

and consequences of the problem of population growth, both national and international, and the relationship of this problem to the quality of human life.

(b) The Commission shall keep itself informed of activities undertaken or planned by various organizations and groups in the United States in observance of the Year and shall seek to consult with such groups and to stimulate such activities.

(c) The Commission shall hold meetings, public or private, at such times and places as the Chairman shall determine. It may assemble and disseminate information, issue reports and other publications, and conduct such other activities as it may deem appropriate to provide for the effective participation of the United States in the observance of World Population Year.

(d) The Commission may establish such subcommittees or working groups, the membership of which may include persons not members of the Commission, as it may deem necessary for the fulfillment of its tasks.

(e) The Commission shall conclude its work by the end of the year 1974 and shall make a report to the President on its work within thirty days thereafter, at which time the Commission shall be deemed to be terminated.

SEC. 3. *Assistance and Cooperation.* (a) The Commission is authorized to request any agency of the executive branch of the Government to furnish the Commission with such information and advice and services as may be useful to it for the fulfillment of its functions under this Order. Each such agency is authorized, to the extent permitted by law and within the limits of available funds, to furnish such information, advice, and services to the Commission upon request of the Chairman or Executive Secretary of the Commission.

(b) Subject to the availability of funds, the Commission may procure the temporary services of experts to assist it in its work, in accordance with the provisions of section 3109 of title 5 of the United States Code.

(c) The Departments of State and of Health, Education, and Welfare shall, to the extent permitted by law, provide the Commission with administrative services, facilities, and funds necessary for its activities. The Department of State shall provide an Executive Secretary for the Commission.

(d) The Secretaries of State and Health, Education, and Welfare shall participate with the Commission in order that activities which may be undertaken by the executive branch of the United States Government in observance of World Population Year and those undertaken by the Commission may be properly coordinated.

(e) The President of the Senate and the Speaker of the House of Representatives shall be invited to designate two Members of each House to participate with the Commission in order that activities which may be undertaken by the Congress in observance of World Population Year

and those undertaken by the Commission may be properly coordinated.

RICHARD NIXON

The White House,
January 17, 1974.

[Filed with the Office of the Federal Register, 3:14 p.m.,
January 17, 1974]

Court Proceedings: Senate Select Committee on Presidential Campaign Activities

*Amended Answer and Response to Plaintiffs'
Memorandum on Remand Filed by Attorneys
for the President. January 17, 1974*

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

Civil Action No. 1593-73

SENATE SELECT COMMITTEE ON PRESIDENTIAL CAM-
PAIGN ACTIVITIES, SUING IN ITS OWN NAME AND IN THE
NAME OF THE UNITED STATES,

and

SAM J. ERVIN, JR.; HOWARD H. BAKER, JR.; HERMAN E.
TALMADGE; DANIEL K. INOUE; JOSEPH M. MON-
TOYA; EDWARD J. GURNEY; AND LOWELL P. WEICKER,
JR., AS UNITED STATES SENATORS WHO ARE MEMBERS
OF THE SENATE SELECT COMMITTEE ON PRESIDENTIAL
CAMPAIGN ACTIVITIES, PLAINTIFFS

v.

RICHARD M. NIXON, INDIVIDUALLY AND AS PRESIDENT OF
THE UNITED STATES, DEFENDANT

AMENDED ANSWER

Richard M. Nixon, answering the amended complaint filed in the above-styled cause, states as follows:

1. Admits the allegations contained in paragraph one of the complaint, but denies that plaintiffs acted within their authority in issuing the subpoenas duces tecum to the President of the United States and thereafter in instituting this action.

2. Denies the allegation contained in paragraph two of the complaint.

3. Admits the allegations contained in paragraph three of the complaint, but denies that plaintiffs are entitled to investigate criminal conduct; and further denies that plaintiffs are empowered to bring suit against the President of the United States.

4. Admits the allegations contained in paragraph four of the complaint.

5. Admits the allegations contained in paragraph five of the complaint, but denies that the President of the United States can be sued in his official capacity; and further denies that he can be sued individually for acts performed in his official capacity.

6. Denies the allegations contained in paragraphs six through nine of the complaint.

7. Admits the allegations contained in paragraph nine "a" that Public Law 93-190 ostensibly confers jurisdiction upon this court but denies that the subject matter is justiciable.

8. Denies the allegations contained in paragraph ten of the complaint.

9. Admits the allegations contained in paragraph eleven, but denies that plaintiffs are empowered to subpoena materials from the President of the United States.

10. Admits the allegations contained in paragraphs twelve through fifteen of the complaint.

11. Admits the allegation contained in paragraph sixteen of the complaint, but denies that any court has jurisdiction to quash, modify, or narrow a subpoena issued by a Committee of Congress.

12. Admits the allegations contained in paragraph seventeen of the complaint.

13. Alleges that he is without information or knowledge sufficient to form a belief as to the allegations contained in paragraph eighteen of the complaint, and denies that he has conceded the relevancy of any "tapes" to plaintiffs' investigation.

14. Admits the allegations contained in paragraph eighteen "a" of the complaint.

15. Denies the allegations contained in paragraphs nineteen through twenty-five of the complaint.

In further defense to the complaint, Richard M. Nixon states as follows:

FIRST DEFENSE

That the complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

That this Court lacks jurisdiction over the person of Richard M. Nixon in this action, either individually or as President of the United States.

THIRD DEFENSE

That this action presents no justiciable controversy as required by Article III of the United States Constitution, and 28 U.S.C. 2201 and 2202.

FOURTH DEFENSE

That Senate Resolution 60, 93rd Cong., 1st Sess. (1973), purports to authorize an investigation of alleged criminal conduct, and that upon information and belief the investigation by plaintiffs has been, in fact, a criminal investigation and trial conducted for the purpose of determining whether or not criminal acts have been committed and the guilt or innocence of individuals, which Resolution and investigation exceed the legislative powers granted to the Congress in Article I of the Constitution.

FIFTH DEFENSE

That the subpoena duces tecum attached as Exhibit D to the complaint is so unreasonably broad and oppressive as to make compliance impossible.

SIXTH DEFENSE

That the relief sought by plaintiffs constitutes an unconstitutional attempt to interfere with the confidentiality of private records of conversations between the President of the United States and his closest advisers relating to the official duties of the President.

SEVENTH DEFENSE

That it is both common knowledge in the community and capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, and thus may be judicially noticed by this Court, that the Senate Select Committee served three additional subpoenas, sixty-eight pages in length and returnable January 4, 1974, calling on the President to produce hundreds of tapes and documents. When considered in conjunction with the subpoenas which are the subject of the instant litigation, it is clear that such a massive invasion of the White House constitutes "wholesale public access to Executive deliberations and documents" tending to "cripple the Executive as a co-equal branch."

WHEREFORE, premises considered, the relief prayed for should be denied.

Respectfully submitted,

J. FRED BUZHARDT
JAMES D. ST. CLAIR
CHARLES ALAN WRIGHT
ROBERT T. ANDREWS
THOMAS P. MARINIS, JR.
Attorneys for the President
The White House
Washington, D.C. 20500
Telephone Number:
456-1414

Of Counsel

RICHARD A. HAUSER
K. GREGORY HAYNES
GEORGE P. WILLIAMS