

The original documents are located in Box 29, folder “Nixon - Papers Court Cases - Halperin v.Kissinger” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

Copyright Notice

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October 11, 1974

MEMORANDUM FOR THE FILE:

FROM: Phil Buchen

Talked to Larry Silberman who said that he did not believe a memorandum would be ready for our consideration covering general policy on representation of government employees or former employees in suits brought by them. That it would not be ready in time to talk to Larry Higby.

He suggested I advise Larry Higby that because of a possible conflict of interest, the Justice Department is declining to represent him in the case of Halperin v. Kissinger. I so advised Higby and suggested that if he wanted any further information, he should have his attorney call Larry Silberman. Higby said he had been advised when talking to Justice originally that this was a possibility but now he questions what the status is of the information he provided to Justice. Then I suggested he express his concern to his own attorney.



THE WHITE HOUSE

WASHINGTON

December 11, 1974

Re: Morton H. Halperin, et al. v.
Henry A. Kissinger, et al., Civil
Action No. 1187-73 (D.D.C.)

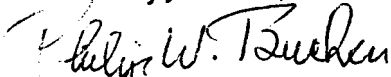
Dear Mr. Miller:

On December 3, 1974, I notified you that on that date I was served with a subpoena duces tecum in the above-captioned action. I have since been informed by the Department of Justice that my deposition previously scheduled for December 9, 1974, has been continued until December 23, 1974. It is my intention to promptly begin efforts to locate the materials covered by this subpoena, and your participation is invited in accordance with the provisions of Judge Richey's Order of October 21, 1974, as amended.

This location process will begin at 9:30 a. m. on Friday, December 13, 1974, with the files of H. R. Haldeman that are now maintained in Room 522 of the Old Executive Office Building. Should any materials be located that are within the scope of this subpoena, one copy will be made and removed to my office for review by myself and other members of my staff. Subsequently, a similar procedure will be commenced with respect to the materials in the vault in Room 84 and in Room 414 to the extent that any of these files would appear to be relevant. With respect to Presidential tape recordings, these will only be reviewed where I have some basis to believe that they are relevant to this matter.

You are invited to participate in the foregoing as you have in other proceedings and to the extent you deem appropriate. However, on your failure to do so, we shall proceed on our own to locate the required materials.

Sincerely,



Philip W. Buchen
Counsel to the President



Herbert J. Miller, Jr., Esq.
Miller, Cassidy, Larroca & Lewin
1320 Nineteenth Street, N. W.
Washington, D. C. 20036

cc: Honorable Arthur F. Sampson
Administrator
General Services Administration
Washington, D.C. 20405

Henry S. Ruth, Esq.
Special Prosecutor
Watergate Special Prosecution Force
1425 K Street, N.W.
Washington, D.C. 20005

Mr. H. S. Knight
Director
United States Secret Service
Washington, D.C.

Honorable Irwin Goldbloom
Acting Deputy Assistant
Attorney General
Civil Division
Department of Justice
Washington, D.C. 20530



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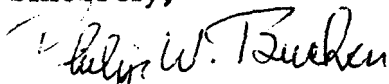
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Acting Deputy Assistant
Attorney General
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Washington, D.C. 20530



Friday 12/13/74

3:10 Mr. Casselman said we have to get the word back to Justice within the next hour -- due by 4:30 today and we should give them a little lead-time if anything has to be retyped. (on list of proposed objections)

Have telephoned OK but Bill
wants this returned to him,
J.



ML
YES IS TMR
2000 SRD LIST
OF MUST OBTAIN TODAY
MUST FILE TODAY
PLEASE ADVISE.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MORTON H. HALPERIN, et al.,)

Plaintiffs,)

v.)

Civil Action No. 1187-73

HENRY A. KISSINGER, et al.,)

Defendants.)

OBJECTION OF PHILIP W. BUCHEN TO
THE INSPECTION AND COPYING OF CER-
TAIN OF THE MATERIALS DESIGNATED IN
THE PLAINTIFFS' SUBPOENA DUCES TECUM

Pursuant to Rule 45(d)(1), Federal Rules of Civil Procedure,
deponent Philip W. Buchen interposes his objection to the
inspection and copying of certain of the following documents,
or portions thereof, designated by the plaintiffs in their subpoena
duces tecum served upon him on December 3, 1974.

