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## An Obligation to the Law

Mr. Fish: Now, obviously to take care that the laws are faithfully executed as a mandate to the President doesn't mean that he personally executes all the laws. Well, what does it mean? I can't help but believe that this constitutional requirement is plain and understandable.

Now, I would like to pose some suggestions, some questions to you, Mr. Jenner, to see if we can't work out in everyday language just what this constitutional responsibility upon which this article rests means.

Would you say that included in this responsibility is the duty on the President not to mislead his subordinates, not put in motion a course of action by perhaps some loose language such as to order something be done indicating you don't care how it is to be done?

Mr. Jenner: Yes, sir, Mr. Congressman.

Mr. Fish: Would you say that in addition there is a duty incumbent on the President to police his lieutenants, to see that they are operating within proper bounds?

Mr. Jenner: I think that is inherent in the clause.

Mr. Fish: Would you further say that the President would have a duty to be alert to what is going on, such a duty as President Nixon manifests in his daily careful reading of summary of the news that was brought to him?

Mr. Jenner: I think that is a clear thrust of the clause.

Mr. Fish: And finally, and maybe not finally, if you care to add more, but there is a fourth thought I will put forward, that the President would have a duty to find out what is going on in those agencies of government set up by the Congress and the people such as the Department of Justice, the FBI, and the

CIA, and furthermore, a duty to disclose to them any information that he has knowing of their interest in that information?

Mr. Jenner: . . . The last, Mr. Fish, is quite clear and inherent in the duty to take care. The first that you mentioned is likewise included in the President's obligation to learn what is happening with—at least in the executive agencies and the executive institutions. You will recall that there was a good deal of testimony with respect to the President's carefully screening the news summaries he received at his desk at 8:10 every morning when he was in Washington and they were delivered to him when he was in San Clemente and in Key Biscayne according to the testimony. And that he read those and he wrote notes on them, and those news reports necessarily, because they covered TV, the print media, magazines, were necessarily distilled by experts that he had there, would bring to him what was occurring day to day throughout the country and alert him to—alert him to things about which he should inquire with respect to executive agencies and his staff as well.

Mr. Fish: Can you think of anything else in addition to these four that would constitute the responsibility to take care that the laws are faithfully executed?

Mr. Jenner: The main one I think is an obligation on the part of the President and an expectation of the people with respect to the President, is that he would police his immediate subordinates, not only with respect to direct directions that he had given to them but his chief of staff and others as to whether those directions had been carried out.

Mr. Fish: I thank you.