

**The original documents are located in Box 26, folder “National Security Chronological File (1)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

### **Copyright Notice**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

*clear*

THE WHITE HOUSE

WASHINGTON

August 22, 1974

Dear Mr. Attorney General:

By this letter I am requesting your legal opinion concerning papers and other historical materials retained by the White House during the administration of former President Richard M. Nixon and now in the possession of the United States or its officials. Some such materials were left in the Executive Office Building or in the White House at the time of former President Nixon's departure; others had previously been deposited with the Administrator of General Services.

I would like your advice concerning ownership of these materials and the obligations of the government with respect to subpoenas or court orders issued against the government or its officials pertaining to them.

Sincerely,

*Gerald R. Ford*

Gerald R. Ford

The Honorable William B. Saxbe  
The Attorney General  
Washington, D. C.



THE WHITE HOUSE

WASHINGTON

August 24, 1974

MEMORANDUM FOR

The Honorable Laurence H. Silberman  
Deputy Attorney General  
Department of Justice

Subject: Matters related to subjects of opinion requested  
August 22 from the Attorney General

Attached are copies of the following:

- (1) Case pending in Charlotte, North Carolina, which arises from incidents during Billy Graham Day on October 15, 1971:
  - (a) Copy of memorandum from William Henkel, Jr., to Dudley H. Chapman dated August 22, 1974, with attachment.
  - (b) Memorandum between same parties dated August 23, 1974.
- (2) Cases of U. S. v. Means & Banks ('Wounded Knee'):
  - (a) Memorandum from Skip Williams to me dated August 19, 1974, with attachment (please note that this attachment relates to the order of August 13, 1974, when there has since been a supplemental order of August 15, 1974, of which we need a copy).
  - (b) Copy of memorandum dated August 13, 1974, from U. S. Attorney Earl Kaplan to Roger Cabbage in your Department.
- (3) Case of U. S. v. John B. Connally: copy of letter to J. Fred Buzhardt of August 15, 1974, from the Watergate Special Prosecution Force.



- (4) Case of U. S. v. Mitchell, et al., Criminal No. 74-110, which is set for trial in the District starting September 30, 1974:
  - (a) Three items of correspondence dated August 16, August 19, and August 21, respectively.
  - (b) Copy of my memorandum to H. S. McKnight, dated August 23, 1974.
- (5) Case of H. Spencer Oliver v. Committee for Re-Election of the President, et al., Civil Action No. 1207-73, in the U. S. District Court for the District of Columbia: copies of documents served on me August 23, 1974.
- (6) Case of Democratic National Committee, et al. v. James W. McCord, Jr., Civil Action No. 1233-72 in the District Court for the District of Columbia: copies of documents served on me August 23, 1974.
- (7) Case of Allnutt v. Wilson, Civil Action No. 874-72, pending in the United States District Court for the District of Columbia, and other similar cases: copy of letter dated August 20, 1974, from James H. Heller of Hydeman, Mason & Goodell to me.
- (8) Copy of S. 2951 introduced by Senator Bayh in February. (I have had a call on August 20 from Bill Heckman of the Senate Judiciary Committee saying that Senator Bayh wants to know whether the Administration would be able to move forward on this bill during the current session of Congress.)

Also called to my attention recently has been the material appearing in the report by the staff of the Joint Committee on Internal Revenue Taxation dealing with the examination of former President Nixon's tax returns from 1969-72 (House Report No. 93-966), at pages 28 and 29 and in Exhibit I-3, starting at page 16 of the Memorandum of Law prepared by Attorneys Kenneth W. Gemill and H. Chapman Rose in behalf of the then President Richard M. Nixon.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

Attachments

**September 26, 1974**

**MEMORANDUM FOR:      Ron Nessen**

**FROM:                      Phillip Buchen**

**On September 17, Mr. Peter M. Flanigan was nominated by the President for the post of Ambassador to Spain. The President believed that he met the high standards necessary for appointment to this important post.**

**In recent days, certain allegations have questioned the character and integrity of Mr. Flanigan. Even criminal violations have been suggested. These charges, which have been made before, prompted checking with the Special Prosecutor, Leon Jaworski, before the nomination was made. The Special Prosecutor, Leon Jaworski, then informed the White House that "no action was contemplated against Mr. Flanigan, and such is the usual form of clearance given to prospective nominees." He added, "The fact he was at one time under investigation is not regarded by the Special Prosecutor's office as any indication of wrongdoing." This information was confirmed again today by Mr. Jaworski.**



**October 1, 1974**

**MEMORANDUM FOR: J. Fred Bushardt**

**FROM: Philip Buchen**

**Attached is a copy of communication from CIA dated 24 September 1974. You have concurred that you will contact sender and return to CIA document in question.**



CENTRAL INTELLIGENCE AGENCY

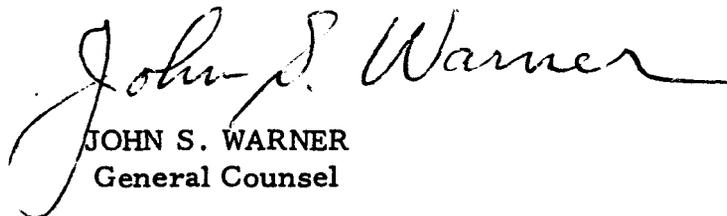
WASHINGTON, D.C. 20505

24 September 1974

MEMORANDUM FOR: The Honorable Philip W. Buchen  
Counsel to the President  
The White House  
Washington, D.C. 20500

SUBJECT : Watergate Case

On 15 January 1974 Mr. Lyle L. Miller of this Agency and I met with Mr. J. Fred Buzhardt, then Special Counsel to the President, to review various "Watergate" documents that this Agency had made available to others. Subsequent to that meeting, Mr. Buzhardt requested of me the loan of the classified volume entitled Sensitive Information Provided by CIA Orally (Supplement to Vol. III of "Documentation Provided by CIA"). Mr. Miller delivered that document to Mr. Buzhardt on 18 January 1974. It was our understanding at that time that the document would be returned when Mr. Buzhardt finished his review. Having no response from Mr. Buzhardt, I corresponded with him on 2 April 1974, requesting that if his review was complete, we would appreciate the return of the volume in order that we could clear this outstanding matter from our records. In response thereto, on 6 May 1974, Mr. George Williams, then Associate Counsel to the President, responded on behalf of Mr. Buzhardt that Mr. Buzhardt "would like to keep the material for a while longer until he gets some reaction from the Committee." Again, we would like to clear this outstanding matter from our records; therefore, we would appreciate your returning the document if you have no further requirement for it. We will be glad to pick it up if you so desire.

  
JOHN S. WARNER  
General Counsel



October 3, 1974

**MEMORANDUM FOR: General Scowcroft**

**FROM: Philip Buchan**

**In view of the apparent Congressional opposition to continuing foreign intelligence wiretaps, including the strong position against them taken by the Republican Congressional Task Force on Privacy, I suggest we defer consideration of the Attorney General's opinion and the CIA recommendation on the subject for a time unless you feel extreme urgency to make a decision earlier.**



THE WHITE HOUSE

WASHINGTON

October 1, 1974

MEMORANDUM FOR: PHILIP BUCHEN

FROM: BRENT SCOWCROFT

Attached is the CIA comment on the Attorney General's letter on foreign intelligence surveillance.

SECRET Attachment



~~SECRET~~

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

26 September 1974

The President  
The White House  
Washington, D. C. 20500

Dear Mr. President:

By letter of 18 September 1974, the Attorney General requested your explicit authorization for him to approve the conduct of foreign intelligence surveillance which requires installation of a microphone by trespassory means. That letter enclosed an opinion by the Assistant Attorney General, Office of Legal Counsel, dated 17 September 1974, which concludes that the President legally could authorize such electronic surveillance.

I fully support the request of the Attorney General for your authorization. I recognize that under our Constitution and the laws passed by the Congress, there must be the most careful procedures regarding approval of these activities.

However, I do have serious concern with a portion of that opinion which indicates that obligations under the Vienna Convention on Diplomatic Relations (TIAS 7502) would prevent such surveillance, but adds that such restrictions may be avoided if the country in question has not observed them with respect to our property or diplomats. The Attorney General proposes that such surveillance be approved with respect to the property of foreign embassies, consulates, and diplomats only if the foreign government concerned engages in similar practices against United States embassies or diplomats in the foreign country. There could well be situations where this Government would not be aware of such practices. Furthermore, I am persuaded that there will be occasions in the future where circumstances warrant such surveillance by the United States in any case. Also, I firmly believe in the concept that the inherent power of a sovereign overrides the provisions of a treaty where such action is determined necessary by that sovereign.



