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September 9, 1980

THE CONVERSATION -- On June 17, 1980 Attorney General Benjamin Civiletti and President Carter stood talking with presidential counsel Lloyd Cutler in the Oval Office. Mr. Civiletti asked Cutler to leave the room. When they were alone, Civiletti brought up the Justice Department investigation of Mr. Carter's brother, Billy. In response to a question, Civiletti recommended to Mr. Carter that Billy register as a foreign agent--in which case, he said, the Justice Department would probably not prosecute him.

FALSEHOOD I -- On July 10, 1980 after the Billy Carter affair had burst into the headlines Civiletti who was preparing a White House report on the case. Cutler asked Civiletti if it was correct that there was "no communication" between the White House and the Justice Department about the Billy Carter case. Civiletti answered, by his own admission, "Yes, that's correct."

FALSEHOOD II -- Early on July 24 as he prepared for a press conference that morning a press assistant told Civiletti he would probably be asked if he commented to Mr. Carter about Billy Carter's trouble with the law. He reportedly told the press assistant that he had not discussed it.

FALSEHOOD III -- A short time later at the July 24th press conference the first question was asked. The transcript reads:

QUESTION: "Did you or your colleagues, Mr. Renfrew or Mr. Heymann, ever talk to the President or any other White House aides about the Billy Carter Case?"

ANSWER: "No."

QUESTION: "Why not?"

(Laughter)

ANSWER: "Well we don't make a practice of discussing investigations with the White House, number one, and secondly, we do make a practice of not discussing investigations as to which or from which any suggestion of impropriety or inappropriateness could be drawn from any such discussions."

TREMBLE TIME -- That evening Attorney General Civiletti ran into presidential counsel Lloyd Cutler at a party, Cutler told him that the President had made a note of their conversation on June 17--the very conversation whose existence Civiletti had by now denied three times.

TRUTH TIME -- On July 25--after he learned of the documentary evidence that he had talked to the President about the Billy Carter affair--Benjamin Civiletti issued a statement confirming that conversation and recalling, suddenly, many of its details.

Sept. 9, 1980

Confidential

TO: Ed Meese

FROM: ANTHONY R. Dolan

Re: Texas visit

1. On his next visit to Texas RR should pay a courtesy call on Lady Bird. It would be a proper thing to do. <sup>and</sup> The political fallout, particularly in view of Carter's lying and cheating view of LBJ would be considerable.

Sept. 9,

TO: Ed Meese

From: Anthony R. Dolan

Re: Thoughts for the day

1. Political section should probably give RR a list of primary winners and losers tonight with phone numbers. He can make appropriate calls.

2. It now appears that the new "Royal" designation may be used to hide the Billy Carter cables. Somebody -- possibly Bush -- should say ~~"ThexBilly"~~ "I wish the Stealth Bomber could get the security classification of the Billy Carter cables."

3. AMBASSADOR SULLIVAN SHOULD BE INVITED TO THE ESTATE TO MEET WITH THE GOVERNOR AND BRIEF HIM ON IRAN. NO ENDORSEMENT OR PRESS CONFERENCE. JUST A BRIEFING.

4. I spoke with Warren Hendricks about this: let's put together a group of highly credible defense surrogates for a southern tour. This is an issue that is obviously big there: Jack Edwards of Alabama has put together figures about various air bases in the south that have readiness problems. A couple of senators and Haig and Rumsfelt would be ideal. A four or five day tour. Early October.