

The original documents are located in Box 30, folder “Nixon - Papers General (3)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE

WASHINGTON

January 18, 1975

Dear Mr. Beall:

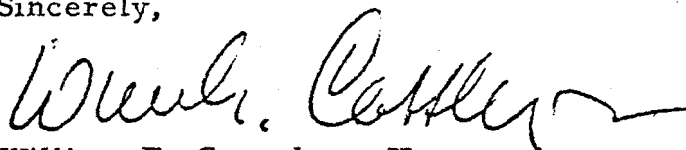
This is in response to your letter of January 8 requesting any diaries, logs or records in the care, custody, or control of the White House which reflect visits by Mr. J. Walter Jones, Jr., to the offices of former Vice President Agnew on April 20, 21, or 22, 1971.

A review of the appointments records maintained by the Executive Protective Service reveals no entry by Mr. Jones into the Old Executive Office Building (in which Mr. Agnew's offices were located) during the subject period. However, we are advised by EPS representatives that all of the appointments records pertaining to the former Vice President were turned over to Mr. Arthur Sohmer on or about September 28, 1973. At that time, Mr. Sohmer was serving as a member of the staff of the former Vice President. These records are believed to be housed with other records of the former Vice President and are not in the possession of the White House.

A review of the EOB access lists maintained by the United States Secret Service for the subject period does not list Mr. Jones' name. The Secret Service informs us that no pass permitting access to the White House or the EOB was issued to Mr. Jones for the subject period. The White House Security Office also confirms this information.

Please let me know if I may be of further assistance.

Sincerely,



William E. Casselman II
Counsel to the President

Honorable George Beall
United States Attorney
District of Maryland
405 United States Court House
Baltimore, Maryland 21202

bcc: Phil Buchen



access

THE WHITE HOUSE
WASHINGTON

February 3, 1975

Dear Mr. Hume:

This is in response to your letter of January 24 to Larry Speakes, Assistant Press Secretary, requesting copies of four documents described in an affidavit of J. Fred Buzhardt, former Special Counsel to the President, given October 9, 1973, in the case of Center on Corporate Responsibility, Inc. v. Shultz, et al., C.A. No. 73-846 (D.D.C.).

The above-described documents appear to be Presidential materials of the Nixon Administration covered by the Order of Judge Richey, United States District Court for the District of Columbia, in Nixon v. Sampson, et al., entered October 21, 1974, as amended, C.A. No. 74-1518. This Order enjoins me and other Defendants from "disclosing, transferring, disposing or otherwise making known to any person" any of the Presidential materials of the Nixon Administration, except as specifically provided for under the Order and subject to any privileges or defenses which former President Nixon may raise. Although access by the media to such materials is not specifically provided for in the Order, I have nevertheless referred your request to Herbert J. Miller, Jr., attorney for former President Nixon, for his consideration. In the event that Mr. Miller consents to your request, and after a review of Center on Corporate Responsibility, Inc. v. Shultz, et al., to assure that there remain no restrictions on disclosure of the documents in question, this office would interpose no objection to your being given copies of the requested materials, subject to the approval of the Court in Nixon v. Sampson, et al.

Sincerely,

Philip W. Buchen
Philip W. Buchen
Counsel to the President

Mr. Brit Hume
ABC News
1125 Connecticut Avenue, N.W.
Washington, D.C. 20036



cc: Herbert J. Miller, Jr., Esq.

THE WHITE HOUSE
WASHINGTON

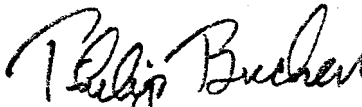
February 3, 1975

Dear Mr. Silberman:

I received on January 31, 1975, the attached Notice of Deposition in the case of Lowenstein v. Rooney, et al., E.D.N.Y., Civil Action No. 74c 593. No subpoena has been received for this purpose, nor has any other contact been made by Mr. Dean or his attorneys requesting an opportunity to review his files.

This is to request that the Department of Justice handle this matter on my behalf. To assist the attorney responsible for this matter, I have enclosed a memorandum prepared by a member of my staff regarding similar requests that have been made in other civil cases. I would appreciate an opportunity to review, prior to filing with the court, any materials that your office intends to use in this matter. Should you have any questions or require further assistance in this matter, please contact Mr. William Casselman of my staff.

Sincerely,



Philip W. Buchen
Counsel to the President

Honorable Laurence H. Silberman
Deputy Attorney General
Department of Justice
Washington, D. C. 20530

cc: Hon. Henry S. Ruth
Herbert J. Miller, Jr., Esq.



THE WHITE HOUSE

WASHINGTON

February 3, 1975

MEMORANDUM FOR: PHILIP BUCHEN

FROM: BARRY ROTH *BR*

SUBJECT: Notice of Deposition --
Lowenstein, et al., v. Rooney, et al.,
E.D.N.Y., Civil Action No. 74c 593

On January 31, 1975, you received a Notice of Deposition to appear on February 20, 1975, with all of Mr. John Dean's "government and personal books, files, records and documents previously in Mr. Dean's possession in his office in the Executive Office Building" at the time of his resignation. The apparent purpose of this deposition is to allow Mr. Dean full access to his files in connection with the above-captioned case. No subpoena has been received for this purpose, nor has any other contact been made by Mr. Dean or his attorneys requesting an opportunity to review his files. The materials in question are now located in the vault in Room 84 of the Old Executive Office Building and are contained in some six safes and 16 boxes.

As long as the orders entered by Judge Richey in Nixon v. Sampson, et al., D.D.C., Civil Action No. 74-1518, remain in effect, this situation would be controlled by the Order dated November 7, 1974, which provided in part that:

" . . . any person, either now or previously a member of the White House staff, or any defendant in the Watergate criminal trial, now pending before the Honorable Judge John J. Sirica, or the Special Prosecutor, shall be afforded access, solely for purposes relating to criminal investigations or prosecutions, . . ."

(emphasis added)

This limitation of access by former members of Mr. Nixon's staff to their papers did not affect the provisions of the Order, dated



October 22, 1974, which stated that ". . . the injunction shall not serve as a bar to the production of said materials pursuant to a validly-issued subpoena, discovery demand or court order in any civil or criminal case, either outstanding or while this injunction is extant; . . .". Although some question may exist as to how these two provisions interrelate, Counsel for Mr. Nixon have sought in each instance to quash all attempts for discovery of the Presidential materials. To date, no production of Nixon Presidential materials has been made by this office in response to a civil subpoena.

In Dellums, et al., v. Powell, et al., D.D.C., Civil Action No. 2271-71, two unsuccessful attempts were made by plaintiffs to have John Dean review his files prior to testifying in that civil matter. This office initially denied an oral request from the plaintiffs' attorney to permit such a review on the basis of the above-quoted provision of Judge Richey's Order of November 7. The plaintiffs then sought to subpoena all of Mr. Dean's files relating to the May Day demonstrations, but the attorneys for former President Nixon moved the Court to quash this subpoena, and no materials were provided to the plaintiffs.

Since filing suit on December 20, 1974, to enjoin enforcement of the "Presidential Recordings and Materials Preservation Act," P.L. 93-526, Mr. Miller has consistently denied all requests for access by former members of Mr. Nixon's staff.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ALLARD K. LOWENSTEIN, :
 :
 Plaintiff, : Civil Action
 : No. 74 C 593
 - against - :
 JOHN J. ROONEY, et al., :
 :
 Defendants. :
-----X

NOTICE OF DEPOSITION

Please take notice that at 10:00 A.M., on the 20th day of February, 1975, at 600 New Hampshire Avenue, N.W., Suite 720, Washington, D.C. Mr. John W. Dean III, a defendant in the above-entitled action will take the deposition of Mr. Philip W. Buchen, Counsel to the President of the United States, pursuant to the Federal Rules of Civil Procedure, before Stewart, Poe and Oglesby, Notaries Public, or some other person authorized to administer an oath.

Mr. Buchen is hereby notified to appear for this deposition and to bring with him all of Mr. Dean's government and personal books, files, records and documents previously in Mr. Dean's possession in his office in the Executive Office Building and removed from Mr. Dean's possession on April 30, 1973, the day of his resignation as Counsel to the President of the United States.