~~DECLASSIFIED~~

E.O. 12958 (as amended) SEC 3.3

REF # 10-218-#1

CIA letter 2/9/11

By del NARA, Date 5/31/11

~~SECRET~~

CLASSIFIED BY <u>W. E. Colby</u>
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF E.O. 11652, EXEMPTION CATEGORY:
§ 5B(1) (2) (3) or (4) (circle one or more)
AUTOMATICALLY DECLASSIFIED ON
<u>Impossible to Determine</u>
(unless impossible, insert date or event)

~~SECRET~~

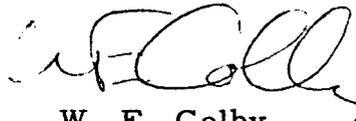
The Vienna Convention also requires diplomats to abide by the laws of the receiving state. Literal application of such provision would prohibit espionage by CIA personnel from United States missions abroad. This Agency was created by the Congress with full recognition that it was to conduct espionage on behalf of the United States Government. I believe that the constitutional power of the President, bolstered by congressional recognition, overrides these particular provisions of the Convention. Similarly, I believe that this Agency should not be limited by the Convention's provisions with respect to foreign missions here.

I have agreed with the Attorney General that the Agency will conduct no electronic surveillance within the United States without his prior personal approval. I might add that I have also agreed to a similar procedure with respect to any electronic surveillance of Americans abroad.

If at some time in the future the Attorney General does not approve a requested trespassory electronic surveillance in the United States for foreign intelligence purposes solely because the Agency cannot establish that the foreign country concerned engages in similar practices against the United States, I propose that the Agency proceed to conduct such an operation. However, I further propose that I immediately report such action to you for your personal review.

Unless you see objection to this procedure, I will follow it with respect to our foreign intelligence operations of this type.

Respectfully,

  
W. E. Colby  
Director

GERALD R. [unclear]

~~SECRET~~

October 3, 1974

**MEMORANDUM FOR: General Scowcroft**

**FROM: Philip Buchen**

**In view of the apparent Congressional opposition to continuing foreign intelligence wiretaps, including the strong position against them taken by the Republican Congressional Task Force on Privacy, I suggest we defer consideration of the Attorney General's opinion and the CIA recommendation on the subject for a time unless you feel extreme urgency to make a decision earlier.**



October 10, 1974

**MEMORANDUM FOR THE FILE**

**FROM: Philip Buchen**

**SUBJECT: Meeting of the President and the Attorney General 10/10/74**

**Agreed last two paragraphs of Colby letter to President of 9/26/74 should not be implemented nor should proposed NSC order on game subject be approved until NSC meets (with AG present) to review whole policy for consideration by the President.**



THE WHITE HOUSE  
WASHINGTON

*Chen*

October 29, 1974

MEMORANDUM FOR: JANE DANNENHAUER  
FROM: PHILIP BUCHEN *P.W.B.*  
SUBJECT: Updating FBI Investigations: Presidential Appointees and White House Staff

This is to request that you take such steps as are necessary to institute a policy of updating the security checks of Presidential appointees with FBI full-field investigations at five-year intervals and advise the Civil Service Commission and Departmental Security Officers accordingly. I have also requested the Attorney General to continue the policy of updating security checks of the White House staff every three years by FBI full-field investigations.

As you know, these investigations are subject to a reservation excluding those who have submitted resignations which have been accepted, or who have indicated a definite departure date but have not yet submitted resignations, provided that in both instances a notation to that effect has become a part of their official personnel file. In order to carry forward this policy, it will, of course, be necessary to keep abreast of the status of Presidential appointees and members of the White House staff. Therefore, prior to any request for an investigation and again prior to the actual initiation of any investigation, you should check the status of the individual under consideration with either Bill Walker's office or the Personnel Office as appropriate. Additionally, prior to the grant of any final security approval, the individual under consideration should be cleared by Ken Lazarus of my office.

Kindly continue to refer any questions which you may have in this regard to Mr. Lazarus.

SEARCHED

THE WHITE HOUSE

WASHINGTON

October 29, 1974

MEMORANDUM FOR: WILLIAM WALKER  
FROM: PHILIP BUCHEN *P.W.B.*  
SUBJECT: Updating FBI Investigations: Presidential Appointees and White House Staff

The plan for updating the FBI investigations of White House Staff and Presidential Appointees is now underway in accordance with the understanding reached between ourselves and Messrs. Rumsfeld and Lowitz. Thus, I have authorized updates of full-field investigations by the FBI for all White House personnel on a three-year basis and for Presidential appointees on a five-year basis subject to the reservation excluding those who have submitted resignations which have been accepted, or who have indicated a definite departure date but have not yet submitted resignations, provided that in both instances a notation to that effect has become a part of their official personnel file.

In order to carry forward this policy, I have instructed Jane Dannenhauer, White House Security Officer, to check the status of any individual under consideration with either you or the Personnel Office as appropriate, prior to any request for an investigation and again prior to the actual initiation of any investigation. In this regard, it is my understanding that you are reporting the resignations of regular White House staffers and Presidential appointees to the office of the Staff Secretary.

Prior to the grant of any final security approval, Miss Dannenhauer will have to obtain approval of the individual under consideration from Ken Lazarus. This will allow us the opportunity to run the name by the Special Prosecutor.

If any problems develop, please contact Ken.



THE WHITE HOUSE

WASHINGTON

October 29, 1974

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: PHIL BUCHEN  
FROM: KEN LAZARUS *KL*  
SUBJECT: Updating FBI Investigations: White  
House Staff and Presidential Appointees

If you will sign and forward the attached letter to the AG (Tab A), the memo to Jane Dannenhauer (Tab B), and the memo to Bill Walker (Tab C), the plan for updating the FBI investigations of White House Staff and Presidential Appointees will be underway in accordance with your views and those expressed by Messrs. Rumsfeld, Lowitz and Walker.

These will authorize updates of full-field investigations by the FBI for all White House personnel on a three-year basis and for Presidential appointees on a five-year basis subject to the reservation excluding those who have submitted resignations which have been accepted, or who have indicated a definite departure date but have not yet submitted resignations, provided that in both instances a notation to that effect has become a part of their official personnel file.

It is clear that updates will not be necessary with respect to any personnel currently on detail at San Clemente. All nine (9) people currently on detail there are not due for updates until 1975, at which time they will no longer be White House personnel (under the "Presidential Transition Act", they will become "transition employees" as of February 9). The only other employee currently at the White House who was rumored to be going to San Clemente is Ken Khachigian, and I understand that he is due for an update this year. However, Khachigian will soon be going to Agriculture and therefore does not require an update by us.

Also attached are the lists of White House staff and detailee updates (Tab D) and those on the staff who have already left or are committed

ADMINISTRATIVELY CONFIDENTIAL

2

to leaving on a date certain (Tab E). Tab F shows the list of Presidential appointee updates scheduled to be completed this year -- the list excludes the Departments of Defense, State and Justice as there are no current Presidential appointees from 1969 in the Defense Department, and State as well as Justice are responsible for initiating security updates on Presidential appointees within their respective departments.

The various forms which will be used for this purpose are also contained in the appendix. Tab G shows the form memos (original and update) which have been utilized in the past to request information from White House staffers in order to facilitate their original investigation or updates. Tab H shows the Standard Form 86 to be filled out by the employee being investigated -- investigations of Presidential appointees are done off of resumes. Tab I shows the form for communication of information and request for update to the Bureau. Tab J shows a proposed form letter to be used by the White House Security Officer to the appropriate Department Security Officer regarding updates of security checks on Presidential appointees. Tab K shows a proposed form letter to be used by Counsel to the President to notify Presidential appointees of a request for a security update. Tab L shows a proposed form letter to the Special Prosecutor to be used by Counsel to the President requesting any appropriate and available information on appointees.

This should put our security program on track. However, I believe that current policy should be changed to require advance security and conflicts clearance for White House personnel as is the case with Presidential appointees. Assuming the various senior staff members here would abide by such a policy (I know that Don Rumsfeld favors such a change), it would not be difficult to implement and, in the vast majority of cases, would not be unduly burdensome. Do you want me to institute such a change?

I have familiarized myself with the White House security program and will be able to provide Jane Dannenhauer with any guidance that she might need.

THE WHITE HOUSE  
WASHINGTON

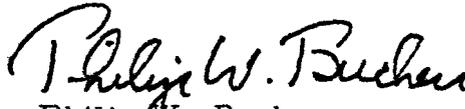
October 25, 1974

Dear Mr. Attorney General:

This is to request a continuation of the policy of updating security checks of the White House staff every three years by FBI full-field investigations.

This policy, which as you know was first established in 1964, has been carried out over the years through the close cooperation of the Bureau, the White House Security Office and the office of White House Counsel. I trust that this fine working relationship will continue in the years ahead.

Sincerely,

  
Philip W. Buchen

Honorable William B. Saxbe  
The Attorney General  
Washington, D. C.

THE WHITE HOUSE  
WASHINGTON

October 31, 1974

MEMORANDUM FOR: WILLIAM WALKER/JERRY JONES  
FROM: PHILIP BUCHEN *P.W.B.*  
SUBJECT: Conflict of Interest Review --  
Phillip E. Areeda

On the basis of the information provided by Mr. Areeda, I concur in his nomination to be Counsel to the President.

*Chron*

THE WHITE HOUSE  
WASHINGTON

October 31, 1974

MEMORANDUM FOR: WILLIAM WALKER / JERRY JONES  
FROM: PHILIP BUCHEN *P.W.B.*  
SUBJECT: Conflict of Interest Review --  
Kenneth A. Lazarus

On the basis of the information provided by Mr. Lazarus, I concur in his nomination to be Associate Counsel to the President.