1. All documents, or portions thereof, ^{IF ANY SUCH EXIST,} containing information
involving the communications, conversations or activities of third
persons not parties to this lawsuit, where such communications and
conversations were not intercepted over the plaintiffs' telephone
and such activities were not related directly to the electronic
surveillance of the plaintiffs. Such documents are not relevant
to the subject matter of the pending action and are therefore
outside the permissible scope of discovery under Rule 26(b), Federal
Rules of Civil Procedure.

2. All documents, or portions thereof, ^{IF ANY SUCH EXIST,} relating to the incidental
interception of plaintiffs' communications or conversations over an



electronic surveillance directed at another. Such documents are not relevant to the subject matter of the pending action and are therefore outside the permissible scope of discovery under Rule 26(b), Federal Rules of Civil Procedure.

3. All documents, or portions thereof, ^{IF ANY SUCH EXIST,} relating to foreign intelligence national security information. Such documents are privileged from disclosure.

4. All documents, or portions thereof, ^{IF ANY SUCH EXIST,} containing internal communications consisting solely of advice, recommendations, opinions and other material reflecting deliberative or policy-making processes. Such information is privileged from disclosure.

Respectfully submitted

HENRY E. PETERSEN
Assistant Attorney General

ROBERT L. KEUCH
Attorney, Department of Justice



EDWARD S. CHRISTENBURY
Attorney, Department of Justice
Washington, D. C. 20530
Telephone: 202/739-2361



United States District Court
for the
District of Columbia

Morton H. Halperin, et al.

Plaintiff.

vs.

CIVIL ACTION No. 1187-73

Henry A. Kissinger, et al.

Defendant.

Philip W. Buchen

c/o White House, 1600 Pennsylvania Ave., NW, Washington, D.C. 20500

YOU ARE HEREBY COMMANDED to appear in ~~(this court)~~ (the office of Walter Slocombe
Suite 1100, 1101 - 17th Street, N.W., Washington, D.C. 20036) ~~xx~~

to give testimony in the above-entitled cause on the 9th day of December, 1974,
or another time and place as agreed,
10 o'clock a.m. ~~(and bring with you) the documents described in the~~
attached Notice of Deposition and Memorandum attached hereto and
incorporated by reference.

and do not depart without leave.

James F. Davey, Clerk

By Robert L. Lane Deputy Clerk.

December 3, 1974

Walter Slocombe
Attorney for Plaintiff.
 Defendant.

RETURN ON SERVICE

Summons served on the above-named witness by delivering a copy to h_____ and tendering to h_____ the fees
for one day's attendance and mileage allowed by law, on the _____ day of _____,
_____, at _____

Witness _____

Subscribed and sworn to before me, a _____ this _____ day of
_____, 19____

NOTE.—Affidavit required only if service is made by a person other than a U. S. Marshal or his deputy.

December 3, 1974




IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MORTON H. HALPERIN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1187-73
)	
HENRY A. KISSINGER, et al.,)	
)	
Defendants.)	

TO: Edward S. Christenbury, Esquire
Room 216
Department of Justice
Washington, D.C. 20530
Attorney for Defendants

NOTICE OF DEPOSITION

Please take notice that plaintiffs will take the deposition of Philip Buchen, Counsel to the President, at the offices of Caplin & Drysdale, Suite 1100, 1101 17th Street, N.W., Washington, D.C., on December 9, 1974, at 10:00 a.m., or at such other time and place as is hereafter agreed to and designated in a Supplemental Notice, before an officer qualified to administer oaths. Mr. Buchen is to produce the documents described in the attached Memorandum. As the Memorandum notes, plaintiffs suggest that any claims of privilege or objections to relevancy be handled under the procedures of the Court's April 1, 1974, order.


Walter Slocombe
1101 17th Street, N.W.
Washington, D.C. 20036
(202) 293-3900

Attorney for Plaintiffs

December 3, 1974



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MORTON H. HALPERIN, et al.,)	
Plaintiffs,)	
v.)	
HENRY A. KISSINGER, et al.,)	Civil Action No. 1187-73
Defendants.)	

