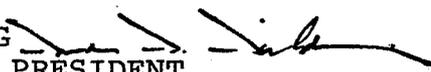


THE WHITE HOUSE

WASHINGTON

June 27, 1983

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: Carter Campaign Debate Materials

Your attention is directed to recent news accounts reporting allegations that the 1980 Reagan campaign organization may have received certain briefing materials from the Carter campaign. The President has asked that anyone with information or documents related to the allegations provide such information to the Attorney General's Office immediately.

If you have any questions with respect to this matter, you should contact this Office.

MEMORANDUM

ADMINISTRATIVELY SENSITIVE - not to be released
without authority of the Counsel to the President

THE WHITE HOUSE

WASHINGTON

June 27, 1983

FOR: RICHARD A. HAUSER
FROM: JOHN G. ROBERTS *JGR*
SHERRIE M. COOKSEY *smc*
SUBJECT: Debate Briefing Book

You asked that we examine statutes that may be applicable to the reported receipt by various members of the Reagan Campaign of a briefing book compiled to prepare former President Carter for the debate with then-candidate Reagan. The applicability of federal statutes governing theft of records and receipt of stolen records hinges on whether the records in question were the property of the United States. The leading provision, 18 U.S.C. § 641, provides:

"Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted -- Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; but if the value of such property does not exceed the sum of \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both. The word "value" means face, par, or market value, or cost price, either wholesale or retail, whichever is greater."

It is an element of the offense that the record in question be the property of the United States. United States v. Collins, 464 F. 2d 1163, 1165 (9 Cir. 1972); United States v. Farrell, 418 F. Supp. 308 (M.D. Pa. 1976). It is now well-established, however, that the prosecution need not prove that the individual who took the document, or those who received it, knew it to be a record of the United States. See e.g., United States v. Jermendy, 544 F.2d 640, 641 (2 Cir. 1976) (citing cases). The Tenth Circuit adhered to the opposite view for a decade, Findley v. United States, 362 F.2d 921, 922-23 (1966), before reversing itself, United States v. Speir, 564 F.2d 934 (1977) (en banc). All that need be shown is that the record was in fact a government record.

The prosecution must prove that the document in question was stolen or knowingly converted to private use, and that those charged with receipt of the document knew it to have been so stolen or converted. It is apparently not necessary, however, to know who stole the document, or even to allege that the identity of that individual is unknown. Kirby v. United States, 174 U.S. 47, 62-65 (1899). It is accordingly no defense for one charged with receipt of stolen government documents to contend that he did not know who obtained them, so long as he can be shown to have known they were stolen. Since the statute is triggered by conversion of documents to private use as well as theft, it would seem to be immaterial whether the individual who originally obtained the documents had a legitimate right of access to them.

The critical question is whether the briefing book may be considered the property of the United States. If it was compiled solely for purposes of the debate it would not be a government record but the private property of the former President's campaign apparatus. In this regard it is noteworthy that the Presidential Records Act, although not effective at the time of the campaign, Pub. L. 95-591, § 3, considers political documents unrelated to the President's official duties and materials relating to the President's election as "personal records" which are not subject to the ownership of the United States. 44 U.S.C. § 2201, 2202.

It should be noted that if the Carter debate materials are considered government property, questions with respect to the use of appropriated funds for preparation of these materials which were to be used for "political" rather than "official" purposes could be raised. (As you know, the Comptroller General has consistently taken the position that appropriated funds may be used only for the purposes for which they were appropriated, and that official funds may not be used for purely partisan political purposes. See 31 U.S.C. § 628, 52 Comp. Gen. 504 (1972); 50 Comp. Gen. 534 (1971).) Additionally, Hatch Act violations may have occurred as a result of Domestic Policy staff officials preparing this political document. (Domestic Policy staff officials, unless paid out of the White House Office budget, would have been subject to the prohibitions of the Hatch Act against Federal employees participating in political activities. See 5 U.S.C. § 7324.)

If the individual who obtained the briefing book copied an existing book and provided the copy to the Reagan Campaign, an argument can be advanced that no property was taken. This argument could be made even if the original book were to be considered government property. In United States v. Hubbard, 474 F. Supp. 64 (D.D.C. 1979), the court ruled that a violation

of 18 U.S.C. § 641 may be established where the defendant copied government documents by means of government resources. The court expressly declined to rule that a violation could be based simply on the theory that the defendant stole information. In the court's view, copying the documents was not enough, but copying by means of government resources was. As the court noted, "If section 641 reaches the theft of government information, as the government contends, serious first amendment questions would be raised, and there is ample legal authority to avoid those constitutional questions by interpreting the statute to not include information as a thing of value." The court cited Pearson v. Dodd, 410 F.2d 701 (D.C. Cir.), cert denied, 395 U.S. 947 (1969), which ruled that no tortious conversion occurred when documents were temporarily removed for copying purposes. That case involved a suit by Senator Dodd against reporters Drew Pearson and Jack Anderson. It may be useful to remind questioning reporters of the broader significance of a theory that would treat as theft the obtaining of government information, and treat as receipt of stolen goods the receipt of such information. For example, the front page of today's Post, with an article on the briefing book, also contains an article on the Baby Doe regulations based on the Post's receipt of a copy of the draft regulations. As the Hubbard court remarked, "if there were a crime for converting unspecified government information, it would not be limited to photocopying. If a person came across completely unclassified information during his employment within the federal government, and discussed it outside the scope of his employment, an argument could be made that he had converted government information in violation of section 641." The court rejected such a theory on First Amendment grounds.

The Second Circuit, however, has held that information is covered by 18 U.S.C. § 641, see United States v. Girard, 601 F.2d 69, 71 (2 Cir. 1979) cert. denied, 444 U.S. 871 (1980) ("the Government has a property interest in certain of its private records which it may protect by statute as a thing of value. It has done this by the enactment of section 641"). The Ninth Circuit has applied § 641 to a transcript of grand jury proceedings, United States v. Friedman, 445 F.2d 1076, 1087, cert. denied, 404 U.S. 958 (1971). On the other hand, Judge Winter opined that he would not apply § 641 to classified information, United States v. Truong Dink Hung, 629 F.2d 906 (4 Cir. 1980), and noted that its application to any type of information must be carefully considered on a case-by-case basis. The applicability of § 641 to this case must, accordingly, be considered very uncertain, even if the briefing book were considered government property.

A separate provision, 18 U.S.C. § 654, may apply to the individual who actually took the briefing book. Section 654 provides:

"Whoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or wrongfully converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be fined not more than the value of the money and property thus embezzled or converted, or imprisoned not more than ten years, or both; but if the sum embezzled is \$100 or less, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

This could apply if the individual in question were a federal employee and the briefing book came into his possession by virtue of his employment.

While the federal statutes depend upon the involvement of government documents, there are of course local D.C. provisions of general applicability which are not so limited. D.C. Code § 22-2205 establishes criminal penalties for receipt of stolen goods with intent to defraud. The elements of an offense under 22-2205 are receipt of the property, the fact that the property was stolen at time of receipt, knowledge that the property was stolen, and fraudulent intent in receiving the property. Tucker v. United States, 421 A.2d 32 (App. D.C. 1980). Of interest with respect to the individual who took the book, D.C. Code § 22-2201 prohibits grand larceny (value \$100 or over) and § 22-2202 prohibits petit larceny. The discussion above covering whether "property" is taken when information is copied would apply to these local provision as well as the federal statutes.

Another possible violation of Federal law that could be raised with respect to the legality of the Reagan campaign obtaining a Carter briefing book would be a violation of the prohibitions against fraudulent misrepresentation of campaign authority found in the Federal Election Campaign Act, 2 U.S.C. § 441h. That provision states that:

"No person who is a candidate for Federal office or an employee or agent of such candidate shall--

(1) fraudulently misrepresent himself ... as speaking or writing or otherwise acting for or on behalf of any other candidate ... on a matter which is damaging to such other candidate ...; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1) above.

Violation of this provision is a civil offense and would be investigated by the FEC; although the FEC may refer possible violations of the Federal election laws to the Attorney General. See 2 U.S.C. § 437g.

Cite as 474 F.Supp. 64 (1979)

III. PHOTOCOPYING GOVERNMENT DOCUMENTS THROUGH THE USE OF GOVERNMENT EQUIPMENT AND SUPPLIES IS PROHIBITED BY THE FEDERAL LARCENY STATUTE.

Ten of the substantive counts of the indictment in this case charge violations of 18 U.S.C. § 641. Each count alleging violations of section 641 track the language of the statute alleging that the defendants did wilfully and knowingly steal, purloin and convert to their own use records and things of value of the United States and of a department and agency thereof . . ." and give the date and time of the alleged theft as well as the property involved—documents and photocopies thereof." Although the indictment alleges theft of documents as well as photocopies, the government has indicated that no originals were stolen. Instead, the government contends that the defendants removed originals of government documents and made photocopies of them through the use of government equipment and government supplies, and then returned the original to the agency. United States' Opposition to Defendants' Motion to Dismiss Counts Nine Through Thirteen, Sixteen Through Eighteen, Twenty-one Through Twenty-two, or the Alternative, to Strike Surplusage from Said Counts at 1 (February 23, 1979).

The defendants contend that the charges under section 641 must be dismissed because theft requires an intent to permanently deprive the owner of his right to possession, and the indictment fails to allege that something was permanently taken. The government in response has attempted to predicate a violation of section 641 on two theories. The first is that the defendants stole the information in the documents, and the second is that the copies, allegedly made from government documents, by means of government resources, are records of the government, and thus the copies were stolen. The Court finds that the latter rationale will support a violation of section 641, and will not reach the issue raised by the former rationale. Therefore, it is unnecessary to reach the claims of the defendants in this regard.

