

THE WHITE HOUSE

WASHINGTON

September 29, 1971

INFORMATION

MEMORANDUM FOR:

THE PRESIDENT

FROM:

JOHN DEAN

SUBJECT:

ABA Review of Poff's
Judicial Qualifications

THE PRESIDENT HAS SEEN...

Attached is a copy of the letter sent by Kleindienst to the American Bar Committee reviewing Poff's credentials for the Supreme Court.

This letter was designed to broaden the scope of the committee's inquiry, and if the committee gives Poff a favorable endorsement, I would assume it will be based on the approach suggested in this letter, i. e., congressional experience as a major factor in the development of an outstanding lawyer/Congressman.

September 23, 1971

The Honorable Lawrence E. Walsh
Chairman
Committee on the Federal Judiciary
of the American Bar Association
Davis, Polk & Wardwell
One Chase Manhattan Plaza
New York, New York 10005

Dear Judge Walsh:

I suspect that one of the questions to which your Committee will shortly address itself is whether the legal activity of a member of the Judiciary Committee of the House of Representatives is sufficiently comparable to more typical forms of professional activity that it may be fairly said to significantly contribute to a nominee's qualifications for the Supreme Court.

I would not be so bold as to even attempt the drawing of a precise line which separates genuinely professional legal experience, on the one hand, from the countless varieties of other work which, even when engaged in by lawyers, would nonetheless be deemed by common consent not to be "lawyer's work". I would suggest, though, that the line not be too narrowly drawn. And I would strongly urge that all competent work falling within that line be considered in evaluating the professional qualifications of a nominee to the high Court.

A little less than fifteen years ago, Mr. Justice Frankfurter entered the lists against the notion that prior judicial experience should be regarded as an indispensable qualification for nomination to the Supreme Court. In his article entitled "The Supreme Court in the

Mirror of Justices," 105 U. Pa. L. Rev. 781 (1957), he drew the conclusion that "the correlation between prior judicial experience and fitness for the functions of the Supreme Court is zero". What he sought to prove, of course, was not that prior judicial experience was not a valuable qualification for the Supreme Court, but that it was not an indispensable one. His examples of Chief Justices Marshall and Taney, and Justices Story, Miller, Bradley, Hughes, Brandeis, and Stone, among others, as strong Justices who had had no prior judicial experience at the time of their appointment would tend to convince many that he had proved his point.

Yet it may be said that even if prior judicial experience is not necessary for the Supreme Court, can it not be at least reasonably insisted that extensive prior litigating experience be deemed essential? One would gather that Justice Frankfurter's answer would have been no, judging from this remark in his article:

"The search should be made among those . . . who give the best promise of gratifying intrinsic needs of the Court, no matter where they may be found, no matter in what professional ways they have manifested the needed qualities."

I think that if one were to follow this advice, he would conclude that no particular type of genuinely professional experience is indispensable for the performance of the duties of the high Court, and that any genuinely professional legal experience be considered in determining a nominee's qualifications. The issue should be less the type of professional task performed than the competence with which it was performed.

The extraordinary variety of legal skills called for by the practice of law in all of its myriad specializations are

known to the Committee members by virtue of their own experience. I claim no originality in pointing out that the abilities respectively required to argue a personal injury case to a jury, to argue the appeal of an intricate point of statutory construction, to review a securities prospectus, and to successfully practice domestic relations law are by no means akin to one another. Yet can it be said that any one of these skills is not a truly professional one, or that any one of them would not be of significant use to a Supreme Court Justice?

In addition to the broad range of abilities called upon for success of the private bar, the government lawyer is called upon to do some which are virtually peculiar to the government. About thirty years ago, a commission which devoted itself to the study of the role of lawyers in government, whose chairman was Associate Justice Stanley Reed of the Supreme Court, and which numbered among its members Justices Frankfurter and Murphy, made the following observations about the diversity of work required of government lawyers:

"The legal staffs have a great variety of functions to perform, many of which require wholly different talents or capacities. Upon the shoulders of one attorney or another fall the diverse functions of legal research, negotiations with members of the public and other departments or agencies, opinion writing, investigative work, the preparation of briefs for litigation, the conduct of hearings, advice to administrative officers, the argument of cases in appellate courts, and the drafting of regulations and legislation. No man can have an aptitude for all these functions; a good lawyer must be proficient in many.

"Of perhaps greater importance is the fact that none of these duties is one which permits

adequate performance by mechanical proficiency alone. To a greater or less degree, each task can be well done only if the attorney brings to its solution not only the techniques of his trade but also the imponderable qualities of imagination, judgment, and discrimination."

I think that the thought contained in the last sentence of the Reed report -- the notion that lawyer's work is that which requires both technical skill and broader qualities of judgment and imagination -- is as good a summary of the traditional abilities of our profession as I have seen in capsule form. I think that any work which fairly came within the ambit of that language should be excluded from the type of experience which would be considered to qualify a man professionally for the high Court.

The plain truth of the matter is that in an era of increasing legal specialization, no nominee can possibly be an expert in all the various areas of law which are treated in the opinions of the Supreme Court. The skills normally and uniquely associated with the experienced trial practitioner -- familiarity with the law of evidence, capability in assessing the credibility of witnesses, experience in the formulation of jury instructions -- do not make up a large part of the work of the high Court. In our review of decisions by that Court in the October term of 1968 and 1969, fewer than ten per cent of the issues decided by the Court appear to have involved this type of issue in which litigating experience would be of peculiar benefit.

This is not to say, however, that there is some other particularized types of experience that would be of greater benefit than litigating experience. It is virtually impossible to think of a type of practice, whether highly general or extremely specialized, that would give a nominee

genuine competence in the majority of areas treated by the Supreme Court in its opinions. This leads me to conclude that what those participating in the selection and reviewing of nominees should focus upon is not the substantive expertise that a particular nominee has acquired in his legal work. It is instead whether, as a result of that work, he would bring to the bench that combination of technical skill and broad qualities of judgment and imagination which are developed in the truly able man by any number of different kinds of professional legal experience.

If one were to fix on knowledge of any particular area of the law which would be of as much use to a Supreme Court nominee as any other, I think the field of statutory construction comes as close as any. It is but a commonplace to say that the work of the Supreme Court in the past generation has shifted more and more away from the sort of case which is customarily litigated in the typical trial court of general jurisdiction, and more and more towards what might be loosely called "public law" questions. Involved in the great majority of these public law questions are issues of statutory construction. I venture to say that legal knowledge acquired as a member of the Judiciary Committee of the House of Representatives would be of great assistance to the Court in deciding this sort of case.

Perhaps by coincidence, or perhaps for that very reason, the Court for a number of years past, up until the recent resignation of Mr. Justice Black, has always had on it at least one Justice with a fairly extensive background in Congress. Nor is this a tradition of recent origin: Chief Justices Marshall, Chase, White, and Vinson, and Justices Black, Burton, Minton, and Sutherland, among others, all had such experience. This is not to say that their legislative experience was the only qualification that they had for the Court at the time of the appointment. But it is undeniable, at least in the case of several, that if such experience were not deemed a qualifying factor, their

other qualifications were not what would generally have been thought to be outstanding.

If the Committee were to insist that a certain minimum period of actual private practice of the law were essential, they would have to recognize that both Justice Douglas and the late Justice Frankfurter would probably be excluded by such a standard. From biographical material publicly available, Justice Douglas appears to have had only a very few years of private practice before becoming a professor of law at Columbia University, and ultimately the chairman of the Securities and Exchange Commission. Justice Frankfurter served four years in the office of the United States Attorney for the Southern District of New York; he then served for approximately the same length of time as an attorney in the War Department in Washington, and thereafter went on to perform special missions for President Wilson and ultimately to become a law professor at Harvard University.