*[Faint circular stamp]*

THE WHITE HOUSE

WASHINGTON

October 31, 1974

MEMORANDUM FOR:

LAURENCE H. SILBERMAN  
Deputy Attorney General

SUBJECT:

Creation Authority of offices in the  
Executive Office of the President

Executive Office of the President

Attached at Tab A are various Executive Orders, memoranda and legislation for creation authority of offices within the Executive Office of the President:

Executive Order 8248, The White House Office  
Executive Order 10938, President's Foreign Intelligence Advisory Board  
Executive Order 11075, Special Representative for Trade Negotiations  
Executive Order 11106, Office of Special Representative for Trade Negotiations  
Executive Order 11599, Special Action Office for Drug Abuse Prevention  
Executive Order 11724, Federal Property Council  
Executive Order 11748, Federal Energy Office  
Executive Order 11803, Clemency Board  
Executive Order 11808, President's Economic Policy Board  
Executive Order 11814, Energy Resources Council  
15 U.S. Code 1023, Council of Economic Advisers  
31 U.S. Code 14, Bureau of the Budget  
50 U.S. Code 402, National Security Council  
Public Law 88-452, Office of Economic Opportunity  
Public Law 91-190, Council on Environmental Quality  
Public Law 92-255, Special Action Office for Drug Abuse Prevention  
Public Law 93-387, Council on Wage and Price Stability  
Reorganization Plan No. 1 of 1970, Office of Telecommunications Policy  
Reorganization Plan No. 2 of 1970, Office of Management and Budget  
Memorandum, January 18, 1971, Council on International Economic Policy

Offices Not Part of Executive Office of the President

Tab B includes materials on several committees and a council that are not considered part of the Executive Office of the President:

Public Law 91-181, Cabinet Committee on Opportunities for Spanish-Speaking People  
Remarks of Press Secretary, December 1, 1972, Council on Economic Policy  
Announcement, March 6, 1973, East-West Trade Policy Committee  
Executive Order 11789, East-West Trade Policy Committee

Records Received

A very general review of papers which have been deposited with White House Central Files, White House Special Files Unit or the Office of Presidential Papers, indicates that papers and records have been deposited by the following:

The White House Office

Council on Economic Advisers (former members only; not staff)  
Cabinet Committee on Opportunities for Spanish-Speaking People (from Robert H. Finch only)  
Council on Economic Policy (from George Shultz, Kenneth Dam and Ron Brooks)  
Council on International Economic Policy  
Domestic Council  
Federal Energy Office  
Federal Property Council  
National Security Council  
Office of Economic Opportunity (from Donald Rumsfeld; staff papers to Archives Records Group)  
Office of Management and Budget (from former Directors; staff papers to Records Group at Archives)

National Archives Records Groups

The following send their records to the National Archives, where institutional materials are maintained:

Office of Management and Budget, RG-51  
Office of the Special Representative for Trade Negotiations, RG-364  
Office of Economic Opportunity, RG-381  
Central Intelligence Agency, RG-263

No Records Received

There is no evidence that any materials have been received from any of the following:

Special Action Office for Drug Abuse Prevention  
President's Foreign Intelligence Advisory Board (records  
have remained in PFIAB vault since Eisenhower  
Administration)

Energy Resources Council (new)  
Clemency Board (new)  
East-West Trade Policy Committee  
Council on Environmental Quality  
Council on Wage and Price Stability (new)  
Office of Telecommunications Policy

I hope the above information will be helpful.

Thank you.

  
Philip W. Buchen  
Counsel to the President



THE WHITE HOUSE  
WASHINGTON

November 1, 1974

MEMORANDUM FOR: DON RUMSFELD

FROM: PHIL BUCHEN *Phil*

SUBJECT: Security for Arab and Israeli  
Diplomats and Installations in  
New York During Upcoming  
U. N. Debates on Palestine

The following persons met in General Scowcroft's office at 10:00 AM on November 1 for just over an hour:

1. General Scowcroft
2. Phil Buchen
3. Geoff Shepard
4. Frank Niland (Justice)
5. Ambassador Blake (State)
6. Paul Rundle (Secret Service)
7. Jay French
8. Skip Williams

The meeting was precipitated by a document<sup>ed</sup> request from U. S. U. N. received by me today for immediate expansion of EPS personnel in New York to protect the respective offices of nine additional Arab missions to the U. N., the PLO (Palestine Liberation Organization) Office and the League of Arab States. Secret Service protection for the head of the PLO delegation has been requested by State and was also discussed.

The following points were covered:

1. EPS is legally entitled to protect the 9 Arab missions upon direction from the President; and the Secret Service is legally

entitled to protect the head of the PLO delegation upon the direction of the President. Everybody present concluded that the situation warranted this kind of protection except that EPS is concerned about its own manpower problems.

2. The logical place for EPS to get additional manpower is to use personnel now assigned to protection of the New EOB (22) which could be protected instead by GSA, and Geoff Shepard agreed to investigate the feasibility of this change.

3. An opinion should be sought from the Department of Justice as to the legality of providing EPS protection to offices of PLO and of the League of Arab States. Justice should be asked also to provide the language for a direction to be issued in behalf of the President by the Counsel's office.

4. The security forces of the State Department are willing to protect the members of the PLO delegation other than the head delegate. However, to provide the needed manpower, State would like to have Secret Service relieve State of its current protection for Makarios, the former head of the Cyprus government, and Skip Williams will investigate the feasibility of such a shift.

5. Larry Silberman will be asked to initiate coordinated planning among the various security forces and law enforcement agencies as may be needed during the period of the U.N. Assembly's debate on the Palestine issue, including the FBI and the military.

Subsequently, I talked with Ed Schmults of Treasury and met with Larry Silberman on the implementation of the foregoing. By a later telephone call from Silberman, I received the opinion that the attached form of direction to the Secretary of the Treasury is legal and appropriate.



THE WHITE HOUSE

WASHINGTON

November 1, 1974

Dear Mr. Secretary:

In behalf of the President, I am directing protection within the powers and duties of the Executive Protective Services and the United States Secret Service for the following foreign diplomatic missions located in New York City:

Libya  
Sudan  
Morocco  
Qatar  
Mahrain  
United Arab Emirates  
Oman  
Democratic Yemen  
Yemen Arab Republic  
Palestine Liberation Organization  
League of Arab States

In the case of each such mission, the protection should relate to the office installation of the mission at its upper floor location within the commercial building where it is operating. The protection should be maintained during the hours when the office is open for the business of the mission and should continue for the period prior to and through the continuance of the U. N. General Assembly debate on the Palestine question. These directions are, of course, subject to change as the situation may require from time to time.

You are kindly requested to work out the arrangements for this protection in cooperation with the Deputy Attorney General, who has given me his opinion that this direction is in accordance with applicable Federal law.

Sincerely yours,

Philip W. Buchen  
Counsel to the President

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C.

THE WHITE HOUSE  
WASHINGTON

*Classified  
Chron*

November 1, 1974

MEMORANDUM FOR: DON RUMSFELD

FROM: PHIL BUCHEN *Phil*

SUBJECT: Security for Arab and Israeli  
Diplomats and Installations in  
New York During Upcoming  
U. N. Debates on Palestine

The following persons met in General Scowcroft's office at 10:00 AM on November 1 for just over an hour:

1. General Scowcroft
2. Phil Buchen
3. Geoff Shepard
4. Frank Niland (Justice)
5. Ambassador Blake (State)
6. Paul Rundle (Secret Service)
7. Jay French
8. Skip Williams

The meeting was precipitated by a document<sup>ed</sup> request from U. S. U. N. received by me today for immediate expansion of EPS personnel in New York to protect the respective offices of nine additional Arab missions to the U. N., the PLO (Palestine Liberation Organization) Office and the League of Arab States. Secret Service protection for the head of the PLO delegation has been requested by State and was also discussed.

The following points were covered:

1. EPS is legally entitled to protect the 9 Arab missions upon direction from the President; and the Secret Service is legally



entitled to protect the head of the PLO delegation upon the direction of the President. Everybody present concluded that the situation warranted this kind of protection except that EPS is concerned about its own manpower problems.

2. The logical place for EPS to get additional manpower is to use personnel now assigned to protection of the New EOB (22) which could be protected instead by GSA, and Geoff Shepard agreed to investigate the feasibility of this change.

3. An opinion should be sought from the Department of Justice as to the legality of providing EPS protection to offices of PLO and of the League of Arab States. Justice should be asked also to provide the language for a direction to be issued in behalf of the President by the Counsel's office.

4. The security forces of the State Department are willing to protect the members of the PLO delegation other than the head delegate. However, to provide the needed manpower, State would like to have Secret Service relieve State of its current protection for Makarios, the former head of the Cyprus government, and Skip Williams will investigate the feasibility of such a shift.

5. Larry Silberman will be asked to initiate coordinated planning among the various security forces and law enforcement agencies as may be needed during the period of the U.N. Assembly's debate on the Palestine issue, including the FBI and the military.

Subsequently, I talked with Ed Schmults of Treasury and met with Larry Silberman on the implementation of the foregoing. By a later telephone call from Silberman, I received the opinion that the attached form of direction to the Secretary of the Treasury is legal and appropriate.



