

January 27, 1969

MEMORANDUM FOR: MR. KEN COLE

The procedure outlined by Mr. Focke in his memorandum of January 17th to Robert Mayo regarding handling of proposed Executive Orders should become standard procedure immediately.

A copy of Mr. Focke's memorandum is attached. Please see that it is implemented.

H. R. HALDEMAN

Attachment

cc: Bill Hopkins  
John Ehrlichman

UNITED STATES GOVERNMENT

Executive Office of the President  
Bureau of the Budget*Memorandum*

TO : Mr. Robert Mayo

DATE: Jan. 17, 1969

FROM : Arthur B. Focke *abf*

SUBJECT: Pending Executive orders

As I had occasion to mention to you a couple of weeks ago, there is an Executive Order--No. 11030 of June 19, 1962--which prescribes the procedure for handling proposed Executive orders.

The 1962 Order substantially reiterates procedures which have been in effect for more than 20 years. Essentially, the procedure is--

1. One who proposes an Executive order submits it to the Director of the Bureau of the Budget, with an appropriate explanation and justification, and in a prescribed form.

2. If the Director approves, he transmits the proposed order to the Attorney General.

3. If the Attorney General finds the proposed order acceptable as to form and legality, he transmits it to the President.

The reasons for designating the Bureau of the Budget as the focal point for initial handling of a proposed Executive order are three-fold--

1. Executive orders sometimes have budgetary implications.

2. Executive orders often involve matters relating either to management and organization, or both.

3. Executive orders invariably should be put through a clearance process to obtain the views of departments and agencies--in addition to the proponent agency--which are interested in the proposal.

The Bureau of the Budget certainly will have expertise regarding the budgetary implications of proposed Executive orders, and

can be expected to make a substantial contribution to proposed orders which affect management and organization. The Bureau's most important contribution, however, usually results from the clearance process and the bringing to bear of the views of other interested departments and agencies. Such coordination is essential if Executive orders are to (1) involve the best judgment of the administration as a whole, and (2) avoid the confusion and embarrassment which often results if one department or agency obtains the President's signature to a proposal which has not been coordinated with one or more other departments or agencies which may have a significant interest.

Within the past week, we have been asked to assist in the preparation of several proposed Executive orders, as indicated on the attached list. Unless some representation is made to the new White House staff, it seems likely that some or all of these orders may short-cut the prescribed procedure and the Bureau clearance process. I am bringing this to your attention with the thought that you may want to alert the White House staff to the benefits of the established procedure.

In past administrations, proposed Executive orders and proclamations have been handled mostly in the office of the Special Counsel to the President. At the moment, however, I gather that the most likely approach to administrative procedures such as are involved here would be through Bob Haldeman, the President-elect's general administrative officer and appointments secretary.

Attachment

cc: Acting Director, Office of  
Executive Management

## PROPOSED EXECUTIVE ORDERS

### Establishing the President's Board on Foreign Intelligence

This proposed order would revoke a Kennedy Order of May 4, 1961, which established the "President's Foreign Intelligence Advisory Board." The new order would make little change in existing procedures, but would place President-elect Nixon's stamp on the intelligence function by giving the intelligence advisory group a new title and by revoking the existing Order.

Our contact has been Bill Harmon, who is working under Frank Lincoln and in conjunction with Prof. Kissinger.

### Establishing a Council on Urban Affairs

This proposed order would provide for the Moynihan group, which the President-elect has previously indicated he would accomplish by Executive order.

Our contact is John R. Price, who has indicated that Moynihan expects to hand the proposed order directly to the Attorney General.

### Providing for a Special Assistant to the President for Liaison with Former Presidents

This proposed order would establish an office in the White House which would maintain two-way communication between the President and all living former Presidents. The impetus apparently came from General Eisenhower, but the order appears to have the enthusiastic support of both President-elect Nixon and President Johnson.

Our contact is Gen. Bob Schulz, an aide to General Eisenhower. He indicates that the proposed order has been tentatively approved by the President-elect, and that the burden of going forward with it now rests either with Bryce Harlow or Bob Haldeman.