MEMORANDUM TO DEPONENT PHILIP W. BUCHEN

1. We have today served on the defendants a notice of your deposition, to be taken at our offices at 10:00 a.m. on December 9, 1974, or another time and place as agreed. We have also served upon you a Civil Subpoena to appear and bring with you certain documents.

2. Pursuant to the notice and subpoena, we request that you bring with you to the deposition and make available for copying by us [all documents, or copies of documents, in your possession or under your custody and control, including documents in the "Presidential materials of former President Richard M. Nixon or other files of the White House" relating to:

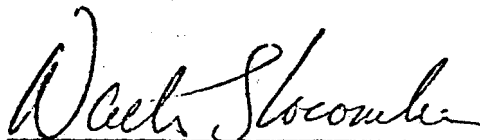
- (a) the decision to undertake electronic surveillance of any of the plaintiffs;
- (b) the interception of telephonic or other communications of any of the plaintiffs, or anyone else overheard by the electronic surveillance of plaintiffs;



- (c) any and all decisions to continue an electronic surveillance of the communications of any of the plaintiffs;
- (d) the decision to terminate the electronic surveillance of the communications of the plaintiffs;
- (e) any and all uses made of such surveillance;
- (f) the places where such records were kept, the persons who put them there, and the persons who had custody, possession or control;
- (g) all other records relating to electronic surveillance of any of the plaintiffs or of interceptions of communications of other persons, which interceptions resulted from such surveillance;

Such documents include, but are not limited to, those specified in Exhibit A to Plaintiffs' Motion for an Order Requiring Search for and Production of Additional Materials, a copy of which is attached hereto as Exhibit 1 and incorporated by reference.

3. In the event that you desire to claim privilege with respect to any of these documents, or object to their relevancy, we suggest that the procedures established by the Court's order of April 1, 1974, a copy of which is attached as Exhibit 2, be used.



Walter Slocombe
1101 17th Street, N.W.
Washington, D.C. 20036
(202) 293-3900

Attorney for Plaintiffs

December 3, 1974



ILLUSTRATIVE LIST OF SEARCHES TO BE MADE
AND DOCUMENTS AND MATERIALS TO BE PRO-
DUCED PURSUANT TO APRIL 1, 1974 ORDER

I. Material requested May 21, 1974:

1. Search of the logs of surveillance of others in the series to determine if plaintiffs overheard. *DO NOT HAVE*

2. All memoranda and other records relating to the termination of the surveillance including but not limited to memos in the FBI and the Justice Department relating to any general review in late 1970 or early 1971 of warrantless electronic surveillance, also documents relating to reports by Mr. Hoover to Congress on the number of "national security" surveillances.

3. Memoranda forwarding copies of Hoover letters within the White House, including but not limited to:

- A. Memos from Haig to Kissinger *NSC*
- B. Memos from Haig to the President *NSC*
- C. Memos from Kissinger to the President *NSC*
- D. Memos from Higby to Haldeman
- E. Memos from Haldeman to the President
- F. Memos from Haldeman to Ehrlichman

WE PROBABLY HAVE

4. Memoranda, notes of conversations and other documents relating to the use of the surveillance within the White House, including but not limited to any memoranda to which the Hoover letters were attached or their content referred to. *WE PROBABLY HAVE*

EXHIBIT 1



5. ^I Search of chronological and subject files of all of those in the White House known to have access to the Hoover summary letters or other internal security or political matters should be searched, including Kissinger, Haig, ^{NO} Hartley, ^{NO} Halde-
^{DA} man, ^{NO} Higby, ^{NO} Huston, ^{NO} Magruder, ^{NO} Butterfield, ^{NO} Keogh, ^{NO} Ehrlichman, ^{NO} ^{NO} Harkin, ^{NO} Colson, and Young. [The search should focus on but not be limited to the period immediately following receipt of each Hoover letter.] ^{II} Since the copy addressed to the President was delivered to Haig, the NSC files should be searched to determine what letters and what information from the letters was passed on to the President. For this purpose the documents to be examined would include:

PROBABLY
NSC

- A. Daily Intelligence Report sent by Kissinger to the President.
- B. Chronological file of Kissinger memoranda to the President.
- C. Memoranda of telephone conversations between Kissinger and the President and Kissinger and others. (Routinely during this period a secretary monitored all Kissinger telephone conversations including those with the President and typed up the transcript of the conversation).