THE WHITE HOUSE

WASHINGTON

November 1, 1974

Dear Mr. Secretary:

In behalf of the President, I am directing protection within the powers and duties of the Executive Protective Services and the United States Secret Service for the following foreign diplomatic missions located in New York City:

Libya  
Sudan  
Morocco  
Qatar  
Mahrain  
United Arab Emirates  
Oman  
Democratic Yemen  
Yemen Arab Republic  
Palestine Liberation Organization  
League of Arab States

In the case of each such mission, the protection should relate to the office installation of the mission at its upper floor location within the commercial building where it is operating. The protection should be maintained during the hours when the office is open for the business of the mission and should continue for the period prior to and through the continuance of the U.N. General Assembly debate on the Palestine question. These directions are, of course, subject to change as the situation may require from time to time.

You are kindly requested to work out the arrangements for this protection in cooperation with the Deputy Attorney General, who has given me his opinion that this direction is in accordance with applicable Federal law.

Sincerely yours,

Philip W. Buchen  
Counsel to the President

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C.

*Classified  
chron*

THE WHITE HOUSE  
WASHINGTON  
November 1, 1974

Dear Mr. Secretary:

In behalf of the President, I am directing protection within the powers and duties of the Executive Protective Services and the United States Secret Service for the following foreign diplomatic missions located in New York City:

- Libya
- Sudan
- Morocco
- Qatar
- Mahrain
- United Arab Emirates
- Oman
- Democratic Yemen
- Yemen Arab Republic
- Palestine Liberation Organization
- League of Arab States

In the case of each such mission, the protection should relate to the office installation of the mission at its upper floor location within the commercial building where it is operating. The protection should be maintained during the hours when the office is open for the business of the mission and should continue for the period prior to and through the continuance of the U. N. General Assembly debate on the Palestine question. These directions are, of course, subject to change as the situation may require from time to time.

You are kindly requested to work out the arrangements for this protection in cooperation with the Deputy Attorney General, who has given me his opinion that this direction is in accordance with applicable Federal law.

Sincerely yours,

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

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C.

Mr. Buchen talked with David McDonald at home concerning delivery of the letter to Secretary Simon. Mr. McDonald had a Secret Service man pick up the letter from our office.

Copies were hand delivered to:

Laurence Silberman (Justice)  
Ambassador Robert O. Blake (State)  
Geoff Shepard  
Gen. Brent Scowcroft  
Skip Williams

By memo to Don Rumsfield dated 11/1 from Mr. Buchen reporting on the meeting at 10 a. m. on Friday, we attached a copy of the letter to Simon.



THE WHITE HOUSE

WASHINGTON

November 4, 1974

MEMORANDUM FOR: Jerry Jones

FROM: Phil Buchen

Attached are originals of letter of resignation from Henry E. Petersen to the President dated November 1 and signed acceptance of the resignation by the President dated November 4.

I would appreciate your seeing that the President's letter is delivered to Mr. Petersen on Tuesday, November 5.

Duplicates of both letters are going to Ron Nessen for release at his press briefing on November 5.

Attachments

cc: Don Rumsfeld  
Tom DeCair



Department of Justice

Washington 20530

November 1, 1974

Honorable Gerald R. Ford  
President  
The White House  
Washington, D. C.

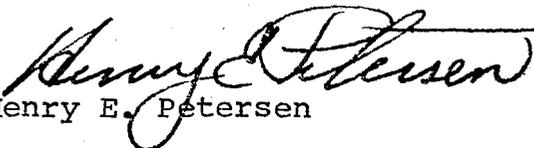
Dear Mr. President:

After 27 years in the service of the Department of Justice I have decided to submit my resignation as Assistant Attorney General to take effect at the close of business on December 31, 1974.

Needless to say I reach this decision after considerable thought and not without some sense of regret. I am keenly aware that I have been most fortunate in having the opportunity to serve the Government of the United States. I recognize too that my duties with the Department of Justice have given me an excellent opportunity to observe at first hand the concern for fairness and due process of law which is the hallmark of the Government's pursuit of litigation. Clearly, it has been a privilege to practice law as an attorney for the Government.

To you Mr. President I want to express my gratitude for the honor which has been accorded to me and to extend my very best wishes for the success of your efforts in behalf of our country.

Sincerely,

  
Henry E. Petersen



THE WHITE HOUSE  
WASHINGTON

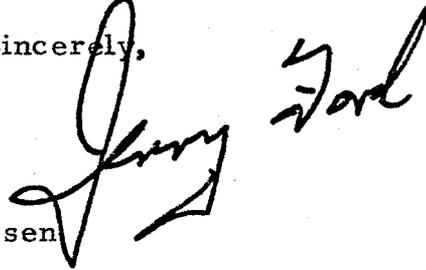
November 4, 1974

Dear Mr. Petersen:

It is with deep regret and even deeper appreciation of your contributions to government that I accept your resignation as Assistant Attorney General, effective December 31, 1974. Your three decades at the Department of Justice represent the highest standards of both the Federal career service and appointive office. The record of those years is one in which you can take great pride -- it is a record of unique achievement. Your ability, integrity, candor and good humor will be sorely missed but fondly remembered by those with whom you served. More importantly, you leave with the respect and admiration of all who were privileged to be your colleagues.

As you move on to private life, you have my best wishes for continued success and satisfaction.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy Carter". The signature is written in a cursive, flowing style with a large initial "J".

The Honorable Henry E. Petersen  
Assistant Attorney General  
Criminal Division  
Department of Justice  
Washington, D. C. 20530



THE WHITE HOUSE  
WASHINGTON

*classified  
anon*

November 6, 1974

Dear Mr. Secretary:

In behalf of the President, I am directing protection within the powers and duties of the Executive Protective Service and the United States Secret Service for the Diplomatic Missions of Mauritania and Somalia located in New York City. Protection for the Somalia Mission may be provided by expanding the present post protecting the adjacent Qatar Mission.

In the case of each such mission, the protection should relate to the office installation of the mission at its upper floor location within the commercial building where it is operating. The protection should be maintained during the hours when the office is open for the business of the Mission and should continue for the period prior to and through the continuance of the U. N. General Assembly debate on the Palestine question. These directions are, of course, subject to change as the situation may require from time to time.

You are kindly requested to work out the arrangements for this protection in cooperation with the Deputy Attorney General, who has given me his opinion that this direction is in accordance with applicable Federal law.

Sincerely,

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

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C. 20223

November 6, 1974

*classified  
chron*

**Dear Mr. Secretary:**

**In behalf of the President, I am directing protection within the powers and duties of the Executive Protective Service and the United States Secret Service for the Diplomatic Missions of Mauritania and Somalia located in New York City. Protection for the Somalia Mission may be provided by expanding the present post protecting the adjacent Qatar Mission.**

**In the case of each such mission, the protection should relate to the office installation of the mission at its upper floor location within the commercial building where it is operating. The protection should be maintained during the hours when the office is open for the business of the Mission and should continue for the period prior to and through the continuance of the U. N. General Assembly debate on the Palestine question. These directions are, of course, subject to change as the situation may require from time to time.**

**You are kindly requested to work out the arrangements for this protection in cooperation with the Deputy Attorney General, who has given me his opinion that this direction is in accordance with applicable Federal law.**

**Sincerely,**

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

**The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C. 20223**

bcc: Geoff Shepard  
Laurence Silberman  
John Thomas, Asst Sec State for Admin  
Amb. Blake (Robert O.) Deputy Asst Sect for Intl Org Affairs, ~~State~~ State Dept  
Genl Scowcroft

*D. Rumsfeld*



**Copies hand delivered to:**

**Ambassador Donald Rumsfeld**

**Larry Silberman**

**Gen. Scowcroft**

**Ambassador Robert O. Blake**

**Geoff Shepard**

**Skip Williams**



THE WHITE HOUSE

WASHINGTON

November 12, 1974

MEMORANDUM FOR THE PRESIDENT

FROM: PHILLIP AREEDA *PA*

SUBJECT: Peter Flanigan

You must decide whether to resubmit the name of Peter Flanigan for the post of Ambassador to Spain. I understand that Flanigan's name was checked with the Special Prosecutor's office before you nominated him. Jaworski said that no charge was contemplated against him on the basis of information then possessed. Jaworski also said, however, that the White House might wish to consider the testimony concerning Mr. Flanigan by Mr. Herbert Kalmbach before the House Judiciary Committee relating to the Ambassadorial nomination of Mrs. Ruth Farkas.

Senator Scott -- and perhaps the White House as well -- said that Flanigan had been given a complete bill of health by Jaworski. This was not true.

If Kalmbach is to be believed, Flanigan violated the law. Flanigan disputes Kalmbach's account. We are not in a position to resolve their conflicting statements of fact. (Flanigan also says that he was instrumental in impeding Ambassadorial appointments for certain other contributors who were unqualified.)

After talking with the Special Prosecutor's office, it is my impression that charges are not likely to be brought against Flanigan, but that the Farkas investigation is very much open, that more information is expected both from the witnesses and from the Nixon documents, and that future charges against Flanigan are a possibility. The ITT and ARMCO investigations are also still open.

Hearings on Flanigan's nomination will give, of course, great publicity to the fund raising tactics and appointments policy of the prior Administration. The ITT and ARMCO matters will also be resurrected.