Justice Frankfurter, in the article quoted above, observed that "greatness in the law is not a standardized quality, nor are the elements that combine to attain it". The history of judicial performance on the Court would satisfy most observers as to the truth of this observation. Appointing qualified Justices has been shown to involve a process more akin to an art than to a science. I would most strongly urge the Committee to broadly define acceptable legal experience along the lines suggested by the Reed Commission report, and to carefully scrutinize the competence and skill which a prospective appointee has brought to the performance of professional tasks falling within that definition. I think that the work done by a member of Congress in an important position on the Judiciary Committee of the House of Representatives does fall within that definition, and I shall now undertake to review briefly the sort of professional activities in which Representative Poff engaged during his service in Congress.

As you know, the House Judiciary Committee has cognizance over a wide variety of subjects which are of vital interest to the country and which are repeatedly before the Supreme Court. The Committee's jurisdiction includes immigration, naturalization, private claims against the government, patents, copyrights, trademarks, revision of laws, bankruptcy, antitrust, courts, corrections, criminal laws, civil rights, and constitutional amendments.

Congressman Poff, as a Congressman/lawyer on this Committee for eighteen years, has not only assembled a wealth of knowledge and experience in these important fields, but has had an opportunity in the process to utilize and demonstrate the arts of a lawyer in their finest sense.

It is, perhaps, not readily appreciated, but the functions of a Congressman/lawyer, particularly on the Judiciary Committee, parallel very closely many of the principal functions of judges and practicing lawyers. The hearing process, in which the groundwork for legislation is performed, is in many respects analogous to a courtroom confrontation. The active Congressman assumes the role of an advocate in examining and crossexamining witnesses, bringing out the strengths and weaknesses of their statements -- in searching for the true facts on vital issues. Then the Congressman/lawyer sits as a judge in evaluating the evidence that has been presented, in separating fact from fiction, and in arriving at the proper decision. His lawyer role does not stop here. On the floor of the House, he is called upon to present oral arguments on the law and on the facts in support or defense of his position. While he does not develop a familiarity with courtroom procedure, he does acquire a knowledge of parliamentary procedures which uniquely qualifies him to assess and weigh legislative history.

While serving on House-Senate Conference Committees to review differences between House-passed bills and Senate-passed bills, the member acts in many respects like an

appellate judge. He must review the differences in the light of all of the available law and facts and arrive at the correct decision. For a conscientious and dedicated member, this is not an easy task.

Obviously the experience of every Congressman does not qualify him for appointment to the Supreme Court. Congress is a diverse body made up of persons of many talents and interests. Service in Congress can, however, be eminently qualifying when the particular person has the abilities, the background and the interests to accept the opportunities and responsibilities that are available. Congressman Poff has done that to an outstanding degree.

Two recent examples of Congressman Poff's participation in the legislative process support these propositions. In 1969, the Department of Justice submitted the District of Columbia Court Reform and Criminal Procedures Act to the Congress. Although this bill was addressed to the problems of court reform and criminal justice, it was referred to the District of Columbia Committees in both the House and Senate. Congressman Poff is not a member of the House District of Columbia Committee. However, because of his acknowledged preeminence as a Congressional leader in the field of criminal justice, he was consulted by representatives of the Department of Justice and asked to review the legislative proposal before it was submitted to Congress. This review and analysis required a detailed familiarity with the law relating to the organization and jurisdiction of the courts of the District of Columbia and a recodification of much of the criminal law and procedure including arrest, search and seizure, wiretapping and electronic surveillance, sentencing, bail, impeachment by prior convictions, the insanity defense, and appellate procedure. He also had to review the many cases which that legislative proposal was intended to overrule.

While other Congressmen spoke for the Administration within the Committee, Congressman Poff counselled the members of this Committee on the legal issues involved. Of course, to perform this function required an intimate familiarity with the cases justifying the provisions of this law and the arguments for and against the proposal.

When the measure reached the House floor, he advised the floor leaders on legal questions raised during the debate. He answered complex and intricate legal questions of members of the District of Columbia Committee in order to determine for them an acceptable response to opponents of the bill. He made instantaneous analyses and explanations of the impact of amendments to the bill which were offered. Throughout he demonstrated legal acumen and ability of the highest order.

Congressman Poff's work on the Organized Crime Control Act of 1970 was the single most important factor in securing its passage in the House of Representatives. That work was the work of a skilled lawyer -- not a legislator with a law degree, but a skilled lawyer. His study of the issues involved in several instances was obviously more thorough than that of the legislation's original drafters in the Senate and the Department of Justice. He performed his homework with a dedication and commitment of a first-rate attorney preparing a major case, becoming intimately familiar with all aspects of the matter before him and researching every collateral issue that might conceivably arise.

This careful research and preparation undoubtedly had its effect in closed Committee meetings, but it was at the open hearings that it was most apparent. Time after time he summed up the convoluted argument of a witness on a complex and confusing legal point with a lucid and succinct analysis that made clear to the other Committee members the

basis of the witness' views -- and occasionally for the first time made clear to the witness a fallacy in his reasoning.

The legislation itself, when it emerged from Congress, contained provisions affecting investigative grand juries, witness immunity, special offender sentencing proceedings, and the application of antitrust sanctions against legitimate businesses infiltrated by the criminal element.

Many other important contributions by Congressman Poff have demonstrated his legal abilities and have broadened his extensive reservoir of knowledge and legal experience. He has participated significantly in the consideration of such diverse topics as the status of off-shore submerged lands, the Administrative Procedure Act, and constitutional amendments concerning Presidential disability, repeal of the poll tax, District of Columbia franchise and the eighteen-year-old vote.

The long and the short of it is that a lawyer can obtain professional experience as a Member of Congress which should be regarded as qualifying him professionally for the Supreme Court. I urge you to evaluate Congressman Poff's legislative experience just as you would other professional experience, with a view to determining whether it has enabled him to acquire that combination of technical legal skills and broader qualities of judgment and imagination which all of us wish to see in an appointee to the high bench.

Yours very truly,

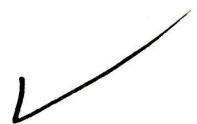
Richard G. Kleindienst
Deputy Attorney General

cc: Norman Ramsey, Esq.
Charles Horsky, Esq.

THE WHITE HOUSE

WASHINGTON

September 30, 1971



MEMORANDUM FOR THE PRESIDENT

THE PRESIDENT HAS SEEN....



Of all the considerations and criteria relating to Supreme Court appointments that I have heard discussed recently, I would rank none higher this year than the avoidance of another divisive confirmation controversy. Time is not of the essence. Most people (the Court included) would want you to take whatever time is necessary to carry out a careful selection process designed to identify two judges who could be confirmed with a minimum of controversy and division, and who would be clearly of the caliber needed by the Court.

The material for a contest in Dick Poff's case is fairly concrete, i. e., his subscription to the two "Southern Manifestos," his opposition to all civil rights legislation; on a lesser scale, his sponsorship of legislation requiring Supreme Court appointees to be native born and his support of the Wiggins limitations on the Equal Rights Amendment; and, finally, his very limited legal experience. These are rallying points for Democrats, civil rights, church, ethnic organizations and women's rights groups, all of whom are making known their intention to fight the nomination. It is important to assess very carefully the staying power of Senators and Congressmen who know Poff personally and indicate support for him now (e. g., Celler and McCulloch) if the going gets political and rough.

With his explicit record of opposition to civil rights legislation it would be difficult and risky to make the argument that Poff's philosophical views accord with your own. This is the point of a letter to you from Roy Wilkins (Tab A) declaring the opposition of the Civil Rights Leadership Conference (i. e., NAACP, unions, social and church groups, etc.) to such an appointment. Democratic candidates and others who wish the Administration ill can be expected to move into the contest, seeing in it an opportunity to foment a bitter controversy, to sour the political atmosphere, to open old wounds, and thereby to break the momentum of sustained Presidential achievement of recent months.