[29, 30] In *United States v. DiGilio*, 538 F.2d 972 (3d Cir.) cert. denied, 429 U.S. 1038, 97 S.Ct. 733, 50 L.Ed.2d 749 (1976), the court ruled that availing oneself of government resources in copying government documents makes the duplicate copies government property and "things of value" within the requirements of section 641. *Id.* at 977-78. Therefore, the indictment's claim that the defendants violated section 641 by copying government documents through the use of government equipment withstands the defendants' motion to dismiss because government-owned copies were taken with the intent to permanently deprive the owner of possession.

The Court will not reach the question of the validity of the government's alternative rationale. If section 641 reaches the theft of government information, as the government contends, serious first amendment questions would be raised, and there is ample legal authority to avoid those constitutional questions by interpreting the statute to not include information as a thing of value. ←

In *Pearson v. Dodd*, 133 U.S.App.D.C. 279, 410 F.2d 701, cert. denied, 395 U.S. 947, 89 S.Ct. 2021, 23 L.Ed.2d 465 (1969), the court of appeals for this circuit ruled that the temporary removal of documents for copying purposes does not result in a tortious conversion. *Id.* at 708. If the actions do not constitute the tort of conversion, the same actions should not constitute the federal crime of conversion in the absence of some clearer indication of Congressional intent to change the law. See *Morissette v. United States*, 342 U.S. 246, 262, 72 S.Ct. 240, 96 L.Ed. 288 (1952). In addition, in a case completely devoid of first amendment implications, the U.S. Court of Appeals for the Ninth Circuit ruled that section 641 must be construed to include only tangible property. *Chappell v. United States*, 270 F.2d 274, 277-78 (9th Cir. 1959). In *Chappell*, the court set aside the conviction under section 641 of an officer in the military who had ordered a subordinate to paint three

dwellings owned by the defendant. The court found that the conversion of a government employee's labor was not prohibited by section 641, because the statute incorporated common law definitions of offenses, and conversion requires the theft of tangible property. *Id.* at 277-78.

Moreover, treating information as a thing of value under section 641 would raise the strong possibility of harm to important first amendment values. See *Nimmer, National Security Secrets v. Free Speech: The Issues Left Undecided in the Ellsberg Case*, 26 *Stan.L.Rev.* 311, 322-24 (1973). First, there is clear precedent that the copying of any document does not constitute conversion. See *Local Trademarks, Inc. v. Price*, 170 *F.2d* 715, 718-19 (5th Cir. 1948); *Pickford Corp. v. DeLuxe Laboratories, Inc.*, 169 *F.Supp.* 118, 120 (S.D.Cal.1958). Second, whereas there are penalties for copyright violations, the Congress has explicitly provided that there is no copyright on government documents. 17 U.S.C. § 105. Moreover, if there were a crime for converting unspecified government information, it would not be limited to photocopying. If a person came across certain completely unclassified information during his employment within the federal government, and discussed it outside the scope of his employment, an argument could be made that he had converted government information in violation of section 641. Of course, such an interpretation would be impermissible. See *New York Times v. Sullivan*, 376 U.S. 254, 269, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964). The free exchange of ideas, especially ideas in possession of the government, is at the very heart of our first amendment guarantees. See *Whitney v. California*, 274 U.S. 357, 377, 47 S.Ct. 641, 71 L.Ed. 1095 (1927) (Brandeis, J., concurring). Accordingly, the government will not be permitted to rely on any alleged conversion of government information for a violation of section 641 in this case. However, the government may proceed on the theory that copies made from government resources are owned by the government. Accordingly, the defendants' motion to dismiss all charges of section 641 violations is denied.

IX. THE GOVERNMENT MUST PARTICULARIZE SOME OF THE CHARGES IN THE INDICTMENT.

The defendants have made thirty-three specific requests, with numerous subparts, for particularization of the indictment. Three purposes are usually ascribed to a bill of particulars: (1) to enable a defendant to prepare his defense; (2) to avoid prejudicial surprise at trial; and (3) to protect a defendant against double jeopardy. 1 C. Wright, *Federal Practice & Procedure* sec. 125 & 129. The issue of particularization is addressed to the sound discretion of the district court. *Wong Tai v. United States*, 273 U.S. 77, 82, 47 S.Ct. 300, 71 L.Ed. 545 (1927).

The defendants have broken down the government's objections to their thirty-three requests into thirteen categories.

[31, 32] In response to the defendants' requests numbers 1, 3, 4d, and 30b, the government objects on the ground that the defendants seek definitions, citing *United States v. Smallwood*, 443 *F.2d* 535, 540-41 (8th Cir.), *cert. denied*, 404 U.S. 853, 92 S.Ct. 95, 30 L.Ed.2d 93 (1971). However, simply because the defendants seek definitions is not a ground for objection unless the defendants seek a definition of a term that is sufficiently clear to enable the defendants to prepare their defense. *Id.* at 540. In this case the defendants seek explication of the terms "covertly," "agent of Scientology," "various illegal and unlawful means," "in conjunction with." The Court finds that each of these terms or phrases is unnecessarily vague and could benefit from some elaboration on the government's part.

[33, 34] The government has opposed the defendants' requests numbers 4a, 4f, 4g, 10a, 19d, and 19e, on the ground that the proof of a conspiracy does not require specification of the places where the alleged conspiracy was entered into. The Court finds that this information is not necessary for the defendants to adequately prepare their defense. Moreover, it is evidence which is not available in a bill of particu-

Cite as 601 F.2d 69 (1979)

Like the District Judge, we are impressed by Congress' repeated use of the phrase "thing of value" in section 641 and its predecessors. These words are found in so many criminal statutes throughout the United States that they have in a sense become words of art. The word "thing" notwithstanding, the phrase is generally construed to cover intangibles as well as tangibles. For example, amusement is held to be a thing of value under gambling statutes. *Giomi v. Chase*, 47 N.M. 22, 25-26, 132 P.2d 715, 716-17 (1942); *Hightower v. State*, 156 S.W.2d 327, 328 (Tex.Civ.App. 1942); *State v. Baitler*, 131 Me. 285, 287, 161 A. 671, 672 (1932). Sexual intercourse, or the promise of sexual intercourse, is a thing of value under a bribery statute. *McDonald v. State*, 57 Ala.App. 529, 329 So.2d 583, 587-88 (1975), *cert. denied*, 429 U.S. 834, 97 S.Ct. 99, 50 L.Ed.2d 99 (1976); *Scott v. State*, 107 Ohio St. 475, 485-87, 141 N.E. 19, 22-23 (1923). So also are a promise to reinstate an employee, *People ex rel. Dickinson v. Van De Carr*, 87 App.Div. 386, 389-90, 84 N.Y.S. 461, 463-64 (1st Dep't 1963), and an agreement not to run in a primary election, *People v. Hochberg*, 62 A.D.2d 239, 246-47, 404 N.Y.S.2d 161, 167 (3d Dep't 1978). The testimony of a witness is a thing of value under 18 U.S.C. § 876, which prohibits threats made through the mails with the intent to extort money or any other "thing of value." *United States v. Zouras*, 497 F.2d 1115, 1121 (7th Cir. 1974).

Although the content of a writing is an intangible, it is nonetheless a thing of value. The existence of a property in the contents of unpublished writings was judicially recognized long before the advent of copyright laws. *Mazer v. Stein*, 347 U.S. 201, 214-15, 74 S.Ct. 460, 98 L.Ed. 630 (1954); *Wheaton v. Peters*, 8 Pet. 591, 657, 33 U.S. 591, 657, 8 L.Ed. 1055 (1834); *Press Pub. Co. v. Monroe*, 73 F. 196, 199 (2d Cir.), *appeal dismissed*, 164 U.S. 105, 17 S.Ct. 40, 41 L.Ed. 367 (1896). This property was "not distinguishable from any other personal property" and was "protected by the same process, and [had] the benefit of all the remedies accorded to other property so

far as applicable." *Palmer v. De Witt*, 47 N.Y. 532, 538 (1872). Although we are not concerned here with the laws of copyright, we are satisfied, nonetheless, that the Government has a property interest in certain of its private records which it may protect by statute as a thing of value. It has done this by the enactment of section 641. See *United States v. Friedman*, 445 F.2d 1076, 1087 (9th Cir.), *cert. denied*, 404 U.S. 958, 92 S.Ct. 326, 30 L.Ed.2d 275 (1971) (transcript of grand jury proceedings). Section 641 is not simply a statutory codification of the common law of larceny. See *Morissette v. United States*, 342 U.S. 246, 269 n.28, 72 S.Ct. 240, 96 L.Ed. 288 (1952). Indeed, theft is not a requisite element of the proscribed statutory offense, which is based upon unauthorized sale or conversion. *United States v. Sher*, 418 F.2d 914, 915 (9th Cir. 1969). If, as the Court said in *Morissette, supra*, conversion is the "misuse or abuse of property" or its use "in an unauthorized manner", the defendants herein could properly be found to have converted DEA's computerized records.

[2-4] The District Judge also rejected appellants' constitutional challenge to section 641 based upon alleged vagueness and overbreadth, and again we agree with his ruling. Appellants, at the time of the crime a current and a former employee of the DEA, must have known that the sale of DEA confidential law enforcement records was prohibited. The DEA's own rules and regulations forbidding such disclosure may be considered as both a delimitation and a clarification of the conduct proscribed by the statute. See *United States Civil Service Commission v. National Association of Letter Carriers*, 413 U.S. 548, 576-79, 93 S.Ct. 2880, 37 L.Ed.2d 796 (1973); *Adamian v. Jacobsen*, 523 F.2d 929, 932-35 (9th Cir. 1975). Where, as here, we are not dealing with defendants' exercise of a first amendment freedom, we should not search for statutory vagueness that did not exist for the defendants themselves. *United States v. Mazurie*, 419 U.S. 544, 550, 95 S.Ct. 710, 42 L.Ed.2d 706 (1975); *Williams v. United States*, 341 U.S. 97, 104, 71 S.Ct. 576, 95

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 27, 1983

STATEMENT BY THE PRINCIPAL DEPUTY PRESS SECRETARY
TO THE PRESIDENT

At approximately 3:45 pm today, former Carter campaign pollster Patrick Caddell responded to a White House request and provided a copy of "the briefing book used by President Carter in his preparations for the October 28, 1980 debate" as well as "the supplementary foreign policy questions and answers". Mr. Caddell's transmittal letter notes that "all concerned agree that the enclosed materials are the only issue briefing materials prepared for and sent to President Carter for that debate".

