

teenagers, coupled with protections against using teenagers to substitute for adults in jobs. H.R. 7935, however, includes no meaningful youth differential of this kind. It does provide marginal improvement in the special wage for students working part-time, but these are the young people whose continuing education is improving their employability anyway; the bill makes no provision at all for the millions of nonstudent teenagers who need jobs most.

Unemployment rates for the young are already far too high, recently averaging three to four times the overall national unemployment rate. H.R. 7935 would only drive that rate higher, especially for young people from minority groups or disadvantaged backgrounds. It thus would cut their current income, delay—or even prevent—their start toward economic improvement, and create greater demoralization for the age group which should be most enthusiastically involved in America's world of work.

Domestic household workers: H.R. 7935 would extend minimum wage coverage to domestic household workers for the first time. This would be a backward step. H.R. 7935 abruptly requires that they be paid the same wages as workers who have been covered for several years. The likely effect would be a substantial decrease in the employment and hours of work of current household workers. This view is generally supported by several recent economic studies.

Employees in small retail and service establishments: By extending coverage to these workers for the first time, H.R. 7935 takes aim at the very businesses least able to absorb sharp, sudden payroll increases. Under the burden of this well-intended but impractical requirement, thousands of such establishments would be forced to curtail their growth, lay off employees, or simply close their doors altogether. A "paper" entitlement to a higher minimum wage would be cold comfort indeed to workers whose jobs were eliminated in this squeeze.

Other Problems

H.R. 7935 would also bring almost all government employees under the Fair Labor Standards Act. For Federal employees, such coverage is unnecessary—because the wage rates of this entire group already meet the minimum—and undesirable, because coverage under the act would impose a second, conflicting set of overtime premium pay rules in addition to those already governing such pay for Federal employees. It would be virtually impossible to apply both laws in a consistent and equitable manner.

Extension of Federal minimum wage and overtime standards to State and local government employees is an unwarranted interference with State prerogatives and has been opposed by the Advisory Commission on Intergovernmental Relations.

Need for Balance and Moderation

In sum, while I support the objective of increasing the minimum wage, I cannot agree to doing so in a manner which would substantially curtail employment of the least experienced and least skilled of our people and which would weaken our efforts to achieve full employment and price stability. It is to forestall these unacceptable effects that I am vetoing H.R. 7935.

I call upon the Congress to enact in its place a moderate and balanced set of amendments to the Fair Labor Standards Act which would be consistent with the Nation's economic stabilization objectives and which would protect employment opportunities for low wage earners and the unemployed and especially nonstudent teenagers who have the most severe unemployment problems. To the millions of working Americans who would benefit from sound and carefully drawn legislation to raise the minimum wage, I pledge the Administration's cooperation with the House and Senate in moving such a measure speedily onto the statute books.

RICHARD NIXON

The White House,
September 6, 1973.

Court Order Requiring Production of Recordings and Documents

Petition for Writ of Mandamus Filed by Attorneys for the President Requesting That the Court Order Be Vacated. September 6, 1973

IN THE UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT
No. _____

RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES,
PETITIONER,

v.

THE HONORABLE JOHN J. SIRICA, UNITED STATES
DISTRICT JUDGE, RESPONDENT,
and

ARCHIBALD COX, SPECIAL PROSECUTOR, WATERGATE SPECIAL PROSECUTION FORCE, PARTY IN INTEREST.

PETITION FOR WRIT OF MANDAMUS

The Honorable Judges of the United States Court of Appeals for the District of Columbia Circuit:

Richard M. Nixon, pursuant to Rule 21, Federal Rules of Appellate Procedure, files this petition for a writ of mandamus to the Honorable John J. Sirica, Chief Judge

of the United States District Court for the District of Columbia, directing the Honorable John J. Sirica to vacate his order entered on the 29th day of August 1973 in the case of *In re Grand Jury Subpoena Duces Tecum* Issued to Richard M. Nixon, or Any Subordinate Officer, Official, or Employee with Custody or Control of Certain Documents or Objects, Misc. No. 47-73, in the United States District Court for the District of Columbia, a copy of which order and supporting opinion is attached hereto as Exhibit A, whereby the Honorable John J. Sirica ordered production of certain tape recordings for *in camera* inspection by said Honorable John J. Sirica to determine whether such tape recordings or portions thereof should be presented as evidence to an incumbent grand jury of the United States District Court for the District of Columbia, and for cause Richard M. Nixon shows as follows:

