

THE WHITE HOUSE  
WASHINGTON

March 29, 1973

MEMORANDUM FOR:

BILL BAROODY  
KEN CLAWSON  
KEN COLE ✓  
DICK COOK  
KEN DAM  
TOM KOROLOGOS  
FRED MALEK  
PAUL O'NEILL  
BILL TIMMONS

FROM:

ROY L. ASH

SUBJECT:

Impoundment

Attached, for your information, is a fact sheet outlining some of the important issues related to the Presidential impoundment of funds appropriated by the Congress. I trust you will find it both informative and useful.

Attachment

March 26, 1973

SOME FACTS ABOUT THE IMPOUNDMENT ISSUE

-- President Nixon has declared the following position with regard to the Executive withholding of funds:

"The Constitutional right of the President of the United States to impound funds, and that is not to spend money, when the spending of money would mean either increasing prices or increasing taxes for all the people ... is absolutely clear."

-- The Anti-deficiency Act (31 U.S.C. 665) authorizes the President to withhold funds "to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments," subsequent to the date on which the funds were made available. There are also occasions when specific provisions of other laws (1) require that available funds not be fully apportioned for use in the current year, or (2) authorize the use of funds only under certain circumstances.

-- All recent Presidents have impounded Congressional appropriations in the course of administration of the Executive Branch. End of year reserves as a percentage of total budget outlays for the years of the Nixon Administration

have actually been less than the average of similar figures for the previous three Administrations, as shown by the following table:

RESERVES AND TOTAL OUTLAYS  
Fiscal Years 1959-1973. (\$ in billions)

<u>Fiscal Year</u>	Total budget outlays (1)	Reserves (at end of year) (2)	Percent: Col (2) ÷ Col (1) (3)
<u>Eisenhower:</u>			
1959.....	\$ 92.1	\$ 6.9	7.5%
1960.....	92.2	8.0	8.7
<u>Kennedy:</u>			
1961.....	97.8	7.6	7.8
1962.....	106.8	6.5	6.1
1963.....	111.3	4.5	4.0
<u>Johnson:</u>			
1964.....	118.6	4.2	3.5
1965.....	118.4	5.6	4.7
1966.....	134.7	8.7	6.5
1967.....	158.3	10.6	6.7
1968.....	178.8	9.9	5.5
<u>Nixon:</u>			
1969.....	184.5	9.6	5.2
1970.....	196.6	11.5	5.8
1971.....	211.4	12.1	5.7
1972.....	231.9	10.6	4.6
Latest (Jan. 29, 1973).	249.8 (est.)	8.7	3.5

-- Most impoundments are simply temporary withholdings in order to assure efficient and effective use of the taxpayers' dollars. The practice is one of long standing and traditionally has been exercised as a customary part of

financial management. The full apportionment of appropriated funds often awaits: (1) development of approved plans and specifications, (2) completion of studies for the effective use of the funds, (3) establishment of necessary organizational and administrative structures and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available. Funds are reserved (impounded) to assure the availability of the appropriated funds when these events do come about.

-- Appropriations by the Congress have, for the history of the Republic, been understood to be permissive rather than obligatory. The Constitution provides that "No Money shall be drawn from the Treasury, but in consequence of appropriations made by law." It is silent upon the issue of whether the President must spend all of the funds which have been appropriated. On the other hand, the Constitution says that "the executive power shall be vested" in the President. This provision has been interpreted to mean that the President has the authority to manage the financial operations of the Government in an effective and prudent manner within the appropriations provided by the Congress.

-- The Constitution provides for a system of checks and balances. The powers granted to each Branch of the Government

were intended to check the excesses of the other Branches. Thus, when a President asks for more funds than the Congress considers necessary, the Congress is expected to appropriate only that amount which it believes to be needed. Conversely, when the Congress appropriates more than the President believes is necessary--particularly as it affects the economy of the country and the debt level of the Government--the President should exercise his responsibility not to add to inflationary pressures or lead the country further into debt.

-- Deputy Attorney General Sneed, when questioned regarding a possible legislated mandatory spending provision said, "... there is doubt whether Congress can legislate against impoundment ... when to do so results in substantially increasing the rate of inflation. To admit the existence of such power deprives the President of a substantial portion of the 'executive power' vested in him by the Constitution ... I question whether Congress has the power to convert the Chief Executive into 'Chief Clerk,' a position which he has never held under our Constitution."

-- The President must assure that all laws are obeyed. The Constitution requires that the President "shall take care that the laws be faithfully executed." The restrictive

nature of a debt limit (or other law which effectively restricts spending in the aggregate) must obviously take precedence over the permissive nature of appropriations. Given the current tax structure, the current debt limit will allow total expenditures of approximately \$250 billion in the current year. In order to obey the debt limit, the President of necessity must spend less than was appropriated by the Congress. If Congress fails to make the decisions on the detail but imposes a restriction in the aggregate, the President is left with no alternative but to cut the programs which he believes are the most inefficient, ineffective, or outmoded.

-- The public is overwhelmingly behind the President on the issues of no tax increase and no new inflation. A recent Harris Poll, which found the public concerned about cutbacks in individual programs, nonetheless found a 59-28 majority in favor of the statement, that "President Nixon is right in saying that inflation cannot be controlled unless Federal spending is cut to the bone." The Gallup Poll found a lopsided majority in favor of no tax increase as against new Federal programs.

-- At least two important Democratic Senators side with the President on the impoundment issue. Senator William Proxmire, Chairman of the Joint Economic Committee, said

"I am perhaps one of the very few Northern Democrats who agrees with impoundment. I think it is correct; the President has no alternative if he is to be fiscally responsible." Senator Russell Long said, "If we can't restrain ourselves from spending \$30 billion more than we are taking in, in good times, by either raising taxes or cutting spending, one way or the other, then we shouldn't complain about a fellow who refuses to bankrupt the country."

-- One of the most definitive statements on the meaning and intent of the Anti-deficiency Act in relation to Congressional appropriations can be found in the report by the House Appropriations Committee which discussed the 1950 amendments to that Act. The report, attributed primarily to Rep. Clarence Cannon, then Chairman of the Committee, maintained, in effect, that an appropriation is not a mandate to spend, but only an upper limit on spending. The relevant portion of the report reads as follows:

"Economy neither begins nor ends in the Halls of Congress. Under the Budget and Accounting Act, it is the responsibility of the executive branch of the Government to submit annually to the Congress the estimates of the amounts which officials in the executive branch feel are required to support the necessary activities of the Government. The Congress reviews these estimates and decides the maximum amounts which must be appropriated for these various activities, and the annual appropriation bill provides the sums so determined by the Congress.

"Appropriation of a given amount for a particular activity constitutes only a ceiling upon the amount which should be expended for that activity. The administrative officials responsible for administration of an activity for which appropriation is made bear the final burden for rendering all necessary service with the smallest amount possible within the ceiling figure fixed by the Congress. Every official of the Government who has responsibility for administration of a program must assume a portion of the burden for the deficit in the Federal Treasury. In the first place, he must take into account the condition of the Federal finances when he recommends to the Bureau of the Budget the amount which, in his judgment, is necessary for supporting his activity. In the second place, it is his responsibility to so control and administer the activities under his jurisdiction as to expend as little as possible out of the funds appropriated."