Mr. Casey has not yet had an opportunity to review the material. Messrs. Stockman, Gergen, and Baker have looked at it, but have not yet reviewed this lengthy material systematically. In their view, their initial examination suggests that, while some of the policy issue briefing material has similarities to what they recall having seen during the campaign, it appears to be a more finished, more sensitive briefing book than they recall. Further, the Carter briefing book includes strategic and tactical information that they specifically do not recall having seen: more focused debating points, recommended "key lines" and "first hand accounts," "questions to ask" in rebuttal, recommended "challenges," etc.

Independently, the White House Counsel's Office has also received papers which have been retrieved from certain Reagan campaign officials' files. This material has been forwarded to the Department of Justice. To facilitate comparison of the material forwarded to Justice with that provided by Mr. Caddell, all such material will be released to the press shortly.

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THE WHITE HOUSE
Office of the Press Secretary

NEWS CONFERENCE
BY
THE PRESIDENT

June 28, 1983

The East Room

8:01 P.M. EDT

INDEX

| <u>SUBJECT</u> | <u>PAGE</u> |
|-------------------------------|----------------|
| STATEMENT ON THE ECONOMY..... | 1 |
| DOMESTIC | |
| Carter Debate Material..... | 1-3, 4-6, 9-10 |
| Budget..... | 6-8 |
| Fairness Issue..... | 8-9 |
| Civil Rights..... | 10-11 |
| FOREIGN | |
| Central America..... | 3-4, 8 |
| Poland..... | 11 |

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 28, 1983

NEWS CONFERENCE

BY

THE PRESIDENT

The East Room

8:01 P.M. EDT

THE PRESIDENT: Good evening. I have a statement. Nearly a year ago tonight I told the American people that we were making headway against the crisis we inherited -- double-digit inflation, record interest rates, and soaring taxes were all coming down. Well, tonight we can be pleased that our economy is strong and getting stronger. We still have a long way to go but good news on personal income, real earnings, factory orders, industrial production, housing starts, auto and retail sales are solid signs of hope. And I have one other important piece of good news.

I'm pleased to announce tonight that we are revising upward our projection of this year's economic growth from 4.7 to 5.5 percent. America's economy is beginning to sparkle. Sustaining strong growth and keeping inflation and interest rates down require bipartisan cooperation from the Congress. We must understand that undisciplined spending and tax increases threaten the recovery. By trying to increase taxes permanently with their tax cap, the liberals in the Congress have renounced John F. Kennedy's criteria for growth and opportunity -- meaningful tax rate reductions for every working American. Their tax cap must not and will not become law because fairness is not slapping tax increases on 2.4 million small businesses, 350,000 family farms and millions of middle-income married couples who file joint returns. Fairness is not appealing to envy, pitting group against group. And fairness is not penalizing the initiative, hard work, savings, risk-taking and investment that we need to create more jobs.

True fairness means honoring our word. It means encouraging and rewarding every citizen who strives to excel and help make America great again. So, in three days the American people will begin receiving the full and final 10 percent of their tax cut. This will be followed by indexing in 1985. A typical family's tax bill will be about \$700 less than if our tax cut had not been passed.

Our challenge is to protect and strengthen this hard won recovery and that means preventing inflation and interest rates from flaring up again. For the good of the country, I appeal to the Congress to work with us, to refrain from raising taxes. Concentrate on restraining spending and we'll keep America moving forward with hope and greater opportunity for all our people.

And now I imagine you have a few things on your mind that you'd like to talk about.

Jim?

Q Regarding the Carter debate material that was obtained by your 1980 campaign organization, do you think it was right or wrong to keep this material,

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to use it to your advantage, and also do you think it's okay to keep someone on your staff who did, indeed, handle this material?

THE PRESIDENT: Well, now, Jim, to try and answer your several questions there. First of all, I never knew until you people made it public in the press a few days ago that there ever had been such material in possession of any people in our campaign organization. I never saw anything of the kind.

And as I recall the debate, I don't recall any particular use that could have been made of anything of that kind because having found the papers they must have been referring to, that some of our people do recall seeing, there wasn't anything of campaign strategy in those. They were the type of thing that would be, I think, in any campaign: positions that they would take on my positions; their achievements and what they thought their administration had achieved. We probably had literature of the same kind on our side. But everything that was used in that debate had been used over and over again out on the campaign trail.

And I'd like to call to your attention also that the two contestants do not set the tone of the debate or the agenda. The four journalists that ask the questions are the ones that determine what you are going to talk about. And unless they had some material in advance, we answered the questions that they asked.

Now the other thing is that in an effort to get at this, you ask about right or wrong. We have turned over everything that we have been able to find that we had to the Justice Department, and here, as you all I think have seen, or are going to see if you haven't, almost two full pages, is everything that we could find, with the time at which it was turned over to the Justice Department, with my request that they monitor this very carefully.

And if they find that there was any incidence of wrongdoing on the part of anyone in our organization or anyone in the Carter organization, then take whatever action is appropriate, but to get to the bottom of this. Because no one ever -- it seems strange to me that since I was the debater, no one on our side ever mentioned to me anything of this kind, or that they had anything, or told me any of the things that supposedly were in there.

As a matter of fact, some of the things that were said there were all my own. (Laughter)

Q Was it right to have this material back then at that time, or should your people have followed the example that -- known about it in another case, where this material came into someone's possession and it was returned unopened, "We don't want it, send it back." Should that have been the way this was handled? Or was it proper to look at this material, even, having received it?

THE PRESIDENT: Well, I don't know that it came in any kind of a cover or anything to denote what it was.

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As I've said, we've asked the Justice Department to find out if there was anything improper going on or anything that was illegal in any way or any wrongdoing and take whatever action is necessary. But since it never got to the debater, what purpose did it serve?

Q Mr. President, Jim Wright said at the White House today that there are some in Congress who don't believe that this administration wants peace in Central America. And your aides acknowledge that the polls supporting your Central American policy have gone down and the people seem to be moving away from that. And I have a follow-up. But how do you account for this?

THE PRESIDENT: Helen, I think there's a great lack of information on the part of the people. I do know that after I addressed the Joint Session of Congress and the people on television, on that subject, there was a decided shift in favor of our position. But then -- I guess that proves the power of advertising. There has been a constant drumbeat ever since. I made one speech; but then the drumbeat ever since to the people is somehow denigrating our position there and indicating that there's something wrong in that position. And maybe we've -- haven't done what we should have done in keeping the people informed of what is going on because there -- very definitely, there are thousands of Soviets and Cubans -- Well, Soviets in Cuba. There is a great number of them also in Nicaragua. There are thousands of Cubans, including one of their top generals, most experienced generals, in Nicaragua. Several Congressmen have just come back from there and have told me that in speaking to people on the sides that we're against -- high-ranking people -- that they have told them that this is a revolution, not just for one country, this is a revolution that is aimed at all of Central America. And I think some of you should seek out those Congressmen and hear some of the things that they had to say because what they heard from these people -- one individual even suggesting that in a limited period of time they would be at the Arizona-Mexican border.

I think the United States has a stake in what is going on there and I think we've got to do a better job of letting the people know what is at stake.

Q Mr. President, what is it that prevents your administration from talking to Castro to the Sandinistas, to the representatives of the rebels in El Salvador? I mean, to at least explore negotiations and, I mean, would it really harm the Salvadoran government if you made that approach?

THE PRESIDENT: That is a little bit not our business either. The Salvadorans have appointed a peace commission that is trying to make contact -- Well, maybe has made contact -- but trying to persuade the revolutionaries, the Marxists in their country

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to come in and discuss with them how they can accept amnesty and join in the electoral democratic process that will be taking place soon. And so far they've had nothing but turn-downs. On the other side in Nicaragua, it is simply reversed. It is the democratic revolutionaries who were ousted once the revolution was successful while the Marxists took over and created their totalitarian form of government. And all they want, all they're fighting for is to return to the principles of the revolution that overthrew Somoza -- free elections, human rights, free press, all those things.

It isn't a case of us not wanting to talk. We've -- early on in my administration we made contact with Mr. Castro. Nothing came of it, and we haven't had much success since.

Godfrey? Then I'll come back to --

Q Mr. President, I'd like to try that right and wrong question once again just to see how you evaluate this. Do you see these questions about the Carter briefing book as important, really important and possessing ethical implications, or do you see this merely as a highly political effort by the Democrats, one that you find you must address simply because it has political implications? And I have a follow-up.

THE PRESIDENT: Godfrey, how could you think that there was anything political in this? (Laughter.) I happen to agree with House Speaker Tip O'Neill -- (laughter) -- who said today that he didn't think the debate would have turned out any differently one way or the other and that he thought the thing ought to go away and he didn't think there ought to be a congressional investigation of it. I found he was speaking with words of profound wisdom. (Laughter.)

Andrea?

Q -- a follow-up. Have you called Mr. Casey in and asked him what he may know about all this, if anything?

THE PRESIDENT: We've all talked about this. And we evidently had a stack of papers, that has gone over to the Justice Department that are available for anyone, that were passed -- and anyone here who has been around a campaign knows the reams of paper, the reams of proposals and plans that come into you and that were passed over. And I can understand his very well not having paid any attention. He wasn't going to wade through a stack of papers. They didn't come in a binder or a cover or anything. And, as I say, evidently, the book that is now being peddled to many of you is not what was in our possession. No one that we've talked to that has said that they saw these papers at one time or other -- none of them say they ever saw that book, that is the strategy book.

Andrea?

Q Mr. President, but what was in the possession of former campaign officials who now work in this administration was over 500 pages of various materials, including some that were clearly strategic, some that gave very specific information. One memo came from some Carter staff members who were brainstorming about the debate. And I get back to the question of what you think about the

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ethics. Your press spokesman has said that this is nothing new in politics. Would you condone this? Do you condone this in the campaign that you ran? And would you condone it in a future campaign that you might run?