A far more basic danger, however, results from the wholly unpredictable consequences of even a moderately-protracted confirmation fight. The fundamental issue for 1972 is the economy. Successful Administration action on this issue requires the best possible climate of cooperation sustained through this year and next in the Congress and not only among Republicans but with as many Democrats as possible and with a wide range of private groups. An emotional fight, centering on racial issues, angering Democrats, dividing Republicans and distracting key Administration officials from their main substantive efforts would jeopardize this effort.

The question, therefore, is not whether Poff should be confirmed, or whether he would be a good judge, or whether the South needs an informed and able voice on the Court. The question is whether the gain from this particular appointment at this particular time justifies the major risks and the certain dangers it carries with it. I personally doubt that it does, but in any event the research should be painstaking, the analysis thorough and the full implications of the nomination -- secondary as well as immediate -- confronted as frankly as possible before you make a final decision.

If you should decide to move in a different direction, you might consider encouraging a comparatively open discussion of a number of candidates. There's not much advantage in presenting these appointments as surprises. An opportunity for different communities to be heard about possible candidates would not only be welcomed but might also develop useful information about candidates already under consideration (perhaps saving embarrassment at the confirmation stage), and turn up some new ones overlooked by our search. It would be taken as evidence of seriousness in finding the best qualified nominees at a critical point in the Court's history.



Leonard Garment

Attachment

**LEADERSHIP
CONFERENCE
ON
CIVIL RIGHTS**

ARNOLD ARONSON, Secretary

JOSEPH L. RAUH, Jr., Counsel

BAYARD RUSTIN, Executive Committee Chairman

CLARENCE M. MITCHELL, Legislative Chairman

JAMES HAMILTON, Compliance & Enforcement Chairman

MARVIN CAPLAN, Director Washington Office

J. FRANCIS POHLHAUS, Special Consultant

YVONNE PRICE, Executive Assistant

27 Mass. Ave., N.W., Washington, D.C. 20036 phone 657-1780

New York address: 55 West 42nd St., New York 10036, phone 564-3450

September 27, 1971

The President
The White House
Washington, D. C. 20500

Dear Mr. President:

Representatives of the Leadership Conference on Civil Rights, at a meeting of the Legislative Committee Friday, unanimously agreed to urge you to fill the vacancies of the Supreme Court with persons who will not evoke divisive confirmation struggles. Specifically, they unanimously agreed to urge you not to appoint someone whose opposition to civil rights progress in the Supreme Court and in the Congress over the past two decades insures just such a nation-splitting confrontation.

We recognize the right of the President of the United States to appoint persons to the Supreme Court philosophically in tune with his own beliefs on fundamental issues of national policy. But you did not, Mr. President, oppose the 1954 school desegregation decision and you did not oppose the various statutes which Congress has enacted for the protection of minorities in the last decade and a half. If you were to appoint someone who had opposed the school desegregation decision and who had opposed these statutes, you would not be appointing a person of your own views but rather one who was removed, by opposition to the enforcement of the Fourteenth Amendment, from that broad segment of Americans who support the Constitution of the United States.

Mr. President, as you have so often made clear, it is your desire to bring people together. Nothing could better serve this purpose than the appointment of Justices to the Supreme Court who have a dedi-

cation to civil rights for all Americans. We are certain there are qualified persons in all regions of America whose appointments would unite this country and uphold the dignity of the court. It would negate the purpose of unifying America if you were to appoint one who has a public record of consistent opposition to the concept of civil rights for all.

Sincerely yours,

Roy Wilkins

Roy Wilkins
CHAIRMAN

RW/jrw

THE WHITE HOUSE
WASHINGTON

October 5, 1971

MEMORANDUM FOR THE PRESIDENT

FROM:

JON M. HUNTSMAN *JMH*

SUBJECT:

Amending Executive Order 11621

Through inadvertence the Department of Labor neglected to include a local union with the other two international unions listed in Executive Order 11621, which you signed last night.

In order to rectify this omission, the Executive Order attached has been prepared. The Departments of Justice and Labor and the Office of Management and Budget recommend that you sign it as soon as possible.

*This paper invalid, for
Amendment had to be
amended a few hours
later. J / Oct 5, 1971*

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER 11621
CREATING A BOARD OF INQUIRY

By virtue of the authority vested in me by Section 206 of the Labor-Management Relations Act, 1947 (61 Stat. 155; 29 U.S.C. 176), Executive Order 11621 of October 4, 1971, is amended by adding "the International Association of Machinists and Aerospace Workers, AFL-CIO, and District Lodge 94 and Local Lodge 1484 thereof" immediately following "International Longshoremen's Association, AFL-CIO,".



THE WHITE HOUSE,

October 5, 1971.

Historical File

**RICHARD NIXON PRESIDENTIAL LIBRARY
DOCUMENT CONTROL SHEET**

ITEM REMOVED FROM THIS FOLDER

A RESTRICTED DOCUMENT OR CASE FILE HAS BEEN REMOVED FROM THIS FILE FOLDER. FOR A DESCRIPTION OF THE ITEM REMOVED AND THE REASON FOR ITS REMOVAL, CONSULT DOCUMENT ENTRY NUMBER 2 ON THE DOCUMENT WITHDRAWAL RECORD IN THE FRONT OF THIS FILE FOLDER.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

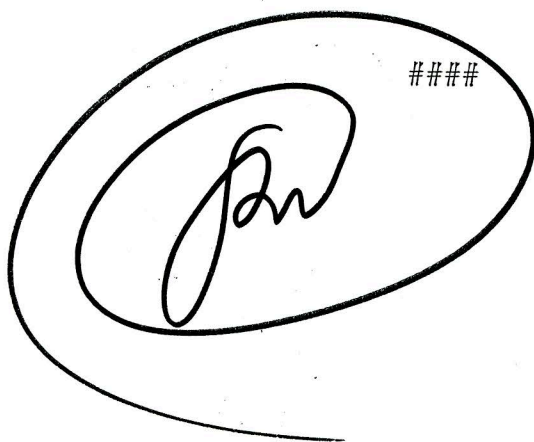
(Price)

October 12, 1971

DRAFT STATEMENT ON ACHESON DEATH

Of those who stand for a time in places of power, many are quickly forgotten. It is a measure of Dean Acheson's stature as man and statesman that almost 20 years after his service as Secretary of State, he continued to be recognized as one of the towering figures of his time. He was a man not only of great achievement, but also of rare intellect, of rigorous conscience, and of profound devotion to his country. As President, I have been deeply appreciative of the advice that I have asked, and that he has so freely and graciously given. I shall greatly miss both his wise counsel and his penetrating wit.

The Nation, the Western alliance and the world all share in the loss of one of their staunchest champions.



- Approved by the President
at 8:35 pm, Oct. 12.

Historical File

THE WHITE HOUSE

WASHINGTON

TELEVISED SUPREME COURT
ANNOUNCEMENT

Thursday, October 21, 1971
Oval Office
7:30 PM

THE PRESIDENT:

PURPOSE:

To deliver a televised announcement to the nation concerning the Supreme Court.

BACKGROUND:

The announcement will originate from the Oval Office and will be broadcast live on all major radio and television networks, commencing at 7:30 PM Eastern Daylight Time. The standard office telecast arrangement will be employed, with NBC providing the pool pick-up.

SEQUENCE OF EVENTS:

- 7:10 PM Make-up application. Ray Voegel will be set up in Alex Butterfield's office, and I will be present to brief you on details of the telecast.
- 7:20 PM Personal time.
- 7:29 PM Move to Oval Office to await start of telecast.
- 7:30 PM Telecast begins.
- 7:35 PM Telecast concludes.
(approximately)

There will be a photo opportunity in the office shortly after completion of the speech.