The Haldeman, Kissinger, and Ehrlichman files to be searched should include memoranda of their meetings with the President, as well as tapes of any such conversations.

6. Records of telephone conversations relating to the inception and termination of the surveillance including but not limited to:



PROBU
NSC

- A. Kissinger files and any additional FBI files relating to May 9, 1969 phone calls between Kissinger and Hoover.
- B. Records or memoranda of conversations between Haig or Kissinger and Haig and Kissinger with each other and with Haldeman and the President in January and February 1971 regarding termination of the surveillance.

7. Records of a meeting in the President's Office on or about May 13, 1970 attended by the President, Haldeman and Hoover at which it was decided that the summary letters would go to Haldeman, including but not limited to:

- ✓ A. Haldeman's notes of the meeting.
- NOT B. Any recording or memorandum made by the President regarding the meeting.
- NOT C. Presidential appointment logs showing date, time and attendees.
- NOT D. Files of the Director of the FBI, including any notes he may have made or any memos he may have dictated regarding the meeting and the Director's brief for the meeting.

8. All White House documents relating to use of Hoover to President letter of December 29, 1969 including but not limited to:

- ✓ A. Haldeman notes of any meeting or telephone conversation with the President.
- ✓ B. Ehrlichman copy of January 15, 1970 memorandum from Magruder.
- ✓ C. Magruder to Keogh memorandum responded to in Keogh memo of January 13, 1970.



The files of all of those known to be involved in this episode should be searched including Haldeman, Ehrlichman, Magruder, Butterfield, Keogh from December 29, 1967 until the Clifford Life magazine article appeared.

9. Records in the files of the White House, including files of Haldeman, Ehrlichman, Kissinger, Haig and the President (including any tapes, logs, or transcripts of White House face-to-face telephone conversations), relating to (a) the termination of the surveillance in February 1971, (b) the transfer of the files to the White House by Mardian in July 1971, (c) ^{NY} ⁴¹⁻¹ the preparation of an FBI report on the surveillance for report to the Court in the so-called Pentagon papers trial, or (d) public acknowledgement of the surveillance in May 1973.

10. Records of any and all institution, maintenance, and termination of physical surveillance of Morton Halperin at any time, including documents showing who ordered surveillance and how long it lasted, as well as of the results of such surveillance. (The existence of such physical surveillance is reflected in pictures taken on August 6, 1969).

11. Complete text (including attachments) of blind memorandum of June 15, 1971 "Re: Morton Halperin" including documents indicating who prepared the memorandum, for what purpose and to whom it was sent.



12. Documents related to blind memo of February 26, 1973 -- evidently for Gray confirmation hearing.

13. Summary references to conversation of May 14, 1970 (log page 438) (items of 9:15 a.m. and 2:55 p.m. both marked "include").

14. Deleted portions of conversation of February 28, 1973 between President and John Dean concerning taps on NSC staff and reporters. (p. 98 of GPO edition of Transcripts).

II. Material requested in other letters:

1. Information relating to supplying by White House of telephone interception of Daniel Ellsberg for use in connection with CIA "psychological profile".

2. May 10, 1969 memo of Sullivan re phone call 2:15 p.m. -- instruction for no records.

3. May 29, 1969 memo Hoover to Mitchell -- Brandon in contact with Halperin

4. May 15, 1970 memo of Haynes to Sullivan -- transfer of delivery of summaries to Haldeman.

5. July 16, 1971 memo of Director FBI to Asst. Attorney General -- check of electronic surveillance of Halperin.

6. Documents relating to denial to Court in Ellsberg trial of electronic surveillance of Morton Halperin.



III. Material supplied to, or referred to before, Senate Foreign Relations Committee, but not provided to plaintiffs herein.