Chayet and Sonnenreich, P.C.
600 New Hampshire Ave., N.W.
Suite 720
Washington, D.C. 20037

By: Michael R. Sonnenreich
Michael R. Sonnenreich

Anthony J. Roccograndi
Anthony J. Roccograndi



Continued

CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Deposition was sent by certified mail to Mr. Philip W. Buchen, Counsel to the President, The White House, Washington, D. C. 20500, this 29th day of January, 1975.

A copy of the foregoing Notice of Deposition was mailed, postage prepaid, this 29th day of January, 1975, to the following counsel of record:

Leon Friedman, Esq.
Attorney for Plaintiff
Hofstra Law School
Hempstead, New York 11550

Melvin Wulf, Esq.
American Civil Liberties
Union Foundation
Attorneys for Plaintiff
22 East 40th Street
New York, New York 10016

Douglas J. Kramer, Esq.
Assistant U.S. Attorney
Eastern District of New York
Attorney for Defendants
Kelley, Barth and Alexander
225 Cadman Plaza East
Brooklyn, New York 11201

Joseph P. Hoey, Esq.
Brady, Tarpey, Downey, Hoey, P.C.
Attorney for Defendant Rooney
84 William Street
New York, New York 10038

Sidney Dickstein, Esq.
Attorney for Defendant Colson
1735 New York Avenue, N.W.
Washington, D.C. 20006

Frates, Floyd, Pearson, Stewart,
Proenzo & Richman, P.A.
Attorneys for Defendants Ehrlichman
12th Floor - Concord Building
Miami, Florida 33120



Frank H. Stickler, Esq.
Attorneys for Defendant Halderman
815 15th Street, N.W.
Washington, D.C. 20005

M. Philip Kane, Esq.
Attorney for Defendant Higby
1100 17th Street, N.W.
Washington, D.C. 20006

Gadsby & Hannah, Esqs.
Attorney for Defendant Caulfield
1700 Pennsylvania Avenue, N.W.
Washington, D.C. 20006


Anthony J. Roccogrondi

Custody

THE WHITE HOUSE

WASHINGTON

February 11, 1975

MEMORANDUM FOR: Don Rumsfeld
FROM: Phil Buchen *T.W.B.*
SUBJECT: Transcripts from electronic
surveillance of Henry Brandon
and others

For the reasons we discussed, I suggest that Mr. Brandon and any others who seek destruction or sealing of any of the above transcripts be referred to the Department of Justice. The request should be made to Attorney General Levi, and then someone in his Department (probably Ed Christenbury) can advise the inquiring party of their rights and the matters to be resolved before the request can be honored.



THE WHITE HOUSE

WASHINGTON

March 26, 1975

MEMORANDUM FOR: Phil Buchen
FROM: Bill Casselman *BC*
SUBJECT: Tapes and Documents Developments

1. I bashed heads today with Tom Wolf and Paul Rundle (Secret Service) over the security of the Nixon materials. Secret Service has agreed to permit regular inspections by Federal Protective Officers of the GSA-controlled areas in the EOB and, subject to a review of security in those areas, will alarm any additional rooms which we deem appropriate in light of the sensitivity of the materials contained therein. In addition, I am going to request some type of temperature and humidity control for the tape vault. With the summer months approaching, I am concerned that the lack of ventilation in the vault could in some way affect the tapes.

2. Judge Richey has called a meeting tomorrow of all counsel in chambers. As yet we have no idea why he will convene this session. However, I see three possibilities: (1) He will announce that he has, upon reconsideration, granted Miller's motion for recusal, which was previously denied; (2) he will announce that the Court of Appeals has held him in contempt for his recent order amending his original decision, or (3) he will announce that he will hear the consolidated cases notwithstanding the stay of the Court of Appeals.

3. Finally, an evidentiary hearing will be held Monday on the chain of custody for the March 23, 1971 tape. The Special Prosecutor has written to Jack Miller requesting that the original tape be produced to the Court, and Miller is expected to agree without the requirement of a subpoena. (This is the same procedure that was followed in the evidentiary hearings in U.S. v. Mitchell, et al.) Unless you care to attend the hearing, the Prosecutor has asked that I be present to give testimony regarding our tape control procedures and the custody of the tape in question. This is expected to be something of a recurring problem with respect to the Connally trial.



THE WHITE HOUSE
WASHINGTON

March 26, 1975

MEMORANDUM FOR: Jeanne Davis

FROM: Bill Casselman *JS*

For your records, I am returning Mr. Goodman's original letter of March 6. The draft reply to Mr. Goodman, which I provided to you yesterday, should serve as model for replies to future requests under the Freedom of Information Act for Nixon materials received or originated by NSC. However, in view of the constantly changing nature of this litigation, I recommend that you continue to clear such replies through this office.

Enclosure

bcc: Phil Buchen ✓



Friday 3/28/75

11:00 Bill Casselman will send you a memo concerning the significance of the civil complaint captioned Kennedy v. Jones, et al., which you inquired about.

(Copy of letter to Larry Silberman attached)



THE WHITE HOUSE
WASHINGTON


March 27, 1975

Dear Mr. Silberman:

The attached civil complaint, captioned Kennedy v. Jones, et al., U.S.D.C., District of Columbia, Civil Action File No. 74-194, was received by my office on March 26, 1975.

This is to request that the Department of Justice handle this matter on behalf of Mr. Jones, who is an employee of the White House. If additional information or assistance is required, please contact William E. Casselman II of this office. I would appreciate very much your sending this office copies of any materials that you file with the court in this matter.

Sincerely,


Philip W. Buchen
Counsel to the President

The Honorable Laurence H. Silberman
Deputy Attorney General
Department of Justice
Washington, D.C. 20530

Enclosure



THE WHITE HOUSE

WASHINGTON

April 3, 1975

MEMORANDUM FOR:

JERRY JONES
GERTRUDE FRY

FROM:

PHILIP W. BUCHEN

P.W.B.

SUBJECT:

Safe Zone 128

I hereby authorize, effective this date, the substitution of Gertrude B. Fry for Jerry Jones as my agent/custodian of the tape recordings contained in Safe Zone 128 in the Old Executive Office Building. In order to maintain the chain of custody pertaining to these tape recordings this is to request that you, along with Barry Roth of my staff and a representative of the United States Secret Service, inventory the original and duplicate recordings contained therein, specifically identifying any original recordings which are not presently contained in the Safe Zone, and the present location or person having custody of such original tapes.

Following this inventory, all keys and logs are to be transferred, along with appropriate documentation to Mrs. Fry. However, Mr. Jones may retain copies of any of these documents as he deems appropriate.

cc: H. S. Knight



THE WHITE HOUSE

WASHINGTON

April 3, 1975

MEMORANDUM FOR

H. S. Knight
Director, United States Secret Service

Effective this date, Mrs. Gertrude B. Fry is to replace Mr. Jerry Jones as my agent/custodian of the tape recordings contained in Safe Zone 128 of the Old Executive Office Building. In order to effectuate this change, Mrs. Fry, Mr. Jones and Mr. Barry Roth of my staff, accompanied by a representative of the United States Secret Service, are authorized to enter the Safe Zone for the purpose of inventorying the contents therein. Following the completion of this new inventory, it should be signed by all persons present, and all keys and records of Mr. Jones related thereto will then be transferred to Mrs. Fry. Henceforth, Mrs. Fry is substituted for Mr. Jones with respect to all outstanding and future authorizations related thereto. In all other respects, the present procedures for access to and removal of materials from Safe Zone 128 are to remain in effect. Mr. R. Stan Mortenson, attorney for former President Nixon, and Mr. Peter Kreindler, counsel for the Special Prosecutor, have both indicated that they have no objection to this procedure.

Following the completion of this process, this is to request the assistance of representatives of the Technical Security Division of the United States Secret Service in resetting the combinations to these safes and changing the lock controlled by my agent for this room. These new keys and combinations are to be given only to Mrs. Fry. You should continue to maintain your separate key for this room.



Your assistance is appreciated.

P.W.B.