NATURE OF THE SUIT AND PROCEEDINGS BELOW

On July 23, 1973, at the direction of the Special Prosecutor, Watergate Special Prosecution Force, the Clerk of the United States District Court for the District of Columbia issued a subpoena duces tecum to Richard M. Nixon, or any subordinate officer whom he designates who has custody or control of certain documents or objects, directing him to produce certain specified documents or objects as evidence before an incumbent grand jury. Specifically, the subpoena directed the President to turn over to the grand jury tape recordings of meetings and telephone conversations between the President and several of his closest advisers in the period from June 20, 1972 to April 15, 1973, as well as several memoranda consisting of communications between the President's advisers.

On July 25, 1973, the President outlined his reasons for refusal to comply with those portions of the subpoena relating to tape recordings in a letter to the Honorable John J. Sirica. On July 26, 1973, the Special Prosecutor filed his verified petition for an order directing Richard M. Nixon, or any subordinate officer whom he designates, to show cause why the specified documents or objects should not be produced in response to the subpoena. Pursuant to that petition, the Honorable John J. Sirica entered an order on July 26, 1973, directing Richard M. Nixon to show cause why the documents and objects demanded should not be provided pursuant to the subpoena and setting the matter for hearing on August 7, 1973.

On August 7, 1973, the President filed a special appearance and brief in opposition. On that same day, the court entered an order directing a reply by the Special Prosecutor on or before August 13, 1973, a further reply by the President on or before August 17, 1973, and setting the matter for oral argument on August 22, 1973. Subsequently, on August 29, 1973, the court entered the order

directing *in camera* inspection of the materials sought by the subpoena.

REASONS FOR ALLOWANCE OF WRIT

This is an appropriate case for the Court to exercise its power to issue all necessary writs under 28 U.S.C. 1651, in that:

(a) The order entered by the Honorable John J. Sirica demanding *in camera* inspection of the tape recordings is clearly erroneous and beyond the power of the judicial branch in that it purports to subject the President of the United States to compulsory process for acts performed in his official capacity.

(b) Said order is not a final judgment that may be appealed to this Court under 28 U.S.C. 1291, nor an interlocutory order appealable under 28 U.S.C. 1292. *United States v. Ryan*, 402 U.S. 530 (1971).

(c) In order to obtain review under 28 U.S.C. 1291, the President would be required to refuse to comply with the order of August 29, 1973 and await further action, which is unnecessary and would only delay a resolution of this important and extraordinary case.

(d) This case raises the paramount question whether the Honorable John J. Sirica has the power under the Constitution of the United States to subject the President of the United States to compulsory process by ordering *in camera* inspection of the tape recordings in the face of a formal and valid claim of Presidential privilege. As a case of first impression of grave importance, the need for immediate appellate review by writ of mandamus is not only important but critical, *United States v. United States District Court for E.D. Mich.*, 444 F. 2d 651, 655-656 (6th Cir. 1971), *aff'd* 407 U.S. 297, 301 n. 3 (1972).

ISSUES PRESENTED FOR REVIEW

This petition presents the following issues:

(a) Whether the district court has jurisdiction to review a decision by the President of the United States to withhold records of his private conversations with his closest advisers from a grand jury if he deems disclosure to be contrary to the public interest.

(b) Whether the district court has the authority to enforce a subpoena against a President of the United States by ordering that information produced for *in camera* inspection, when the President has interposed a valid and formal claim of executive privilege.