(References are to pages in Hearings Before the Senate, Senate Committee on Foreign Relations on Dr. Kissinger's Role in Wire-tapping, 93d Cong., 2d Sess. (1974)):

1. FBI interview with William Sullivan, June 18, 1974 (p. 22).
2. Entry in Hoover appointment book showing meeting with President, April 25, 1969 (p. 22).
3. FBI report to the AG, June 24, 1974 regarding May 9 inception of tap (p. 23) (text p. 38); attachments including 302's (p. 38).
4. Note attached to Hoover to Kissinger letter May 13, 1969 referring to May 9 call from Kissinger (p. 24).
5. May 15, 1969 memo from Sullivan to DeLoach re Haig plans to read material (p. 28).
6. Sullivan letter to Hoover May 20, 1969 (p. 24).
7. June 2, 1969 memo Sullivan to DeLoach (p. 24).
8. Haig memo to Kissinger, June 4, 1969 (p. 25)
9. Two June 20, 1969 memos, Sullivan to DeLoach (p. 25).
10. May 15, 1970 memo Haynes to Sullivan (p. 28).
11. Hoover memo of conversation with President April 25, 1969. (p. 37 -- Sullivan says he recalls seeing).
12. Hoover memcon of meeting with Kissinger May 5, 1969 (p. 113 -- Sullivan recalls seeing, document not found).
13. Two papers in Kissinger's possession on subject of wiretaps (June 4, 1969 Haig memo may be one). (p. 326).



- 7 -

14. Hoover memcon of talk with Kissinger in which they agreed on use of wiretapping. (Sullivan recollection p. 166).

15. List of pertinent press stories leading to taps (p. 170).



APR 2 1974
CARLIN & DRYSDALE

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

FILED

APR 1 1974

MORTON H. HALPERIN, et al.,

Plaintiffs,

v.

HENRY A. KISSINGER, et al.,

Defendants.

JAMES F. DAVEY, CLERK

Civ. No. 1187-73

ORDER

Plaintiffs herein having moved for production for inspection and copying by plaintiffs of all memoranda, records, correspondence, communications, documents, tapes, logs or other tangible things or writings (hereafter referred to as "documents") in the possession, custody or control of the defendants relating to:

1. The decision to undertake electronic surveillance of any of the plaintiffs.
2. The interception of telephonic and other communications of any of the plaintiffs, or of anyone else overheard by the electronic surveillance of plaintiffs.
3. Any and all decisions to continue electronic surveillance of the communications of any of the plaintiffs.
4. The decision to terminate the electronic surveillance of the communications of the plaintiffs.
5. Any and all uses made of such surveillance.

EXHIBIT 2



6. The places where such records were kept, the persons who put them there, and the persons who had custody, possession, or control.

7. All other records relating to electronic surveillance of any of the plaintiffs, or of interceptions of the communications of other persons, which interceptions resulted from such surveillance.

And the Court having considered the pleadings, motions, memoranda, and exhibits on file herein, it is by the Court this 1st day of April, 1974;

1. ORDERED that plaintiffs' motion for production of documents be, and the same hereby is, granted; and it is

2. FURTHER ORDERED that within ten (10) days of the date of this Order, the defendants shall advise the Court by an appropriate affidavit of the Attorney General of the United States or other appropriate executive official, which, if any, of the documents, or portions thereof, in the custody of the Court, relevant to the plaintiffs' request, are deemed to be privileged from discovery, together with the affiant's reasons for such claim of privilege; and said defendants shall also advise the Court through their counsel which, if any, of said documents, or portions thereof, are not in their judgment relevant to the subject matter involved in this action, together with their reasons for such objection; and it is

3. FURTHER ORDERED that this Court shall cause to be made a copy of all documents impounded by the Court, and upon completion shall notify counsel for the defendants. Defendants



shall then remove from such set of copies all documents as to which a claim of privilege is asserted or an objection as to relevancy is made. However, where such a claim or objection is made only as to a portion of a document, a copy shall be prepared excising such portion. All other documents so copied, and the excised copy of such documents as to which discovery is resisted only as to a portion, shall be turned over to the plaintiffs subject to the restrictions set forth below; and it is