Philip W. Buchen
Counsel to the President

cc: Mr. Jones
Mrs. Fry



THE WHITE HOUSE
WASHINGTON

For file

April 22, 1975

MEMORANDUM FOR:

BRENT SCOWCROFT

FROM:

BILL CASSELMAN *BC*

This is in response to your memorandum of April 21, informing me of your intention to assign an NSC official to inspect President Nixon's White House and NSC files to insure that they are properly classified in accordance with Executive Order No. 11652. Insofar as these files may constitute Presidential materials of the Nixon Administration, thus making them subject to the orders of the United States District Court for the District of Columbia in Nixon v. Sampson, et al, it will be necessary to notify counsel for former President Nixon of your intention to review such files for purposes of Government business. If you will advise me prior to the examination of the files, I will provide the appropriate notifications in accordance with the outstanding orders of the court.

bcc: Phil Buchen



THE WHITE HOUSE

WASHINGTON

April 25, 1975

MEMORANDUM FOR: JERRY JONES
GERTRUDE FRY

FROM: PHILIP W. BUCHEN

SUBJECT: Room 429

Wink, Dennis for

I hereby authorize, effective this date, the substitution of Gertrude Fry for Jerry Jones as my agent/custodian of the "Presidential materials of the Nixon Administration" that are contained in Room 429 of the Old Executive Office Building. In order to effectuate this change, this is to request that you, along with Barry Roth of my staff and a representative of the United States Secret Service, who will witness this process, inventory the boxes as labeled. Upon completion of this inventory, any keys and logs for this room are to be transferred, along with appropriate documentation, to Mrs. Fry. However, Mr. Jones may retain copies of any such documents as he deems appropriate.

The standing procedures for access to Room 429 shall continue to remain in effect; namely:

(1) No entry is to be made nor materials removed without the express written authorization of myself; and

(2) The Secret Service is to be given advance notification of any entry to this room. However, they are not required to be present when entry is made.

cc: H. S. Knight



LAW OFFICES
MILLER, CASSIDY, LARROCA & LEWIN
1320 19TH STREET, N.W. - SUITE 500
WASHINGTON, D. C. 20036

AREA CODE 202
TELEPHONE 293-6400

HERBERT J. MILLER, JR.
JOHN JOSEPH CASSIDY
RAYMOND G. LARROCA
NATHAN LEWIN
MARTIN D. MINSKER
WILLIAM H. JEFFRESS, JR.
THOMAS D. ROWE, JR.
R. STAN MORTENSON
THOMAS B. CARR

JOSEPH S. MCCAR
COURTNEY A. EVA
OF COUNSEL

March 12, 1975

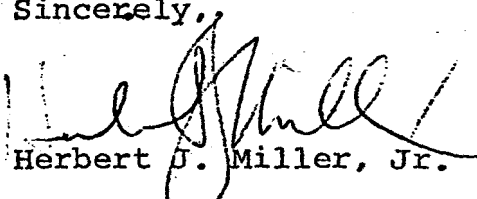
Philip W. Buchen
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

I have received your letter of March 1, 1975 in which you refer to the necessity of substituting Mrs. Gertrude Brown Fry for Mr. Jerry Jones as custodian of Safe Zone 128 and Room 429 of the Old Executive Office Building. It is my understanding that although the custodianship of these areas is to be changed by this substitution, control over access thereto will continue to rest in you. If that is the case, I have no objection to the proposed substitution.

With respect to the re-inventorying of the presidential recordings in Safe Zone 128 and the boxes, as labeled, in Room 429 at the time of transfer of custodianship from Mr. Jones to Mrs. Fry, I hereby waive my right to be present. In that regard, I do not believe it is necessary for a representative of the Special Prosecutor to be invited to witness this transfer. The interests of the Special Prosecutor as well as any other persons can be adequately protected by the representatives of the Secret Service at the time of transfer.

Sincerely,


Herbert J. Miller, Jr.

/sb

cc: Mr. Casselman
Mr. Roth



Nixon papers
May Day

THE WHITE HOUSE
WASHINGTON

April 29, 1975

MEMORANDUM FOR:

Warren Rustand

THROUGH:

Philip W. Buchen *P.W.B.*

FROM:

Jay T. French *Jay T. French*

Your office has requested the Counsel's comments on a proposed Presidential appearance at Freedom Park in Charlotte, North Carolina on May 20, 1975. For reasons set forth below, it is the Counsel's strong recommendation that this invitation be declined.

On October 15, 1971, former President Nixon spoke in Charlotte, North Carolina during "Billy Graham Day". Thereafter, a group known as the Red Hornett May Day Tribe filed a class action lawsuit seeking damages and injunctive relief against the U. S. Secret Service, White House advance personnel, and others for arbitrarily excluding the members of the group from the former President's address at the Coliseum.

In 1973 the Federal District Court in Charlotte granted the plaintiffs' request for an injunction. The Court's order enjoined the defendants as follows:

[from] discriminatorily arresting or detaining, or keeping from the general public presence of the President of the United States, plaintiffs and others similarly situated, on account of their mode of dress or hairstyle, life style, peaceable expression of political (including dissenting) views, exercise of constitutional rights of free speech, petition for redress of grievances or right of association, without prior judicial authorization or without probable cause, or for any other cause not rationally necessary for the personal safety of the President.

This order is still in effect.



The plaintiffs' claim for civil damages is presently being tried and it is expected that the case will go to the jury in the next few days.

The President's appearance at Freedom Park might invite a test of the parameters of the Court's injunctive order and such a test might possibly give rise to another lawsuit for damages. Under these circumstances, the Counsel's office recommends that the invitation be declined.

cc. Robert Hartmann
Jeri Conner



THE WHITE HOUSE

WASHINGTON

May 7, 1975

MEMORANDUM FOR

H. S. Knight, Director
United States Secret Service

Referencing my memorandum to you dated February 19, 1975, with regard to the Research Project in Rooms 84 and 522 of the Old Executive Office Building, the Special Prosecutor has recently made several supplemental requests to this office for additional work by archivists serving as my agents. This work is a continuation of the earlier request, and the procedures described in the above-referenced memorandum again are to be followed. No additional authorization is necessary for this project.

Your assistance is appreciated.



Philip W. Buchen
Counsel to the President

cc: A. F. Sampson



THE WHITE HOUSE

WASHINGTON

May 7, 1975

MEMORANDUM FOR:

Red Cavaney

THROUGH:

Philip W. Buchen

FROM:

Jay T. French

By your memo of May 3, 1975, you requested a briefing on the possible effect of the lawsuit in Charlotte, North Carolina (in which the United States Secret Service and members of the White House Advance office were defendants) on the conduct of your staff in arranging for the President's visit to Freedom Park on May 20, 1975.

In this case members of the Red Hornet May Day Tribe sought an injunction and money damages on grounds that the defendants improperly excluded them from a public rally at which the President was the speaker. In July 1973 the United States District Court in Charlotte issued an injunction which enjoined the defendants from unreasonably excluding the plaintiffs from public presidential events in the future. Recently, on May 5, 1975, a Federal jury decided the issue of money damages in favor of the defendants. As a result of this decision the judge stated that he will dissolve the injunction.

Based on these facts, your staff will not be subject to the Court's injunction. However, I urge you to contact David Martin, General Counsel of the United States Secret Service who has just returned from Charlotte, and who participated in the trial. I have discussed this matter with him, and it is apparent that his observations would be of immeasurable assistance to you in planning this event.



THE WHITE HOUSE
WASHINGTON

May 9, 1975

MEMORANDUM FOR

H. S. Knight
Director, United States Secret Service

In order to insure that the tape recordings contained in Safe zone 128 do not suffer undue deterioration as the result of the heat and humidity, my office has already been in contact with your representatives with respect to this matter. This will authorize entrance into the safe zone by technical employees of the General Services Administration for the purpose of placing therein test equipment and for similar checks on the conditions of the safe zone. Mr. Barry Roth of my office should be present when such entries are to be made along with Mrs. Gertrude Fry and the customary representatives of the Secret Service. No tapes are to be removed from this room or examined on the basis of this authorization.

Your assistance is appreciated.

Philip W. Buchen
Philip W. Buchen
Counsel to the President



THE WHITE HOUSE
WASHINGTON

*Yellman
for paper*

May 16, 1975

Dear Mr. Hellegers:

This is in response to your letter of May 7, 1975, in which you request a copy of a letter allegedly written by President Nixon to British Prime Minister Heath and French President Pompidou on January 19, 1973. Your request is made under the Freedom of Information Act (5 U.S.C. 552).