Mark Goode

THE WHITE HOUSE

WASHINGTON

October 27, 1971

The Honorable Frederick V. Malek
Special Assistant to the President
The White House

Dear Fred:

I am deeply honored by the appointment you have offered me as Deputy Director of ACTION. I am similarly grateful for our discussions regarding the dual portions of the Staff Secretarial system currently in effect. Your honesty and forthrightness in discussing the overlapping responsibilities between my office and Mr. Haldeman's staff and the obvious duplication in certain areas between us is appreciated and, I believe, very healthy.

Recognizing fully my total dedication and loyalty to the President, I have endeavored in these past two weeks to weigh carefully all aspects of a position change. I have held various conference calls with Directors of both my companies -- Continental Dynamics, Inc. and Huntsman Container Corp. -- along with our principle officers to provide all vital input relative to a decision of this kind. I have arrived at the following conclusions:

1. Continental Dynamics, Inc., a national phonograph/tape cassette and television commercials company which I founded in 1966 is currently ready for a public offering. I own 70 % of the outstanding stock. The company is limited in its growth and expansion until it attains the necessary monies from this public offering. Major offices are located in Los Angeles, New York and Chicago.
2. Huntsman Container Corp., of which I am also the largest stockholder, began operations in May, 1971 (three months after I arrived at the White House) through the efforts of many of my former associates and my brother, Dr. A. Blaine Huntsman (who filled in for me as Chairman of the Board). This company will be capitalized at almost \$7 million by the end of the current year. Investors have provided equity funds to Huntsman Container Corp. based on my future involvement as Chief Executive Officer. Large facilities are located in California and Ohio (now under construction).

For various reasons related to the rapid growth and diversification of both of these companies during the past 18 months, I have concluded

page two

that I have now reached a point where the effects of my absence are too strenuous to be practical both for my associates as well as for myself. The management of this volume of physical and material resources, particularly during this critical growth period coupled with my heavy personal financial involvement now requires my overall direction.

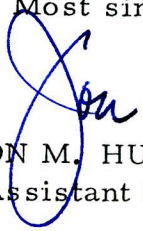
I truly wish it were possible for me to continue as a full time member of the Nixon Administration. My wife and seven children join me in acknowledging that our 18 months on this team are the most exciting and enjoyable time of our lives. We are all extremely dedicated to the President. Our feelings and respect toward you, Bob Haldeman, and Alex Butterfield are the highest possible.

My role as Chairman of the Board / Chief Executive Officer of two companies will bring me in contact with many notable and wealthy people in the food industry as well as the entertainment field. I would be greatly honored to be part of the fund-raising committee during the campaign. I will be able to speak first hand of my experiences as a "Nixon Teamplayer" and I firmly feel that my association with people like Dudley Swim, the Marriotts, and many others whom I have become close to over the years would be of great benefit in fund-raising activities. I am fully prepared to spend a healthy percentage of my time between January and November, 1972 working in this capacity. Naturally, all my efforts to re-elect the President would be totally voluntary, without compensation. My family and I look forward to our contribution in this regard.

I will ensure that whatever time and effort is required for a smooth transition prior to my departure is provided. My primary concern is that this transfer be tranquil, timely and efficient. Providing that this has been done, I would look forward to a February 1, 1972 departure date.

I fully intend to submit a personal letter to the President, Bob, Alex and you prior to the time of my departure, but do feel that you should receive this more detailed explanation of my thoughts now in considering me for another position. The President and the White House staff will always have my eternal gratitude.

Most sincerely,



JON M. HUNTSMAN
Special Assistant to the President

cc: H. R. Haldeman
Alexander P. Butterfield

THE POSTMASTER GENERAL
Washington, DC 20260

October 29, 1971

Dear Mr. President:

This is to inform you that I have today submitted my resignation as Postmaster General, effective this date, to the Board of Governors of the United States Postal Service.

While the inauguration of the Postal Service marked an end to my formal participation in your Administration, I could not leave the position which you originally entrusted to me without expressing my deep appreciation for the privilege of serving you and your Administration for almost three years. I shall forever be indebted to you for permitting me to hold the office of Postmaster General and giving me the opportunity to make a public contribution. Your confidence has been a source of genuine gratification, and your guidance in the effort to create the new United States Postal Service was vital to the achievement of that historic goal.

I wish to assure you of my deep commitment to the purposes of your Administration and my willingness to do all that you may further require to assist in the accomplishment of those purposes.

Respectfully,



Winton M. Blount

The President
The White House
Washington, D. C. 20500

October 29, 1971

Dear Family and Friends:

I still can't believe I dined at the White House with the President of the United States and Mrs. Nixon. It's all such a fabulous dream today and shall be for the rest of my life. It is the most wonderful experience I have had since September 5, 1954, when I became Mrs. Paul Trousdale. Nothing will ever top that day.

This beautiful experience all started the moment Paul and I got in our jet plane, which is a great thrill in itself, and off we flew to beautiful Washington, D.C. We arrived at 5:00 P.M., checked into a lovely suite, dressed, and Paul took me downstairs to the Madison Hotel's lovely cocktail lounge, and then on into the beautiful dining room. We had a lovely evening together.

Thursday, October 28th, arrived, and I was so excited all day, I can hardly remember what Paul and I did, but I shall try. At 10:00 A.M., a Carey car and driver (very nice Frenchman and very astute) picked us up, and off we went to the fantastic Smithsonian Institute. It consists of three large, separate buildings such as the Natural History Building, Arts and Industry, History and Technology, and the Air and Space Museum. To cover all of these at a fast pace would take many, many hours, so Paul and I chose the Air and Space Museum -- and to see the first moon rock was a thrill, besides all our great Space accomplishments. We also chose the History and Technology Building, which was fascinating -- so much to see and learn. Washington is such a beautiful city full of old and new knowledge, beautiful monuments of our founders -- and when Paul and I stood in front of the Lincoln Memorial, we really realized how fortunate and honored we are to be Americans. All of the monuments are outstanding and beautiful, but Lincoln is the most outstanding of them all. We ventured on to the National Gallery for three hours, and that only whetted one's appetite, as it is filled with room after room of treasures. John Sloan had his showing featured yesterday, and I must say I like his art, and he is a very versatile artist.

We arrived back at the Madison Hotel at 5:00 P.M., exhausted but filled with all kinds of knowledge and great happiness. The final hour was nearing, and I am getting more and more excited. The car picked us up at 7:40 P.M., and off to the White House to the Southwest Gate, where they stopped us, took our pass, and on into the grounds we drove. We arrived in front of the beautiful entrance. Oops, forgot to mention

a smashing sight -- the entire drive was lined on both sides with colorfully clad young men in Naval or Marine uniforms of red with white, or vice versa -- all standing at attention like statues. My mouth fell open, and I don't think I've recovered yet! We got out, and our card was taken at the door, and there we were inside the beautiful and grand entry hall of the White House. Many very attractive young aides, ladies and gentlemen, in uniforms of black with gold braid and red trim, and the lady aides in same but with long skirts to the floor and split up the side above the knee. They directed you constantly here and there.

We were shown into the main salon, and just before we entered this room, we were announced, "Arriving are Mr. and Mrs. Paul Trousdale", and in we went, I, on the arm of a very attractive aide, and Paul right behind me, managing by himself. He looked so tall, thin (lost ten pounds), and handsome, as always. I spotted our friends, Mary Lou and Sonny Whitney, so we chatted with them during the cocktail hour.