THE PRESIDENT: No. And it's never been characteristic of any campaigns that I've been in. And, again, I repeat: I had never heard anything about this until you all started talking about it. And so, obviously it was never passed to me for any use in a campaign.

But the thing is, that I want the Justice Department to determine. I know many have carelessly used a term that did someone "steal" something from the White House. I'd suggest that anyone that would try that is pretty foolish. But, I think it should be determined. Was there a disgruntled worker in the Carter campaign who did something of that kind? But find out. Who did what, and if it was improper or illegal, then take action.

Q -- just to follow up ---

THE PRESIDENT: Everybody's following up. (Laughter.)

Q Even if it was not illegal, how do you feel about the ethics of it? And how do you feel about the fact that of all the participants, your CIA Director is the only one who has absolutely no recollection, yet, he was the man in charge. He was the campaign manager.

THE PRESIDENT: Which is why he'd be the fellow that would pass it on as quickly as he got it. I do that with some papers sometimes too now -- (laughter) -- I don't look, but I know that they could be handled by someone else.

Q And the ethical question?

THE PRESIDENT: What?

Q The ethical question, sir?

THE PRESIDENT: The ethical question? I think that campaigning has always, in the eyes of the people, had a kind of a double standard. And I have deplored it. And there are the people who've said -- people that are otherwise totally honest -- have said, when they hear about something, they've said: "Oh, well, you know, politics." Well, I don't happen to believe politics should have a double standard. No. I think it should be above reproach. And, there shouldn't be unethical things done in campaigns, even such things as accusing the other candidate of being a racist, and things like that.

Q Well, sir, if there shouldn't be a double standard, your Chief of Staff, Mr. Baker, says he had this material, and knew it was obtained from the Carter camp. He doesn't know how. Mr. Stockman, who helped prepare you for the debate, said he used the material and found it useful. Do you intend to reprimand them, or in some other way correct them?

THE PRESIDENT: No. The stuff they had, again, was not what is in this final book. It was not campaign strategy. And most of everything that I've heard that they've found in those papers are the positions that were already public in the campaign. They were the kind of things that I had. Where staff would tell me, "Here are the -- here is what -- here's a list of the things you accomplished as Governor. Here are the things that you should be talking about." And it was this type of thing, and I think what Dave Stockman meant -- although he can speak for himself -- is that Dave meant that since he was going to play President Carter, in practicing in front of a panel of questioners, that it saved him having to go out and dig up what were all of the accomplishments of the Carter administration.

Q Well, Sir, if I may -- does it matter

if it was stolen, whether it was sensitive or not?

THE PRESIDENT: Is it stolen if someone hands it to you, some disgruntled individual hands to another counterpart in a campaign organization? We don't know how it was obtained.

Q Is it --

THE PRESIDENT: That's too bad, then, because --

Q The question you just asked, what is your answer to that?

THE PRESIDENT: What?

Q Sir, you just asked a question. What is your answer to that?

THE PRESIDENT: What is my answer to this?

Q Yes, sir.

THE PRESIDENT: Well, my answer is that it, probably, wasn't too much different from the press rushing into print with the Pentagon Papers, which were stolen. And they were classified. And it was against the law. Now, I want the Justice Department to find out if anybody did anything that broke the law.

Q -- your opening statement, obviously, reflected concern about Congress' going in the wrong direction on spending, on taxes. And, although you didn't say so, I imagine you're, also, concerned about the level of Defense appropriations. My question, sir, is: do you see this coming, as the year progresses, to a confrontation; or do you, rather, see yourself sitting down with the leaders of Congress and coming to some kind of compromise on these key issues?

THE PRESIDENT: Now, wait a minute. I'm -- and maybe I lost track a little. I was trying to switch gears here from the subject we've just been on. (Laughter.) At the beginning there, you were talking about --

Q I'm asking about the issues in the budget --

THE PRESIDENT: In the budget, yes.

Q -- you made in your opening statement.

THE PRESIDENT: Yes.

Q You raised two of them. The --

THE PRESIDENT: Yes, the taxing and the spending cuts.

Q -- Democrats' propensity to raise taxes and the high spending. And I added, gratuitously perhaps, the Defense issue which you expresses yourself on previously. Taking these three issues, do you see a confrontation down the road with Congress? Or do you see some kind of accommodation or compromise?

THE PRESIDENT: Well, the only confrontation would be if they succeed in passing appropriation bills that bust the budget, that are going to add to the deficit. And I would have the necessity of vetoing them. But I think we still have a coalition in the Congress that feels, as we do, that domestic spending should be reduced, and not increased as it was in the budget resolution. And I think that this is vital. This is the course that we've been on. You had a third leg there of defense. I think that some of you have been not quite accurate in your describing when you say that I wanted ten and they wanted five, and I wouldn't compromise. We originally asked for 11.5 and, then, found out ourselves -- with the reduction of inflation and all and the refiguring -- that we could reduce that to ten. But, then, we volunteered to meet them halfway and come down to 7.5.

And they're the ones that refused. So they have put in flatly, without any compromise, what they wanted when we had offered 7.5. And you, all of you are not -- or many of you, I should say, insist on saying that the difference that we wanted ten. We had come down to 7.5.

Q Well, as an astute politician, would you guess this will be settled? Or will it come to a clash?

THE PRESIDENT: Well, I don't expect a clash except, undoubtedly, if I

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have to veto, they'll try to override the vetoes, if you're going to call that a clash. I'm reasonably optimistic that I am judicious with vetoing these padded appropriation bills that there will be support for my vetoes.

Yes?

Q Mr. President, you have said that you are not going to send any combat troops into Central America. But at the same time, you have said that El Salvador and the rest of the region are a vital national security and a -- are of crucial importance to our country. Isn't there, therefore, an inconsistency in those two statements. If you think it is of that much of an importance to our country, why do you say you will never send combat troops in?

THE PRESIDENT: Presidents never say never. I have said that we have no plans to send combat troops nor are they needed or wanted. President Magana here said, no, that he would not ask for them. He doesn't want them. And I don't think the other countries do. I think they want to create their own democracies and continue on the path they're on. But they do, frankly, need our help in two areas. They need us to help them with training to provide arms and munitions so that they can defend themselves while they're instituting these democratic programs. And they need our economic help. And, so far our help has been three to one -- three-fourths of our help has been in the area of economic relief and only one-fourth military. And those in the Congress who want to whittle this down to where it is a pittance -- they don't say, "No, we won't give you anything -- give you a few dollars here and a few dollars there." In my opinion, what they're doing is choosing between instant death and letting those countries bleed to death. And then they want to be able to blame somebody else because they passed a nickel instead of a dollar. And all that those countries want from us is this economic help and the help that we're giving them. You know, it's a funny thing. There's 1,500 Cubans training in Nicaragua and there's 55 Americans in El Salvador and all everyone seems to think is a sin is our 55.

Q Mr. President, you say, though, that you'll never say never. You're not giving a pledge to the American people then that you will not send combat troops in? Is that right?

THE PRESIDENT: You were asking a kind of a hypothetical question so I gave a hypothetical answer and it's an old saying that "President's should never say never." They blew up the Maine. But, no, I see no need for it. They've never been asked for. Nor do we have any plans or intention of sending troops to those countries.

Gary?

Q Mr. President, even on the eve of this last phase of your tax cut that you mentioned earlier, the polls continue to show that between 60 and 70 percent of the people still consider you to be a rich man's President with no idea of what the people who aren't wealthy are going through out there and really are unfair to the poor. How does that make you feel? And what, if anything, can you do to change that perception? Are you doing any -- you mentioned fairness in your

opening statement about -- I mean your pollsters say it's your biggest problem. What do you do to change that?

THE PRESIDENT: Well, Gary, I know this has been hung on me, and you asked how I felt; it's very frustrating. I was raised in poverty, and I remember very well what poverty is. And I remember what it was like in the Great Depression. That's one of the advantages of being my age. Now there are many of you here who have only read about it. And suggesting this unfairness thing, first of all, what is more unfair to the low-income people than the double-digit inflation that we had for two years in a row, before we got here?

A person that was only getting \$5000 a year in one year he was only getting -- he only had \$4000 worth of purchasing power; \$10,000, he had \$8000 in purchasing power. The people were getting -- I remember in California, we raised the Federal Aid to Children, the Aid to Children program, we raised it three times, and the grants. And yet at the end the grants had less purchasing power than they had before we had to start making the raises. That's one thing we've done.

The other thing, with all of the talk about budget cuts and so forth, if anyone will ever study what it is we've done in many of the social programs, yes, we have taken some 800,000 people off food stamps, because their incomes were about 150 percent or more of the poverty level. But we have four million more people getting food stamps because we redirected more effort and \$3 million dollars more in spending on food stamps down to people that were below that level, at the poverty level or below.

The same is true in many of the things -- the School Lunch Programs, the Aid to College Students, and so forth. We redirected it from people that we believed should have been able to -- had incomes that would have enabled them to not only help a child that they were sending to college, but they were in a market where they could afford to borrow. We redirected that down, and increased what we were doing for the people that were in poverty. Now, I only know from my own background, and someday let me give you my recipe for oatmeal meat. I thought it was a luxury when I was a kid. I found out my mother was saving money on meat.

I just -- my feeling, and it's very deep within me is this: no, the rich don't need my help, and I'm not doing things to help the rich. I'm doing things that I think are fair to all of the people. But what I want to see above all is that this country remains a country where someone can always get rich. That's the thing that we have, and that must be preserved. Now I don't know how much more I can do on this subject. I thought I had another line there for a minute that I was going to use, but maybe it's just as well that I don't use it. Yes?

Q Back to the case of the Carter briefing papers. You said that you wanted the Justice Department to monitor this case.

MORE

Does "monitor" mean they're going to do their own investigation of it? And, also, since these serious questions are being raised about people who now hold senior positions in your administration, do you think it would be appropriate to appoint a special prosecutor, rather than having your own Justice Department look into the matter?