Please be advised that such a letter, if it exists, would be part of the "Presidential materials of the Nixon Administration," which are presently in the custody of the White House. These materials are subject to the order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518. This order enjoins any disclosure, transfer, or disposal of the above-referenced materials, except under certain circumstances not present here. Moreover, the White House is not believed to be an agency for the purposes of the Freedom of Information Act, and is, therefore, not subject to its mandatory disclosure provisions.

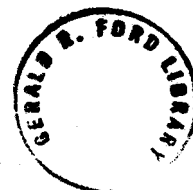
Accordingly, for the reasons referred to above, your request is respectfully denied.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Mr. John F. Hellegers
Washington Counsel
Environmental Defense Fund
1525 18th Street, N.W.
Washington, D.C. 20036



THE WHITE HOUSE

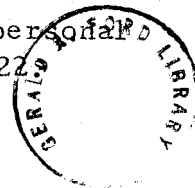
WASHINGTON

May 23, 1975

MEMORANDUM FOR: PHIL BUCHEN
THROUGH: BILL CASSELMAN
FROM: BARRY ROTH *BR*
SUBJECT: Presidential Materials of the
Nixon Administration

In accordance with your request this morning, the following persons have made requests for access to or return to them of certain materials now in the custody of either GSA or yourself:

1. Rose Woods' personal papers remain in Room 175 1/2. When Irv Goldbloom discussed this matter informally with the Court, he was directed not to file a report to request their return to Miss Woods. Her attorney in February indicated that he would file the necessary report and to date he has failed to do so.
2. Leonard Garment has requested several chron files now held by Trudy Fry which deal almost entirely with Watergate matters. The only way he could receive these items or even copies of them is after the Court has ruled on the statute or has modified the restraining order.
3. Gordon Strachan has requested to review his materials in order to separate those items which he believes are his personal property. Under the restraining order, there is no basis for Strachan to be allowed to do so except in connection with a criminal proceeding. Nixon has refused each request by former staff members to gain access to their files for purposes of investigations since last December.
4. Larry Higby has similarly requested to separate personal materials from his files which are now maintained in Room 522.



5. Roy Ash did receive all but one box of his materials (several boxes of materials relating to his official duties as Director we understand were sent to him by OMB after being turned over to OMB). The remaining box relates to Ash's work as Chairman of the Ash Commission on Government Organization. There is no way that these materials, now in the custody of GSA, could be returned to Ash until the Court has ruled on the statute. Even if the Court were to invalidate the statute, the return to Ash of these materials would be up to Nixon.

6. David Hoopes has requested the return of photographs and commissions for several former staff members that had not been signed when Nixon resigned. Stan Mortenson indicated that Nixon would probably not object to the Government's filing a report requesting return of such items; however, he specifically indicated that this should wait until the Court has made certain preliminary rulings in the case.

7. Russ Rourke has just requested that we make all possible efforts to return a flag given to former President Nixon as a personal gift by one of the returning POWs, in order to allow it to be flown in Philadelphia in connection with the bicentennial. Nixon has consented to this request.

8. Dianna Gwin in Jerry Jones' office has requested the return of several photographs that she had sent to Nixon for autographing.

9. In transferring all of the Nixon items from the Gift Unit, a bronze watch given to Vice President Nixon in 1953 was found, and which Rose Woods asked be returned to Mr. Nixon at the appropriate time.



THE WHITE HOUSE

WASHINGTON

May 31, 1975

Dear Mr. Guste:

This is in response to your letter of May 21, 1975, in which you requested copies of tape recorded conversations between former President Nixon and H. R. Haldeman concerning the Environmental Protection Agency's decision to ban DDT. As Mr. Roth of my staff explained to you, your letter was not received until after May 26, and I regret that therefore we were unable to respond within the time period that you had requested.

Such recordings, if any do exist, constitute "Presidential materials of the Nixon Administration" within the meaning of the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518. A copy of the relevant portion of this Order is enclosed. This Order generally enjoins the disclosure, transfer or disposal of these materials, and effectively requires that former President Nixon or his agent consent to any production or use of such materials for the limited purposes specified in the Order. Accordingly, I have referred your request to Mr. Herbert J. Miller, Jr., Counsel to Mr. Nixon, for his consideration.

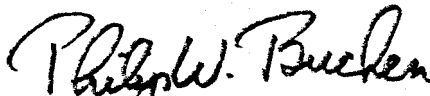
For the time period of October-November 1971, during which you believe that the requested conversations did take place, there are in excess of eighty reels of tape. Each reel, although varying in precise duration,



contains up to six hours of recorded conversations. I am sure that you will understand that a request of this scope does raise numerous practical problems, in addition to the legal problems related to litigation now in process involving the ownership of the Nixon Presidential materials.

I will advise you further on this matter as soon as I learn of the position taken by Mr. Miller.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable William J. Guste, Jr.
Attorney General
State of Louisiana Department of
Justice
2-3-4 Loyola Building
New Orleans, Louisiana 70112

Enclosure





State of Louisiana

DEPARTMENT OF JUSTICE

WILLIAM J. GUSTE, JR.
ATTORNEY GENERAL

7TH FLOOR
2-3-4 LOYOLA BUILDING
NEW ORLEANS 70112

May 21, 1975

Philip Buchen, Esquire
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

In June, 1972, the Administrator of the Environmental Protection Agency (EPA) overruled Administrative Law Judge Sweeney and barred the use of DDT; especially as an agriculture pesticide, (37 F.R. 13369).

We have reason to believe that the decision to ban the use of DDT may have been made by former President Richard Nixon in October or November, 1971, on account of political rather than environmental considerations. The reversal of the strong findings of the administrative law judge, based on the evidence that a ban on DDT could not be supported by scientific data, lends credence to this belief.

We also have reason to believe that this 1971 decision may have been made in the White House during a conference between former President Richard Nixon and Chief of Staff H. R. Haldeman, and is recorded on tape. We have contacted Special Prosecutor Henry S. Ruth, Jr. and he has informed us that the 1971 conference is not on the tapes subpoenaed by his office and now in the possession of U. S. District Judge John Sirica. Special Prosecutor Ruth has suggested we contact you.

The State of Louisiana is presently before the United States Court of Appeals for the Fifth Circuit (C.A. No. 75-2091) in a suit against EPA to allow the emergency use of DDT on a massive infestation of tobacco budworm in Louisiana cotton fields. Unless DDT is permitted to be used on an emergency basis, a \$50 to \$60 million cotton crop loss will be suffered in Louisiana.



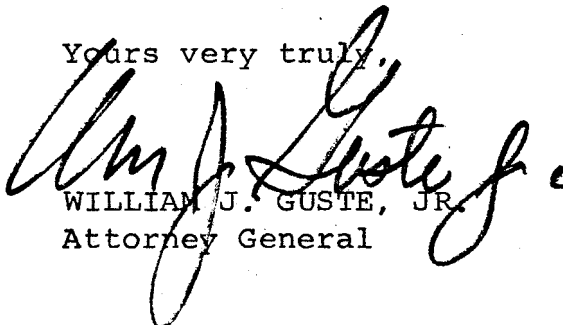
Philip Buchen, Esquire
May 21, 1975
p. 2.

Therefore, should the tapes exist, they would obviously bear on the issue of whether there is substantial evidence to support the ban of DDT: and on the question of whether the EPA is justified in denying the emergency use of DDT by Louisiana.

Therefore, we request that you advise us as to whether such tapes do in fact exist. If they do, we request that you make the tapes, or a transcript of their content available to us no later than Monday, May 26, 1975, at which time we must present the matter to Judge Charles Clark of the United States Court of Appeals.

Time is of the essence; therefore, a telephonic reply would be appreciated.

Yours very truly,



WILLIAM J. GUSTE, JR.
Attorney General

WJGjr:ab

CERTIFIED
AIR MAIL-SPECIAL DELIVERY



June 4 1975

*Original
Sent to
Barry
6/6*

Mr. Philip W. Buchen
Counsel to the President
Executive Office of the President
Washington, D.C.