At last the big moment arrived. We all stood in a semi-circle in the room; the doors opened, and in came four young men, one black, one Jew, one Oriental and one Caucasian, carrying different flags. I know two of the four were U.S.A. and Yugoslavia -- and I'm not sure of the other two. This was so impressive. Then behind followed President Nixon and Mrs. Broz, and Mrs. Nixon and President Broz Tito. Everyone clapped, and the reception line started counter-clockwise, and off we started. We followed Mary Lou and Sonny Whitney (no protocol; just were standing talking to them). The man goes in front of the wife always. There are two aides before the President; you give your name to the first aide, he, in turn, passes it on to the second aide next to the President, and that aide announces "Mr. and Mrs. Paul Trousdale from Los Angeles, California". At that, I am in a trance, and feel ten feet off the ground. Paul said, "Good evening, Mr. President" -- and, in turn, the President offered his hand and said, "Well, hello, Paul. It's so nice to see you; so glad you came tonight". The President introduced Paul to President Broz Tito, and Paul said, "How do you do" and started to walk on to speak to Pat Nixon and Mrs. Broz; but instead Dick said, "Wait a minute, Paul. I want you to tell President Tito and me about the time you had your boat in Yugoslavia". So much to Paul's surprise, he talked of his second best girl, "his boat" -- and both presidents laughed at Paul's interesting story (about ten minutes later, the reception line was still standing, waiting). Our pictures were taken with the four of them, and I only hope we get one for our memories.

Paul went on through and, needless to say, after Paul's warm and friendly reception from the President, I thought I would just go through with a formal "How do you do" to all of them; but to my great surprise and amazement, Dick offered his hand and said, "Why, hello, Jean. You are as beautiful as ever, and we are so glad you came". I thought if I told him of the gratitude that was in my heart of what a fine man, American, and President he was for our great country, I would burst out crying. I was very emotional, so I said, "Thank you, Mr. President, for your lovely compliment and for your gracious invitation for tonight. We are thrilled and honored to be here". I met President Tito and said, "President Tito, welcome to our great nation. We are pleased to have you and Mrs. Broz". Only time will make that a true or untrue statement!

Next, Pat took my hand in both of hers very warmly, and in her warm, friendly and most sincere ladylike fashion, she said, "Jean, it's been too long a time since I have seen you, and I am so happy you are here". Again, tears were close to my eyes, as I am devoted to these two great Americans, and two very nice, lovely friends -- so I said, "Pat, thank you for inviting Paul and me tonight" -- and how wonderful it was to see them again. I told her how beautiful she looked in her two shades of soft aqua beaded dress and crystals -- so perfect for her and the occasion.

Now an aide has my arm and ushers me, with Paul behind me, into the fantastic dining room -- I still can't believe it all. The tables were horseshoe shaped -- one large horseshoe and two long tables coming out of the center. The dining room is all off-white, gold-colored heavy silk damask draperies, gold-colored carpet, gold chandelier and crystal (mostly gold), gold wall fixtures holding real candles burning, Lincoln's picture over the fireplace, two or three others in the room, white damask tablecloths, all solid gold candelabras on the tables, solid gold covered dishes up and down the tables, with tiny ivy running in and out among these, beautiful sold gold vases to hold the beautiful spring flower arrangements, gold nut dishes at every place, and gold candy dishes filled with beautiful chocolates, many of these up and down the tables. The dining chairs were very comfortable, of beautiful wood and upholstered in gold damask like the draperies. In the back of the dining room, approximately thirty black waiters in black tie suits and white gloves served. All so beautifully done in great and perfect order, and very quiet and proper. Enclosed is the menu, so I shall not elaborate on this except to say it was beautifully prepared and delicious -- all a rare treat. The china was President Johnson's pattern (each President has his own china pattern; however, President Nixon's has not been completed yet), and it was very beautiful. The crystal was President Eisenhower's pattern and it was very beautiful, as was the all gold flatwear.

My dinner partners were Mr. Forbes, owner of Forbes Business Magazine, and Mr. Joe Coors, owner of Coors Beer Company. They were both charming and delightful -- especially Joe and his attractive wife, Holly, with whom we have a date in March in Aspen, Colorado, where they have a home.

Paul's dinner partners were Mr. Frank Meyer, and Miss Kate Smith on his right; he had a wonderful time with her -- what a fun-loving lady, great talent and great American. She will be in Honolulu December 2nd to 16th on a holiday, and has been asked to be guest singer at the December 7th Pearl Harbor ceremonies. She said she will sing her most famous song on December 7th -- "God Bless America". We shall entertain her on her visit to Los Angeles the week before Thanksgiving. She is delightful, and Paul found her enchanting.

After the thirty hot souffles were served (all standing, no 'flops', a feat in itself), the Army Air Force thirty young men with violins played during dessert and serving of champagne and passing of gold plates of candies. What beautiful music! After that, President Nixon gave a beautiful toast to President Tito and his wife -- and then President Tito returned the toast in his native language. After he was seated, his lady interpreter read it all again in English. Then, the four walked out of the dining room, and we all followed into the Green Room for coffee.

I had a thrilling experience again. I walked over to Pat; she was talking to three ladies, and I stood there and never spoke; and Pat said to the three ladies, "Excuse me" -- and she walked over to me and we visited for fifteen minutes alone, with no interruption except that Paul came over half-way through our visit, for which I was pleased. We spoke of my dining on October 18th with Mrs. Eisenhower in Dallas at a beautiful, very small, private dinner party for her in a fabulous home; of Tricia and Julie, and their husbands and lives. Julie was returning today to the White House, as David was off on duty for two weeks, Pat said. We spoke of Dick's trip to China, re-election, and touched on many other interesting things, and my last saying, "Pat, we shall welcome you home to California in five years, and not before". She was grateful and took my hand in hers and said, "We must all work hard for our beautiful country each day in these troubled times. Dick and I love you and Paul, and God bless you", and walked away. I was left standing there in the Green Room with tears glistening in my eyes, as a little girl from Texas sitting at a desk in school, thumbing through history books, and seeing day after day, the White House, and never ever thinking I would be standing where I was now -- just left by the First Lady of America (and the world, as far as I'm concerned), with a heart full of love for me and my beloved Paul. It could only happen in America -- and I am deeply grateful I was the one it happened to.

The Presidents and their wives left for the evening at 11:30 to retire. We were ushered into the Blue Room for more champagne and dancing to the Marine band. We met Dr. Kissinger, charming and brilliant, with an eye for the pretty ladies -- that's good, too; Senator Javits and his wife; Martha Mitchell, who seemed rather subdued last evening -- rather refreshing, and she is attractive; and others. But after Pat Nixon, nothing seemed of any importance to me.

Oops, I forgot -- after coffee, we were ushered into the main drawing room, with beautiful gold Presidential Seals over the main doors, so impressive, to hear a very young opera star, age twenty-five, sing five songs for all of us and the Presidents and their wives. Such elegance, and the opera singer, Gail Robinson, was great. After that, the Nixons and Titos retired, and the dancing started. The party went on until 1:00 A.M. -- and then off we went into the heavy, eerie fog -- and, needless to say, I could hardly sleep.

A great experience -- and I am grateful to have it as a lasting memory.

Lovingly,

Jean and Paul



*The President and Mrs. Nixon
request the pleasure of the company of
Mr. and Mrs. Trousdate
at dinner
on Thursday evening, October 28, 1971
at eight o'clock*

*On the occasion of the visit of
His Excellency Josip Broz Tito
President
of the Socialist Federal Republic
of Yugoslavia and Mrs. Broz*



Dinner

Berncasteler

Doctor 1967 *Suprême of Lobster en Bellevue*
Paillettes Dorées

Châteaubriand Neretva

Louis Martini

Cabernet Sauvignon
1967

Sauce Béarnaise

Artichokes Provençale

Carrots au Beurre

Bibb Lettuce and Hearts of Palm

Brie Cheese

Louis Rgederer

Cristal
1962

Soufflé au Grand Marnier

Sauce Sabayon

THE WHITE HOUSE

Thursday, October 28, 1971

FOR RELEASE AFTER 8:00 P.M.