This language was persuasive to the House on the consideration of a bill introduced by Congressman Hebert which would have made it unlawful for any officer, agent or employee of the United States or any agency or Department thereof to withhold or impound or otherwise prevent any monies appropriated by the Congress from being promptly used for the purpose for which they were appropriated. (See Congressional Record of March 17, 1958, page 4063, and H.R. 11441, 85th Congress, 2nd Session.)

# # #

An article a day of enduring significance, in condensed permanent booklet form



### Springboard for Discussion

*"The main trouble with American politics today," says this world-renowned thinker, "is the failure of our intellectual elite to recognize that Middle Americans have values, too"*

# The Unthinkable Thoughts of Herman Kahn

BY JAMES NATHAN MILLER

**I**N 1961 a book was published, *On Thermonuclear War*, that brought on its author one of the most venomous critical attacks in publishing history and overnight made his name a dirty word among a large group of U.S. intellectuals. Today the book is recognized as one of the most important and constructive works of our time, and its author, a 50-year-old physicist named Herman Kahn, is widely considered

one of the Western world's most creative thinkers.

But it looks as if Kahn may soon be back in the intellectual doghouse. Recently he has been investigating a new field—the roles of intellectuals and Middle Americans in present internal problems—and his conclusions put him on a collision course with most of the scholars, editors and writers who make up America's "intellectual elite." Before

examining these conclusions, take a brief look at the book that got Kahn into the doghouse the first time. It tells a lot about the way he thinks.

*On Thermonuclear War* was a cool, objective analysis of a subject which, at that time, hardly anybody could think coolly or objectively about: how an atomic war might start, how many people might be killed, how it might be avoided. To intellectuals of the era, atomic war meant the end of the world, period; anyone who even speculated on H-bomb strategies was a madman.

Kahn's book looked squarely at this basic assumption and found it dead wrong. In a series of hard-headed analyses of blast damage and fallout, Kahn demonstrated that mankind would not be wiped out. Therefore, said the book, in order to lessen both the probability and potential damage of atomic war, we must face up to the realities of how to prepare for it, respond to the threat of it and even how to wage it.

The critics went wild. One said that Kahn had disqualified himself as a member of the human community. Another proclaimed himself ashamed to be a citizen of the same country as Kahn, and a third said the book was a collection of "criminal lunacies, a moral tract on mass murder."

But Kahn never backed down from his views, and today the book is widely praised as marking an important turning point in the world's thinking about nuclear war. Harvard Prof. H. Stuart Hughes, a lead-

ing advocate of disarmament, has said it is "one of the great works of our time." Among other things, its concept of a slow and "survivable" response to a nuclear threat (as opposed to the old idea of quick, "massive retaliation") is given major credit for the coolness and flexibility of our reactions to Russian challenges in Cuba and Berlin.

But now, once again Kahn is thinking the unthinkable, examining the basic assumptions of our intellectuals and telling them that they are dead wrong—this time in their interpretation of what's wrong with America. It is their view that behind all the country's present problems—violence, moral confusion, the polarization of class against class—lie the bigotry, narrowness of view and violence of temperament of Middle Americans, otherwise known as hard hats, ethnics or the Silent Majority. Kahn has one word for much of the basic thinking that underlies this interpretation: "It's manic."

Recently I spent a day talking about this with Kahn at the Hudson Institute, the research "think tank" he heads, near New York City.\*

Kahn feels that the country is being polarized by the failure of what he calls the upper-middle class to recognize any validity in middle-

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\*Many of the facts and surveys on which Kahn bases his conclusions are contained in the Hudson Institute's recent study, *The Forgotten Americans: A Survey of the Values, Beliefs and Concerns of the Majority*, published by Frank E. Armbruster (Arlington House, 81 Centre Ave., New Rochelle, N.Y. 10801, \$9.95).



class values. Because he uses the terms upper-middle and middle in a special way, I began my interview on this point:

**Q. Whom are you talking about when you refer to the upper-middle and middle classes?**

**A.** I use the terms to define attitudes, *not* income levels. In fact, I'd say half the people whose incomes put them in the upper-middle class have what I'd call middle-class attitudes. Let me give you a sort of thumbnail sketch of the two groups.

Typically, an upper-middle-class, "progressive" person went to a pres-

tige college, lives in a city or suburb on the East or West coast, and reads *Newsweek*, the *New York Times* or the *New Republic*. He has a job in academia, in the media, or as a teacher or social-welfare bureaucrat. Politically, he fits into that part of the middle-to-left spectrum that runs from the Kennedys to Students for a Democratic Society.

The middle-class individual has "square" values. He is likely to be a city ethnic or to live in the rural Midwest or South. He went to a square college, reads *U.S. News & World Report*, *The Wall Street Journal* or *The Reader's Digest*, has a job as an engineer, businessman or assembly-line worker, and is middle-to-right in his politics, somewhere between Hubert Humphrey and George Wallace on the one hand or the Buckleyes on the other.

**Q. "Manic" is a pretty strong word to apply to a group that's widely regarded as comprising our intellectual elite. Do you really mean it?**

**A.** I use the word seriously. It refers to their lack of touch with reality and the intensity of their commitment. Take their escalation of the language. The word "genocide," for instance, means something very specific: the deliberate annihilation of a race or nation. Since Hitler, it's become the ugliest word in the English language. Yet we have intellectuals today, people trained in the meaning of words, who say that the

treatment of criminals in this country—the maladministration of our courts and the backwardness of our prison systems—represents a governmental policy of “genocide” toward minority groups.

“Fascist” is another word. Intellectuals are constantly searching for things that will show us to be a totalitarian state. In 1970, I had at least two dozen phone calls from college-faculty people asking if it was true that the Hudson Institute had done a study for the Nixon Administration on how to call off the 1972 elections. It was a crazy rumor, of course, and nobody paid any attention to it *except* for a few of the biggest minds on the campuses. When you suffer from nightmares like that, you’re at least paranoiac if not manic.

In judging the United States, the upper-middle class has lost the ability to draw lines of gradation between completely good and completely bad. Because America isn’t perfect, we’re the world’s worst. It is this inability to distinguish degrees between best and worst in things American, combined with the tendency to lump everything American in the bad extreme, that I call manic.

**Q. How much responsibility would you say our educational system bears for our present problems?**

**A.** A great deal. One reason is that many progressively run schools in upper-middle-class suburbs put too much emphasis on the principle of self-actualization—the truism that a person will learn better if he ac-

tually wants to learn than if he’s forced to. Now, there’s no question that kids *do* learn better when a school can get them interested than when it can’t. But it’s also a very important purpose of education to teach kids how to handle the frustration of working when they’re not interested. Progressive educators often forget this.

Up to the 1960s, college was the first place where many upper-middle-class kids met frustration and resentment in the learning process. They came out of high schools where teachers treated them with friendship and reassurance, and they ran into college faculties who subjected them to skepticism and objective evaluation. This was healthy, but the kids thought it was awful, and in the 1960s, when they rebelled, many colleges caved in and became as permissive as the high schools. As a result, for many kids today the entire educational experience provides no preparation for the frustrations and resentments of the real world.

Incidentally, we’re talking about a very small group of kids mostly in the prestige colleges—but a very important group, because of its privileged place in society and high visibility in the media.

Affluence is another factor insulating them from reality. For example, most kids growing up in this class never come into involuntary contact with the human condition: they’re never hot, never cold, never hungry, never wanting of anything

within reason—like a bike at the age of 10, or a car at 20.