THE PRESIDENT: That would be up to the Attorney General, with regard to appointing a special investigator. But all of my people who had any knowledge at all of this have been told that they are available to the Justice Department. And I've told the Justice Department, they're all available for any of the questioning they want to do.

Q Does this mean that the Justice Department is conducting an investigation?

THE PRESIDENT: Yes, I've called it "monitoring;" but that's what it amounts to. I've said to find out if there was any wrongdoing and take action.

Q Mr. President --

THE PRESIDENT: Wait a minute. I'm going to look this way. (Laughter.)

Q A group of your supporters, black Republicans, charge that your civil rights policies suffer from a lack of substance, not communications, as you indicated here in the last press conference. They're urging action to appoint blacks to your administration and they want the Assistant Attorney General for Civil Rights, William Bradford Reynolds, fired. What are you going to do to address the concerns of own supporters?

THE PRESIDENT: I think if there are supporters of mine that are saying those things, then I don't think they are aware of what we are doing on that particular subject and what we have done.

Right now, for example, the Justice Department, school discrimination, is investigating one more case than at the same time in the Carter administration he was investigating. But, at the same time, we also have investigations going in eight school districts in the country where we have suspicions of discrimination.

We are also continuing cases that had been brought before we were here and that are still in litigation that the Justice Department is carrying on with.

I don't know where they can get anything that indicates that we're not -- I know that that's the perception. That's a little bit like this other question here about a rich man's President. Someone starts creating that perception and keeps on saying it loud enough, pretty soon they get some people believing it.

But there is no merit in that at all. And the attack, for example, on my appointees to the Civil Rights Commission. Well, Dr. Abrams represented Martin Luther King when he was arrested in Atlanta in the restaurant sit-in there. Bunzel, who was eight years the President of San Jose State in California, has a record of 35 years in the Civil Rights field and in 1974 was cited by the San Francisco Board of Supervisors for his work in civil rights.

Q If I may follow up, would you call this a perception problem when a group of black Republicans met with your people at the White House on May 31st to discuss these things?

THE PRESIDENT: They discussed them with a number of our appointees that are already

there. Listen, I'm -- I would like to -- I would like to have and will make available to you all that we are doing and all that we have done and maybe it'll straighten out some of the false perceptions. But, no, there's some person -- welcome back, Ann. Glad to see you back.

Q Thank you, sir.

On Poland, do you think that at this point Lech Walesa ought to step back from the leadership role he has taken? And do you have any reason to believe that if he does step back from the lime light in the Solidarity leadership position that martial law in Poland would improve to the point where you could come through with a kind of relief for the Polish economy you mentioned last week?

THE PRESIDENT: Ann, I wouldn't be able to answer that because I know that the conversations between General Jaruzelski and His Holiness were private and no one knows, and I know that also with the conversations with Lech Walesa. I don't know what that situation is. I only know what the Pope himself has stated, and that is that he has urged the government of Poland to allow a free union that is not subject to government control. And if they did that, I think that we would review what we were doing and turn back from some of those things.

THE PRESS: Thank you.

THE PRESIDENT: Oh, all those follow-ups. A half hour has gone already? I'm sorry. All right.

THE PRESS: Thank you.

END

8:33 P.M. EDT

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 28, 1983

The materials listed below are today being released to the public. They were provided to the White House Counsel's Office by the parties, and on the dates, indicated herein. The Counsel's Office, in turn, provided all these materials promptly to the Department of Justice, with the concurrence of those who provided them.

(1) Letter of Transmittal from Patrick Caddell to Richard Hauser, dated June 27, 1983, enclosing:

(1) (a) "a copy of the briefing book used by President Carter in his preparations for the October 28, 1980 debate"; and

(1) (b) "supplementary foreign policy questions and answers"

NOTE: Mr. Caddell's letter notes that "all concerned agree that the enclosed materials are the only issue briefing materials prepared for and sent to President Carter for that debate." The materials were received by the Counsel's Office on June 27, 1983 and transmitted to Justice on the same date.

(2) "Presidential Debates: Foreign Policy and National Security Issues" (September 29, 1980)

NOTE: This document was provided to the Counsel on June 25, 1983 by Francis S.M. Hodsoll, and transmitted to Justice on the same date. The document -- minus the first two pages -- was also provided to the Counsel on June 27, 1983 by David R. Gergen, and transmitted to Justice on the same date.

(3) Miscellaneous Foreign Affairs and Defense Issue Materials

NOTE: This collection was provided to the Counsel on June 25, 1983 by Francis S.M. Hodsoll, and transmitted to Justice on the same date.

(4) Handwritten note from Myles Martel to Frank Hodsoll (undated) with attachments by Sam Popkin.

NOTE: These materials were provided to the Counsel's Office by Francis S.M. Hodsoll on June 25, 1983, and transmitted to Justice on the same date. Mr. Martel reported to the Counsel on June 28, 1983 that the Popkin attachment was given to him after the debate, and that he forwarded it to Mr. Hodsoll at a subsequent point.

(5) Handwritten note from Wayne Valis to Dave Gergen (dated October 21, 1980) attaching a one-page typewritten note (dated October 20, 1980).

NOTE: This note and attachment were provided to the Counsel's Office by David Gergen on June 27, 1983, and transmitted to Justice on the same date.

(6) Reagan Campaign debate briefing book commencing with "Table of Contents," prepared by the Debate Briefing Group under the supervision of Messrs. Gergen and Hodsoll, dated and delivered to candidate Reagan on October 24, 1980.

NOTE: Separate copies of this document were retrieved from their respective files by Messrs. Gergen and Hodsoll and delivered to the Counsel's Office on June 27, 1983, and transmitted to Justice on June 28, 1983.

(7) Individual statements concerning the above materials by Messrs. Stockman, Casey, Baker, Gergen, and Hodsoll.

NOTE: The following selected summary points can be drawn from these statements:

- None of the parties recalls having seen the Carter documents as such ((1)(a) and (1)(b)) prior to June 27, 1983.
- None of the parties recalls having seen at any time prior to June 27, 1983 the type of material in Part I, Sections 1, 2, 4, 5, 6, 7, 8, and 9 of document (1)(a). Nor do they recall having seen any of the Sections of Part II of document (1)(a).
- Some (Messrs. Stockman, Baker, and Gergen) believe that documents (2) and (3) contain some or most of the material described in their letters to Chairman Albosta.
- Some of the issue material in documents (2) and (3) appears to have been edited, consolidated, and refined in the preparation of document (1)(b).
- Document (4) was seen only by Messrs. Hodsoll and Gergen prior to June 25, 1983. They do not have a clear recollection as to when they first saw it. Mr. Martel reports that he did not receive or provide it until after the Carter-Reagan debate.
- Only Mr. Gergen recalls having seen document (5) prior to June 27, 1983. Mr. Baker notes it was possible he was given a copy of the attachment, but does not recall having seen it.
- Obviously, all saw and used document (6).



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

June 28, 1983

TO: FRED FIELDING
FROM: DAVID A. STOCKMAN *DAS*
SUBJECT: CARTER CAMPAIGN MATERIALS

I have reviewed the documents designated #1 - #6. The following are my recollections and observations.

Document #1-A. "Debate Briefing Materials"

To the best of my recollection, I have not previously seen this document. The only section of this document that appears to be similar to the material I received and described in my letter to Chairman Albosta is Part I (3) entitled "Carter Questions and Answers" on "Economy", "Energy and Environment" "Overview", "Government" and "Human Needs". While this section appears to be in a different format, more tightly written and organized, and more addressed to specific debating points than I recall, I would conclude that the substantive content of Section 3 of Document 1-A is similar to material made available to me prior to the debate rehearsals.

The remainder of the document consists of numerous succinct lists of "Key Lines" "Accomplishments", "Promises", "Challenges", "Rebuttals", "Platform Comparisons", "Quotes", and related matters. To the best of my recollection, this type of material was not included in the large volume of xeroxed pages made available to me by the Reagan campaign.

Thus, while my recollection of specific sections and headings is necessarily limited after two and one-half years, it is my strong impression that the material in Part I (1) - (2), and (4) - (9), as well as all of the material in Part II, was not among that which I received on October 23, 1980.

Document #1-B: "Presidential Debate Briefing Papers: Foreign Policy and National Security Material"

This document consists of policy issue materials relating to a variety of foreign policy and defense topics. To the best of my recollection, I have not previously seen this document. However, the individual policy sections are quite similar to the materials I recall having received from the Reagan campaign, described in my letter to Chairman Albosta. This document appears to contain fewer topics, less redundancy and better editing and organization than I recall, but its content is otherwise consistent with my recollections.

Document #2: "Presidential Debates: Foreign Policy and National Security Issues"

This document is consistent - both as to content and format - with my best recollection of the material delivered to me on October 23, 1980. I specifically recall two features of this document:

- 1) the absence of page numbers in the table of contents, which made it difficult to find specific topics;
- 2) the extreme redundancy and overlap among the issue briefs, as contained, for example, in the half-dozen specific papers on different aspects of U.S. - NATO relations.

While it is difficult to be absolutely certain about document identity after two and one-half years, it is my strong impression that this document was among the material delivered to me by the Reagan campaign.

Document #3: Miscellaneous Fact Sheets and Quotations

I do not have a distinct recollection of the vast bulk of material contained in this document -- particularly the extensive quotations from vice presidential candidate Bush or the reproduced documents such as the House Armed Services Committee hearing transcript and the Reagan-Bush Committee news release.

However, I note that the document resembles the kind of loosely organized issue compendium material that was contained in the large package of xeroxed pages delivered to me by the Reagan campaign. I would conclude that part or all of this document could have been included in the material delivered to me by the Reagan campaign.

Document #4: Handwritten Note from Myles Martel and Attachment

I have no recollection of seeing this document at any time prior to June 25, 1983.

Document #5: Note from Wayne Valis to David Gergen

I have no recollection of seeing this document at any time prior to June 27, 1983.