Because such publicity redounds to the detriment of this Administration and because there is a doubt about Flanigan's conduct (on limited data available to us), I recommend that Flanigan's name not be resubmitted to the Senate. Secretary Kissinger should, of course, be consulted.



November 12, 1974

**MEMORANDUM FOR**

**DAVID R. MACDONALD**  
Assistant Secretary  
Department of the Treasury

**SUBJECT:**

Secret Service Protection for  
Syria - Abdul-Halim Khaddam, and  
Saudia Arabia - Omar Saqqaf

**You are requested to provide Secret Service protection for the above-mentioned Foreign Ministers during the period when they are in the United States attending the United Nations debate on Palestine.**

**JAY T. FRENCH**  
Assistant Counsel

cc: **H. Stuart Knight**  
**Henry E. Catto, Jr.**



**JTF:em**

THE WHITE HOUSE

WASHINGTON

November 13, 1974

MEMORANDUM FOR THE PRESIDENT

FROM: PHILLIP AREEDA

SUBJECT: Meskill and Silbert

You must decide whether to resubmit the nominations of Meskill for court of appeals judge and Silbert for U. S. Attorney. I have not made an independent inquiry, but pass along these observations from Deputy Attorney General Silberman.

Meskill. There have been published suggestions that Meskill was somehow engaged in improper real estate dealings while he was Governor of Connecticut. This was checked out twice by the FBI. The fact seems to be the following: Persons who were partners of Meskill with respect to one real estate holding had dealt with Connecticut officials (other than the Governor) with respect to properties other than the one in which Meskill had an interest. The FBI file on this matter was shown to Senator Eastland before Meskill was nominated. And Meskill himself has testified in his confirmation hearings on this matter, to the apparent satisfaction of the committee; the committee staff had apparently made its own inquiries.

Silbert enjoys a good reputation at the Bar -- even among Civil Liberties Union people. Silberman gave the matter very careful review and concluded that there was no evidence of negligence in Silbert's handling of the original Watergate case. It was true that Silbert proceeded in a cautious fashion. Silberman regards him as absolutely first class, and it should be noted that Silbert was unanimously appointed U. S. Attorney by the U. S. District Court (which is the procedure for filling a vacancy in the interval before a Presidential appointee is nominated and confirmed). Not even



liberals on the Senate committee object to him. Senator Ervin is, however, very unhappy. It has been worked out with Senator Eastland that the committee will not move on the nomination until Senator Ervin retires. We must, however, resubmit the nomination in order to keep it alive.

My conclusions are these:

Although I have made no independent assessment of Meskill's judicial qualifications, his real estate dealings should not dissuade you from resubmitting his nomination.

Although Silbert is controversial in some quarters, I see no independent basis for failing to resubmit his name.



November 19, 1974

*Chris  
classified  
sensitive*

*(see  
Judge  
Charles W  
Halleck*

**MEMORANDUM FOR: WILLIAM WALKER**  
**FROM: PHILIP BUCHEN**  
**SUBJECT: Judge Charles W. Halleck  
Superior Court of the  
District of Columbia**

This is in response to a verbal inquiry made by the President to Larry Silberman in my presence on November 7, 1974.

It came as the result of an inquiry made by Charles, Sr., to the President while he was in Indianapolis. Although we do not know what the President had in mind, no affirmative action seems warranted.

1. Reappointment of Judge Halleck to his present office in 1975 will, under D. C. Home Rule, be out of our hands.
2. Promotion to a higher court seems out of the question.
3. It is even doubtful that Judge Halleck's qualities would permit appointment to any Executive Branch office.



*classified  
chron*

THE WHITE HOUSE  
WASHINGTON

November 20, 1974

Dear Mr. Secretary:

In behalf of the President, I am directing protection within the powers and duties of the Executive Protective Service and the United States Secret Service for the Israeli Ministry of Defense located in New York City.

In the case of this Diplomatic Mission, the protection should relate to the office installation of the Mission at its upper floor location within the commercial building where it is operating. The protection should be maintained during the hours when the office is open for the business of the Mission and should continue for the period prior to and through the continuance of the United Nations General Assembly debate on the Palestine question. The directions are, of course, subject to change as the situation may require from time to time.

You are kindly requested to work out the arrangements for this protection in cooperation with the Deputy Attorney General.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

The Honorable William E. Simon  
Secretary of the Treasury  
Washington, D. C. 20220



November 20, 1974

**MEMORANDUM FOR:** KEN LAZARUS  
**FROM:** PHIL BUCHEN  
**SUBJECT:** Statement of Donald Rumsfeld's  
Employment and Financial Interests

**Attached are:**

1. Memo of October 11, 1974 from Don Rumsfeld.
2. Memo of Antonin Scalia dated October 17, 1974

John Robeson confirmed by telephone to me today that Don has resigned as co-trustee of the family trusts and he has replaced individual stocks with investments in mutual funds.

I believe there is awaiting for Don's return a confirmation of these developments to be signed by him, and in the meantime we should regard him as in compliance with our procedures.



THE WHITE HOUSE

WASHINGTON

November 21, 1974

FOR: General Scowcroft

FROM: Philip W. Bucher *P.W.B.*

SUBJECT: Request for Protection of Foreign  
Visitors and Diplomatic Installations  
in the United States

This memorandum is an addition to my earlier one to you of November 19th, concerning the above referenced subject.

On November 20, J. French of my office received an oral request that an E. P. S. officer be stationed in front of the Brazilian United Nations Mission in New York City because of bomb threats. The request came from the Office of the Chief of Protocol. After checking with me, Mr. French informed the Protocol office that any requests for E. P. S. or U. S. S. S. protection would have to be submitted in accordance with the provisions in my memorandum of November 19th. Further, he asked that the request be submitted by the Acting Secretary of State in the absence of the Secretary.

Assistant Secretary John Thomas responded to Mr. French's request on November 21, by informing him that a review and coordination process was being established, as of that date, and further, that in the future all requests would be forwarded from the Office of the Secretary.

*classified  
chron*

THE WHITE HOUSE  
WASHINGTON

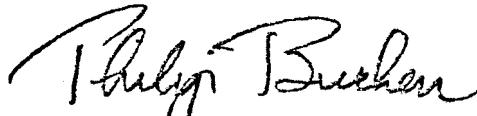
November 25, 1974

Dear Mr. Secretary:

In behalf of the President, I am directing protection within the powers and duties of the Executive Protective Service and the United States Secret Service for the Brazilian Diplomatic Mission to the United Nations located in New York City.

This protection should relate to the office installation of the Mission at its upper floor location within the commercial building where it is operating. The protection should be maintained during the hours when the office is open for the business of the Mission and should continue through December 6, 1974. These directions are, of course, subject to change as the situation may require from time to time.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C. 20223



Recd.

10 C      11/25/74      Letter to Mr. Buchen from Robert S. Ingersoll,  
Acting Secretary, Dept. of State, re security  
coverage for Arab and Israeli personnel and  
installations in New York; would like to continue  
coverage until December 17.



THE WHITE HOUSE

WASHINGTON

November 26, 1974

Dear Mr. Secretary:

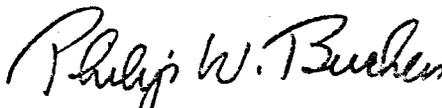
In behalf of the President, and pursuant to my earlier letter to you of November 1, 1974, I am directing that protection within the powers and duties of the Executive Protective Service and the United States Secret Service be continued for the following foreign Diplomatic Missions located in New York City:

Palestine Liberation Organization	Algeria
League of Arab States	Syria
Jordan	Israel
Lebanon	Turkey Mission
Saudia Arabian Mission	Turkey Consulate
Saudia Arabian Consulate	Cyprus

Additionally, protection for the Mission of Brazil shall continue in accordance with my letter to you of November 25, 1974.

In the case of each such Mission, the protection should relate to the office installation of the Mission at its upper floor location within the commercial building where it is operating. The protection should be maintained during the hours when the office is open for the business of the Mission and should continue until the conclusion of the General Assembly debates about December 17, 1974.

Sincerely yours,



Philip W. Buchen  
Counsel to the President

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C. 20223



THE WHITE HOUSE

WASHINGTON

November 26, 1974

Dear Bob:

I have received your letters of November 22 and 23, requesting protection by the Executive Protective Service of certain foreign Diplomatic Missions in New York City.

On November 22, in behalf of the President, I directed protection of the Brazilian Mission for a period of fifteen days. Also, I have directed continued protection of certain other Missions until the conclusion of the General Assembly debates about December 17. A copy of each directive is attached for your information. Protection of all other Diplomatic Missions in New York City has been concluded as of November 25.

In regard to these directives, the Department of the Treasury has raised the issue of the necessity for continued protection of the Cyprus Mission and the Turkey Consulate. Would you be kind enough to inform me if, after further review, you conclude that such protection may be discontinued.

Finally, I note that you request continued protection for the Egyptian Mission. In checking, I find that the Executive Protective Service does not maintain a post at this Mission. Accordingly, I am not directing any protection at this time. Should you determine that it is necessary for such protection, please let me know as soon as possible.

