

# FOIA MARKER

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**Folder Title:**

Press Dinners

**Stack:**

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**90**

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**11**

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Start a file  
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Press Dinneres

From the Office of the Chief of Staff

Phone: 202/456-6797 Fax: 202/456-1121

Date: 5 Oct 93 Response needed by: 8 Oct 93  
 COS Office Contact: Bill Burton, Policy & Staff Director



	Action	FYI		Action	FYI
Joan Baggett			Bernie Nussbaum	X	
Lee Brown			Leon Panetta		
Bill Daley			Howard Paster		
Rahm Emanuel			John Podesta		
Mark Gearan	X		Jack Quinn		
Kristine Gebbie			Carol Rasco		
David Gergen	X		Bob Rubin		
Jack Gibbons			Eli Segal		
Marcia Hale			Ricki Seidman		
Alexis Herman			George Stephanopoulos		X
Nancy Herrreich			Christine Varney		
Tony Lake			David Watkins		
Bruce Lindsey			Maggie Williams		
Ira Magaziner					
Katie McGinty					
Dee Dee Myers					
Roy Neel		X			

Remarks:  
 Pls review attached letter from VH Comesp. Ass'n leaders  
 (& memos prepared on subject earlier this year by  
 Counsel's office) & advise your thoughts.  
 Thanks, Mack / Bill

Response:

WHITE HOUSE  
CORRESPONDENTS' ASSOCIATION  
1067 NATIONAL PRESS BUILDING  
WASHINGTON, D.C. 20045

OCT - 4 1993

September 30, 1993

Thomas F. McLarty  
Chief of Staff to the President  
The White House  
Washington, D.C.

Dear Mr. McLarty:

We represent press organizations with annual dinners which are affected by the Bush administration ethics ruling that prevents administration guests from accepting invitations from news organizations. We strongly disagree with any effort to equate us with lobbyists. We wish to alert you to the uncertainty, caused by the rule, that hampers our planning.

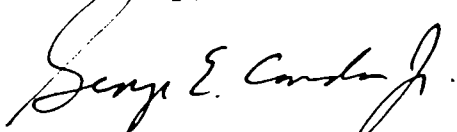
As it stands, this rule imperils the traditions of dinners which date back to 1885 (Gridiron); 1914 (White House Correspondents) and 1943 (Washington Press Club Foundation and Radio-TV Correspondents). Large numbers of administration officials are invited to each of the dinners and have been for all those years without any ethical questions raised.

As journalists none of us is happy with a rule that bars administration officials from accepting lunches or dinners from working reporters. As the heads of these press organizations, we ask you for a prompt ruling on this matter. We naturally hope for action that will permit these traditions to continue:

Washington Press Club Foundation	--	Jan. 26
Gridiron	--	March 19
Radio-TV Correspondents	--	March 22
White House Correspondents	--	April 23

We are eager to meet with you to discuss this matter.

Sincerely,



George E. Condon, Copley News  
President, WHCA



Walter Mears, Associated Press  
Vice President, Gridiron Club



Brian Lockman, C-SPAN  
President, Radio-TV Corresp.



Abigail Trafford, Washington Post  
President, WPCF

THE WHITE HOUSE

WASHINGTON

March 9, 1993

MEMORANDUM FOR DESIGNATED AGENCY ETHICS OFFICIALS

FROM: BERNARD NUSSBAUM  
COUNSEL TO THE PRESIDENT 

SUBJECT: Press Dinners

My office has received numerous inquiries regarding the applicability of the Standards of Ethical Conduct, which became effective February 3, 1993, to the yearly press dinners (e.g., Gridiron Dinner, White House Correspondents' Association Dinner, Radio/Television Dinner, National Association of Black Owned Broadcasters Dinners). In particular, it appears that the press was unaware of the new rules and how they would impact their dinners to which a large number of executive branch employees are invited.

Under the new rules, executive branch employees cannot attend widely-attended-gatherings where the cost of their attendance is paid for by someone (or organization) other than the host of the event. Executive branch employees can accept the gift of free attendance from the host or sponsoring organization of a widely-attended-gathering when the agency determines that it is in the interests of the agency for the employee to attend.