Document #6: Debate Briefing Book

My best recollection is that substantial parts of this document were among the materials delivered to me from the Reagan campaign on October 23, 1980.

The Director of Central Intelligence

Washington, D.C. 20505

28 June 1983

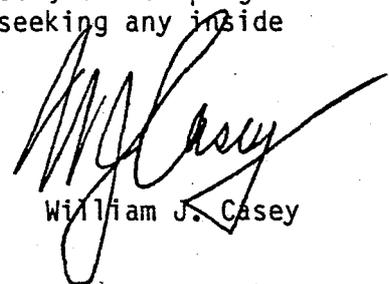
MEMORANDUM FOR: The Honorable Fred Fielding
Counsel to the President

SUBJECT: The Carter Briefing Book

1. I have examined the handwritten note from Myles Martel to Frank Hodson and the handwritten note from Wayne Vales to David Gergen and the one-page typewritten note attached. I have no recollection of ever seeing any of this before.

2. I have also examined the pile of papers provided to the White House Counsel's office by Francis Hodson and David Gergen. I do not recognize them as anything I have seen before. A great many papers came to my desk during September and October of 1980. Any pile of papers two inches high would almost certainly have been set aside to be passed along to others in the campaign. However, if papers headed "Presidential Debates, Foreign Policy and National Security Issues" came in, I believe they would have caught my eye or would have been brought to my attention and I would not have forgotten, nor would I have forgotten if anyone came in and handed them to me. Until recent disclosures, I did not know that the campaign had any material from the Carter camp that was not publicly available.

3. As I have already written to Congressman Albosta, the campaign management never contemplated, directed or authorized seeking any inside information from the Carter camp.



William J. Casey

THE WHITE HOUSE

WASHINGTON

June 28, 1983

MEMORANDUM TO: FRED FIELDING

FROM: JAMES A. BAKER, III



Today the White House is releasing documents from the Carter and Reagan campaigns relating to preparations for the debate between the two of them. My comments on these documents are as follows:

(1) (a) I never saw this book before June 27, 1983. As to the information therein, I specifically do not recall having seen the strategic and tactical information. Some of the policy issue briefing material could have been drawn from the issue material that was in the book I briefly saw, as mentioned in my letter to Congressman Albosta.

(1) (b) I never saw this document before June 27, 1983. As to the information in it, it appears that some of it was derived from items (2) and (3).

(2) These approximately 275 pages of material could have been in the book which I saw briefly and which I referred to in my letter to Congressman Albosta. I think this material is consistent with my description of what I remember seeing, as set forth in my letter to Congressman Albosta, and, indeed, I think the cover sheets support that, (e.g. "Useful for general campaign purposes"; "Responses drawn from speeches, press conferences and other policy statements by the President and senior administration officials").

(3) These approximately 250 pages of material likewise could have been what I remember seeing briefly. I think they too are consistent with my description of what I saw, as set forth in my letter to Congressman Albosta.

(4) I never saw this note or any of the attachments before June 25, 1983.

(5) The cover note is not addressed to me, and I don't recall having seen it before June 27, 1983. By the same token, I have no specific recollection of having received a copy of the one page attachment. I did not solicit a copy, but it is of course possible that one was given to me.

THE WHITE HOUSE

WASHINGTON

June 28, 1983

MEMORANDUM FOR: FRED F. FIELDING
Counsel to the President

FROM: DAVID R. GERGEN 

SUBJECT: Materials Relating to the 1980 Campaign

In response to your request, I would like to provide you with my best recollections of the materials that the White House is publicly releasing today relating to the 1980 Reagan-Carter debate.

As I have acknowledged on previous occasions, I do not have a precise memory of everything that occurred during the weeks preceding the debate. In the case of events and documents of keen significance at the time, I can generally remember them well (e.g., the briefing book prepared for Governor Reagan). In the case of events and documents that made less of an impression, I am afraid it is difficult for me to reconstruct with certainty.

(1) Letter of transmittal from Patrick Caddell to Richard Hauser

(a) I have no memory whatever of the briefing book submitted to President Carter and provided to the White House yesterday. I can say without hesitation that I did not use that briefing book to prepare debate materials for President Reagan. I am not aware of anyone else on the debate preparation team having such a document.

I cannot attest to whether or not we had an early draft of the question and answer materials relating to domestic policy (similar to the early draft of Q&A which we had relating to foreign policy). I cannot remember it, but if it were there, I must assume that I saw it. I am of the view that if it were present, it was not a significant part of the preparations of the briefing book for Governor Reagan. I have no reason to believe that the strategic or tactical materials, the lines of rebuttal, etc., that are in the Carter briefing book were in the hands of the Reagan campaign.

Fred F. Fielding (cont'd)

(b) As to the supplementary foreign policy questions, please see item 2 below.

(2) "Presidential Debates: Foreign Policy and National Security Issues"

This material was found by Frank Hodsoll in his files on Saturday, June 25, 1983; I found the same materials (absent the first two pages) in my files on Monday, June 27, 1983. Frank Hodsoll and I worked together on the debate preparations and the two of us shared an office in the campaign headquarters (I was working there on a part-time basis until October 15, 1980 and on a full-time basis thereafter). I do not remember how I obtained the material, and in fact, did not even remember I had it until undertaking a thorough search of my files. It is probable that one of us obtained it first, and gave the other a xerox. Upon seeing the material again, I do have a recollection of looking through it. I do not remember studying it closely. I can only assume I did not review it carefully because it didn't seem especially helpful. While it does bear a title of "briefing book", the accompanying cover document that was in Mr. Hodsoll's files makes it clear that it was also for general campaign use and that it was drawn from public statements of the Carter administration. It hardly seemed the kind of tightly-drawn, highly sensitive material that would be submitted to the President in the crunch before a major debate. Upon inspection, it is apparent to me that this material (dated variously from September 10 through September 29, 1980) did serve as an early draft of the more condensed and refined materials, dated October 20, 1980, that were prepared for President Carter (item 1(b) above).

(3) Miscellaneous Foreign Affairs and Defense Issue Materials

Frank Hodsoll found this material in his files on June 25; I did not find it in my files. I do not remember it, and thus I cannot say whether I reviewed it during the campaign.

(4) Handwritten note from Martel to Hodsoll

Martel's note says that he sent copies to "Dave G.", an obvious reference to me. I did not find a copy of the materials in my files, but upon seeing them again, I do remember the "balloon popping" memo — mostly because of its catchy phrase. I have to assume I also read the second Popkin memo. I do not remember when I first saw these items. To the best of my recollection, these items had no standing in our campaign effort.

Fred F. Fielding (cont'd)

(5) Valis Memo to Gergen, 10-21-80

This was an unsolicited memo that I found in my files on June 27, 1983. While I had forgotten it until then, I do remember reading it during the campaign. I do not know who produced it or how Mr. Valis obtained it. To the best of my knowledge, I took no action on the basis of it.

By its own account, it contains information from a mid-level Carter debate staff member (whether White House or campaign is unclear) and it appears to be a second or third-hand account. The part referring to the debate makes points that were obvious during the campaign (e.g., it was conventional wisdom that President Carter would attack Governor Reagan for so-called flip-flops); the rest of the document refers to campaign advertising.

(6) Reagan Briefing Book

As you can imagine, a great many hours went into the preparation of this book. It derives from many different papers, ideas, drafts, news clippings, etc., and many different people contributed to it. An objective evaluation of this book will show, I believe, that it does not bear a significant relationship to the materials from the Carter camp. To be sure, some of the same issues and the same points appear in both -- but that's because those were the major issues of the campaign and it was obvious they might arise in the debate. Clearly, we were interested in anticipating Carter attack points, but we were far more interested in honing Reagan attack points (not something found in Carter camp materials) and even more important, setting forth Ronald Reagan's positive vision and program for the country -- and that was something the candidate himself had developed over many years.

* * *

I am attaching to this memorandum a copy of a letter I am sending today to Congressman Albosta.

THE WHITE HOUSE

WASHINGTON

June 28, 1983

Dear Congressman Albosta:

Since responding to your letter last week, I have found that I made a mistake, and I want to correct the record with you and to convey to you my personal apology.

In my letter to you of June 22, I said in part:

"It is possible that I did see some pages of 'Carter material' for a brief period, but I do not recall it.

"I do recall hearing that some material from the Carter campaign was present in the Reagan campaign...

"As you can well understand, the passage of nearly three years' time leaves me a little hazy about all the many details of the debate preparations."

Mr. Chairman, that letter was written to you in good faith, based upon my best recollections plus those of a few other close colleagues with whom I consulted. Unfortunately, I wrote that letter to you before completing a thorough search of all of my files. I just didn't think I had anything there of relevance. That was a mistake I very much regret. In completing that search with the help of a member of my staff, I found yesterday two items that should properly and promptly be brought to your attention:

-- A set of materials clearly prepared by the Carter camp relating to foreign policy and national security issues. These materials have various dates ranging from September 10 through September 29, 1980, several weeks before the debate was formally scheduled. It appears they were an early draft of materials that were later summarized, refined and included in many parts of the final briefing materials on this subject, dated October 20, 1980. (A copy of materials being released by the White House today shows that the pages in my files are a subset of those that another member of the campaign team found in his files over the weekend.)

-- Second, I found an unsolicited note sent to me on October 21, 1980 by a Mr. Wayne Valis with a one-page attachment. Valis describes the attachment as "notes ... based on a Carter debate staff brainstorming session -- middle level types -- nothing spectacular, but interesting -- from a source intimately connected to a Carter debate staff member..." After seeing this material again, I can remember that I read it at the time

received. I cannot remember my reaction, but it strikes me now as a second or third-hand account of what was already well known (e.g., Carter planned to attack Reagan on so-called flip-flops) and some random notes on Carter advertising plans.

(Both of these materials, as well as others, are being forwarded to you today by the Counsel to the President.)

