

THE WHITE HOUSE
WASHINGTON

December 7, 1977

The Vice President
Hamilton Jordan

The attached was returned in
the President's outbox. It is
forwarded to you for your
information.

Rick Hutcheson

RE: HOUSE FLOOR ACTION ON 12/6/77
NATURAL GAS CONFERENCE

ADMINISTRATIVELY CONFIDENTIAL

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

December 6, 1977

MEMORANDUM FOR THE PRESIDENT

FROM:

BILL CABLE *Bill*

SUBJECT: House Floor Action Today

Today the House considered a continuing resolution for Labor/HEW and D.C. without reaching an agreement on the abortion issue and sent the resolution to the Senate. This action leaves the absolute prohibition against the use of federal funds for abortion in the continuing resolution.

Later, the House took up the Supplemental Appropriations Bill and agreed to the amendment adding \$200 million for CSA crisis intervention which Chairman Mahon opposed and defeated the motion of Mr. Mahon to concur in the Senate provision deleting money for B-1 prototypes 5 and 6. Those actions leave us in the following position; the Senate will have to decide on, 1) the continuing resolution with or without the Hyde absolute restrictions on abortion and 2) what to do about the B-1 rescission.

I expect that the Senate will not agree to the anti-abortion language NOR to give up the B-1 rescission. Dan Tate has talked to Senator Byrd who agreed that the Senate should insist on the B-1 rescission and that we should follow up with Senator Stennis who is in Mississippi.

If the Senate does not act tomorrow, we will have another chance at both issues.

When the House Leadership agreed to go ahead with the B-1 (about 2 p.m.) the absentees looked like we would break about even, but as the day progressed we lost 30 more Members, most all our supporters. By the time the vote on B-1 occurred, there were 75 absentees, 45 to 50 of whom would have been with us on this issue. If the Senate does not send the bill back to the House tomorrow, we should have time to turn the vote around.

The President
Page 2

In all honesty, the pro B-1 people cut into our base of support primarily on jobs and regional help issues. "I will help you with jobs in your area and I expect your help in similar situations in the future."

We can win on the B-1, but we need to make a major concerted effort to guarantee attendance as well as to pick up where we have weaknesses.

THE WHITE HOUSE
WASHINGTON

November 14, 1977

Frank Moore

The attached was returned in
the President's outbox. It is
forwarded to you for your
information.

Rick Hutcheson

cc: The Vice President

RE: SEN. MUSKIE

THE PRESIDENT HAS SEEN.

11/14/77--a.m.

Frank info
Q
-

Re SENATOR MUSKIE

Senator Muskie was receiving treatments when I called (and is presently in intensive care), and our operators then reached his secretary, who will let him know that I called on your behalf.

She said there has been no report yet for today...that he was standing up Saturday night after the operation on that day. The Senator was walking a little bit yesterday and had/has a severe headache and temperature (which they think is merely post operative).

The feeling is that everything turned out well; the physicians removed the calcium deposit and mass around the spinal column. There was a ruptured disc, the removal of which was not considered necessary by the doctors since they did not think it was causing the pain.

They think Senator Muskie will remain in intensive care today, and possibly return to his hospital room tomorrow.

-- SSC

THE WHITE HOUSE
WASHINGTON

November 1, 1977

Frank Moore

The attached was returned in the President's outbox today and is forwarded to you for appropriate handling.

Rick Hutcheson

cc: The Vice President

RE: H.R. 9262, CONGRESSIONAL
REITREMENT LEGISLATION

THE WHITE HOUSE
WASHINGTON

11-1-77

To Frank

What is status
of HR 9262?

JC

THE PRESIDENT HAS SEEN.

MEMORANDUM FOR: THE PRESIDENT

FROM: James T. McIntyre, Jr., Acting Director

SUBJECT: H.R. 9262, Congressional Retirement
Legislation, a Potentially Troublesome
Bill for You

Without debate or objection, H.R. 9262 passed the House September 23. It has been referred to the Senate Governmental Affairs Committee.

This bill would:

- a. Provide that Members of Congress who resign on or after October 1, 1978 and before January 3, 1979, may use their final pay to calculate their retirement annuity. Currently annuities of Members, as is the case generally in the Federal retirement system, are calculated on the basis of an average of their salary in the three highest years. This change would increase an eligible Member's annuity as much as \$3,426 a year to a total of \$42,574.
- b. Permit Government employees to obtain service credit for retirement purposes for employment by the Democratic or Republican Senatorial Campaign Committees and the Democratic or Republican National Congressional Committees. This provision has already passed the Senate on March 14, 1977, as S. 992.