WHEREFORE, Richard M. Nixon respectfully requests

(1) That an order be issued directing the Respondent and the Party in Interest to answer the foregoing petition within a time to be set by the Court;

(2) That an order be entered directing the Honorable John J. Sirica to vacate his order dated August 29, 1973 and to dismiss the petition of the Special Prosecutor dated July 26, 1973; and

(3) That Richard M. Nixon be granted such additional relief and process as may be appropriate.

Respectfully submitted,

LEONARD GARMENT
J. FRED BUZHARDT
CHARLES ALAN WRIGHT
DOUGLAS M. PARKER
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Attorneys for the President
The White House
Washington, D.C. 20500
Telephone No.: 456-1414
By:

CERTIFICATE OF SERVICE

I, J. Fred Buzhardt, Special Counsel to the President, hereby certify that on the 6th day of September, 1973 I served the foregoing Petition for Writ of Mandamus by causing copies thereof to be hand-delivered to the offices of

The Honorable John J. Sirica
Room 2428
U.S. Courthouse
3rd and Constitution Ave., N.W.
Washington, D.C. 20001
Respondent
Archibald Cox
Special Prosecutor
Watergate Special Prosecution Force
1425 K Street, N.W.
Washington, D.C. 20005
Party in Interest

J. FRED BUZHARDT

NOTE: Copies of the petition for writ of mandamus were made available by the White House Press Office, together with the text of an accompanying suggestion for hearing en banc under which the case would be heard by all nine judges of the United States Court of Appeals for the District of Columbia Circuit.

Meeting With the Troika

Remarks of the President, Secretary of the Treasury George P. Shultz, and Chairman Herbert Stein of the Council of Economic Advisers During a Portion of the Meeting. September 6, 1973

SECRETARY SHULTZ. Here are some statistics that will show that the commodity prices have decreased since the wholesale price index figures were collected.

THE PRESIDENT. That is the thing you were mentioning this morning.

SECRETARY SHULTZ. Yes. For example, in the middle of August the prices for soybeans were \$10.26 per bushel. Yesterday, they were at \$7. It has come down \$3.26, or 32 percent.

THE PRESIDENT. That is since the figure that we will read tomorrow?

SECRETARY SHULTZ. That is since the figure that we will read tomorrow. Those are the soybean futures for today. It is down here, 29 percent. Wheat is still way up there.

THE PRESIDENT. Wheat is no problem. It is corn and soybeans.

CHAIRMAN STEIN. Hogs are down. Hogs are down 21 percent.

THE PRESIDENT. How could hogs be down? Because those hogs were fed on that higher-priced corn, weren't they?

CHAIRMAN STEIN. Well, people aren't buying them. They went up even though they were fed on the higher-priced corn.

THE PRESIDENT. The Secretary will have a press conference tomorrow before he leaves for talks at the Tokyo meeting. It will be general in character.

There has been a rather dramatic drop. Let me say, since we always say, when we give the briefings, don't pay any attention to one month's figures when they are bad, this one-week figure, which was very good, and is one which must be kept in context, will report a dramatic drop in soybeans and corn which has taken place since they took the numbers off. They publish tomorrow as to the increase in the wholesale price index which is, of course, very substantial as predicted.

And then he's going on first to Japan and then coming back here and then going to Nairobi, and then you are going from Nairobi to Russia?

SECRETARY SHULTZ. To Russia.

THE PRESIDENT. And then to Bonn?

SECRETARY SHULTZ. Then to Bonn and Yugoslavia finally.

THE PRESIDENT. When are you going to be back here? [Laughter]

SECRETARY SHULTZ. I'll be gone for 2 weeks all together.

THE PRESIDENT. Is that all? Fine, fine.

When do you sleep? [Laughter]

SECRETARY SHULTZ. On the airplane.

REPORTER. What time is the press conference?

SECRETARY SHULTZ. Well, I think probably around noon. I think you have a Cabinet meeting at 10, Mr. President.

THE PRESIDENT. The Cabinet is at 10, and you should be ready for that—I consider this, incidentally, an important press conference—and you can also go into these tax matters and all the prospects in that field and so forth.

One of our major problems, incidentally, I might say, is, as you were just talking about the trade bill, Wilbur