There were no other items in my files that appear to have come from the Carter camp. I definitely read the second item noted above, though I did nothing with the information provided. Having my memory refreshed, I can now advise you that I still do not recall studying or spending any time with the materials in the first item above, but clearly I must have looked through these materials sometime prior to the debate in October.

If I might, I would once again like to emphasize that my memory of these events has been dimmed by the passage of nearly three years' time. In searching my files, I also found several hundreds of pages of material generated within the Reagan campaign that I did not recall until I saw them again. I can only say that, like others in this Administration, I am trying to make a good faith effort to reconstruct events of that period. After reviewing the briefing book submitted on our side, it remains my view that while materials received from the Carter camp were of interest, to my knowledge, they did not play any significant role in the preparation of materials for Governor Reagan.

As noted in my letter of June 22, I am eager to be fully cooperative with you in this matter, and regret any inconvenience caused you by my failure to review all of my files before tendering my previous response.

Sincerely,



David R. Gergen
Assistant to the President
for Communications

The Honorable Donald Albosta
House of Representatives
Washington, D.C. 20515

June 28, 1983

MEMORANDUM FOR: FRED FIELDING
FROM: FRANK HODSOLL *FHM*
SUBJECT: CARTER-REAGAN DEBATE BRIEFING MATERIALS

I understand it is the White House's intention to release materials involving Carter-Reagan Debate preparations. I have reviewed the following documents on which my comments are set out below:

1. Letter of Transmittal from Patrick Caddell to Richard Hauser, dated June 27, 1983, enclosing (1) (a) "a copy of the briefing book used by President Carter in his preparations for the October 28, 1980 debate; and (1) (b) "supplementary foreign policy questions and answers":

I had never seen this briefing book or "supplementary foreign policy questions and answers" prior to their being provided to me on June 27, 1983, although some of the international and defense position materials are similar in content to those in Item 2 below. I cannot be certain whether I have seen in different form any of the domestic issue material, but I know I had never seen any of the strategic and tactical materials contained therein.

2. "Presidential Debates: Foreign Policy and National Security Issues" (September 29, 1980):

These materials were provided to me unsolicited after we had begun in earnest our preparations for the debate between then candidate Reagan and President Carter. I do not remember the exact date on which they were handed to me or who handed me the materials. I believe it was someone in the Reagan-Bush Campaign who provided me with these materials. I would remember now if it had been someone from outside our Campaign.

I read these materials and remember thinking at the time that they were of only marginal interest. I also remember thinking at the time that they were the kind of materials that appeared to have come from the bureaucracy -- e.g., agency (not final) briefing materials for a Presidential press conference -- not the kind of materials that would have been overly useful for a debate, not at all like those we were preparing for candidate Reagan.

At the time I received these materials, we had already completed much of our work on candidate Reagan's briefing book. Further, the vast majority of the material in this Item appeared to have been drawn from the public record as noted in its cover document.

Review of the materials reflects that they may have influenced the briefing book preparation in two or three instances, but did not impact significantly on debate preparation.

In the period after the Cleveland debate, I closed down the Debate Group office and evidently took these materials (among others, including Items 3 and 4) to my home where I stored them with other materials from previous jobs.

On June 25, 1983, the White House Counsel's office called to ask me how debate materials had been archived at the Hoover Institution. I volunteered to search my file. (I had meant to do this after my interview with the Washington Post on June 17, but had not had the chance due to the press of other business and my being out of town.) When I found Items 2, 3 and 4, I promptly turned them over to the White House Counsel's office for transmittal to the Justice Department.

NOTE: There remains a question as to whether at one time I had similar materials involving domestic issues. My presumption is that I must have had such materials, although I no longer do and cannot be certain that I ever did.

3. Miscellaneous Foreign Affairs and Defense Issue Materials:

These materials were also provided to me unsolicited in the same time frame as Item 2, although in this case I have no specific recollection of having reviewed them. The issues involved are not a complete set of international and defense issues, and some of the papers appear to be oriented toward Vice Presidential activity. I am quite sure they did not influence the way in which we prepared our briefing books.

4. Handwritten Note from Miles Martel to Frank Hodsoll (undated) with attachments by Sam Popkin:

These materials were presumably transmitted to me by Mr. Martell. I do not recall actually reading this material; but, if I did, it could not have materially influenced my preparation of our briefing book.

5. Handwritten Note from Wayne Vallis to Dave Gergen (dated October 21, 1980) attaching a one-page typewritten note (dated October 20, 1980):

I have never seen these materials before they were provided to me June 27, 1983.

6. Reagan Campaign briefing book commencing with Table of Contents, prepared by the Debate Briefing Group under the supervision of Messrs. Gergen and Hodsoll dated and delivered to candidate Reagan on October 24, 1980:

This is a copy of the briefing book we prepared for Candidate Reagan. It will be noted that it has significantly different thrust and form from the materials in Items 2 and 3. It represented the distillation of thousands of pages of materials.

DA-501-A 10-66

COMMONWEALTH OF PENNSYLVANIA

SUBJECT:

Items from the Center Camp -

TO:

Frank

FROM:

I hope you're enjoying seeing these.
Please do not circulate. Have
sent a set to Dave H.

Love to all,

Myles

TO: Patrick Caddell

FR: Sam Popkin

RE: Balloon Popping

Whether it is in the debates, or in the last minute final appeals to voters, there are a number of lines Ronald Reagan is certain to use. Indeed, these lines are used so often that anyone who spends a few days reading his transcripts soon finds that the same basic lines are being used today that were used in '76. The lines are excellent demagoguery and if allowed to stand on their own are very effective. But there are some extremely effective ways for President Carter to deflate these lines, to calmly, and quietly pop Ronnie's rhetorical balloons. And the balloon popping can be done in ways that make it obvious to all that Reagan is superficial and lightweight, and has old-fashioned trite ideas which are risky in the real world.

These are not finished "worded-for-the-President" replies but outlines of the themes which deflate the Reagan standbys. The President must have an answer to each of these ready in case there is a debate. There should also be answers ready because some of these answers, particularly about the hostages, must be ready if Reagan, as is very likely given his press record, demagogues on hostages at the end of October.

Indeed, might not the best way for the President to have basic answers ready for debates be for the President to cut some spots to have ready for the last minute contingencies?

Balloon Popping
September 15, 1980
Page -2-

Reagan refrain #1:

"There was a time, when I was a younger man, when it was just commonplace that an American caught in a war or revolution in any other country could walk through that war and that revolution with no finger being laid upon him if he just put a little American flag on his lapel. When the people knew that he was an American, they knew that he had the protection of the United States. And, were that respected. I would like to see that again."

There are of course many variants to this refrain: "There was a time when we were the respected leaders of the free world. Now...". And there is a simple, effective way to counter this. Talk about all the places where this President is welcome and other, recent Presidents have not been welcome.

President Eisenhower was forced to cancel a trip to Japan, today Carter is welcomed with open arms. Richard Nixon was booed and stoned in Venezuela, today, open arms. For years no American President could go to China; today, we have normalization! In every part of the world there are countries that have warm strong relations with the USA, where there were hostile relations in past years. Henry Kissinger could not even land his plane in Nigeria, Egypt was once Russia's base in Middle East.

Balloon Popping
September 15, 1980
Page -3-

Reagan refrain #2:

"We have been timid and vacillating and that's why....."
Whatever happens, Reagan likes to say it is happening
because "We have been timid and vacillating."

Reply: Only the trigger happy confuse our steadiness and
flexibility for timidity and vacillation.

In 1956 the Hungarian people demanded more freedom, and
Russia crushed them. In 1968 the Czech people demanded
more freedom and the Russians crushed them. In 1980 the
Polish people demanded more freedom and they won!!!!

Some critics laughed at our human rights campaign, they said
nothing mattered but weapons. They were wrong. Human rights
is one of our most important accomplishments. Anyone who
thinks that human rights is not important, anyone who thinks
that human rights does not scare Russia...let them tell that
to the people of Poland.

Some critics said that the grain embargo wouldn't hurt the
Russians. Some critics said that the Olympic boycott wouldn't
hurt. They were all wrong.

Better to think twice than not at all.

Balloon Popping
September 15, 1980
Page -4-

Reagan refrain #3:

The President might believe concessions are necessary because we're no longer #1. My own view is that we become again #1 (so that concessions will no longer be necessary.) This line has been used on SALT I, SALT II, Panama and numerous others.

Reply: We are still #1 and our allies are 3,4,5,6,7, etc. Russia has lost China, that's a billion people, Russia has no friends or influence left in the Middle East, Russia can't count on any support from East Europe, Russia has energy problems, inflation and food shortage. She is a flailing giant with no respect anywhere. Even when communist countries have a chance they break away from Russia, i.e. China, Rumania.

Now Russia is still dangerous, ^{after} all, she knows ~~is~~ that she is in trouble, losing allies and respect everywhere. So we have to keep up our military strength but we also, in the decade ahead, have to try and encourage the Russian rulers to change their ways.

And the sports metaphor is useful here. When you're number one, a lot of people take shots at you; but we're still number one. The way to stay #1 is by preparation and hard work, you don't stay number one by counting on long bombs as your whole game plan.

I'm not panicking about being #1, I'm just making sure that we stay strong.

Balloon Popping
September 15, 1980
Page -5-

Reagan refrain #4:

"If we were #1 no one would dare take our hostages." or
"No man who lets a ragtag mob humiliate us deserves to be
re-elected." or

"Everything that is now being done should have been done
sooner."

"No man who can't get back our hostages deserves a second
term."

Reply: There is a terrorist problem in the world today and
everywhere you go there is respect for the self-
control we have shown.

There is no honor in rash action. I know that some Americans
are frustrated and they are itching, for military action. I
know that some Americans would applaud any show of force I
make. But the important thing is that the hostages are alive.
Every day I ask myself if I have done everything that I could
for those heroic Americans. The easy way would be to show
force and get all the Monday morning quarterbacks off my back.
But my responsibility to those brave hostages comes first.

It is not true that all the things we are doing now could have
been done earlier. You must let passions cool, you don't commit
all your chips on the first hand, you don't use all your
formations in the first half.