The bill is objectionable on its merits, and if enacted, it would put you in a "no-win" position. Your approval of the bill might associate you in the public's mind with their negative attitude toward congressional pay and benefit increases. A veto, on the other hand, could hurt your relationships with Congress.

Public attitudes toward recent congressional pay and allowance increases can only be worsened by what would be viewed as a windfall benefit for Members who are retiring or who lose a re-election bid. The argument that the bill would induce older Members to leave and make room for younger blood is not persuasive. Moreover, Members' annuities are already calculated on a more favorable basis than Government officers and employees generally.

Extension of service credit to employees of Senate and House campaign committees violates a long-standing general policy that only service as a Government employee should be counted. Credit for non-Government service in this case could create a costly precedent.

The best outcome for this bill would be for it not to reach your desk. You might want to talk to Senator Byrd about it.

- cc:
- Off'l file - LRD
- DO Recds
- DO Chron
- Mr. McIntyre
- EAD/B
- Mr. Harris
- Ms. Schraiber
- ✓ Mr. Frey

LRD:JMFrey:dje 9-28-77

THE WHITE HOUSE
WASHINGTON

October 28, 1977

The Vice President
Stu Eizenstat
Hamilton Jordan
Charles Schultze

The attached is forwarded to you for your
information.

Rick Hutcheson

RE: REAPPOINTMENT OF ARTHUR BURNS

THE WHITE HOUSE

WASHINGTON

October 27, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *JM*

SUBJECT: ATTACHED LETTER REGARDING ARTHUR BURNS

I talked with Senator Russell Long today. He said that he tried to find Senator Javits to get his name off of the attached letter, but the letter had already gone.

Senator Long thinks that Henry Fowler, former Secretary of Treasury, would be a good replacement. Long thinks the business community would talk Fowler into taking the position.

United States Senate

WASHINGTON, D.C. 20510

October 25, 1977

ack-FM
CONGRESSIONAL
LIAISON

OCT 27 1977

Dear Mr. President:

*(cc: to Pw/note from
FM)*

We know that you will be giving consideration soon to the appointment of a Chairman of the Federal Reserve Board.

It is our considered judgment that, considering the present state of the national and world economy, it would be in the highest national interest to reappoint Dr. Arthur Burns, and we commend this course to you.

The term of the Chairman is four years, and we regard this as a likely span of time for the benefits of Dr. Burns reappointment to be fully realized for the country, without taxing him unduly.

We believe also that it will be most reassuring to central bank officials throughout the world, and to their governments, as well as to the United States economic community, should such reappointment be announced.

With best wishes, we remain

Sincerely,

John Spaulson
Jimmie Ronda
James [unclear]
Cliff P. [unclear]
Chie Wilcox
John Tower
James W. [unclear]
Chas. H. [unclear]
Don H. [unclear]

The Honorable Jimmy Carter
The White House
Washington, D.C.

Date: October 24, 1977

MEMORANDUM

FOR ACTION:

The Vice President
 Stu Eizenstat
 Hamilton Jordan Tim Kraft
 Frank Moore
 Jody Powell
 Jack Watson

FOR INFORMATION:

Fran Voorde

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: McIntyre memo dated 10/20/77 re Presentation of National
 Medal of Honor to Sen. Humphrey

YOUR RESPONSE MUST BE DELIVERED
 TO THE STAFF SECRETARY BY:

TIME: 10:00 AM

DAY: Wednesday

DATE: October 26, 1977

ACTION REQUESTED:

 Your comments

Other:

STAFF RESPONSE:

 I concur. No comment.*Please note other comments below:***PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)



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

October 20, 1977

MEMORANDUM TO: THE PRESIDENT
THE VICE PRESIDENT

FROM: James T. McIntyre, Jr. *James T. McIntyre, Jr.*
Acting Director

SUBJECT: Presentation of National Medal of Honor
to Senator Hubert H. Humphrey

I recommend that you seek the cooperation of Senator Robert Byrd and Speaker Tip O'Neill to appear next week before a joint session of Congress to award Senator Humphrey the National Medal of Honor.

It is my understanding Senator Humphrey will speak tonight via a telephone hook-up from Waverly, Minnesota, to assembled guests at a dinner held in his honor at the Washington Hilton and hosted by the University of Minnesota and the Minnesota State Association. Other testimonials are being planned and your thoughtfulness now in presenting the Nation's highest award will mean a great deal to the Humphrey family and his friends.

I need not recount here how Senator Humphrey's long time commitment to civil rights, full employment, and our democratic process are beliefs we all cherish.