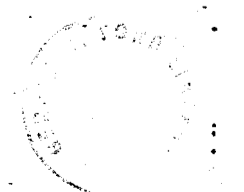
4. FURTHER ORDERED that the Court shall review all documents claimed privileged or objected to by the defendants and shall rule separately as to each, after giving plaintiffs appropriate opportunity to be heard; and it is

5. FURTHER ORDERED that all documents as to which this Court shall deny the claim of privilege or objection to relevancy shall be turned over to the plaintiffs subject to the restrictions set forth below; and it is

6. FURTHER ORDERED that all documents as to which this Court shall sustain the claim of privilege or objection to relevancy shall be retained under the Court's seal subject to this Court's Order of June 28, 1973, and any further orders of this Court or other court of competent jurisdiction; and it is

7. FURTHER ORDERED that all documents made available to plaintiffs pursuant to this order shall be restricted to the adult plaintiffs and their counsel of record; and it is

8. FURTHER ORDERED that plaintiffs may make additional copies of such documents only for the use of plaintiffs' counsel; and it is



9. FURTHER ORDERED that plaintiffs and defendants shall file with the Court a list of all copies made hereafter or hitherto of such documents, including material deemed privileged or irrelevant, and of the names of all persons having access to them; and it is

10. FURTHER ORDERED that the plaintiffs and defendants shall make no disclosure of any of the matters contained in these documents, including material deemed privileged or irrelevant, except as may be necessary to effectuate the proceedings in this case and then only under conditions to be prescribed by the Court in connection with the preparation of legal memoranda and briefs to be filed in this Court, testimony in open Court or in legal argument in Court or in chambers, or in the course of depositions, interrogatories or other modes of pretrial discovery conducted in accordance with the Federal Rules of Civil Procedure and the Orders of this Court. If counsel for plaintiffs and defendants find that in order to prepare effectively this case for any hearing, it will be necessary to make additional disclosures, however limited, then, at that time, this Court will entertain an application in this regard and may modify the prohibition against disclosure to the extent that justice so requires; and it is

11. FURTHER ORDERED that prohibition against access by others and disclosure to others shall remain in effect throughout the proceedings in this case and any appellate proceedings therein or until such time as this Court removes or modifies these prohibitions; and it is

12. FURTHER ORDERED that the final disposition of copies of the aforementioned documents delivered by this Court to the parties and all additional copies made thereof by the parties



under the terms of this Order shall be determined by a further order of this Court, upon the conclusion of the proceedings in this case and any appellate proceedings herein; and it is

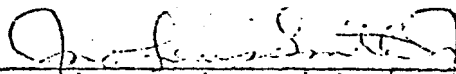
13. FURTHER ORDERED that since defendant Chesapeake and Potomac Telephone Company has voluntarily produced all documents in its possession, custody, or control which it has discovered by a search of its files in response to a request by plaintiffs for production of documents, dated July 17, 1973, this Order does not apply to defendant Chesapeake and Potomac Telephone Company to the extent that it orders the defendants to produce, turn over, submit, or otherwise make available documents; provided, however, that any additional documents covered by plaintiffs' request to defendant Chesapeake and Potomac Telephone Company hereafter found by said defendant be promptly made available to plaintiffs' and it is

14. FURTHER ORDERED that, except as provided in this paragraph, for purposes of this Order defendant Chesapeake and Potomac Telephone Company and its counsel and defendants Mitchell, Haldeman, and Ehrlichman and their counsel for them in their individual capacities shall have the same rights and be subject to the same limitations as plaintiffs and other defendants and their counsel herein; provided, however, that defendant Chesapeake and Potomac Telephone Company and its counsel and defendants Mitchell, Haldeman, and Ehrlichman and their counsel for them in their individual capacities shall not have access to any logs, tapes, summaries, or other tangible things or writings insofar as they contain or summarize the contents of the communications of any of the plaintiffs resulting from any electronic surveillance of said plaintiffs; and it is



15. FURTHER ORDERED that in the event any of the defendants now have possession, custody, or control of any records covered by plaintiffs' motion for production of records herein, or subsequently find such records, they shall either make them available to plaintiffs directly, or submit them to the Court for proceedings consistent with this Order; and it is

16. FURTHER ORDERED that the defendant William C. Sullivan appear for oral examination pursuant to the Rule 30 notice served upon him, such examination to be conducted with no one present except the parties and their attorneys.