Now, these three elements—manic thinking on the part of parents and teachers, plus an educational system and an affluence that insulate against the reality of discomfort—make a pretty explosive mixture when exposure to the real world suddenly comes. When these kids finally do see human tragedy, they can't believe it. They think it's totally unfair. Because *they* can't cope with it, they can't conceive of *anyone* coping with it or accepting it as part of the human condition. So they rebel and demand an immediate cure for everything that isn't perfect, and they don't understand why the working class and the minority groups aren't rebelling with even greater intensity.

**Q. A recurrent theme in your lectures is the upper-middle class's feeling of guilt. Where does this guilt come from?**

**A.** It stems mainly from their emphasis on conscience rather than punishment. A middle-class parent spanks his child; an upper-middle-class parent withdraws his love or approval. Also, upper-middle-class people are actually trained to feel guilt even when the conditions are not their fault and there's nothing for them to feel guilty about. And this guilt makes it impossible for them to rebuke a member of a minority group; instead, they tend to absolve the poor and the minorities of any responsibility for their acts.

For example, if a kid from a dis-

advantaged family fails to learn at school, or if he causes trouble in the classroom, it's never the child's or the family's fault, it's the school's. If we've got junkies in the streets, they're not guilty; the police are guilty for not catching the pushers. If there's a high crime rate in the ghetto, it's not only understandable (which, of course, it is) but largely justified (which, of course, it isn't) because of society's guilt.

**Q. Would you, then, put more faith in the values and judgments of the middle class than in those of the "elite"?**

**A.** I would on what I call black-and-white issues, but on gray issues the upper-middle class is often better equipped to make decisions. First let me give you an exaggerated version of what I call a black-and-white question.

You see it's raining. No problem. You put on a raincoat. But if you're a really bright guy and have graduated *summa cum laude* from a prestige university with a degree in raincoat science, you know it's not that simple. You figure maybe the raincoat will leak, or keep in water rather than keep it out, or maybe poor people will resent your having a raincoat. All kinds of crazy arguments. Now, maybe one of these ideas will turn out to be right, but 99 percent of the time they're wrong and you just tie yourself in knots thinking about them. The smarter you get, the harder it becomes to make simple decisions. This is what I call educated incapacity, and it's

what paralyzes the upper-middle class on simple issues.

**Q. What are some real black-white questions?**

**A.** Is fornication on the stage pornography, and should it be banned? Given the current and continuing value systems of the great majority of Americans, and the unchanged legal system, it is and it should be. But the courts and the upper-middle class don't know where to draw the line between what's racy and what's dirty, between soft-core and hard-core, so they don't draw any line at all.

Are you a racist if you object to being mugged or raped? It happens that at the moment a good deal of this crime is by Negroes. When it was by whites, nobody criticized you for not wanting to be a victim of it. But until the last year or two, when they finally learned better, the people who are terribly smart and guilt-ridden said that if you talked about law and order you were using a racist code phrase.

The basic thing is, you have to be smart in a reasoned way. If you're smart in an illusioned way, you're smart and crazy. That's today's American upper-middle class.

**Q. What are the gray-area issues?**

**A.** These are the genuinely complex questions, like the need for contra-cyclical spending or the economic harm that tariffs can do. Should the government spend more in a depression than in boom times? Yes. The upper-middle class knows this, but the middle class still doesn't under-

stand it. Can we actually create more jobs in the United States if we buy from overseas than if we just buy at home? Yes, at least when the other side buys from us where we have a comparative advantage. These are questions on which middle-class judgment tends to be bad.

Now, in a well-run society the black-white issues are taken care of almost automatically, and the country can give its attention to the gray issues. Which gets us to the root of the real sickness in America today: the upper-middle class has done such a bad job with the black-white issues that the country is still being polarized by them. In fact, 95 percent of today's polarization has been caused by upper-middle-class failure to recognize that the middle class possesses intelligence, judgment and moral values. Let me give you an example.

During the last election, Senator McGovern told a union audience that he wanted to impose a 100-percent inheritance tax on all legacies over \$500,000. He was amazed to find that these working people flatly opposed the idea. The reason they opposed it was purely moral. They knew that few of them would ever be affected by such a law; they just felt it wasn't fair to use their votes to take someone else's money away.

But McGovern couldn't understand this. You know what his explanation was? "They must think they're going to win a lottery." You have no idea how mad union people get when they hear this story. But it's

a sincere and typical upper-middle-class viewpoint. They think they're the only moral people around, and everybody else just has biases and prejudices. Their idea of uniting the country is for the majority to adopt the minority view on issues like pornography laws and busing, amnesty for draft evaders, capital punishment and legalizing marijuana.

I think a classic case of this kind of upside-down thinking has been the response to some of Vice President Agnew's speeches analyzing upper-middle-class attitudes—the papers they read, their interests and prejudices, and so forth. Some of these speeches are as accurate as a sociologist's research report, and I've shown them to people who accuse Agnew of polarizing the country by saying these things. I've asked them to show me one line that was inaccurate. They can't. They accuse the other side of everything from genocide to a conspiracy to call off the elections, and then when the other side replies they accuse *it* of polarizing the country.

**Q. Then do you think President Nixon and Mr. Agnew have been doing what the President says he set out to do—to “bring the country together”?**

**A. Only in part. They've brought**

the middle class back into the picture, which is very important. But they have not tried hard enough to explain to the upper-middle class the legitimacy of their message, and that's essential.

This failure is the most legitimate part of the polarization charge against the Administration. There's a difference between telling the truth and telling it persuasively, and much of what Nixon spokesmen say is said in a way that is persuasive only to middle-class voters. You don't get people to listen by calling them effete snobs, even if the term happens to be accurate.

I think one of the most important jobs facing President Nixon and Mr. Agnew is to initiate some process of genuine communication with the upper-middle class. They should say, “Look, don't get angry. We're not trying to be demagogic. But the ‘forgotten man’ really *has* been forgotten and really *does* have some legitimate kicks. Nor is he as racist, violent and selfish as you believe. And here is the evidence.”

Then maybe we could pull these people back to working with the rest of society, the way they did in Roosevelt's day. It could be the best thing that's happened to the country in a long time.



### Paradox

**A** MOTHER was studying her son's report card, trying to figure out how he got a D in conduct at the same time he got an A in courtesy. Finally, shaking her head, she said, “I guess it means that when he beats somebody up, he apologizes.”

—Yamhill County, Ore., *News-Advertiser*

# Shot Down in North Vietnam!

BY JOSEPH P. BLANK



AS HE dangled in his parachute 40 miles northwest of Hanoi, Capt. Roger Locher's first stunned reaction was, *This can't be!* Getting shot down was something that happened to others. Like all fliers, he had never believed it could happen to him.

But it had. The gag of helpless fear he felt was real. So were the two sleek, silvery MIGs whipping past him 1000 feet away. Then jungle trees loomed below, and he crashed

through branches to a halt—his boots barely touching the earth.