At a time when so many important proposals are before Congress, your recognition of Senator Humphrey's strength as a leader in both the Executive and Legislative Branches cannot but help encourage Members of Congress and the Administration to recommit themselves to cooperation and progress.

Vice President Mondale should be most able to advise us on Senator Humphrey's preferences, and the proper timing and planning of the joint session, if that is your preference.

THE WHITE HOUSE
WASHINGTON
September 12, 1977

Stu Eizenstat
Frank Moore

The attached was returned in
the President's outbox. It is
forwarded to you for appropriate
handling.

Rick Hutcheson

cc: ~~The Vice President~~
Hamilton Jordan
Bob Lipshutz
Zbig Brzezinski

RE: REQUEST BY SEN. CRANSTON
TO SUPPORT S. 1307

THE WHITE HOUSE
WASHINGTON

September 10, 1977

Frank & Stu
In form
Cranston I will not
veto S1307 in
its present form
J

MEMORANDUM FOR THE PRESIDENT

FROM: Bob Lipshutz
Stu Eizenstat
Frank Moore

SUBJECT: Request by Senator Cranston to Support S.1307

There are two bills pending Congressional action which affect DoD's special discharge review program for Vietnam era veterans. The Beard Amendment which is attached to the HUD appropriations bill prohibits VA benefits to any individual upgraded under the program. It passed the House June 15, 273 to 176. It is awaiting action in the Senate. S.1307, sponsored by Senators Cranston and Thurmond, is a compromise to the Beard Amendment. It passed the Senate September 8, 87 to 2 and extends the eligibility of the program to all veterans up to those who served in the Vietnam war. It still contains a provision we object to in that individuals upgraded under the program must go through a second screening if they apply for VA benefits. The upgraded discharge itself would not be affected. Only 35 of the approximately 40,000 individuals upgraded under the program have applied for benefits up to this date.

The HUD appropriations legislation containing the Beard Amendment is being held at the desk in the Senate until Senator Cranston can determine whether you will support S.1307. If you decide to state that you will veto S.1307, then the HUD appropriations bill, with the Beard Amendment attached, will come up and we believe pass by an overwhelming majority in the Senate. You will then be faced with a decision of vetoing the HUD appropriations bill. We do not believe that a veto could be sustained.

If you agree to sign S.1307, or at least not to block its passage, the Senate will pass the HUD appropriations bill without the Beard rider. The House conferees have agreed, if you agree to allow S.1307 to become law, to delete Beard from the HUD appropriations bill.

The Veterans Administration supports S.1307, and DoD, while not enthusiastic, is recommending under the present circumstances that you not block its passage. These agencies, as well as HUD and we, ask you to consider the following options:

___ Option 1: Agree to sign Cranston/Thurmond.

___ Option 2: Allow the Bill to become law without your signature.

Whether you choose Option 1 or 2, you could issue a statement detailing your objection to portions of the Bill.

We do not believe that you should sign the HUD appropriations bill with the Beard Amendment attached. At the same time, we do not believe a veto of that bill could be sustained. We do believe that S.1307 is acceptable in its present compromise form. Our agreement would hold only to its present form and not to any changes that the House may make when it debates its version next week.

While the House version is more restrictive, Senator Cranston and the VA believe that they will be successful in getting the House to pass the Senate version.

THE WHITE HOUSE
WASHINGTON

September 9, 1977

Frank Moore

The attached was returned in
the President's outbox. It is
forwarded to you for appropriate
handling.

cc: Rick Hutcheson
Hamilton Jordan
The Vice President

RE: SAM NUNN BRIEFING

THE PRESIDENT HAS SEEN.
THE WHITE HOUSE
WASHINGTON

September 7, 1977

Frank - I
called Sam - You
stay in touch
with him -
cc HAM JC

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *F.M.*
SUBJECT: SENATOR SAM NUNN (D-GA)

Sam Nunn called and offered to come back down at your convenience and brief you on executive session of the Government Affairs Committee concerning Bert Lance, the general mood of the committee and the intentions of individual Senators. He said that he would do it by telephone, or set up another meeting on the Panama Canal or whatever you prefer to do. I told him you might prefer Hamilton to do this, and he said he would be willing to talk to Ham and me, but he wanted you to know that he was volunteering to do it.

He also wants to help on the Panama Canal while remaining publicly and privately uncommitted. He thinks he can have an influence on a number of Senators in guiding their questions to the right people.