Warmest regards,

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable Robert S. Ingersoll  
Acting Secretary of State  
Department of State  
Washington, D. C. 20520



THE WHITE HOUSE  
WASHINGTON

*Classified  
exemption*

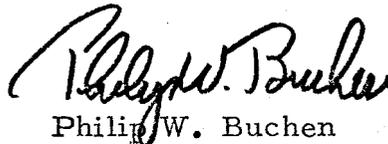
December 2, 1974

Dear Mr. Secretary:

I would like to amend my letter to you of November twentieth-sixth, directing the Executive Protective Service to protect certain foreign Diplomatic Missions located in New York City.

Protection for the Cyprus Mission should cease effective immediately. Protection for the Turkish Consulate and the Turkish Mission should continue until further notice from this office.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C. 20223



THE WHITE HOUSE

WASHINGTON

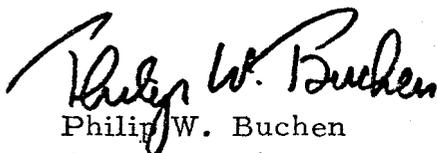
December 2, 1974

Dear Mr. Secretary:

In behalf of the President, I am directing protection within the powers and duties of the United States Secret Service for Republic of China Vice President Yen Chia-Kan and the members of his party as long as they remain with the Vice President, and Executive Protective Service protection of the Ethiopian Mission to the United Nations by expanding the present post protecting the nearby Lebanese Mission.

Protection for the Ethiopian Mission should be maintained during the hours when the office is open for the business of the Mission and should continue until the conclusion of the General Assembly debates about December 17, 1974.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C. 20223

THE WHITE HOUSE

WASHINGTON

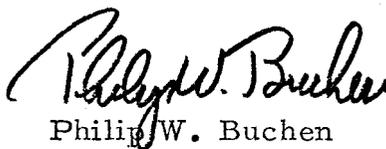
December 2, 1974

Dear Mr. Secretary:

I would like to amend my letter to you of November twentieth-sixth, directing the Executive Protective Service to protect certain foreign Diplomatic Missions located in New York City.

Protection for the Cyprus Mission should cease effective immediately. Protection for the Turkish Consulate and the Turkish Mission should continue until further notice from this office.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C. 20223



THE WHITE HOUSE

WASHINGTON

December 3, 1974

Dear Mr. Secretary:

In behalf of the President, I am directing protection within the powers and duties of the United States Secret Service for Mrs. Golda Meir, the former Prime Minister of Israel, during her visit to the United States. Mrs. Meir is expected to arrive on December 3, 1974, and remain until December 24 with the exception of side visits to Montreal and Toronto.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C. 20223



December 5, 1974

Dear Mr. Secretary:

In behalf of the President, I am directing protection within the powers and duties of the Executive Protective Service and the United States Secret Service for the Dominican Republic Consulate and United Nations Mission located in New York City.

This protection should relate to the office installation of the Mission and the Consulate at their upper floor locations within the commercial buildings where they are operating. The protection should be maintained during the hours when the offices are open for the business of the Missions and Consulate and should continue for the remainder of the present UN General Assembly session. These directions are, of course, subject to change as the situation may require from time to time.

Sincerely,

Phillip W. Buchan  
Command to the President

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C. 20223  
PWBJ/Tem

bcc:  
Lawrence Silberman, Deputy Attorney General, room 4109  
Robert S. Ingersoll, Deputy Secy of State, room 7220  
John Thomas, Assistant Secy of State for Administration, room 4136  
Amb. Robert O. Blake, Deputy Assist. Secy for International  
Organization Affairs, Department of State, Rm 6323

General Scovcroft  
Ronald Runsfeld

H.S. Knight, Director of Secret Service, 1800 G St., NW, Suite 800  
20223

*Stuart Shepard*



*Classified  
Chron*

THE WHITE HOUSE  
WASHINGTON

December 6, 1974

Dear Mr. Secretary:

By my letter to you of December second, I directed United States Secret Service protection for Republic of China Vice President Yen Chia-Kan. Apparently, it is unclear how thorough protection should be for the members of the Vice President's party.

The Vice President's wife, as well as other members in his party, should only be protected whenever they, from time to time, come within the secured environment created by the Secret Service. Protection for these persons shall always be subordinated to the primary mission of protecting the Vice President.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C. 20223



*Mr. Buchen*

THE WHITE HOUSE

WASHINGTON

December 6, 1974

EYES ONLY

MEMORANDUM FOR: Jack Marsh  
Ron Nessen

FROM: Phil Buchen

The Special Prosecutor in the Mitchell trial may be introducing in evidence today or tomorrow a heretofore unpublished tape of a February 1973 conversation between John Ehrlichman and the former President. In the recorded conversation, John Ehrlichman offers to ask John Mitchell to contact Governor Rockefeller for the purpose of obtaining \$500,000 to provide additional payments to the Watergate burglary defendants. The purpose of introducing this evidence would be to impeach any testimony by Ehrlichman that he was not involved in the raising of funds for this purpose.

The Special Prosecutor will, for the record in the pending case, preface his introduction of the tape with a statement that it does not constitute any evidence relative to Governor Rockefeller's involvement and that before the Senate Rules Committee Governor Rockefeller has already testified that he was not in fact ever contacted either in 1972 or 1973 with respect to furnishing money in connection with the Watergate coverup activities. (See attached copy of Senate hearing transcript pp. 359, et seq.) Representatives of Governor Rockefeller have been advised of this development and the Special Prosecutor has indicated he will alert me as to the exact time when this evidence may be introduced, at which time I will notify the Rockefeller people, as well as you, Ron. With this information, it should be easy to respond to any questions from the press -- if and when this heretofore undisclosed tape is made public. In the meantime, of course, this information should be kept very confidential.

cc: Don Rumsfeld

Attachment



dm17

1 shortsighted enough to lose this man's talents at this  
2 particular moment in history.

3 Senator Allen. Well, you have full confidence in him  
4 and you would express that opinion to the President?

5 Mr. Rockefeller. Absolutely, sir.

6 Senator Allen. Thank you very much.

7 I yield back.

8 The Chairman. Mr. Rockefeller, in the years 1972 and  
9 1973 were you ever contacted by Mr. John Mitchell, Mr. Bob  
10 Haldeman, Mr. John Ehrlichman or Mr. John Dean or any of those  
11 named persons or any other persons with respect to furnishing  
12 money in connection with Watergate cover up activities?

13 Mr. Rockefeller. No, sir.

14 The Chairman. Did you furnish any money to any of these  
15 people or any other people for those purposes during that  
16 period?

17 Mr. Rockefeller. No, sir.

18 The Chairman. It has been rumored that you furnished  
19 funds to help finance the disruption of the 1972 Democratic  
20 Convention. Is that true?

21 Mr. Rockefeller. It is not true, sir, and I am very  
22 grateful to President Ford for having caused an investigation  
23 to be made immediately when that rumor was brought to the  
24 White House when he was considering his nomination and turned  
25 it over to Mr. Jaworski and the FBI and they came back with

dm 19

1 a totally negative answer.

2 The Chairman. Well, I am sure that you recognize that it  
3 is our obligation to the public to lay these matters out on the  
4 record and set them to rest.

5 Mr. Rockefeller. And I appreciate them, sir.

6 The Chairman. Were you ever contacted by any person to  
7 furnish funds for any purpose connected with any of the problems  
8 of the former Vice President Agnew?

9 Mr. Rockefeller. Before or after his retirement?

10 The Chairman. Either.

11 Mr. Rockefeller. After, yes.

12 The Chairman. What was the nature of that contact?

13 Mr. Rockefeller. An inquiry by Mr. Agnew himself.

14 The Chairman. And did you, in fact, furnish funds for any  
15 purpose?

16 Mr. Rockefeller. It wasn't funds. It was the opportunity  
17 to sponsor or the help in connection with the book and I did  
18 not.

19 The Chairman. You did not help?

20 Mr. Rockefeller. No, sir.

21 The Chairman. So that while you have been contacted you  
22 have not furnished funds for any purpose connected with any of  
23 the problems of the former Vice President Agnew?

24 Mr. Rockefeller. Well, I do not think it would be fair  
25 to leave this that he asked for funds. What he was really

dm 19

1 asking for was for someone to sponsor or finance the money on  
2 a book.

3 The Chairman. But you neither gave assistance nor gave  
4 funds for that purpose?

5 Mr. Rockefeller. No.

6 I have had two letters, I think, from Mr. Ehrlichman  
7 asking me to contribute to his defense.

8 The Chairman. What was your response?

9 Mr. Rockefeller. Well, in a sense from a human point  
10 of view I am embarrassed to say that I did not answer the  
11 letters.

12 The Chairman. So that you did not contribute to those  
13 funds for those purposes?

14 Mr. Rockefeller. No, sir, although I knew him during  
15 the years he was working for the President. I worked closely  
16 with him in connection with the problems in the State of New  
17 York and these from a human point of view these things are  
18 very sad.

19 The Chairman. Now, between 1964 and 1973 you and your  
20 wife reported a total of gifts and donations of something in  
21 excess of \$25 million.

22 Now, will you explain how much of that total was given  
23 for charitable purposes and how much might have been distri-  
24 bution of family-type gifts?