The tall, slim 25-year-old had taken off that morning, last May 10, from a Thailand airbase and sped toward the Hanoi area. He was flying his 407th mission as a navigator-weapon-systems operator. The mission was to prevent enemy fighters from attacking our bombers. Back-seater in the lead two-man F-4 Phantom jet, Locher had already been credited with shooting down two

THE WHITE HOUSE  
WASHINGTON

Date \_\_\_\_\_

For \_\_\_\_\_

From ~~John Ehrlichman~~ *Cory*

*KEN -  
Korlogos distributing  
this Water + Sewer fact  
sheet to the Hill team -*

*X  
speech*



April 5, 1973

Rural Water and Sewer Grants--H.R. 3298

Basic Objections to H.R. 3298

- It seeks to establish mandatory spending of the full amount appropriated and thereby to tie the hands of the President, and make it impossible to attain fiscal policy objectives, i.e., avoid higher taxes, more inflation, and higher interest rates.
- It is fiscally irresponsible.
  - ° Restoration of water and sewer grants at the appropriated level would increase FY 1973 program obligations by almost \$120 million. Outlays would be increased by about \$50 million in FY 1973 and by about \$100 million in FY 1974.
  - ° If the full authorization were appropriated in FY 1974, obligations would be increased by \$330 million and outlays by more than \$150 million over the budget.
  - ° Unchecked spending will lead to further inflation and a loss of faith in the stability of the dollar.
- Provision of water and sewer systems is not an appropriate use of Federal tax dollars.
  - ° The provision of local water and sewer systems can be regarded as strictly a local government responsibility.
  - ° The benefits from these facilities accrue almost exclusively to those persons and businesses directly served by them; the average taxpayer gets no benefit from them.
- Federal grants for water and sewer lines construction are not necessary.
  - ° Since benefits from water and sewer facilities are enjoyed by those persons served by the facilities, adequate incentive to provide and pay for them already exists through user charges at the local level; Federal grants are not needed.

- ° In fact, the presence of a Federal water and sewer grant program may delay the construction of these facilities, since localities, which otherwise would finance the costs on their own, choose instead to wait in line for a Federal grant.
- ° More than half of the grant applicants which did not receive grants, nevertheless, proceeded with the project.
- The Federal subsidy is unrelated to individual needs.
  - ° A Federally aided water or sewer system provides equal benefits to all persons served by it; hence, even those who can afford to pay in full for the service receive instead a Federal subsidy.
- The program is unfair to the taxpayer.
  - ° The average taxpayer must carry a double burden: not only must he pay his share of the water and sewer facilities serving his own needs; he must also pay part of the cost--through his Federal taxes--of someone else's facilities.
- The program duplicates and proliferates other Federal grant programs.
  - ° EPA grants total \$2 billion for fiscal year 1973 and \$3 billion for fiscal year 1974 for waste disposal facilities in urban and rural areas. While waste treatment per se has high priority, States have a dominant role in selecting projects for funding under the EPA program. Local community applications will be accorded consideration by States in the context of waste treatment requirements which can include collection sewers as well as waste treatment plants and interceptor sewers.
- The program does not allow decentralization of decision-making to State and local governments.
  - ° Termination is in keeping with the Administration's philosophy of moving away from narrow categorical grants with their associated Federal decision-making toward more decision making at the State and local level.

-- Adequate loan funds will be available in fiscal years 1973 and 1974 in lieu of grants.

°It is recognized that some small communities face problems in financing sewer facilities even when they are willing to bear reasonable costs.

°The availability of insured Federal loans at interest rates comparable to those paid by larger governments will permit these communities to meet their financing needs.

April 6, 1973

MEMORANDUM FOR: FRANK GANNON  
HANK PAULSON

FROM: CRAIG GOSDEN

SUBJECT: Herman Kahn's Meeting  
with the President

Herman Kahn recently had a long and successful meeting with the President covering a number of topics among which was Kahn's request for Federal funding of his "Prospects for Mankind Study."

Ken would like you to review Kahn's project in detail and send him your comments or recommendations regarding the substance of the project.

Frank, I am sending the file on this to you first -- would you let Hank see it as soon as possible.

Would you also recommend the best way for the project to be financed by the government (please see attached Kahn letter to Ehrlichman discussing Kahn's financing problems and needs). You might want to begin by considering NSF or NEH as possible financing vehicles (note attached Petersmeyer memorandum to Ehrlichman regarding funding).

Am also sending you for background the memorandum which the President received from Kahn after their meeting (interesting reading). Would appreciate your comments by close of business Thursday, April 12.

Many thanks,

Attachments

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 30, 1973

Time:

FOR ACTION: John Ehrlichman

cc (for information): Roland Elliott  
H. R. Haldeman

*Colo -*

FROM THE STAFF SECRETARY

DUE: Date: April 9, 1973

Time:

SUBJECT:

Letter from Herman Kahn, enclosing materials promised at meeting on March 16

ACTION REQUESTED:

- |   |   |
|---|---|
| <input type="checkbox"/> For Necessary Action     | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply              |
| <input type="checkbox"/> For Your Comments        | <input type="checkbox"/> Draft Remarks            |

REMARKS:

Please work with Roland Elliott to prepare a letter to acknowledgment to Herman Kahn and forward the letter to the Office of the Staff Secretary.

Thank you.

*Craig -  
Is this the stuff that Paulson & Cannon are working on? Pls drop a note to Kahn saying material was received & is under review, if this is the appropriate response now.*

**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.

*Thanks Ken*

BRUCE A. KEHRLI  
Staff Secretary



ON THE RIGHT

# William F. Buckley Jr.

AGAINST THE HANDICAPPED?

The reaction to Richard Nixon's veto of the aid-to-the handicapped bill brilliantly illustrates a difference between the Democratic and the Republican modes of operation; indeed, a difference between the always elusive "liberal" and "conservative" ways of looking at things.

Never mind for a moment any structural defect in the proposed law. Consider it simply as a means of helping the handicapped by voting federal dollars for their use.

Sen. Humphrey emerged as the best, i.e., the quintessential, spokesman for the Democratic approach to such questions. For Humphrey it was very simply this: Do you or do you not believe in helping handicapped children? Pure and simple. The Senator went so far as to personalize the argument, going even beyond his abstract identification with the cause of the handicapped. He spoke his rage over Nixon's veto on the floor of the Senate, saying: "I am the grandfather of a mentally retarded child. Our family can afford to take care of that child, but many families can't. I ask every Senator here to search his own conscience. I don't believe the President of the United States knew what he was doing. If he did, he ought to be ashamed of himself." Such language is highly volatile. It spreads like wildfire through the college campuses.

\* \* \*

From such an onslaught the conservative reels. If the critic will listen, the conservatives can patiently ask a few questions.

1. Do the Democrats believe that there is as much public money available as there are worthy causes in the world on which it might be spent?

No one, on reflection—not even Teddy Kennedy—would answer that question with a categorical yes.

2. Do the Democrats acknowledge that we have at this moment in American history strained the safe level of government spending?

No one, on reflection, can safely say that we have not. To do so would mean to interrupt his own criticism of the high price of meat for one thing. All Democrats deplore the effects of inflation, and all Democrats recognize that the dollar's humiliation in the money markets abroad is the direct result of inflation at home.

3. Did the Democrats suggest that the billion-dollar aid-to-the-handicapped bill take the place of a billion dollars already appropriated for another social service? Did Sen. Humphrey propose that Congress reduce by a billion dollars appropriations for medical aid to the elderly? For education for the young? For the purification of our water and our air?

We nudge up against the argument that we should commensurately reduce the military budget.

4. As a matter of fact, the military budget has been reduced. In constant dollars we would need to spend \$105 billion to maintain the same level of spending the Democratic Congress judged necessary when Nixon assumed office, subtracting the cost of the Vietnamese operation. Now, spending on defense is what a society resolved to maintain its sovereignty begins with, even as you begin a house by building a foundation. To economize by pouring more sand and less concrete into the cement is to be compared with economizing by offering the sick man a half-million units of penicillin when the doctor has prescribed one million.