_____ Do you want to call Sam?

_____ Should Ham and I call on your instructions?

_____ Or, should Clark Clifford handle?

JUL 7 1977

MEMORANDUM FOR THE PRESIDENT

Subject: Pending Legislation on the International
Financial Institutions

The Appropriations Bill passed by the House on June 23 would effectively bar the pending United States contribution of \$2.0-2.6 billion (depending on Congressional action) to the World Bank family and the three regional development banks. Amendments to the Bill would proscribe the use of U.S. funds "directly or indirectly" for aid to seven countries (Vietnam, Laos, Cambodia, Uganda, Angola, Mozambique and Cuba) and for production of three commodities (palm oil, sugar and citrus).

McNamara confirms after legal determination by counsel that the World Bank cannot accept such earmarked money because the United States would then be unable to make the required unconditional commitment of funds. The regional banks always follow the World Bank lead on such matters.

Final Congressional enactment of such prohibitions, and the resulting inability of the United States to contribute to the banks, would be extremely serious for U.S. foreign policy:

-- The IDA V replenishment, which was cited in the London Summit communique, would collapse.

-- The U.S. capital contributions to the Bank and to the later National Finance Corporation (in the World Bank Group) could not be made and the U.S. would lose its veto power over charter changes.

-- The current replenishments of both the Inter-American Development Bank and the Asian Development Fund would collapse, and both would be out of money by late 1977-early 1978.

-- The United States would be viewed as reneging on one-third of its total aid contribution.

-- Relations with some of our key allies would also suffer, as many of them (e.g., Japan) have already gotten parliamentary approval for their IFI contributions and would be left hanging by a U.S. failure to meet its international commitments.

-- Hence the Administration will have to make an all-out effort to prevent final enactment of these prohibitions.

In addition, there is a problem with the money amounts. The House passed an across-the-board five percent cut in the total appropriations, which if prorated would bring us below the minimum acceptable levels for IDA and the Inter-American Bank. We need to restore to at least the House Appropriations Committee level of \$2,123 million, and preferably to about \$2.3 billion.

A review of recent Senate votes on IFI bills indicates that we might be able to prevail on the money amounts, but have an extremely difficult task ahead on the prohibitions:

-- A Harry Byrd Amendment to sharply reduce the authorized levels for the banks was soundly defeated, by a vote of 29 to 62. All members of Inouye's Subcommittee supported us, with the exception of Johnston and Proxmire, and 16 of 25 members of the full Appropriations Committee voted with us. Our vote count projects at least 16 votes in Committee and 59 votes against crippling cuts on the floor.

-- The anti-Vietnam-type amendments, on the other hand, present an acute problem. Among the ten Inouye Subcommittee members, the Dole Amendment received support from six (Chiles, DeConcini, Johnston, Leahy, Proxmire and Schweiker). On the full Committee, the Dole Amendment carried by 15-9 with McClellan not voting. On the Senate floor, only 38 voted to table the Dole Amendment and 32 voted against its passage. Consequently, at this stage, we probably can only count on about 32 members to stay with us, meaning that we must pick up an additional 19 votes.

The key actor is Senator Inouye, as Chairman of the Subcommittee which will start marking up the appropriation bill on July 13. We also need to work on the full Subcommittee. We recommend that you personally call Chairman Inouye and Senator Robert Byrd (who has voted against every foreign aid bill this year, but may help with the earmarking provisions if you convey their importance to him). He is not only the Majority Leader, but also a member of the Appropriations Committee. It would also be helpful if you could call Senators Leahy and DeConcini, who represent key swing votes. Talking points are at Tab 1, and our full legislative strategy at Tab 2.

We will host a luncheon for the full Subcommittee if Senator Inouye recommends such a course, or call the members individually. We will also distribute copies of McNamara's letter to the Senators prior to this luncheon. In addition, contacts must begin immediately with members of the full Appropriations Committee and the Senate, because the whole process could be completed within a week.

WMB

JUL 6 1977

S/ Cyrus Vance

W. Michael Blumenthal

Cyrus Vance

Date: November 1, 1977

MEMORANDUM

FOR ACTION:
 Stu Eizenstat
 Frank Moore (Les Francis)
 Bob Linder

FOR INFORMATION:
The Vice President

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Lipshutz memo dated 10/31/77 re Presentation of Bills by the Congress to you During your Absence from the U.S.

YOUR RESPONSE MUST BE DELIVERED TO THE STAFF SECRETARY BY:
 TIME: 12:00 NOON
 DAY: Thursday
 DATE: November 3, 1977

ACTION REQUESTED:
 Your comments
 Other:

STAFF RESPONSE:
 I concur. No comment.
Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

THE WHITE HOUSE

WASHINGTON

October 31, 1977

MEMORANFUM FOR THE PRESIDENT

FROM: Bob Lipshutz *BJ*

SUBJECT: Presentation of Bills by the Congress to you During your
Absence from the United States

Attached is a memorandum from the Department of Justice regarding the problems and proposed resolution of same, arising from the passage of legislation during the last several days before your departure from the country and during any time period when you are absent from the country.