Re: United States v. Carter Camp, Stanley Holder,
and Leonard Crow Dog - Electronic Surveillance
Information Request

Dear Mr. Buchen:

On November 16, 1973 we requested information as to whether your agency had engaged in any electronic surveillance with respect to these and other individuals. Defendants Camp, Holder and Crow Dog are presently being tried. On May 30, 1975 the court ordered the government to provide an update to your response to our November 16, 1973 communication. For ease of reference, a copy of our November 16 communication and an attachment thereto containing names and addresses of defendants and defense counsel as well as your response are attached. In addition, the court has ordered the name of Frances G. Schreiber be added to the list. Available information concerning Ms. Schreiber and the addresses and telephone numbers to be checked are as follows:

Current

Room 707, Hotel Roosevelt
Cedar Rapids, Iowa
319-364-4111 #7707

March 1973 - June 1973

217 Thompson Street
Apartment 27
New York, New York
212-475-9284

March - June 1973

351 Broadway - 3rd floor
New York, New York
212-966-7110



National Lawyer's Guild
23 Cornelia Street
New York, New York
212-989-3222
212-255-8028

June 1973 - July 1973

2111 Jefferson Davis Highway
Apartment 215-N
Arlington, Virginia
703-521-7253

July 1973 - Present

1118 Colosa Avenue
Berkley, California
415-525-2495

July 1973 to April 1975

Contra Costa County Public Defender
919 Pine Street
Martinez, California
415-228-3000 #2481

3811 Bissell
Richmond, California
415-233-7060 #3233

Wounded Knee Legal Offense/Defense Counsel
315 East 15th Street
Sioux Falls, South Dakota
605-334-0329

Wounded Knee Legal Offense/Defense Counsel
P. O. Box 918
Council Bluffs, Iowa
712-328-9406

Wounded Knee Legal Offense/Defense Counsel
110 Glenn
Council Bluffs, Iowa
712-322-9999



Wounded Knee Legal Offense/Defense Counsel
P. O. Box 445
3rd Avenue & 6th Street
Cedar Rapids, Iowa
319-366-8413

United States Court House
Room 106/110
Cedar Rapids, Iowa
319-366-7250

Hotel Roosevelt, Room 709
Cedar Rapids, Iowa
319-364-4111 #7709

Wounded Knee Legal Offense/Defense Counsel
Court House
Lincoln, Nebraska
402-471-5234

Wounded Knee Legal Offense/Defense Counsel
P. O. Box 80931
Lincoln, Nebraska
407-799-2485

United States Air Force Barracks
Lincoln, Nebraska
407-799-2485

Joe Bealer
12 D Suite
407 Lincoln Road
Miami Beach, Florida
305-672-1811 & 1812

750 N.E. 61st Street
Apartment 102
Miami, Florida
305-751-3808, 3809

Fox & Rohovit
212 Dey Building
Iowa City, Iowa
319-337-3702

J. Jane Fox
320 River Street
Iowa City, Iowa
319-338-5077



The court has ordered that the government respond to this request by 9:00 a.m., June 5, 1975. Obviously, this time limit is extremely short. It is therefore requested that you provide this information as expeditiously as possible in writing and in addition, contact attorneys, Roger C. Adams or Kenneth L. Fields, General Crimes Section, Criminal Division, 739-2745, when you have completed your response.

Your attention to this matter is appreciated.

Sincerely,

JOHN C. KEENEY
Acting Assistant Attorney General

Encl.



Wednesday 6/4/75

9:50 I called Casselman's office to ask if we need to be doing anything on this; Brenda said she would check with Mr. Casselman and let us know.

Thursday 6/5/75

3:45 Irving Jaffe's office called from Justice and said the Koonz hearing at 9:30 tomorrow (Friday) has been cancelled and not rescheduled.

I have advised Casselman's office.



THE WHITE HOUSE

WASHINGTON

June 20, 1975

*Nixon
Tapes*

Re: United States v. Carter Camp, Stanley Holder
and Leonard Crow Dog - Electronic Surveillance
Information Request

Dear Mr. Keeney:

This is in further response to your letter to me of June 4, 1975, in which you inquired as to whether any records in the White House indicated electronic surveillance of the above-named defendants, their attorneys and certain other individuals.

Enclosed is a letter dated June 13, 1975, from Mr. Herbert J. Miller, Jr., counsel for Mr. Nixon, declining to accede to your request insofar as it pertains to the "Presidential materials of the Nixon Administration." In view of the position taken by Mr. Miller, should you wish to pursue this matter further, I recommend that you contact him directly.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Mr. John C. Keeney
Acting Assistant Attorney General
Criminal Division
Department of Justice
Washington, D. C. 20530



LAW OFFICES
MILLER, CASSIDY, LARROCA & LEWIN
2555 M STREET, N.W. - SUITE 500
WASHINGTON, D. C. 20037

APEA CODE 202
TELEPHONE 293-6400

HERBERT J. MILLER, JR.
JOHN JOSEPH CASSIDY
RAYMOND G. LARROCA
NATHAN LEWIN
MARTIN D. MINSKER
WILLIAM H. JEFFRESS, JR.
THOMAS D. ROWE, JR.
R. STAN MORTENSON
THOMAS B. CARR

JOSEPH S. MCCOY
COURTNEY A. ELLIOTT
OF COUNSEL

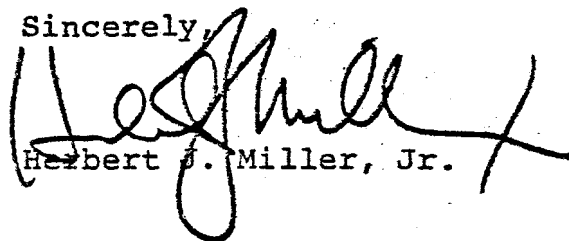
June 13, 1975

Philip W. Buchen, Esquire
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

I have received your inquiry concerning Mr. John C. Kenney's request for a search of the files of the Nixon Administration for the purpose of determining whether electronic surveillance was conducted on Messrs. Carter Camp, Stanley Holder or Leon Crow Dog by any member of the White House staff during President Nixon's Administration. Response to this request would necessitate the review of a large quantity of former President Nixon's presidential materials and therefore would involve a significant intrusion upon the presidential privilege of confidentiality. Therefore, as counsel for Mr. Nixon, I do not consent to the production of the information requested nor to a search of Mr. Nixon's presidential materials for the purpose of determining whether such information exists.

Sincerely,



Herbert J. Miller, Jr.

HJM/sl



THE WHITE HOUSE

WASHINGTON

June 20, 1975

Dear Mr. Guste:

This is in further response to your letter to me of May 21, 1975, in which you requested copies of tape recorded conversations between former President Nixon and H. R. Haldeman concerning the Environmental Protection Agency's decision to ban DDT.

Enclosed is a letter dated June 13, 1975, from Mr. Herbert J. Miller, Jr., counsel for Mr. Nixon, declining to accede to your request. In view of the position taken by Mr. Miller, should you wish to pursue this matter further, I recommend that you contact him directly.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable William J. Guste, Jr.
Attorney General
State of Louisiana Department of Justice
2-3-4 Loyola Building
New Orleans, Louisiana 70112



LAW OFFICES
MILLER, CASSIDY, LARROCA & LEWIN
2555 M STREET, N.W. - SUITE 500
WASHINGTON, D. C. 20037

AREA CODE 202
TELEPHONE 293-8400

HERBERT J. MILLER, JR.
JOHN JOSEPH CASSIDY
RAYMOND G. LARROCA
NATHAN LEWIN
MARTIN D. MINSKER
WILLIAM H. JEFFRESS, JR.
THOMAS D. ROWE, JR.
R. STAN MORTENSON
THOMAS B. CARR

JOSEPH S. MCC
COURTNEY A. I
OF COUNSEL

June 13, 1975

Philip W. Buchen, Esquire
Counsel to the President
The White House
Washington, D. C.

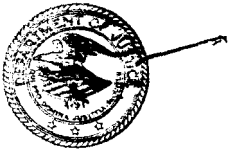
Dear Mr. Buchen:

I have received your letter of May 31, 1975, together with Mr. William Guste's request of May 21, 1975 seeking production of tape recordings or transcripts of discussions between President Nixon and Mr. Haldeman concerning the decision to ban the use of DDT. The location and production of this conversation, if it exists, would necessitate a search of numerous conversations between a President and his aides, and others, and would consequently involve a significant intrusion upon the President's privilege of confidentiality. Therefore, as counsel for former President Nixon, I do not consent to either the search or the production of tapes or transcripts.