25 Mr. Rockefeller. I can answer it very easily. It would



WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
MEMO	Secret Service / Executive Protection Service for Foreign Missions and Visiting Dignitaries (3 pages)	12/13/1974	B

File Location:

Philip Buchen Files, Box 26, National Security Chronological File (1) / TMH / 12/21/2015

RESTRICTION CODES

- (A) Closed by applicable Executive order governing access to national security information.
- (B) Closed by statute or by the agency which originated the document.
- (C) Closed in accordance with restrictions contained in the donor's deed of gift.

*classified  
clear*

THE WHITE HOUSE  
WASHINGTON

December 13, 1974

MEMORANDUM FOR: Jerry Jones  
FROM: Phil Buchen  
SUBJECT: Information of Office of  
White House Counsel

In accordance with our telephone conversation, I am returning the retyped descriptive page about the Office and corrected copies of the organization chart, the Aug. 1-Jan. 1 position numbers, the corrected manning table, and correction of errors appearing in the tabulation of personnel made at November 30, 1974, without regard to subsequent changes. Also, I mention to you points about Phil Areeda's status as a member of the senior staff and questions that might arise if the total organizational chart is publicized even though I have not seen such plan.



## OFFICE OF THE WHITE HOUSE COUNSEL

### MISSION

Ensure that the President exercises the duties of his office within the spirit of the laws of the United States.

### FUNCTIONS

Review the official papers and advice coming to the President from a legal point of view.

Provide legal advice to the President on all official acts and on all other matters as appropriate.

Represent the President as counsel on legal matters involving the President or the Office of the President.

Provide the White House liaison with the regulatory agencies.

Check security, conflict of interest and involvement with the Special Prosecutor on all White House and other Presidential appointments.

Represent the White House on legal matters involving the former President and the materials of the former Administration.

### WORKING PHILOSOPHY

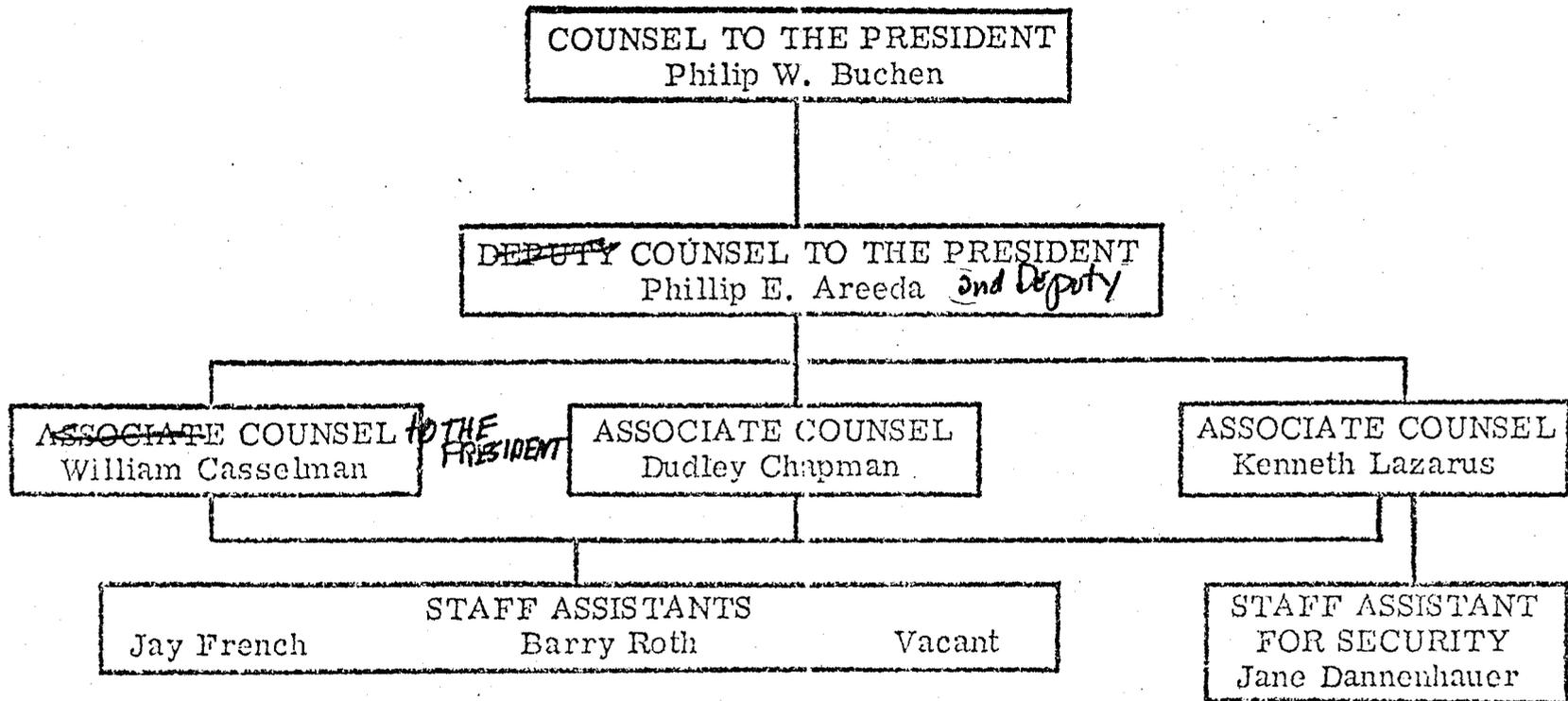
Sits in meetings with the President when legal questions are part of Agenda. Reviews the paper flow to the President and provides opinions on legal questions as required. Available at any time to provide legal advice to the President and White House Staff members as required in connection with their official duties.

### ORGANIZATION (See Tab A)

### MANNING REQUIREMENTS (See Tab B for January 1 Manning Table)



OFFICE OF THE COUNSEL



9 Secretaries

<u>Position</u>	<u>August 1</u>	<u>January 1</u>
Commissioned Officers	4	24
Other Professionals	18	75
Secretaries	10	89
Detailed Professionals	1	0
Detailed Secretaries	4	0
Consultants	2	0
Summer Interns	1	0
Other	<u>0</u>	<u>0</u>
Total	40	<del>8</del> 17

OFFICE OF THE WHITE HOUSE COUNSEL

MANNING TABLE

<u>NAME</u>	<u>TITLE</u>
Philip W. Buchen	Counsel to the President
Phillip Areeda	Deputy Counsel to the President and Dep
William Casselman	Associate Counsel to the President
Kenneth Lazarus	Associate Counsel to the President
Dudley Chapman	Associate Counsel to the President
Jane Dannenhauer (Security)	Staff Assistant
Vacant	Staff Assistant
Borrry Roth Vacant	Staff Assistant
Jay French	Staff Assistant
Eva Daughtrey (Buchen)	Secretary
Nancy Smilko (Chapman)	Secretary
Jane Thomas (Buchen-Areeda)	Secretary
Elean Corners (Areeda)	Secretary
Brenda Wilson (Casselman)	Secretary
Dawn Moorcones <del>Dawn Moorecones</del> (Lazarus)	Secretary
Lillian Greene (Security)	Secretary
Kathleen Ripley (Security)	Secretary
Vacant	Secretary



Name	Title	Employing Agency	Grade Salary Date	Overtime	Total Annual Salary	Personnel Benefits	Projected Requirements to FY 75
*Philip W. Buchen	Counsel to the President	WHO	Presidential \$42,500 8/15/74	N/A	\$42,500	\$3,400	\$24,673
*Phillip E. Areeda	Counsel to the President	WHO (S/A)	Presidential \$40,000 10/14/74	N/A	40,000	3,200	23,179
*William E. Casselman II	Counsel to the President	WHO (S/A)	Presidential \$38,000 9/17/74	N/A	38,000	3,040	22,076
*Kenneth A. Lazarus	Associate Counsel to the President	WHO (S/A)	Presidential \$36,000 9/23/74	N/A	36,000	2,880	20,914
Dudley H. Chapman	Associate Counsel	WHO	GS-15/6 \$34,788 **11/11/73	N/A	34,788	2,783	20,204
Jay T. French	Staff Assistant	WHO (S/A)	UNCL \$24,247 9/6/74	N/A	24,247	1,940	14,088
Jane M. Dannenhauer	Staff Assistant	WHO	GS-13/2 \$22,543 **3/3/74	\$2,120	24,663	1,803	14,330
Nancy S. Smilko	Secretary (Mr. Areeda)	WHO	GS-11/3 \$16,513 1/20/74	2,120	18,633	1,321	10,827
Jane E. Thomas	Secretary (Mr. Buchen)	WHO	GS-10/5 \$16,001 3/17/74	2,120	18,121	1,280	10,525
Dawn L. Moorcones	Secretary (Mr. Buchen) Lazarus	WHO (S/A)	UNCL \$14,588 10/13/74	2,120	16,708	1,167	9,709
Anne R. Dawson	Secretary (Mr. Chapman)	WHO	GS-9/5 \$14,553 **2/17/74	2,120	16,673	1,164	9,679

\*Presidential Appointment (Commissioned)