**DINNER AT THE WHITE HOUSE
Thursday, October 28, 1971
at eight o'clock**

The President & Mrs. Nixon

His Excellency Josip Broz Tito & Mrs. Broz

President of the Socialist Federal Republic of Yugoslavia

His Excellency Kiro Gligorov

Member of the Presidium of the Socialist Federal Republic of Yugoslavia

His Excellency Vidoje Zarkovic

President of the Assembly of the Socialist Republic of Montenegro,

Member of the Presidium of the Socialist Federal Republic of Yugoslavia

His Excellency Mirko Tepavac & Mrs. Tepavac

Federal Secretary for Foreign Affairs

Her Excellency Mirjana Krstinic

Member of the Federal Executive Council

His Excellency The Ambassador of the Socialist Federal Republic of

Yugoslavia & Mrs. Granfil

Mr. Marko Vrhunec

Acting Director, Office of the President

Mr. Slavko Zecevic

Acting Federal Deputy Secretary for Internal Affairs

Lt. General Bruno Vuletic

**Chief of the Office of the Supreme Commander of the Yugoslav
Armed Forces**

His Excellency Vlado Sestan

Chief of Protocol to the President

Mr. Milos Melovski

Counselor to the President for Foreign Affairs

Mr. Miroslav Kreacic

**Director of the Political Department, Federal Secretariat for
Foreign Affairs**

The Secretary of State & Mrs. Rogers

The Attorney General & Mrs. Mitchell

The Secretary of Commerce & Mrs. Stans

Hon. & Mrs. George P. Shultz

Dir., Office of Management & Budget

Hon. & Mrs. Robert H. Finch

Counsellor to the President

Hon. & Mrs. Donald Rumsfeld

Counsellor to the President

Hon. & Mrs. George Bush

Permanent Representative of the USA to the United Nations

Senator & Mrs. John J. Sparkman (Alabama)

Senator & Mrs. Clifford P. Case (New Jersey)

Senator & Mrs. Jacob K. Javits (New York)

Rep. & Mrs. John A. Blatnik (Minnesota)

Rep. & Mrs. Peter H. B. Frelinghuysen (New Jersey)

Rep. & Mrs. Roy A. Taylor (North Carolina)

Rep. & Mrs. Ben Blackburn (Georgia)

Rep. & Mrs. Marvin L. Esch (Michigan)

Hon. Frank Shakespeare

Dir., U. S. Information Agency

Hon. Malcolm Toon

U.S. Ambassador to the Socialist Federal Republic of Yugoslavia

Hon. & Mrs. Emil Mosbacher, Jr.

Chief of Protocol

Hon. Henry A. Kissinger

Assistant to the President for National Security Affairs

Hon. & Mrs. Peter G. Peterson

Assistant to the President for International Economic Affairs

Brigadier General James D. Hughes

Military Assistant to the President

Hon. & Mrs. Martin J. Hillenbrand
Assistant Secretary of State for European Affairs

General & Mrs. Raymond G. Davis
Assistant Commandant of the Marine Corps

Lt. General & Mrs. Robert J. Dixon
Deputy Chief of Staff for Personnel, U. S. Air Force

Vice Admiral & Mrs. Dick H. Guinn
Chief of Naval Personnel

Major General Warren K. Bennett
Secretary of the General Staff, Office of the Army Chief of Staff

Hon. & Mrs. Robert J. Brown
Special Assistant to the President

Hon. & Mrs. Donald E. Johnson
Admr., Veterans Administration

Hon. & Mrs. Henry Kearns
Pres. & Chmn., Export-Import Bank of the U. S.

Mr. & Mrs. William R. Bentley
Mrs.--Hon. Helen Bentley, Chmn., Federal Maritime Commission

Mr. & Mrs. Helmut Sonnenfeldt
National Security Council

Mrs. Laurance H. Armour, Sr.
Lake Forest, Illinois

Hon. & Mrs. Roy L. Ash
Pres., Los Angeles World Affairs Council, Los Angeles, California

Mr. & Mrs. Louis L. Banks
Time Magazine, Mamaroneck, New York

Mr. & Mrs. Charles A. Black
Woodside, California

Hon. & Mrs. Ray C. Bliss
Akron, Ohio

Mr. & Mrs. Joseph Coors
Golden, Colorado

Dr. & Mrs. Joseph P. Cosand
Pres., The Junior College District of St. Louis, St. Louis, Missouri

Mr. & Mrs. Malcolm S. Forbes
Pres. & Pub., Forbes Magazine, New York, N. Y.

Mr. & Mrs. James Gerity, Jr.
Gerity Broadcasting Company, Adrian, Michigan

Mrs. Harry Haldeman
Los Angeles, California

Mr. & Mrs. Gavin S. Herbert, Jr.
Corona Del Mar, California

Mr. & Mrs. Joseph Kirven
Dallas, Texas

Dr. & Mrs. John C. Lungren
Long Beach, California

Mr. & Mrs. William A. Meehan
Philadelphia, Pennsylvania

Hon. & Mrs. Frank Meyer
McLean, Virginia

Mr. Thomas A. Pappas
Boston, Massachusetts

Mr. Charles S. Rhyne
Washington, D. C.

Miss Gail Robinson
Soprano, Metropolitan Opera Company, New York, N. Y.

Miss Kate Smith
Singer, New York, N. Y.

Mr. & Mrs. John E. Swearingen
Chmn., Standard Oil of Indiana, Chicago, Illinois

Mr. & Mrs. Paul W. Trousdale
Los Angeles, California

Mr. & Mrs. Robert C. Tyson
New York, New York

Mr. & Mrs. Cornelius Vanderbilt Whitney
Lexington, Kentucky

ADMINISTRATIVELY
CONFIDENTIAL

November 16, 1971

MEMORANDUM FOR : CONNIE STUART
FROM : H. R. HALDEMAN
SUBJECT : Mrs. Nixon's African Trip

I had a conversation with the President and Mrs. Nixon at Camp David over the weekend regarding the forthcoming African trip and would like to summarize the points covered and subsequent follow-up.

The official delegation, in addition to Mrs. Nixon, should include Bunny Lasker and his two children, the Billy Gabriels, and the Johnsons (publisher of Ebony Magazine). The Laskers and Gabriels would accompany Mrs. Nixon to Liberia but would not go on with her to Ghana or Ivory Coast. The Johnsons should be invited to accompany her on the entire trip.

There is a question as to whether someone from the State Department should accompany Mrs. Nixon. Secretary Rogers has suggested to her that there is one lady in particular that he thinks would be most suitable for such an assignment. The Secretary suggests that Assistant Secretary Newsom and/or the lady he has in mind, should come over for a brief meeting with Mrs. Nixon to discuss the trip in general and give Mrs. Nixon an opportunity to decide whether or not she wants to take this lady or someone else with her as a State Department representative.

It was agreed that Bill Codus should be assigned to the trip from the Protocol Office and should function as the general trip manager. I have mentioned this to Secretary Rogers. It should be followed up now with Ambassador Mosbacher and Codus should be brought into the planning immediately and stay with it from here on out.

It was suggested that Colonel Coffey be assigned as the Military Aide, but he has a conflicting assignment at the time of Mrs. Nixon's trip and General Hughes would like to assign Major Brennan instead. I have

cleared this with the President. It should be cleared with Mrs. Nixon also.

You would, of course, travel as Mrs. Nixon's staff manager and handle the press, etc.