5. Since approximately one half of the states of the union pay more money for social expenditures to Washington than they receive for social expenditures from Washington, what is to keep these states from appropriating their own funds for the help of the handicapped? Sen. Javits, for instance, who voted to override President Nixon's veto, comes from a state that sends to Washington \$1.60 for every dollar it gets back. Why doesn't Sen. Javits satisfy himself to recommend to New York State that it look after its own handicapped?

\* \* \*

In his classic book, "Economies In One Lesson," the economist Henry Hazlitt remarks that it is distinctively the conservative who looks beyond the immediate effect of any particular expenditure; that the liberal foreshortens his perspective, so that he is able to talk only in terms of are you or aren't you in favor of helping invalids? It is an onerous responsibility that the conservative needs to bear under the pressure of such demagoguery, and we can only be grateful that Nixon and a few Senators have had the courage to think in strategic terms.

*Carol pls get me this book - also file this in the speech file*  
April 10, 1973  
NY Post  
ordered  
4-11-73

JUN 1 REC'D

*Speech*

EDUCATION SPECIAL REVENUE SHARING (BETTER SCHOOLS ACT)

1. Question: Why does the proposal not provide any funds for developing and enhancing State administrative capabilities?

Answer: Our aim all along in developing revenue sharing is to provide the States with flexibility to use those funds to enhance the actual education of children in local schools. Quite frankly, it has always been felt that the best way to prevent any large unwieldy, unmanageable State governmental bureaucracies from developing in the education field was to not earmark specific funds for administrative purposes but rather leave this responsibility to the actual States where it would be subject to regular scrutiny by the Governor, the State legislature and other interested individuals and groups.

2. Question: According to the House Education and Labor Committee estimates, the States would receive almost half a billion dollars, less under the Better Schools Act as opposed to what they would receive if the categorical programs continued to be funded at their present level -- under these conditions, how can the State be expected to support this legislation?

Answer: Well, you should remember that a large part of that half billion dollars was in impact aid funds. It was also felt that during the first year of operation the impact on the actual education of students in local schools would not be affected by the remaining reduction, in that the States and local school districts would have the flexibility to use Federal funds for the first time at their discretion within the five broad new categories rather than in the 32 existing narrow categories. To put it another way, we felt that there were some categories where Federal funds were being expended only because they were made available and could only be used for that purpose. If the local school district really had a choice we felt that they would either drop those expenditures or put them into programs which would have more meaningful impact.

We would hope that the dollar authorizations contained in the Administration's Better School Act would not be the primary determinant of whether or not States and localities support this legislation. First, we would suggest that the principles in the Better Schools Act be considered and if agreement is found here we can then discuss the specific dollar authorizations that should be included in the next fiscal year.

Let's remember one objective that I think we both have in discussing the Better Schools Act. It's time that the Congress and the Federal Government got out of the business of serving as the State and local school board for the entire nation.

*Speech*  
Better Communities Act

Question: (Number 1)

Why does the proposal not contain any funds for State initiated projects for community development?

Response:

The seven community development categorical grant programs which BCA would replace were practically never used by states in the past. The recipients of these grants were cities and to a lesser extent, counties.

The Administration, therefore, proposes a role for states in which a portion of the BCA funds can be allocated within each state in accordance with state priorities and in recognition of the states' considerable authority to affect community development, e. g., through state land use policy, tax policies, etc.

Question: (Number 2)

Why is the State required to pass through 50% of all funds to cities and counties within SMSA's?

Response:

This is in keeping with the urban orientation of the bill. It is frankly a metropolitan, growth-center bill.

All of the urban community development revenue sharing bills, those introduced in the last session of Congress and in the present session, were heavily weighted toward SMSA fund distribution.

The BCA proposal would assign half of a state's total discretionary fund to the SMSA's within it. Each SMSA would be reserved a dollar amount based on the objective needs formula, i. e., population, poverty (counted twice), and overcrowded housing. While the state retains full discretion as to where it may chose to assign funds within the different SMSA's, the distribution according to a needs formula concentrates funding in the neediest areas of the state.

Question: (Number 3)

Why is the State role limited to administering required pass-through funds?

Response:

Same answer as in Number 1 above.

Question: (Number 4)

What is the expected Congressional reaction to this proposal?

Response:

None of the community development revenue sharing bills introduced in the last session of Congress or in the current session provided an important role for states. They were simply "eligible recipients" of discretionary funds.

Since the BCA proposes for the first time, guaranteed funding to states on a needs basis, with great latitude in determining how the funds should be apportioned, we would expect that Congressional reaction to this proposal will depend greatly on the interest and willingness of the states to take on the new role.

Disaster Preparedness and Assistance Act of 1973Question:

What provisions are made to assist governors to prepare for a disaster that seems certain to arise such as the Mississippi River flooding?

Response:

Under the Disaster Act, Title III provides for emergency assistance upon the request of the governor to provide federal assistance necessary for the protection of life including public health and safety. The Corps of Engineers has separate authority to provide emergency assistance under these circumstances which was provided in the case of the Great Lakes flooding and the Mississippi River flooding.

Question:

What actions have been taken by Congress regarding the disaster legislation?

Response:

It has been introduced in the House by the Chairman of the Public Works Committee and is H. R. 7690. No hearings have been scheduled as yet in the House. The bill was introduced in the Senate jointly by the Chairman of the Banking Committee and the Public Works Committee and is S 1840. The Banking Committee will hold hearings first beginning June 11. The Public Works Committee will hold hearings later.

*Speech*

July 10, 1973

MEMORANDUM FOR: GENERAL ALEXANDER HAIG  
FROM: TERRENCE O'DONNELL  
VIA: DAVID N. PARKER  
SUBJECT: Summary of Presidential Activity  
January 1 through July 10, 1973

The following is a summary of the President's schedule since January 1, 1973, with emphasis on numerical groupings of events.

1. Total number of Major Presidential Events: 502

Note: This included scheduled Oval Office events, Congressional and Cabinet contacts and trips. Routine staff contacts have not been included.

2. Meetings with Heads of State: 10

2/1 - 2/2 - Prime Minister Heath  
2/6 - King Hussein  
4/2 - 4/3 - President Thieu  
4/10 - Prime Minister Lee  
5/2 - 5/3 - Chancellor Brandt  
5/15 - Emperor Selassie  
5/30 - President Eldjarn  
5/31 - 6/1 - President Pompidou  
6/5 - President Tolbert  
6/18 - 6/24 - General Secretary Brezhnev

Note: The President and Brezhnev spent a total of 47 HOURS together: 8 3/4 hours in formal sessions with advisors; 9 1/2 hours alone; 28 3/4 hours in informal gatherings, social functions and signing ceremonies.

**3. Other Meetings with Senior Foreign Representatives: 35**

Note: These include representatives from Israel, South Korea, Ireland, Philippines, PRC, Indonesia, South Vietnam, Japan, Great Britain, Egypt, Jordan, Pakistan, Soviet Union, Bangladesh and France.