\*\*Within-Grade Increase



Name	Title	Employing Agency	Grade Salary Date	Overtime	Total Annual Salary	Personnel Benefits	Proj. Requir. to F
Lillian H. Greene	Administrative Secretary (Miss J. Dannenhauer)	WHO	GS-8/2 \$12,028 2/3/74	\$1,803	\$13,831	\$ 962	\$ 8,01
<del>Cornelia M. Piper</del>	<del>Secretary</del> (Mr. Buchen)	WHO	GS-7/2 \$10,871 **8/18/74	1,633	12,504	870	7,25
Katherine P. Ripley	Security Specialist	WHO	GS-7/1 \$10,520 2/18/74	1,579	12,099	842	7,02
		14	\$333,152	\$15,615	\$348,767	\$26,652	\$202,522

EMPLOYEES ON DETAIL

J. Roger Edgar	Staff Assistant	Justice	GS-14/9 \$32,405	N/A	\$32,405		
Eva A. Daughtrey	Staff Assistant	OTP	GS-12/4 \$20,308	N/A	20,308		
Stanley Sutton Shaw, Jr.	Staff Assistant	Justice	GS-12/1 \$18,463	N/A	18,463		

\*\*Within-Grade Increase



Name	Title	Employing Agency	Grade Salary Date	Overtime	Total Annual Salary	Personnel Benefits	Projected Requirements to FY End
<u>CONSULTANTS W.A.E.</u>							
Edward A. McCabe	Consultant	WHO (S/A)	\$138.00 pd				
Gerald D. Morgan	Consultant	WHO (S/A)	\$138.00 pd				



Name	Title	Employing Agency	Grade Salary Date	Overtime	Total Annual Salary	Personnel Benefits	Projected Requirements to FY End
Leonard Garment	Assistant to the President	WHO	Presidential \$42,500 1/4/74	N/A	\$42,500	\$3,400	\$24,673
Eleanor Connors	Secretary Assistant (Mr. Garment)	WHO	GS-12/7 \$22,153 7/1/73	\$2,120	24,273	1,772	14,103
Linda Ruth Hagge	Secretary (Mr. Garment)	WHO	GS-9/1 \$12,841 4/28/74	1,926	14,767	1,027	8,577
		3	\$77,494	\$4,046	\$81,540	\$6,199	\$47,353

Presidential Appointment (Commissioned)  
\*Within-Grade Increase



December 19, 1974

*Classified*

Dear Mr. Secretary:

In behalf of the President, I am directing protection within the powers and duties of the Executive Protective Service and the United States Secret Service be continued until January 30, 1975, for the following Foreign Missions to the United Nations, located in New York City.

Israel            Jordan  
Lebanon        Palestine Liberation Organization  
Syria            League of Arab States

Additionally, similar protection should be given to the Mission of Algeria until Foreign Minister Bouteflika leaves the United States. Finally, you are advised that future events in Ethiopia may necessitate protection for that country's Mission.

Sincerely,

Phillip W. Buchen  
Counsel to the President



The Honorable William Simon  
Secretary of the Treasury  
Washington, D. C. 20223  
PW B:JF;ec

bcc:

Laurence Silberman, Deputy Attorney General, room 4109  
John Thomas, Assistant Secretary of State for Administration, room 6316  
Amb. Robert O. Blake, Deputy Assistant Sec. for International  
Organization Affairs, Dept. of State, Room 6323  
Robert S. Ingersoll, Deputy Secretary of State, Room 7220  
General Scowcroft  
Donald Runnsfeld  
H. S. Knight, Director of Secret Service, 1800 G Street NW Suite 800, 20223

THE WHITE HOUSE

WASHINGTON

~~TOP SECRET/SENSITIVE~~  
EXCLUSIVELY EYES ONLY

December 19, 1974

MEMORANDUM FOR

THE ATTORNEY GENERAL

I have carefully reviewed the issues raised in your request for confirmation of authority and delegation with respect to warrantless electronic surveillance within the United States for foreign intelligence (including counterintelligence) purposes. I am satisfied that programs requiring such surveillance are important to the national security, and therefore reaffirm and renew the delegation of power to you, and to your successors in office, and the authorization of you and them, to approve, without prior judicial warrant, specific electronic surveillances within the United States which may be requested by the Director of the Federal Bureau of Investigation.

It is my understanding and desire that this power and authority shall be exercised pursuant to the following standards and procedures: A warrantless electronic surveillance in the United States will only be authorized upon the personal approval of the Attorney General (or the Acting Attorney General), upon submission of a written request by the Director of the Federal Bureau of Investigation providing complete justification for the conduct of such surveillance, including identification of the agency and the Presidential appointee initiating the request. Authorization will not be granted unless the Attorney General (or the Acting Attorney General) has satisfied himself:

- A. That the requested electronic surveillance is necessary
  - 1. To protect the nation against actual or potential attack or other hostile acts of a foreign power;
  - 2. To obtain foreign intelligence information deemed essential to the security of the nation;
  - 3. To protect national security information against foreign intelligence activities; or

DECLASSIFIED  
E.O. 12958 (as amended) SEC 3.3  
MR # 10-012, 42  
Date declass ltr 1/27/10  
By del NARA, Date 3/16/10

~~TOP SECRET/SENSITIVE~~  
EXCLUSIVELY EYES ONLY



4. To obtain information which the Secretary of State (or a Presidential appointee who is his personally designated representative) or the Assistant to the President for National Security Affairs has certified is necessary for the conduct of foreign affairs matters which are important to the national security of the United States.
- B. That the subject of the electronic surveillance is assisting a foreign power or foreign-based political group, or plans unlawful activity directed against a foreign power or foreign-based political group.
  - C. That the minimum physical intrusion necessary to obtain the information sought will be used.

I have been advised by you and by the Department of State that such surveillance is consistent with the Constitution, Laws and Treaties of the United States.

I will expect you to keep the electronic surveillances you approve under regular review to assure that they continue to meet the aforementioned criteria. I also will expect you to advise me of any changes in the statutes or of relevant judicial decisions bearing on these matters.

This delegation and authorization is intended to subsist until revoked by my order acting as President, or the order of a successor President of the United States. Should you have a serious question as to the validity of the claim of importance to the national security in any particular case presented to you for approval, I request that you forward the matter to me for my consideration.

*Gerald R. Ford*



*classified*

PWBuchen DRAFT 12/31/74

EXECUTIVE ORDER \_\_\_\_\_

ESTABLISHING A COMMISSION ON CIA INTELLIGENCE  
ACTIVITIES WITHIN THE UNITED STATES

By virtue of the authority vested in me as President of the  
United States, it is ordered as follows:

SECTION 1. Establishment of the Commission. (a) There is  
hereby established a Commission on CIA Intelligence Activities Within  
the United States (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of:

- \_\_\_\_\_ Chairman
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



The President from time to time may appoint additional members to the  
Commission and may designate additional members thereof.

SECTION 2. Purposes of the Commission. The purposes of the  
Commission are:

(a) To ascertain and evaluate the facts relating to intelligence  
activities conducted within the United States by the Central Intelligence  
Agency which have impinged upon the privacy of citizens and permanent

residents of the United States and have given rise to reasonable questions of compliance with Title 50, Section 403 of the United States Code.

(b) To ascertain and evaluate the means employed to avoid continuance or recurrence of such activities; and

(c) To inquire into such other matters as the President may request.

SECTION 3. Cooperation by Executive Departments and Agencies.

The Commission is authorized to request, at the direction of the Chairman, from any executive department or agency any information and assistance deemed necessary to carry out its functions under this order. Each department or agency is authorized, to the extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission.

SECTION 4. Compensation, Personnel, and Finance.<sup>(a)</sup> Members of the Commission shall receive \$100 per day when engaged in the performance of duties pursuant to this order, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized as authorized by law (5 USC. 5703) for persons intermittently employed.

(b) The Commission shall have an Executive Director who shall be designated by the President and shall receive such compensation as may hereafter be specified. The Commission is authorized to appoint and fix the compensation of such other personnel as may be necessary to enable it to carry out its functions, and is authorized to obtain services in accordance with the provisions of 5 U.S.C. 3109.

(c) All necessary expenses incurred in connection with the work of the Commission shall be paid from the "Emergency Fund for the President" or such other appropriated funds as may be available for the purposes of the Commission.

SECTION 5. Administrative Services. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

SECTION 6. Report and Termination. The Commission shall present its final report not later than \_\_\_\_\_ from the date of this order, but it may present interim reports prior to presenting its final report. It shall terminate within one month after presenting its final report but not later than one year from the date of this order.

THE WHITE HOUSE,  
Cabinet Room, \_\_\_\_\_  
\_\_\_\_\_

December 31, 1974

MEMORANDUM FOR: Jack Marsh  
Dick Cheney

FROM: Phil Buchen

Attached is draft of proposed Executive Order.

The critical portion is Section 2. Should U. S. "permanent residents" as well as "citizens" be specified? Should activities involving U. S. citizens in other countries be included? Should CIA employees and contacts be specifically excluded? Should a time period be specified for the activities to be investigated? Should the test be only conformity to the statutory limitations on the CIA or should it be broader, such as conformity to sound policies for the government's relations to its citizens? Should the Commission be required to make recommendations?

This draft has been reviewed by Stan Ebner of OMB, but it has not been reviewed by DOJ or any other concerned department or agency.

Attachment

PWBuchen:ed