It was agreed that there probably would have to be an advance on this trip and that it should be done by Codus and the Military Aide and the Secret Service agent in charge of the party. Mrs. Nixon and the President both felt that either Bill Duncan or Chuck Zuboril should be given the Secret Service assignment. If there is any problem on this, check it out with Alex Butterfield.

Bill Codus should take over all charge of the schedule plan and set it up so that Mrs. Nixon's activities don't include any repeat items. That is, if she visits a school at one place, she should not visit any other schools at other places. The schedule should be planned with the thought in mind that Mrs. Nixon should not be over-extended in her activities, but should cover enough activities to get good, strong, news coverage.

She should be scheduled for a private meeting with the President in each country she visits and our Ambassador should accompany her in that meeting.

Regarding TV coverage, you and Ron Ziegler should work together to develop a plan for approaching a single network for special, exclusive in depth coverage. The preferred first choice here would be Don Hewitt at CBS; second choice would be NBC.

The President would like to set up some sort of reception with the entire delegation travelling with Mrs. Nixon, including the press, so that the President can meet them prior to departure. This should also include the Ambassadors from the countries Mrs. Nixon will visit. Also, the President will plan to see Mrs. Nixon off - flying by helicopter with her to the airport.

Careful thought should be given right now to gifts for each country. Mrs. Nixon favors Boehm birds, but other suggestions would be considered.

I assume you will take over on general planning on this. I would appreciate being kept posted so that I can keep the President informed as to progress.

[REDACTED]

cc: Bill Codus
Ron Ziegler
Alex Butterfield

C
November 16, 1971

CONFIDENTIAL/EYES ONLY

MEMORANDUM FOR :

CHUCK COLSON
RON ZIEGLER

FROM :

H.R. HALDEMAN

I have attached a copy of the Washington Post excerpts of the President's speech and a copy of the transcript with indications of sections left out by the Post. As you can see, on page 8, they left out the key phrase about the progress we are making in cutting inflation, on page 9, the whole section about the difference between a free economy and a totalitarian economy and the uncertainty that exists in the former. They also left out, on page 10, the very basic point about the Kennedy and Johnson decisions to go into Vietnam and pluses that are results of the Laos and Cambodia decision, and on page 11 the vital point re: 1968 prosperity based on war.

These items are things that should be used as examples of how the press selectively edits out materials that are to our advantage.

We should not let this stand or go by unnoticed. The Post should be hit on this, but not by us, to keep them off balance and force them to set the record straight in the future. Also, Safire, Moore, and Scali should use these as examples of selective editing and media bias.

Let's try to get this message to the public somehow -- in Monday if we can think of no other way.

Attachment

THE WHITE HOUSE
WASHINGTON

November 26, 1971

MEMORANDUM FOR THE PRESIDENT

THROUGH: JOHN EHRLICHMAN
FROM: JOHN DEAN 
SUBJECT: Presidential Campaign Fund --
The Tax Check-Off Provision

This memorandum contains in summary form the thoughts of a number of members of the White House Staff, the Treasury Department and the Justice Department regarding the tax check-off provisions.

Clark MacGregor is forwarding a memorandum with a suggested "game plan" for dealing with the provisions in Conference next week.

I. SYNOPSIS OF THE TAX CHECK-OFF PROVISION

This provision of the Revenue Act of 1971 would permit a taxpayer to designate in his return that \$1.00 of his tax payment should be paid into an Election Campaign Fund for either the use of the Presidential candidate of his choice or the use of all Presidential candidates in a Presidential election campaign.

Under the eligibility and funding formulae, the Republican and Democratic Presidential candidates, as majority party candidates, would each be entitled to receive up to \$20.4 million to finance their campaigns in 1972. The American Independent Party, as a minority party which received at least 5 percent of the vote in the last election, would be entitled to receive up to \$6.3 million. Any third party receiving at least 5 percent of the vote in the upcoming election will be entitled to monies on a retroactive basis and will qualify as a minority party eligible to receive monies in the 1976 election. No money from

this fund can be used to finance Presidential primary races. A candidate is not required to finance his campaign with check-off dollars, but once he elects to do so, \$20.4 million becomes his spending ceiling. A candidate not using check-off dollars is free to spend beyond the ceiling, however, he would be subject to other federal laws regarding expenditures.

II. SOME POTENTIAL EFFECTS OF THE CHECK-OFF PROVISION ON THE GOVERNMENTAL PROCESS

A. Party Organization: Vesting control of campaign funds in the Presidential candidate could have a twofold effect: it gives the candidate virtual independence from his party and its influence, as well as tremendous control over it. This could easily result in the demise of many grass roots political organizations in areas where the candidate has little support, which would be bypassed in favor of areas where the candidate has more chance of garnering votes. The net effect will be a weakening of an already fragile party structure.

B. The Two Party System: The check-off provision would institutionalize the Republican and Democratic Parties. It may have the added effect of institutionalizing the American Independent Party since with a potential \$6.3 million of available funds, there is no strong reason for Wallace not to run. The effect, thus, is to encourage an established third party to hang on long after it has outlived any originally conceived usefulness, and to discourage new unsubsidized parties from competing since the likelihood of amassing at least 5 percent of the vote is quite small.

NOTE: We have been advised, however, that the Conservative Party is planning to field a candidate in that they feel they can obtain 5 percent of the vote.

C. Campaign Solicitations: This is an area where predictions are difficult. It would appear that the check-off will have a net effect of discouraging contributions from the public-at-large. The general public will be disinclined to make private contributions when "public" funding is available. This, of course, will result in less involvement of people in the system, which has serious implications for our political system.

It can also be said that the check-off fails to accomplish its ostensible primary objective, which is preventing Presidential candidates from becoming the "pawns of the fat-cats." Generally, sufficient quantities of money have always been available for Presidential elections. This is not so in the case of primary candidates who must rely on the wealthy for financial support in primary races. The check-off does nothing to subsidize or curtail contributions to primary candidates. Thus, there is the potential that whoever gets the nomination will already be indebted to wealthy patrons. This problem may be even further compounded by the fact that the small contributor will not contribute funds for primary elections because he feels he has "done his part" in the check-off. Thus candidates will be required to rely even more heavily on wealthy patrons for financial support.

D. Volunteerism: It should be noted that in territories and countries where elections are totally subsidized by the government (Puerto Rico and Costa Rica), there is little or no public participation in political campaigns in the form of volunteerism. The interest and fervor of a Presidential election has always enabled a candidate to rally thousands of volunteers to perform the multitude of tasks required to run a successful campaign. This is certainly one of the healthy attributes of the American political process. There is a good chance that individual political lethargy would result from the provision and would be disastrous to the American political system.

E. Politicalization of Tax Collection: Unlike many countries, particularly those with one-party systems, the American political party system has always been divorced from the direct machinations of government. This attribute may be undermined by the check-off system, since tax-collection for political purposes sharply connotes governmental entanglements and potential regulation of the American party system.

It also will have the collateral effect of politicalization of the tax collection process itself. The 1952 reorganization of IRS was designed to keep IRS out of politics. Today 98 percent of the taxes are collected by self assessment. If IRS becomes "tarred" by a political brush, the

resulting lack of public confidence could have a disastrous effect on tax collection.

NOTE: This problem was not really raised during the Senate debate.

F. Precedent: Allowing taxpayers to earmark tax dollars for political purposes will set a dangerous precedent for future years, since Congress is in effect delegating a degree of appropriation authority to the individual taxpayer. While the issue today may be campaign subsidies, no one can predict what tomorrow's will be. With tax dollar check-offs for Presidential campaigns permitted under law, who could argue that such check-offs should not be permitted to finance the costs of other programs, particularly those which are of direct public concern, such as environment, national defense, etc. Also, the precedent could result in extending funds to House and Senate races.