**4. Received the Credentials of 20 Ambassadors.**

**5. Cabinet Meetings: 16**

**6. Meetings with Individual Cabinet Members: 71**

**7. Meetings with Major Congressional Groups: 27**

**8. Other Congressional Meetings: 48**

**9. Press Conferences: 3**

**10. Major Trips: 12**

- 1/26 - Homestead AFB, Florida (POW/MIA families)
- 2/16 - Jacksonville, Florida (Tour USS Albany)
- 2/17 - Tour Cape Florida Park
- 2/19 - Lauderhill, Florida (Inverrary Country Club-  
Address Jackie Gleason Golf Classic)
- 2/20 - Columbia, South Carolina (Address South Carolina  
General Assembly)
- 4/27 - Meridian, Mississippi (Dedicate Stennis Center)
- 5/19 - Norfolk, Virginia (Armed Forces Day)
- 5/30 - 6/1 - Iceland (Pompidou Summit)
- 6/8 - Orlando, Florida (Florida Tech Graduation)
- 6/15 - Pekin, Illinois (Dirksen Library)
- 6/22 - San Clemente (Brezhnev Summit)
- 7/9 - Kansas City, Missouri (Kelley Swearing In)

**11. Major Addresses: 10**

**12. Major Economic Meetings: 18**

### **13. Miscellaneous**

**Other noteworthy events included meetings with Governor Evans, Governor Reagan, Governor Rockefeller, Governor Holton, Governor Scranton, Governor Walker, Mayor Helms, Mayor Perk, Mayor Parrish, Dr. DeBakey, UN Ambassador Scali, Ambassador Bruce, PRC Journalists, Chinese Acrobats, George Allen, and the Labor Management Advisory Committee. Also, the Distinguished Service Medal Award Ceremony, posthumous presentation Citizens Medal to Roberto Clemente, POW Reception and dinner, and the swearing in of Secretary Schlessinger and Attorney General Richardson.**

*f*  
*Steel*

Probably the most absolute and blanket depiction of the Executive's power of impoundment of funds was authored by Congressman Clarence Cannon, Chairman of the House Appropriations Committee in the House Appropriation Committee Report on the Anti-Deficiency Act, Report No. 1797, 81st Congress, 2nd Session at page 9, as follows:

"Economy neither begins nor ends in the Halls of Congress. Under the Budget and Accounting Act, it is the responsibility of the executive branch of the Government to submit annually to the Congress the estimates of the amounts which officials in the executive branch feel are required to support the necessary activities of the Government. The Congress reviews these estimates and decides the maximum amounts which must be appropriated for these various activities, and the annual appropriation bill provides the sums so determined by the Congress.

"Appropriation of a given amount for a particular activity constitutes only a ceiling upon the amount which should be expended for that activity. The administrative officials responsible for administration of an activity for which appropriation is made bear the final burden for rendering all necessary service with the smallest amount possible within the ceiling figure fixed by the Congress. Every official of the Government who has responsibility for administration of a program must assume a portion of the burden for the deficit in the Federal Treasury. In the first place, he must take into account the condition of the Federal finances when he recommends to the Bureau of the Budget the amount which, in his judgment, is necessary for supporting his activity. In the second place, it is his responsibility to so control and administer the activities under his jurisdiction as to expend as little as possible out of the funds appropriated."

This language was persuasive to the House on the consideration of a bill introduced by Congressman Hebert which would have made it unlawful for any officer, agent or employee of the United States or any agency or Department thereof to withhold or impound or otherwise prevent any monies appropriated by the Congress from being promptly used for the purpose for which they were appropriated. (See Congressional Record of March 17, 1958, page 4063, and H.R. 11441, 85th Congress, 2nd Session.)

August 2, 1973

BACKGROUND PAPER: THE PRESIDENT'S DECISIONS ON THE  
TAPES AND OTHER PRESIDENTIAL  
DOCUMENTS

(1) Reasons for Protecting the Confidentiality of Presidential Documents

The President's decisions on the tapes and other Presidential documents are based on solid grounds of both a legal and practical nature:

-- Disclosure would do serious and lasting damage to the Presidency: The fundamental issue here is whether a President of the United States may continue to conduct his conversations and receive advice in private. Heretofore, all three branches of Government have recognized that such privacy is vital to the way that decisions are made by the most powerful leader in the world, and it has been protected by the doctrine of "Executive privilege." President Nixon put it this way in his July 6th letter to Senator Ervin:

"No President could function if the private papers of his office, prepared by his personal staff, were open to public scrutiny. Formulation of sound public policy requires that the President and his personal staff be able to communicate among themselves in complete candor, and that their tentative judgments, their exploration of alternatives, and their frank comments on issues and personalities at home and abroad remain confidential." In our tripartite system of government, such communication is on an equally important plane with a legislator's communications with his assistants or a judge's with his clerk.

-- Power to protect Presidential documents must remain with the President: The power to decide what papers to release in the public interest has always resided solely in the President, and it must remain there if the Chief Executive is to be ensured of the

privacy of his own office. The attempt to pierce into uniquely Presidential powers is an attempt to assert powers which lie only with the Presidency. The President has already cooperated by releasing a great many documents such as logs, calendars, and other papers to the Ervin Committee, but the release of those papers stem from judgments by the President as to particular Presidential documents. His decision to release them is a decision based on powers that are vested in the executive branch.

-- Release of two tapes to H.R. Haldeman: In public testimony before the Ervin Committee, former Presidential assistant H.R. Haldeman testified as to his recollection from notes he took when listening to two of the tape recordings. Senator Ervin and others have objected that if Mr. Haldeman is allowed to listen to selected tapes, the Ervin Committee and others should also have access to those tapes. All questions of access to the tapes were decided by the President based on his judgment of who could best assist him in determining the facts of the Watergate matter without jeopardizing the confidentiality of the tapes. That decision amounts to an exercise of a power which resides solely in the President, and a decision made prior to public knowledge of the existence of the tapes.

-- Release of the tapes would not resolve the central issues of Watergate: The President's power over disclosure of Presidential documents is a basic, fundamental power of his office. It cannot be disregarded or overruled by another branch of the Government. In compelling situations, as a matter of Presidential discretion, and in response to the most compelling considerations, the President may volunteer access to Presidential papers. If there were but one document or one tape in question, easily isolated, which could end all doubt on all questions, there then might possibly be a compelling consideration to overcome the President's power of determining disclosure. However, the President cannot be forced to disclose such papers without doing violence to the doctrine of separation of powers. Here, the interests are not balanced. The President's authority over Executive office documents clearly outweighs any countervailing interest of proving or disproving guilt. Quite the contrary, balancing against the President's power over disclosure is the question of a melange of tapes and documents

which could be inconclusive and simply raise more questions -- an ambiguity arising naturally from different points of view and interpretation. As the President said in his July 23 letter to Senator Ervin: "The tapes are entirely consistent with what I know to be the truth and what I have stated to be the truth. However, as in any verbatim recording of informal conversations, they contain comments that persons with different perspectives and motivations would inevitably interpret in different ways."

-- The tapes contain materials wholly unrelated to Watergate and clearly within the realm of Executive privilege: As the President wrote to Mr. Ervin, "There are inseparably interspersed in them a great many very frank and very private comments on a wide range of issues and individuals wholly extraneous to the Committee's inquiry."

-- Release of the tapes would lead to an endless process of disclosure and explanation of private Presidential records: Because of misunderstandings which might arise over an initial release, there would inevitably be strong pressure to release more and more materials until every single Presidential conversation would be threatened. It would be a field day for those less interested in the truth than in bringing down the President.

-- Release of the tapes would also jeopardize our relations with foreign leaders: Once the tapes become part of the public domain, no foreign leader can be wholly assured that his own conversations with the President will not similarly be revealed. It is not inconceivable, for instance, that suits could be brought by anti-war activists to reveal previous conversations relating to the conduct of the Vietnam war.