Sincerely,


Herbert J. Miller, Jr.





Department of Justice
Washington, D.C. 20530

ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION

JUL 9 1975

Mr. Philip Buchen
Counsel to the President
White House
Washington, D.C. 20500

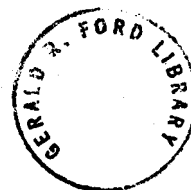
Dear Mr. Buchen:

I enclose, for your information, copies of the transcript of the hearing in McCord v. Ford, et al., USDC DC, Civil Action No. 74-1386, which hearing was held on June 16, 1975 and of the Memorandum of Plaintiff on Existence of Case or Controversy and Defendant's Supplemental Memorandum in Support of their Motion to Dismiss, filed after the hearing.

Sincerely,

REX E. LEE
Assistant Attorney General

Enclosures



THE WHITE HOUSE

WASHINGTON

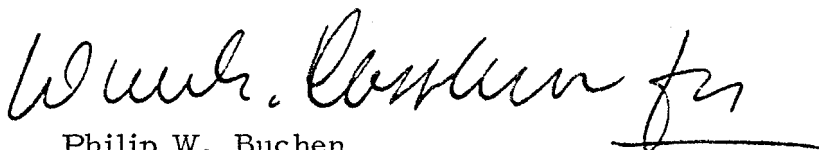
July 21, 1975

MEMORANDUM FOR

H. S. KNIGHT
Director, United States Secret Service

In accordance with the attached letter from Mr. R. Stan Mortenson, Jr., attorney for Mr. Nixon, my memorandum to you dated February 5, 1975, is further amended by adding at the end of the first paragraph:

58. January 31, 1973 to February 27, 1973 (Telephone)



Philip W. Buchen
Counsel to the President

cc: Gertrude Fry



Tuesday 7/29/75

Meeting
7/30/75
12 noon

5:00 We have scheduled a meeting at 12 noon
tomorrow (Wednesday 7/30) with the following
people:

Bill Casselman
Irving Goldbloom
Dave Anderson

2:15



Wednesday 7/30/75

Meeting
7/30/75
2:15 p.m.

11:50 Mr. Casselman advises Mr. Goldbloom is tied up in the meeting on depositions and they would like to reschedule the 12 o'clock meeting.

We are scheduling it for 2:15 this afternoon.



THE WHITE HOUSE
WASHINGTON

7/29/75

Phil,

Thought this might be useful to you
in preparation for our meeting with
Goldbloom tomorrow.



Bill Casselman



THE WHITE HOUSE

WASHINGTON

THE WHITE HOUSE

WASHINGTON

July 29, 1975

MEMORANDUM FOR: PHIL BUCHEN
FROM: BILL CASSELMAN *BC*
SUBJECT: Tapes and Documents Wrap-up

As you know, I have had a number of conversations in recent weeks with Hank Ruth, Irwin Goldbloom, Stan Mortenson, Tom Wolf and others regarding the winding down of White House activities involving the Presidential materials of the Nixon Administration.

Last Friday, Ruth made an additional request for one tape-recorded telephone conversation and certain dictabelt and cassette recordings. We are in the process of providing these materials to Mortenson for his review. After a determination by Mortenson as to their relevance to ongoing investigations and prosecutions, and following examination by me and the Special Prosecutor of any relevant portions thereof, all outstanding requests for tapes and documents will have been met.

Also on Friday, Ruth testified before the House Judiciary Committee regarding the termination of his office. Although it appears that the Attorney General would like Ruth to continue for another two years, Ruth indicated his preference to cease his functions on or about October 1 and to transfer any remaining investigations, prosecutions, or appeals to the Department of Justice. Assuming Ruth responds favorably to my letter to him of the 21st regarding termination of the Research Project, the disposition of the tapes and documents--and your possible withdrawal from the pending case--could then proceed.

The discovery, briefing, and argument schedule stipulated to by all parties is still on course. Hopefully, discovery will be completed by the end of this month. Briefs would then be filed by the end of August and argument held September 23. Upon conclusion of the discovery process, a motion will be filed by the Government seeking permission



to remove approximately 4,000 cubic feet of documents from non-alarmed rooms within the EOB to areas of the Federal Records Center at Suitland, Maryland, having comparable security. This would leave 13 rooms in the EOB under the jurisdiction of the Administrator of General Services. Removal of the remaining materials would require a considerable expenditure of funds in order to duplicate the security arrangements which these sensitive materials presently enjoy within the EOB. This would, of course, limit the number of materials that could be removed absent an appropriation for such purposes.

The materials remaining under your jurisdiction would continue to be stored in the following areas within the EOB: Room 128 (tape vault); Rooms 84 and 522 (Haldeman, Ehrlichman, Dean, etc., files); Room 175 1/2 (Woods files); Room 414 (overflow files from 84 and 175 1/2); Room 429 (Nixon personal files and gift records); Room 205 (Nixon NSC files); and Room 43 (Dannenhauer security files). From discussions with interested parties, we believe that the custody of these materials might be transferred in situ to the Administrator sometime during early August. This, too, would require a court order, which could conceivably include your severance from Nixon v. Sampson, et al.

During the first part of August it is also expected that Miss Woods will file a motion for leave to intervene in the consolidated cases to seek the release of her "personal" materials. The Government intends to support this motion by affidavit and oral testimony, if required. At that time, we would advise all other former White House staff members who have requested access to their materials of the Government's support for a motion to remove "personal" items (insofar as "personal" items can be agreed upon by all parties).

However, informal discussions with the Special Prosecutor indicate that he might oppose such a motion. This would place the Administration at loggerheads with the Special Prosecutor over release of certain of Miss Woods materials. As you know, I have some reservation about supporting the release of purportedly "personal" materials, since the question of ownership of such materials lies at the very heart of the litigation. Accordingly, I feel that we should carefully consider the desirability of being at odds with the Special Prosecutor over the release of the materials of former staff members.

Finally, since it appears that you are going to be in possession of the tapes beyond the first week in September, I would recommend that we retain Halverson Associates to advise us regarding long-term storage of the original tapes. Robert L. Halverson is the tape recording consultant for the Special Prosecutor and GSA. It would seem logical, in order to assure consistency of treatment of the tapes, that Halverson also advise us regarding such matters.

We have had temperature and humidity tests conducted in the tape vault. Informal discussions with Halverson indicate the climatic conditions in the vault would have no immediate effect on the tapes. However, if we are going to continue to store these materials under their present conditions, it would be necessary to take certain precautions such as rewinding the tapes, storing them upright, and other measures which Halverson would recommend. I have already discussed with Dave Hoopes the possibility of a letter agreement between the White House and Halverson for purposes of accomplishing this work.

As we discussed, I will, of course, be pleased to continue as a part-time consultant for purposes of completing the litigation and any other outstanding business of this office. With the concurrence of Jim Connor and Dave Hoopes, it appears that my official termination date will be September 6--give or take a few days. However, it is still my intention to take terminal leave commencing sometime during the first week in August.

For the record, the following is a compilation of the statistics for Phase I and Phase II of the Research Project for the Special Prosecutor conducted under the direction of this office.

Phase I

Folder documents or other items identified as relating to initial investigations - 1,635

Phase II

Folder items identified as relating to additional investigations:

David R. Young Safe No. 16 - 47
Presidential Diebold Safe - 18



JDE Alpha File/Moore, Woods, etc. boxes - 10
Total Phase II items - 75

Total of all items - 1,710

Total items deleted by Nixon from Phase I and II - 310

Total items reviewed by me and delivered to the Special Prosecutor - 1,400

We have not completed the tape review process. However, of the total tapes reviewed to date, approximately 15 separate tape-recorded conversations have been made available to the Special Prosecutor.

Of all the documents and tape-recorded materials, there are six items for which we have claimed a limited national security privilege based upon the recommendation of the National Security Council. NSC advised that three tape recordings be classified SECRET in the interest of national security. In addition, one document was classified CONFIDENTIAL and two documents, although not recommended for classification, were noted as having possible adverse effect upon foreign relations in the event of their release. The Special Prosecutor agreed to abide by the recommendation made by the NSC staff.