III. THE CONSTITUTIONALITY OF THE CHECK-OFF PROVISION

The Department of Justice feels that the constitutionality of the check-off provision can be challenged on two grounds:

(1) The provision denies Equal Protection of the laws by being invidiously discriminatory, in that it gives two, old established parties a decided advantage over new parties.

(2) The provision, to the extent it prohibits a person from freely contributing to a Presidential Campaign, abridges a form of political speech or activity in violation of the First Amendment.

IV. CONCLUSION

This provision could work a dramatic change on the American political process. It has not been adequately examined by the Congress in the public hearings that a matter of its magnitude would deserve.

Determined to be an
Administrative Marking
Not National Security Information
By 543 NARA Date 3/16/2016

THE WHITE HOUSE

WASHINGTON

November 26, 1971

CONFIDENTIAL

MEMORANDUM FOR: THE PRESIDENT

FROM: CLARK MacGREGOR

SUBJECT: Pastore-Long Check-Off
Amendment to Tax Bill

On the afternoon of November 24th, Jerry Ford hosted a meeting of senior House Republicans in his office. John Ehrlichman, Bill Timmons, Dick Cook, and Clark MacGregor attended. The Congressmen included Gerald Ford, John Rhodes, John Anderson, John Byrnes, Barber Conable, H. Allen Smith, and Bill Springer.

The purpose of the meeting was to exchange views about the advisability of a veto, to consider an effort November 29th in the House to instruct Conferees (when the bill is sent to Conference) to strike the Pastore Amendment, to evaluate alternatives if Pastore is retained in Conference, and to prepare an all-out effort to ultimately defeat the Amendment in final House action.

It was quickly determined not to move Monday in the House to instruct Conferees. Our Republican leaders all year have resisted "instruction" motions on national security and foreign policy questions, arguing strenuously that Conferees should not have their hands tied. On practical grounds it was agreed that we could not prevail on such a motion.

Among the Congressmen only John Byrnes was dubious about urging you to veto the tax bill if Pastore remains in it. Byrnes said, "I'm not so sure about the veto. Business, the economy, the President all vitally need this bill. After all, a fairly good constitutional challenge (to Pastore) does exist." As the discussion wore on, Byrnes appeared to shift his position slightly in favor of a veto.

Germaneness under the House rules was discussed. Byrnes felt that Ford should formally ask House Parliamentarian Lou Deschler for a ruling on the germaneness of Pastore. H. Allen Smith said that without question, Pastore is germane. Deschler will so rule, and thus no separate vote in the House will be available should the Pastore Amendment remain in the Conference Report.

The House Conferees will be Democrats Wilbur Mills of Arkansas, Al Ullman of Oregon, James Burke of Massachusetts, and Martha Griffiths of Michigan; Republican Conferees will be John Byrnes, Jackson Betts of Ohio, and Herman Schneebeli of Pennsylvania. It was agreed by all that the White House and the Republican leadership should immediately make every effort to energize the interested business and private sectors to pressure House Conferees against Pastore. It was suggested that Martha Griffiths would have to be responsive to automobile people. (Following the meeting both Jerry Ford and Clark MacGregor talked with Art Summerfield, and Art is hard at work among the auto people nationwide.)

Byrnes suggested that we concentrate on the fact that Pastore would cure no existing campaign contribution vices but would merely serve to concentrate on the primaries and the convention selection process. Byrnes urged that the public be told that Pastore would result in the special interests and the fat cats pouring money into the purchase of convention delegates' votes and into the key-state Presidential primaries -- all in exchange for unconscionable commitments extracted from the candidates.

Bill Springer was blunt in saying, "The Democrats feel they can't beat Nixon without this \$20 million from the Treasury. With it they can, and they might be right. This issue will decide the 1972 Presidential election. After all, Humphrey almost turned it around with only \$2 million in effective television commercials during the last ten days of the '68 campaign".

John Ehrlichman raised the question of timing, asking the Congressmen whether, should the President decide to veto, the President should speak out before or after the Conferees agree and issue their report. Byrnes answered, "Just after the Conferees agree, and before either House or Senate acts on the Conference Report". Springer said, "Before the Conferees agree". Byrnes responded, "Only if the President is satisfied that Pastore is unconstitutional and the President says so with a strong public statement".

The discussion then turned to Mills' attitude. The Chairman's lukewarm 1966-'67 support for the Long check-off amendment was reviewed, and it was agreed that Mills will be for Pastore next week. Byrnes said that the other revenue-losing amendments adopted by the Senate will be strongly contested by Mills -- "he's made too many speeches lately on fiscal responsibility". I suggested that it might be helpful to have provisions of the Conference Report other than Pastore which the President could point to as objectionable, and Byrnes and others agreed.

It was the unanimous feeling that your veto, should you so decide, would be sustained in the House. Opinion divided on whether the Democrats would then go home without repassing the basic tax bill. Jerry Ford said that if they did, you should promptly call Congress back in Special Session.

If, by Monday morning, you have determined upon a veto should the tax bill presented to you contain the Pastore Amendment, I concur in Bill Timmons' suggestion that you invite Russell Long, Wallace Bennett, Wilbur Mills, and John Byrnes to meet with you in the Oval Office at 11:00 a.m. Monday, November 29. The meeting should be unpublicized. John Connally only from your Administration or from the White House should sit in. In this way you would effectively lay the foundation for future action, and you would not be putting any additional pressure on the Conference. Then if the Conferees did not strike Pastore, you could forcefully present your position to the American public directly after the Conference Report is issued.

The first meeting of the Conference on the tax bill is scheduled for 2:00 p.m. Monday, November 29th.

November 24, 1971

MEMORANDUM FOR: JOHN D. EHRLICHMAN
THROUGH: CLARK MacGREGOR
FROM: WILLIAM E. TIMMONS
SUBJECT: Campaign Tax Check-off

It is my belief that while the Democratic politicians would like to have the \$20 million from the Pastore amendment they must recognize that the President could never ever relinquish his advantage in campaign finances. They must also realize that any veto based on the check-off provision will be sustained by Republicans in either house, particularly in view of the extremely partisan nature of the debate. Therefore, we must assume that our opponents expect a veto and anticipate that it will be sustained by the Congress.

If the Democrats are reconciled to not getting their fingers in the public till then why push the issue? The answer seems obvious: to destroy the President's new economic initiative by forcing him to veto the Tax Relief Package. While we could expect a new bill next spring it probably will be too late to move the economy forward as the President had hoped.

If I am correct, then the President must take bold action to shift the burden of this action on the Congress and allow sufficient time for the general public to become aware that it is Congress that is destroying their tax relief. There is a possibility, I believe, that with sufficient time and exposure we may be able to turn enough votes to recommit the bill with instructions. I, therefore, recommend that the President call Wilbur Mills, John Byrnes, Russell Long and Wallace Bennett to his office Monday morning, November 29, for some straight talk. He can say he will veto the tax package if it has the Pastore amendment and his veto will be sustained. Therefore, if the conferees are interested in helping the economy they should drop Pastore and move to clean up the bill. It would seem that John Connally should be the only other person in the meeting so the Members won't think the meeting is a publicity stunt. Byrnes and

Bennett can be programmed to help. Ziegler should refuse to report details of the session forcing reporters to get word from the Hill.

If the Conference Committee does not respond satisfactorily, then the President can issue a statement when the report is filed urging Congress to reject the Conference Report. The 1 - 2 punch seems necessary if we are to convince the American people that the Congress is deliberately trying to sabotage the President's economic plan and that the check-off provision is simply their devious vehicle.

If you agree with this approach will you recommend to West Coast so we can get an answer and start putting the meeting together?

BTimmons: retyped by kb