I recommend that you authorize Frank Moore to obtain the suggested commitment from Congress which would permit you to review such legislation after your return from the trip. If you approve this course of action, I will prepare the necessary documents to implement it.

Although it would be desirable to obtain such a commitment from the leadership without too much delay. I also recommend that you not actually formalize such an arrangement until you are more certain of your travel dates.

_____ Approve

_____ Disapprove

cc: Frank Moore

Department of Justice
Washington, D.C. 20530

OCT 25 1977

MEMORANDUM FOR THE HONORABLE ROBERT J. LIPSHUTZ
Counsel to the President

Re: Presentation of Bills to the President
during his absence from the U. S.

In light of the President's forthcoming trip abroad I believe you should be alerted to some of the problems and procedures connected with the presentation and signing of bills during his absence, in the event the matter arises.

Article I, section 7, clause 2, of the Constitution provides that all bills and resolutions approved by both Houses of the Congress are to be presented to the President who then has ten days (Sundays excepted) within which to decide whether to approve, veto, or take no action on the bill. The ten-day period begins to run when an enrolled bill is "presented" to the President. When the President is in the country, presentation does not require delivery to the President personally; rather it is done by delivery of the bill to one of the legislative clerks on the White House staff. See Eber Bros. Wine & Liquor Corp. v. United States, 167 Ct. Cl. 665, 674, 690 (1964), certiorari denied, 380 U.S. 950.*

This procedure obviously will not work when the President is abroad. Communication problems and preoccupation with the subject matter of his trip (cf. Eber Bros., supra, at 676) could then effectively curtail the period for his consideration. In the Pocket Veto case, 279 U.S. 655, 678 (1929), the Court stressed the importance of the availability to the President of the full constitutional period for consideration.

*/ For your convenience I am attaching a copy of the opinion.

The simplest way of dealing with that situation is through an agreement between the President and the congressional leadership pursuant to which no enrolled bills will be presented during his absence. There have been several such arrangements. See, e.g., Zinn, The Veto Power of the President 16; see also, Eber Bros., supra, at 702, 705, 708. We are attaching for your convenience copies of a pertinent memorandum of President Franklin D. Roosevelt dated November 10, 1943 (Attachment A); of a letter of President Lyndon B. Johnson dated November 14, 1966, and the reply of the Speaker of the House of Representatives (Attachment B), and of a letter from Attorney General Brownell to President Eisenhower dated July 5, 1955 (Attachment C).

In the unlikely event that the President is unable to obtain such a commitment from Congress, and also to cover the contingency of urgent legislation that cannot await the President's return, the President normally withdraws the legislative clerks' authority to accept enrolled bills on his behalf when he travels abroad and so advises the Congress. The bills are received by the White House staff not for "presentation" to the President but for forwarding or transmission to the President. Presentation is then effected either when the bills actually are received by him abroad or upon his return to Washington. Eber Bros., supra, at 676. While that case suggests that when the President is abroad, Congress has the power to start the running of the ten-day period by making a personal presentation abroad, we are not aware of any actual precedent to that effect.

We should also advert to the considerable time differences between Washington and some of the places which the President will visit. There is a time difference of 10-1/2 hours between Washington and New Delhi; midnight at New Delhi is 1:30 p.m. in Washington. Hence if the President signed a bill in India on Delhi time he could lose almost half a day of the constitutional period. Moreover, confusion could arise regarding the computation of the time within which to approve a bill where it is presented in one Time Zone but action on it is taken in another zone.

Normally acts are dated as of local legal time. Thus, it was held in Sunday v. Madigan, 301 F. 2d 871 (C.A. 9, 1962), that the Uniform Code of Military Justice which was to become effective on May 15, 1951, became effective in Korea on May 15 Korean time, although it was still May 14 in the United States. On the other hand, as we have pointed out above, it is important for the President to have the full constitutional period of ten days (Sundays excepted) for consideration of the action he should take. Similarly, there should be no ambiguity as to when the ten-day veto period begins and ends. Accordingly, we recommend that if the President acts while abroad, notation of the time when a bill is presented to or approved by him be made according to the date and hour calculated as of Washington time.



John M. Harmon
Assistant Attorney General
Office of Legal Counsel

Attachments



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