-- Mr. Cox has no better claim on these documents than the Senate Committee: Some observers have fallaciously argued that since the Special Prosecutor appears to work within the executive branch, he should not be subject to the same separation-of-powers

arguments that apply to the Ervin Committee. Professor Charles Alan Wright, a consultant to the White House counsel, has supplied two answers to that argument in his letter to Mr. Cox of July 23. First, in Mr. Wright's words to Mr. Cox: ". . . if you are an ordinary prosecutor and thus part of the executive branch as well as an officer of the court, you are subject to the instructions of your superiors, up to and including the President, and can have access to Presidential papers only as and if the President sees fit to make them available to you." Second, it is clear that the reason that Mr. Cox is seeking the tapes is to make use of them in the courts, another branch of Government to which all separation-of-powers considerations clearly apply. Indeed, the so-called "Cox subpoena" was actually issued by the Grand Jury, an arm of the judiciary.

-- Purported Waiver of Executive Privilege: Mr. Cox also has contended that he has a right to tapes and documents under the theory that by permitting former White House aides to testify, the President has waived executive privilege. Of course, the President has done no such thing. There is an important distinction between testimony on one hand and tapes and papers on the other. As the President stated in his letter to Senator Ervin on July 6th: "While notes and papers often involve a wide-ranging variety and intermingling of confidential matters, testimony can, at least, be limited to matters within the scope of the investigation. For this reason, and because of the special nature of this particular investigation, I have agreed to permit the unrestricted testimony of present and former White House staff members before your Committee." There is control over verbal testimony -- relevant information is filtered from irrelevant information. But materials in papers and on tapes are physically intertwined and often inseparable. The very good reason for the President to allow testimony while not releasing tapes and certain documents is the very reason that he cannot be judged to have waived his powers to invoke executive privilege.

-- On balance, the national interest in protecting the confidentiality of Presidential documents outweighs the interest in punishing any one individual: As Mr. Wright pointed out: "The

successful prosecution of those who have broken the laws is a very important national interest, but it has long been recognized that there are other national interests that, in specific cases, may override this. When Congress provided in the Jencks Act, 18 U. S. C., Section 3500 (d), that the United States may choose to refuse to disclose material that the court has ordered produced, even though in some instances this will lead to a mistrial and to termination of the prosecution, it was merely recognizing that, as the courts had repeatedly held, there are circumstances in which other legitimate national interests requiring that documents be kept confidential outweigh the interest in punishing a particular malefactor." It is up to the President, and the President only, to decide whether the public interest would be served by disclosure of Presidential documents. In this instance, the President has decided that the incremental advantage that would come to the Ervin Committee and to the prosecution from release of these tapes and documents would be far outweighed by the damage that such disclosure would do to the effective functioning of the Presidency.

It is also said that executive privilege must yield in this case because remarks others made to the President may have been pursuant to a conspiracy on their part to obstruct justice. Executive privilege cannot be invoked to shield executive officers from criminal prosecution, but the President's role in these conversations was in the course of his Constitutional duty to see that the laws are faithfully executed, and it is the President who is invoking executive privilege, not those who may have committed crimes. The Supreme Court has repeatedly held that the United States cannot be required to produce confidential documents in a criminal case, although it may have to choose either to produce or to have the prosecution dismissed. It is for the President to determine whether it is more important to have a criminal brought to book or to protect confidential information that the Executive Branch has, including the most confidential conversations of the President himself.

-- The Preservation of confidentiality is a paramount constitutional consideration: History is made up of more than momentary

passions or transitory headlines. At stake is the most central doctrine of the American Government. Setting a new precedent -- one which would allow the fishhook of the legislative and judicial branches to be cast over an historic executive barrier -- would breach 200 years of established rule and bring into question the very ability of a President to govern. Even the apparently relevant attempt here to remake history will, in the long run, do irreparable damage to the pillars upon which our democracy rests.

(2) Cooperation Already Provided to the Committee

As the President stated in his letter to Senator Ervin on July 6, the cooperation of the Administration with the Senate Committee has already been "genuine, extensive, and, in the history of such matters, extraordinary. "

-- Members of the President's staff have been instructed to cooperate fully with the Committee in furnishing information pertinent to the inquiry.

-- The President on May 22 directed that Executive privilege no longer be invoked for present or former members of the White house staff "as to any testimony concerning possible criminal conduct . . . in the matters presently under investigation. "

-- He has waived the attorney-client privilege with regard to his former Counsel John Dean.

-- On July 25, the President told Senator Ervin that this "cooperation has continued and it will continue. "

# # #

*Handwritten initials*

THE WHITE HOUSE  
WASHINGTON

December 17, 1973

To: WHITE HOUSE STAFF

From: Ken W. Clawson

I thought you would be  
interested in the attached.

*Handwritten signature*

DISTRICT OFFICE 1:  
NEW POST OFFICE BUILDING  
P. O. Box 6000  
MONROE, LOUISIANA 71201

CHAIRMAN:  
FOREIGN OPERATIONS  
SUBCOMMITTEE ON APPROPRIATIONS

MEMBER:  
PUBLIC WORKS—A.E.C.  
SUBCOMMITTEE ON APPROPRIATIONS

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

DISTRICT OFFICE 2:  
OLD COURTHOUSE BUILDING  
NATCHITOCHES, LOUISIANA 71457

MARTHA K. WILLIAMS  
ADMINISTRATIVE ASSISTANT

November 1, 1973

My Fellow Americans:

FACTS AS A DEMOCRAT UNDERSTANDS THEM

Without intending to be offensive, the record should be put in the proper perspective. In doing so, it will be necessary to refer to certain unpleasant incidents of the past and recognize that some of the prospective presidential candidates of today must conceal the past records of some Democrats well, otherwise, embarrassing incidents will shine through even with the radical segment of the news media assisting in obliterating past incidents.

The radical element of the news media can, when they so determine, take the greatest public official in America, put him in the gutter and convince a majority of the people that he is a crook. The same segment of the news media can take the biggest phony in America and make him appear superior to a combination of Einstein and Solomon. We are seeing this happen in America today. Let us look at the record:

1 - When Judas betrayed Christ, he had his followers, and according to Biblical history his views were effective, but we all know now that those claims did not alter the facts of what Christ represented and why he was sent here and finally crucified by those who followed Judas's thinking. I mention this as an example and not for the purpose of comparison.

2 - When it was reported that certain segments of the Democratic Party (and there is available information to support this contention) stole the election from Richard M. Nixon in 1960 by the manipulation of the votes in New Mexico, Illinois and probably Texas, did the Republicans try to impeach and destroy President Kennedy for the actions of certain segments of the Democratic Party? The answer is no!

3 - When Senator Lyndon Johnson's trusted aide, Mr. Jenkins, got caught in an act of indecency, and the Senator had him released, did the Republicans jump on Senator Johnson? No! When President Johnson's aide, Mr. Jenkins, got caught in a similar situation with a male Russian, did the Republicans make this a public issue and try to involve Mr. Johnson, including threat of impeachment? The answer is no!

4 - Of course, as unpleasant as it is to mention the episodes of Billy Sol Estes, Bobby Baker and others, I cannot find where the Republicans exploited these issues in trying to destroy Democratic candidates for any public office. Therefore, it is wrong to try to destroy our President through innuendo and false accusations about incidents which he had nothing to do with.