For filing

August 9, 1975

Dear Mr. Corman:

This is in further response to your letter of July 25 on behalf of Mr. and Mrs. H. R. Levine expressing their concern over the disposition of former President Nixon's personal effects. The statute to which they refer, the Presidential Recordings and Materials Preservation Act, P.L. 93-526, is currently being challenged on constitutional grounds in the courts by former President Nixon. I am sure you will understand that comments by this office with respect to matters pertaining to this litigation would be inappropriate.

Mr. and Mrs. Levine may be interested to learn that approximately 120 boxes and crates of personal items either pre-dating or post-dating Mr. Nixon's term of office, as well as 89 boxes of post-August 9, 1974, mail, were sent to Mr. Nixon with court approval last February.

Your inquiry is appreciated.

Sincerely,

Max L. Friedersdorf
Assistant to the President

The Honorable James C. Corman
House of Representatives
Washington, D.C. 20515
bcc: office of Mr. Buchen - FYI

MLF:BUCHEN:jem



THE WHITE HOUSE

WASHINGTON

August 11, 1975

Dear Mr. Sloan:

In response to your request to Mrs. Agnes Waldron, enclosed are transcripts from three Ron Nessen press briefings concerning the exchange of correspondence between then President Nixon and then Premier Thieu.

A copy of these materials has also been provided to the Department of Justice.

Sincerely,



Philip W. Buchen
Counsel to the President

Mr. David Sloan
Arnold & Porter
1229-19th Street, N.W.
Washington, D.C.

cc: Irwin Goldbloom
(Attn: Dave Anderson)



THE WHITE HOUSE
WASHINGTON

August 11, 1975

*Nixon v.
Sampson*

Dear Ms. Roseman:

This is in response to your letter of August 5, 1975, to Mr. William Casselman inquiring whether the "Presidential materials of the Nixon Administration" contain files concerning groups and individuals identified in previous correspondence from the Church of Scientology.

As Mr. Casselman's letter of July 14, 1975, indicated to you, the Order of the United States District Court for the District of Columbia in Nixon v. Sampson, et al., prohibits the search or disclosure of the "Presidential materials of the Nixon Administration" for the purpose of a request under the Freedom of Information Act. Therefore, we are unable to determine whether the requested files do exist. For your information, the White House is not an agency within the meaning of the Freedom of Information Act, and is not subject to its mandatory disclosure provisions.

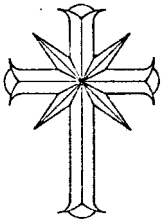
Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Ms. Judith Roseman
The Founding Church of
Scientology of Washington D. C.
2125-S Street, N. W.
Washington, D. C. 20008





**The Founding Church of Scientology
Of Washington D.C.**

2125 S St. N.W. Washington D.C. 20008
202 797-1204

FOUNDER: L. Ron Hubbard

BOARD of DIRECTORS:

Rev. Lynn McNeil, *President*
Rev. Kendrick Moxon, *Vice President*
Rev. Greg Wilhere, *Secretary*

5 August 1975

Mr. William E. Casselman II
Counsel to the President
The White House
Washington, D.C.

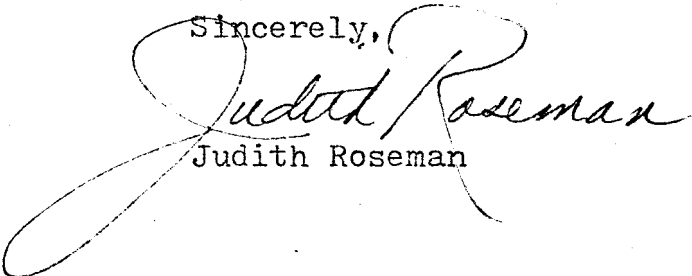
Dear Mr. Casselman:

Thank you for your letter of 14 July 1975 wherein you state: "This is in response to your letter of July 1, 1975, in which you request that this office determine "whether or not the contents of the Presidential materials of the Nixon Administration do contain file(s) concerning the Founding Church of Scientology."

My letter specifically states that "I would like a response from your office to the effect of whether or not the contents of the Presidential materials of the Nixon Administration do contain file(s) concerning the groups or individual mentioned in Mr. Moxon's letter of 7 January 1975." A copy of this letter of 1 July 1975 is enclosed for your reference; the above-mentioned sentence has been underlined.

A reply stating "whether or not" that is all inclusive pursuant to the original request letter of 7 January 1975 is needed and would be very much appreciated by this office. Thank you for your continued cooperation and assistance. I will look forward to hearing from you in the near future.

Sincerely,


Judith Roseman



July 14, 1975

Dear Ms. Roseman:

This is in response to your letter of July 1, 1975, in which you request that this office determine "whether or not the contents of the Presidential materials of the Nixon Administration do contain file(s) concerning" the Founding Church of Scientology.

I regret that my letter of April 14 did not clearly indicate that the Order of the United States District Court for the District of Columbia in Nixon v. Sampson, et. al., generally enjoins not only the disclosure, but also the search, transfer, or disposal of the Presidential materials of the Nixon Administration. Indeed, one issue in this litigation is the availability of the papers of the former President under the Freedom of Information Act. For this reason, I am unable to respond favorably to your request. In addition, I again feel obligated to point out that the White House is not an agency for the purpose of the Freedom of Information Act, and is, therefore, not subject to its provision for mandatory disclosure.

Sincerely,

Mr. Fegan Dickson
Post Office Box 2033
Austin, Texas 78767

William E. Casselman II
Counsel to the President

WEC:BNR:CMY:jas

Ms. Judith Roseman
The Founding Church of Scientology
of Washington, D.C.
2125 S Street, Northwest
Washington, D.C. 20008

WEC:BNR:jas



1 July 1975

Mr. William E. Casselman III
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Casselman:

I am in receipt of your letter of 14 April 1975 directed to Mr. Kendrick L. Moxon wherein you state that the White House is presently subject to Order of the U.S. District Court - Civil Action No. 74-1518, prohibiting the disclosure of the contents of the "Presidential materials of the Nixon Administration."

It is understood by this office that the above-mentioned Order does, in fact, prohibit specific material disclosure; however, I would like a response from your office to the effect of whether or not the contents of the Presidential materials of the Nixon Administration do contain file(s) concerning the groups or individual mentioned in Mr. Moxon's letter of 7 January 1975.

Thank you for your continued cooperation and assistance in this matter.

Sincerely,

Judith Roseman
Judith Roseman



THE WHITE HOUSE

WASHINGTON

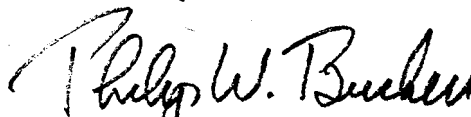
August 12, 1975

Dear Mr. Lee:

Service has been made upon me of the attached subpoena duces tecum requiring my testimony and the production of certain documents that appear to be "Presidential materials of the Nixon Administration" within the meaning of the Order of the United States District Court for the District of Columbia entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518.

This is to request that the Department of Justice handle this matter on my behalf. For additional information and assistance in this regard, please contact James A. Wilderotter or Barry N. Roth of this office. I would appreciate the opportunity to review any materials that you intend to file with the Court in this matter.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable Rex Lee
Assistant Attorney General
Department of Justice
Washington, D. C. 20530

cc: Mr. Herbert J. Miller, Jr.

Attachment



August 23, 1974

a lawyer from the firm of Ashcroft & Gereoo??
served a subpoena on Mr. Buchen in
R. Spencer Oliver vs. The Committee for the Re-Election
of the President, et al.

Civil Action No. 1207-73

To appear on the 12th day of September, 1974, at 2 p. m.



Law Firm John Lynch

THE WHITE HOUSE
WASHINGTON

Ashcraft & Geres

Subpoena

in the matter of

R. Spencer Oliver

vs.

Civil action
120773



THE WHITE HOUSE
WASHINGTON

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THE WHITE HOUSE

WASHINGTON

August 25, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP W. BUCHEN *P.W.B.*

SUBJECT: Developments Regarding the Nixon Presidential Materials

Following are brief summaries for your information of developments regarding Presidential materials of the Nixon administration.