Balloon Popping
September 15, 1980
Page -6-

Reagan refrain #5:

We face economic disaster. We have lost our capacity to be a great producing giant and, we have lost it through regulation and punitive taxes.

The answer is to get government off our backs and out of our pockets.

Reply: Talk about computers, agriculture, OSHA, and Love Canal. The most basic industry is agriculture. We're the most productive agricultural nation in the world and everyone knows that it comes from farmers assisted by government research and development distributed to farmers by the world's best extension service. The most glamorous industry in the world is computers and again we dominate the world markets. And so much of the basic development in these areas comes from government assisted research or as direct spinoffs of space programs. And as for getting government off our backs, Governor Reagan has been attacking Occupational Safety and Health legislation for years....

Carter-Reagan Debates

Once again it must be stressed that we want to win votes, not debates, and that there is a great deal of difference between the two. Debating skill, unlike integrity, intelligence, vision etc. is not seen as a skill necessary for a President. That means that persons can easily stay with a poor debater. And it means that any focus on winners or losers detracts from our chance to raise the salience of the themes and issues which we want to dominate the last week of the ~~debate~~ campaign.

The Reagan camp has taken a major risk by agreeing to meet us in a debate. Debates can have major impacts on reassuring voters and they can have major impacts on the salience of different issues. Given the major reservoirs of potential optimism in the populace about Pres. Carter—specifically the number of persons who believe he would be better next term—there is a good chance for the President to remind people of his high points and put all the focus on the next four years. There is also a substantial risk to the Reagan camp that they can win the battle on "war and peace" and lose the war. That is, if the debate results in higher salience on issues of war, peace, nuclear arms, etc. Reagan can be a loser even if he narrows the President's lead in these areas. In 1976, contrary to conventional wisdom, the foreign policy debate did not really hurt Ford despite the Poland gaffe. The debate lowered his edge over Carter on issues of crisis management and foreign policy, but it increased the salience of the issues enough to increase the edge that international issues were giving him. So Reagan can decrease our gap on international issues and still lose votes by getting more attention in the voting booth onto these issues.

We are not debating Ronald Reagan! We are letting the American people compare our responses to similar questions. We are speaking for the audience not for our opponent. Furthermore, the part of the audience which will be attentive and which will be most influenced by what is said are college educated and women!!! Past debate research shows these two groups most influenced by the content of the debate.

We want to maximize incumbency advantage. We want persons to walk into the voting booth wondering about the next four years under a seasoned, tried under fire Carter, a man who has kept us on course through perilous times and who has the intelligence and energy for the job—versus the next four years under a man with dangerous tendencies, dubious judgment and who doesn't understand the 80s.

HOW REAGAN CAN WIN THE DEBATE

I. Turn issues of war and peace into issues of character. If he can get away with the approach that he is using in his daytime TV ads, "How could a grandfather like me want war?" He can defuse the war and peace issues. This should be rather difficult for him to do however, as the only issue area where he has lost substantial ground since Labor Day is

the international area, keeping... We want to be sure that we make the difference as clear as can be between nice people and nice policies. You have to work hard for peace; you have to think twice before you shoot; you must worry about proliferation (what if Iraq or Iran had the bomb?) Any character attack hurts us doubly; it removes our Presidential edge and it deflects attention from issues of life and death.

II. Spend the Debate Avoiding Pins and Slipping Punches

The road is littered with smart clever politicians who thought that because Reagan isn't too intelligent, and because Ronald Reagan isn't too substantive they could pin him down. Ronald Reagan may not be a genius and he certainly has no deep grasp of substance but he is very hard to pin down and he is, to quote Marty Franks, superb at slipping punches. It is impossible both to look Presidential and to chase Reagan. No one looks dignified chasing after butterflies and no one looks in command when their punches are missing. (Remember how good the young Mohammed Ali looked leaning back against the ropes while assorted heavies exhausted themselves trying to make contact.) We do not need to catch Reagan, and we couldn't if we wanted to. Better that we point out, over and over, that you can't avoid the tough decisions in the White House, that the buck stops with the President, that it is the President who has to decide among conflicting experts, that the President can't turn things over to the experts.

III. Focus on Four Years of Economic Failure

If the debate talks about four years of inflation and unemployment the election becomes a referendum on the Carter Presidency. We want a vote between two futures not a vote of approval or disapproval on the last four years. That means we want the focus on how we have come to grips through developing an energy program, devising means to revitalize Detroit and leading the way in breaking OPEC. A healthy economy first of all requires an energy policy and a balanced program. Does anyone really believe that we would be better off today if we turned our energy problems over to the oil companies? In a world of working women and two job families who is fighting for economic justice, Carter or

Reagan? In a world of dangerous technologies who understands that it takes government action to prevent Love Canal and regulate dangerous technology.

How Carter Can Win

A Carter victory depends upon raising doubts about Ronald Reagan and increasing the feeling that Jimmy Carter is safe. To wit, since there is a basic reservoir of optimism about Carter we need to work on the group who feel that he has learned and grown in office and will be better next term.

Increasing the risk in RR means focusing on his pronouncements and policies, particularly pronouncements and policies he has made while a candidate for office. RR loves to say that he will look it up or find

out: or assemble the experts; if he has already sounded off on a subject it needs to be brought up. (and of course that turns it into one more time when he shot from the hip).

To increase the sense of simplicity behind Reagan we need to point out over and over that Presidents can't duck the hard ones, that the buck stops in the Oval Office. We cannot call RR old and simple, but we can emphasize the triteness and simplicity of his approach with lines like

You make it sound easy but there is more to it.

You make it sound as easy as 1,2,3

you make it sound as easy as apple pie

You make it easy to believe in the happy ending, but

That is nice but it doesn't come to grips

that sounds good but it is dangerous to surrender to illusions.

That sounds good but nostalgia won't solve our problems.

Everywhere we want to continuously make the point that Ronald Reagan doesn't understand the future. That he doesn't understand weapons, technology or science. (Can you imagine RR in front of a computer?)

To increase the sense of a strong Carter we must continually leave personal and policy footprints, a record to which we can refer.

I strongly believe

I have always stood for

I have always had a firm commitment to

As I said again and again.

And again it is valuable to take the bonus along with the onus. Take a policy like wheat embargo (and we will never carry a wheat farmer anyway) and defend the policy to the hilt to show that you are tough enough to lead the fight. The convention line on RR doesn't know if he wants to feed them, play with them or fight them was terrific. Or energy policy. Where is RR going to get the 227 Billion he wants to give back to oil companies?

And what could show better the rightness of the direction we are now going than RR's failure to spell out any policies of his own any detail at all. I think there is real possibility for gain in hitting at RR's ducking the inflationary impact of Kemp-Roth, it is worth referring to the claims made in previous debate and to Jane Bryant Quinn's retort that he either didn't know what his own people were up to or he was lying. "I challenge my opponent to explain why he didn't keep the promise made in front of 50 million Americans. the government

economists say..."

On defense it is worth hitting hard at RR for not having any critical approach to new weapons. Jimmy has a science background and is willing to make the hard choices among systems. All we need is one weapon RR pushed which we didn't build and is already outmoded.

Don't ever say we made a mistake. We tried policy mixes which were not ideal but they were the best policies to try first.

When RR goes on and on about red tape and bureaucracy and getting government off our backs, talk about the cheap programs which make a complex economy possible. People have faith in our banks due to FDIC, they get their pensions due to pension reform laws, they get safe airplanes due to FAA, medicines that work due to FDA.

Enclosed as an appendix is an earlier memo "popping balloons" which contains typical reagan refrains with lines which can be used to deflate them and show him up as silly.

Sam Popkin

OK,

Memo

From: WAYNE VALIS *Wayne*

To: Dave Gergen

Date: 10-21-80

These notes are based on a Carter debate staff brainstorming session -- middle level types -- nothing spectacular, but interesting -- from a source intimately connected to a Carter debate staff member. Reliable.

I gave a copy to Jim Baker. — WV

Proposed Carter Tactics for Debate and Campaign Advertising.

10/20/8

1.) Carter plans to expose Reagan flip-flops.

E.g. Reagan's positions on tax breaks for private education:

Before: in favor of tax credits for high school and college.

After: in favor of credits only for college.

E.g. Reagan's positions on bilingual education.

E.g. Reagan's position on OSHA.

Where Reagan has not flip-flopped, Carter plans to portray him as having blurred or dangerous positions.

Where Reagan has changed his position, Carter plans to portray Reagan as indecisive, as a political opportunist, or as opposed to an enlightened set of policies (especially on such questions as ERA and Minimum Wage)

2.) Carter is hoping to be portrayed as the underdog in the debate. But in the week preceding the debate, he hopes to come across as having momentum.

3.) Carter plans to brand Reagan-Kemp-Roth as an "Alice-in-Wonderland" medicine.

4.) Carter is pleased with the recent statistics showing an economic upturn. But he is very concerned about the high interest rates. He plans to blame the Fed for these, but he fears that the people won't be able to distinguish between the Fed and his own administration.

5.) He plans to continue to harp on the warmonger issue.

6.) He plans to raise the age issue again. He plans to point out that when Bush was a congressman, he proposed a bill that would require mandatory retirement for congressmen at age 70. Carter hopes to point out the incongruity of the situation.

7.) Carter may have ads which interview Reagan's old classmates in order to highlight how old they are.

8.) Carter is trying to get a hold of film-clips of Reagan filming campaign ads (He may already have such film-clips.) These clips apparently show Reagan being corrected time and again for various mistakes by voices of aides who are saying: "No, Governor, the figure is 75% and not 10%". . . . "No, Governor, the head of the USSR is Brezhnev not Khrushchev" and similar such corrections.

9.) Carter may use a film-clip of Reagan asking "Who is that?" when reference in conversation is made to Giscard d'Estaing.

10.) Carter's people are afraid of the effectiveness of the Reagan ads which use the bar graphs showing the inflation rates and the ads which show the grocery carts.