5 - I say without equivocation or mental reservation that in my considered judgment, President Richard M. Nixon's integrity is unimpeachable. His greatness has been established--so much so that certain segments of the Democratic Party, of which I am a member, and for political reasons, are trying to destroy his greatness. Does it not appear that there are prejudiced judges who, through a subconscious urging, may be making themselves a party to the scheme to destroy President Nixon, and acting as prosecutors rather than judges?

6 - When Mr. Nixon was sworn in as President, we were in the midst of one of the most destructive and expensive wars our nation had ever been engaged in. Evidently, President Johnson could not develop a formula to conclude the war so he left the White House a broken-hearted man, and I believe that President Johnson felt he was turning the nation over to a man who had the ability and determination to conclude this terrible war that was claiming 300 precious American lives weekly. Could this have so embarrassed the Democrats that they are trying to blot out this great accomplishment?

7 - When Mr. Nixon was sworn in, there were 543,000 troops in Vietnam; the cost of the war was running at \$32 Billion a year; and there were no plans to conclude the war. However, Mr. Nixon quickly formulated a plan to conclude the war that started under a Democratic Administration. Not only did he live up to every promise he had made and reduce the number of troops in Vietnam from 543,000 to zero, he secured the release of all of our prisoners of war who were deteriorating in dungeons in far-off lands. My, my, but what an accomplishment for a great American President.

8 - When Mr. Nixon was sworn in as President, crime was running rampant in this country we love so much. He is slowly but surely bringing crime under control. Will this trend be reversed by present-day court decisions? What is the explanation for a judge to sentence a man to 35 years in prison for the Watergate break-in, a crime that was not an act of personal violence, and in the same city or perhaps in the same court, a prejudiced judge released those who have confessed to armed robbery, rape and arson, maybe with the trial judges blaming society for the criminal acts. Where is justice?

9 - When Mr. Nixon was sworn in as President, the Supreme Court was so distorting the Constitution by erroneous interpretations, that they were turning our nation into a socialistic state. Mr. Nixon is replacing such Justices with men who render opinions based upon the Constitution, and such a court will ultimately benefit all Americans.

10 - When President Nixon assumed command, he recognized that China with its 800 million population, representing 25% of the total population of the world, was developing in every sense, even in the nuclear field, at an unbelievable pace. He knew that for the preservation of our nation we could not afford to permit China to affiliate with the Russians. His decision to go to Peking and establish a friendly relationship with China will keep them out of the Russian orbit and could prove to be the greatest decision ever made by an American President. History will take care of this accomplishment adequately.

11 - Mr. Nixon is trying hard to put our fiscal affairs back on a business basis, but somehow without exception, every time he moves in that direction the liberals and socialistic-minded try to embarrass him and stop him, and in too many instances they have been successful.

12 - May I refer you to the infamous Daniel Ellsberg, who no doubt should have been convicted of treason for stealing top-secret documents and passing them along so that they came into the possession of the Communists. He peddled them to the left-wing press and doubtless others. Instead of being convicted of treason, what happened? A liberal judge set him free without a completed trial. Where has he been recently? In Washington, appearing before a Senate committee receiving almost a hero's welcome. What is going on in our country? Look at those who are trying to destroy our President! Do you wish to turn this country over to the type of people who by majority nominated George McGovern as the Democratic nominee in Miami? We are in trouble in this country. We are being misled, and some of our best people are having their minds slowly but surely shaped by prejudiced commentators, and the radical segment of the news media. From experience, I can tell you that America's national broadcasters are obliterating anything favorable to our President, spending their time clouding issues, making false accusations and, in some instances, downright misrepresentations. Listen to some of these broadcasters for verification of this statement.

13 - I do not condone what some of President Nixon's aides have done, but remember that they did not break into Democratic Headquarters looking for silver or gold. It was a political act. Doubtless, they were looking for political information, perhaps trying to find out how the people who later appeared in Miami to support McGovern had gotten control of the Democratic Party. (This statement is completely free of racial implication.) Without attempting to defend their actions, these actions did not involve the security of our country. I am thoroughly convinced that President Nixon had no knowledge whatsoever of the Watergate break-in. Let us prosecute the guilty, but not involve our President when there is no indication that he had any knowledge of their actions.

14 - Now, how about Archibald Cox? He is a liberal Democrat. He was Solicitor General in the Cabinet of President John F. Kennedy. When Mr. Nixon appointed him Special Prosecutor, he thought that this man would be fair and impartial and would ferret out the truth, but what happened? It was discovered that this liberal Democrat evidently had one thing in mind and that was to destroy Richard M. Nixon, and no doubt try to help elect former President John F. Kennedy's brother, Ted Kennedy, to the Presidency. Why did former Special Prosecutor Archibald Cox spend so much time talking with Ted Kennedy while he was investigating? When the U.S. Court of Appeals sustained the lower court, in effect it said to our President, comply with the decision or offer an acceptable compromise. As we read the record, we see where Senator Ervin, Senator Baker, the Attorney General and the President had reached a compromise and had prepared to submit it to Judge Sirica. We are also led to believe that Judge Sirica would have accepted the compromise, enabling the President to

protect the confidentiality of the Presidency, but then this liberal, vindictive Democrat, Archibald Cox, balked. In effect, by his actions, he said I am after a full bucket of blood, nothing less. So, the President had to fire him.

May I say again I believe deeply, based upon facts, that President Richard M. Nixon's integrity is unimpeachable. It is almost unbelievable that this great man has been able to accomplish so much for America with the prejudiced commentators, the radical element of the news media, the Communists and other left-wingers out to destroy him. President Nixon's troubles began when he started fighting Communism and with his success in putting that all-time Communist, Alger Hiss, in jail.

I could have remained silent during this crisis had I been a political coward, thinking only of the Democratic Party and my personal political interests. Certainly I would have been spared some criticism, but to have been silent would have violated every principle by which I have lived my life. I sincerely believe that in the end right will prevail--if not before man--certainly before God, and I am just as convinced that in the end the position I have taken in support of my President will be the correct one.

Repeating, at no time has President Nixon been in noncompliance with the laws of our land. However, our great President, because of public pressure and the misunderstanding of the American public, including some members of the Judiciary, is on the verge of being forced to violate his obligation by revealing highly sensitive and confidential information. It is to be regretted that some members of the Judiciary do not look at executive privilege in the same manner as lawyer and client privilege, confidential audience between priest and parishioner and highly confidential conversations between man and wife. Again, where is justice and reason, and how far will the lunatic fringe go to destroy a great President?

I am a lifelong Democrat, but I am an American first. I shall support right as I understand it. I am proud that my President has the courage, wisdom and determination to do what is right, knowing well that his greatness will shine as a bright example to generations yet unborn, and when finally he has gone to his reward, hundreds of millions of people throughout the world will know that this world is indeed a better place in which to live for President Nixon's having lived in it.

Finally, may I urge you to read the Constitution of the United States and then ponder this question prayerfully. WHAT CRIME HAS OUR GREAT PRESIDENT COMMITTED TO WARRANT THE ABUSE HEAPED UPON HIM BY LUNATICS, LIBERALS AND BLOODTHIRSTY HATERS AND, IN MANY INSTANCES, MISGUIDED GOOD AMERICANS? Please do your duty and get your communication off to leaders of the House of Representatives, protesting the unwarranted action that a few propose.

Sincerely,

OTTO E. PASSMAN  
Member of Congress