1. Background.

- (a) September 6, 1974 -- original agreement made by former President (RMN) with GSA for deposit and protection of materials in GSA warehouse near San Clemente, in effort to relieve White House from the burdens of custody and from the responsibilities of responding to subpoenas for particular materials.
- (b) September 6 - October 20, 1974 -- initial period of negotiations with Special Prosecutor to satisfy his demands for speed and convenience of access to materials greater than the September 6th agreement allowed. These negotiations could have resulted in relieving White House of substantial volumes of the materials if RMN's counsel had been more reasonable, although during this period letters came to the White House from Congress insisting that September 6 agreement not be implemented even in part while Congress considered legislation on the subject.
- (c) October 20, 1974 -- RMN started suit to recover the materials in their entirety, and this provoked intervention in the case by the Special Prosecutor, by Jack Anderson, and by various professional and "public interest" committees. The trial court granted a temporary restraining order which has remained in effect ever since and which has prevented removing most of the materials and has restricted access except for certain limited purposes under tightly controlled conditions.



- (d) December 1974 -- Congress passed and you signed the Presidential Recordings and Materials Preservation Act.
- (e) In a subsequent action RMN challenged the Constitutionality of the Act and asked for a three-judge panel to determine the question. This action is now pending, and the original suit for recovery of the materials is held in abeyance as a result of an order by the Circuit Court of Appeals after Trial Judge Richey had issued an opinion holding the Nixon materials to be the property of the government. The Appeals Court determined that the Richey opinion was to have no present effect because the suit challenging Constitutionality of the Act should have been given precedence.
- (f) In the meantime the interests of the Special Prosecutor in the RMN materials have been largely satisfied, and he is planning to withdraw from the case. Searching for the evidence sought by the Special Prosecutor required the services of 15 archivists, supervisors, and security personnel from February 24, 1975, through most of the month of May. They located a total of 1,710 relevant documentary items for copying, of which 1,400 were cleared by RMN's counsel, reviewed by Bill Casselman, and then delivered to the Special Prosecutor. In addition, RMN's counsel and Bill Casselman located and furnished to the Special Prosecutor copies of 15 separate tape-recorded conversations. Each step in this lengthy process was tightly controlled and has been fully documented through numerous separate authorizations signed by me and detailed logs kept by the persons working under such authorizations. The people who did the actual searching were put under a "Grand Jury type" commitment of secrecy, and although they discovered much disturbing information, none has breached his or her commitments as far as I know.

2. The Nixon deposition.

The 170-page transcript of the deposition taken July 25, 1975, is now a matter of court record in the case involving the Constitutionality of the Act. Its contents have been fully publicized in the papers as you have read, and various commentaries have appeared largely ridiculing the deponent for his "father knows best" how the materials should be maintained, used, and disclosed and for self-flattering and "revisionist" statements about his Presidency.



I have read the complete transcript and must say that, except for instances of being pompous and windy, RMN responded very capably to the questioning by adversary lawyers. Moreover, he made valid points about the need of a President to control the disclosure of materials arising from his activities in office as the only effective way to assure the candor of documented advice and information that he depends on while in office. His justification for having installed an automatic secret taping system is that Don Kendall said it was LBJ's recommendation as a desirable component eventually of a Presidential library and as an aid in preparing accurate memoirs. However, RMN was not really challenged by the questioning to defend propriety of recording conversations without the knowledge or consent of all parties involved.

3. The Nixon brief in support of his Constitutional challenge to validity of the Act.

The Plaintiff's brief for the three-judge panel is 209 pages long. Apart from its counter-productive length, the brief makes in my opinion a very effective argument. If the Act were to be upheld, the precedent created could have a serious impact on the control of any President over the advice and information on which he relies, and it would give Congress a significant additional advantage in its many attempts to encroach on functions of the Executive.

Defendant's brief is due on September 8, and I will consult with the DOJ lawyers to see that defense of the Act is based, so far as possible, on grounds peculiar to the Nixon situation in order to avoid arguing for what could become a wide-reaching and dangerous precedent.

4. Subpoenas for Nixon materials by the Church Committee.

My attempts were not successful to divert this Committee into seeking on its own a Court remedy for allowing access to specified Nixon materials if they were really that important to the Committee. Actually we were still in a "negotiating posture" when the Committee without forewarning issued its subpoenas for materials on the 1970 covert activities in Chile and on the Huston report to be produced on August 25th. In doing so, the Committee made itself look somewhat foolish even to the point that the Washington Post in an editorial defended our refusal to provide Nixon materials without Court modification of the present restraining order and stated that the Committee should have applied to the court. (See Tab A.)



We have good reason not to want a court to open up the Nixon materials, while they are in possession of the White House, to Congressional subpoenas. Virtually any committee of Congress will be able to think of some reason for wanting materials out of the Nixon collection, and we are likely to be besieged with demands, each of which may require many man-hours of searching as did the requests from the Special Prosecutor. Then when we locate materials responsive to requests or subpoenas, we or the former President may still want to resist furnishing them on grounds of confidentiality or national security, and troublesome disputes with the Congress will inevitably arise.

Once I became subjected to the Church Committee subpoena, I had to run for legal cover. Then I learned from the DOJ that there is no sure way to get a court ruling on a Congressional subpoena in advance of the time the House of Congress from whence the subpoena had issued asks a U.S. District Attorney to prosecute for failure of the subpoenaed witness to comply with the subpoena served upon him (the Federal statutes make failure of compliance a crime) and the case is tried. DOJ therefore advised that I act to get authority from the trial court in the Nixon case where I am a defendant to permit my access to the Nixon materials covered by this particular subpoena. Because the Court of Appeals had taken partial jurisdiction of the case when it put in abeyance Judge Richey's premature opinion, my first motion had to be to that Court for permission to allow the trial judge to revise his original restraining order. The Appeals Court ruled late Friday, August 22, that I could seek access authority from the trial court, and a motion for that purpose is being filed today. If it is granted, I will be able to have a search conducted for the subpoenaed materials, but once they are located and examined, it will still be possible to resist the subpoena on other grounds, although at the risk again of having the Senate vote to seek prosecution for non-compliance. However, I expect RMN's attorney will strongly oppose my motion and it may not be granted.

Before my motion is granted and I do comply with the Church Committee subpoena, or if the motion is not granted, I may remain "under the gun" of the subpoena which the Senate could by its vote at any time seek to enforce against me. However, the Committee will meet on Tuesday, August 26, to decide whether to relieve me of obligations under the subpoena at least until after my motion before the trial court in the Nixon case is disposed of.

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Monday, August 25, 1975 THE WASHINGTON POST

The Future of Presidential Files

ONCE AGAIN former President Nixon has promised to release some of the tapes and papers of his presidency "as expeditiously as possible." Once again he has coupled the pledge with the assertion that he alone should have the power to decide what should be released

plicated one that should not be brushed aside just because Mr. Nixon has abused the term. No doubt all those boxes and crates of records contain many documents, especially those bearing on aspects of Watergate, that ought to be released as soon as they can be located

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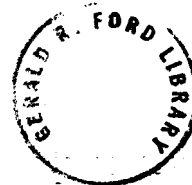


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to the litigation, to make independent judgments on this point, just as it would be wrong for them to give up the materials to Mr. Nixon, or for that matter to destroy anything. Indeed, the purpose of the court order—as of the act passed by Congress last year—is to forestall any

THE WHITE HOUSE

WASHINGTON

August 26, 1975

*Nixon
papers*

Dear Mr. McClenon:

This is in further response to your letter of June 15, 1975, to Mr. Donald Rumsfeld in which you request on the basis of the Freedom of Information Act, 5 U.S.C. 552, a copy of "any file or dossier maintained by the White House staff containing information about me or my political views that may have been compiled during the Nixon Administration or at any other time."

As you may be aware, the "Presidential materials of the Nixon Administration" which you seek are subject to the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518. This Order enjoins any search, disclosure, transfer or disposal of these materials except for certain limited purposes not present in your request. Therefore, we are unable to examine these materials in order to respond to your request. For your information, one issue in this litigation is the availability of the papers of a former President under the Freedom of Information.

In addition, the White House is not an agency for the purpose of the Freedom of Information Act, and is, therefore, not subject to its mandatory disclosure provisions. However, we have checked the current White House files and we are unable to locate any documents encompassed within your request.

Sincerely,

Philip W. Buchen

Philip W. Buchen

Counsel to the President

Mr. Robert McClenon
Apartment 4
5014 Columbia Pike
Arlington, Virginia 22204