The press plays an integral role in communicating with the public. We believe it is important to foster a positive relationship between executive branch officials and the press with these particular occasions providing a unique opportunity for all to interact in a congenial atmosphere. Therefore, in light of the newness of the rule and the fact that planning for these events occurred prior to the implementation of the rule, the White House will hold the application of this rule in abeyance for six months from February 3, 1993 for press dinners that otherwise would meet the widely-attended-gathering exception. Accordingly, during this six-month period, executive branch officials may attend such press dinners as guests of individuals or organizations other than the sponsor.

If you have any questions regarding this policy, please direct them to me.

THE WHITE HOUSE

WASHINGTON

March 1, 1993

MEMORANDUM FOR MACK MCLARTY  
CHIEF OF STAFF

MARK GEARAN  
DEPUTY CHIEF OF STAFF

FROM: BERNARD NUSSBAUM  
COUNSEL TO THE PRESIDENT

CHERYL MILLS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Press Dinners

Pursuant to Mark Gearan's request, we are providing this decision memorandum to outline the issue regarding organized press dinners as well as options to address the matter.

Each year, the press has several large dinners to honor their members and to socialize with executive branch employees and other prominent officials. These dinners typically are hosted by a news association (e.g., Gridiron Club, White House Correspondent's Association, Radio/Television Association) but are funded by individual employees of the various news organizations who offer invitations to executive branch officials and pay for the cost of their attendance at the event (which ensures these officials' presence at their table). As an example, Dan Rather might invite Dee Dee Myers to be his guest at the White House Correspondent's Dinner and CBS would pay the \$100 attendance fee for both Dee Dee and himself.

Under the Standards of Ethical Conduct for Executive Branch Employees, which became effective February 3, 1993, this type of dinner arrangement is prohibited for executive branch employees. See 5 C.F.R. § 2635.204(g). Under the guidelines, an executive branch employee may accept a gift of free attendance only when it is provided by the sponsor of the event, not by a guest attending the event. Id. at Example 1. Because the news organizations did not take this factor into account this year when planning their dinners, the dinners currently are funded in the same (now prohibited) fashion as they have been in prior years.

On two occasions the sponsors of press dinners have reconfigured the funding arrangements of their dinners to comply with the rules so that executive branch employees could attend consistent with the Standards of Conduct (e.g., Gridiron Dinner -- the association now is paying for the tickets of executive branch

employees). However, the White House Correspondents' Association has stated that it is simply impossible for them to reconfigure the funding for their dinner to bring it into compliance with the Standards of Conduct for the purposes of executive branch employees. Accordingly, they have asked the White House to make an exception to the Standards of Conduct for their dinner, or alternatively, for press dinners generally.

The following options are available to address this matter:

1. Adhere to the Standards of Conduct (since next year the dinners can be designed with the rules in mind) and should executive branch employees wish to attend such an event they must pay for the cost of their ticket (which can range from \$100 to \$250 for these types of dinners);
2. Provided funds are available, the White House Office could pay for its employees to attend the dinner, or subsidize the cost for those who cannot afford the entire cost of attendance;<sup>1</sup>
3. The President could direct the Director of the Office of Government Ethics ("OGE") to reinterpret the regulations so as to exclude the press from the definition of a prohibited source;<sup>2</sup>
4. The President could announce a policy for this year only that for all organized press dinners, he will not enforce the Standards of Conduct for violations of the rules;<sup>3</sup> or
5. The President could modify or repeal the Executive Order implementing the Standards of Conduct.

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<sup>1</sup> This option, of course, does not resolve the situation for executive branch employees who work in the agencies (e.g., Cabinet members) who also cannot attend the dinners consistent with the Standards of Conduct.

<sup>2</sup> This action would reverse a 1987 opinion by OGE specifically holding that the press is a prohibited source. In addition, in some instances it might eliminate another prohibition with regard to the press -- the current prohibition on accepting meals paid for by the press valued in excess of \$20 per occasion (for an aggregate amount of no more than \$50 per calendar year).

<sup>3</sup> From a public relations standpoint, this option, and the one immediately above, raise the specter of favoritism toward the White House Correspondent's Association since in other instances Counsel's Office has refused to ignore (or modify) the rules. In two such instances, the organizations reconfigured the funding for their dinners so as to invite executive branch employees as guests of the sponsor.

Please advise the Counsel's Office as to the manner in which you would like proceed. Since the first dinner is March 18, 1993, we need to resolve our policy as quickly as possible. If you have any questions please contact us.