AF-1, but it is obvious that the working press prefer to ride the press plane.

Also, if you do increase the size to 25, you will have to feed the expanded pool and the military office will fight this.



October 24, 1975

MEMORANDUM FOR JIM CONNOR

FROM: RON NESSEN

Attached find a draft of a letter I hope the President will sign. It is addressed to my brother-in-law, my wife's brother, who the President has met several times. He currently is recovering from a serious liver cancer operation and making only very slow headway at the Washington Hospital Center.

Dr. Lukash has been consulting regularly with his doctors, and they feel that a short note from the President would give his sagging morale a badly-needed boost, which in turn could speed his recovery.

RN/cg



THE WHITE HOUSE
WASHINGTON

October 25, 1975

Dear Mr. Song:

I have learned through Ron and Cindy of your recent operation and continued hospitalization. And I want to wish you a speedy recovery.

I know you must become discouraged sometimes that it is taking awhile for you to recover fully. Keep up your spirits and I'm sure you'll soon be home with your family. Incidentally, I remember you and your family from that famous poolside party at Ron's house.

Dr. Lukash, my own physician, has been keeping in touch with your doctors and feels confident that you are getting the very best of care.

Warm regards.

Sincerely,

Mr. Song Tong Ho
Washington Hospital Center
Fourth Floor Intensive Care Unit 4-G-20
110 Irving Street, NW
Washington, D.C. 20010