John Lewis Smith
United States District Judge



CERTIFICATE OF SERVICE

I hereby certify that on this date I served copies of the foregoing NOTICE OF DEPOSITION and MEMORANDUM TO DEPONENT PHILIP W. BUCHEN upon all parties by mailing a copy thereof to the following counsel of record:

John J. Wilson, Esquire
Frank H. Strickler, Esquire
Whiteford, Hart, Carmody & Wilson
815 15th Street, N.W.
Washington, D.C. 20005
Telephone: (202) 638-0465

William G. Hundley, Esquire
Plato Cacheris, Esquire
Hundley, Cacheris & Sharp, P.C.
1709 New York Avenue, N.W.
Washington, D.C. 20006
Telephone: (202) 833-3583

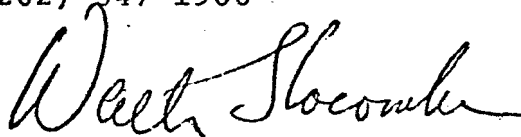
Edward S. Christenbury, Esquire
Attorney, Department of Justice
315 9th Street, N.W., Room 216
Washington, D.C. 20530
Telephone: (202) 739-2361

David E. McGiffert, Esquire
Walter Hellerstein, Esquire
Covington & Burling
888 16th Street, N.W.
Washington, D.C. 20006
Telephone: (202) 452-6000

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66 West Flagler Street
Miami, Florida 33130
Telephone: (303) 377-0421

Joseph E. Casey, Esquire
Casey, Scott and Canfield
1200 18th Street, N.W.
Washington, D.C. 20036
Telephone: (202) 223-5753

Alvin B. Davis, Esquire
Bierbower & Rockefeller
1625 K Street, N.W.
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Walter Slocombe
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1101 17th Street, N.W.
Washington, D.C. 20036
Telephone: (202) 293-3900

December 3, 1974

THE WHITE HOUSE

WASHINGTON

December 16, 1974

Dear Mr. Kreindler:

Per our conversation of this date, attached is a copy of the subpoena duces tecum served upon Mr. Buchen in Halperin, et al. v. Kissinger, et al., D.D.C., Civil Action No. 1187-73.

Sincerely,

151

William E. Casselman II
Counsel to the President

Peter M. Kreindler, Esq.
Counsel to the Special Prosecutor
Watergate Special Prosecution Force
1425 K Street, N.W.
Washington, D.C. 20005

Enclosure

bcc: Phil Buchen



LAW OFFICES
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THOMAS D. ROWE, JR.
R. STAN MORTENSON
THOMAS B. CARR

JOSEPH S. MCCARTHY
COURTNEY A. EVANS
OF COUNSEL

December 11, 1975

The Hon. Philip Buchen
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

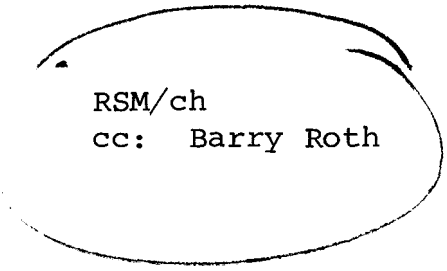
Dear Mr. Buchen:

In connection with the subpoena duces tecum dated December 3, 1974, which was served upon you by the plaintiff in Halperin v. Kissinger, demanding production of certain items from among the presidential materials of the Nixon Administration, I hereby request access to those materials for the purpose of determining whether to withdraw our objections on behalf of the former President to the production of the subpoenaed items.

Sincerely yours,



R. Stan Mortenson



RSM/ch
cc: Barry Roth



THE WHITE HOUSE
WASHINGTON

December 17, 1975

MEMORANDUM FOR: JEANNE DAVIS
FROM: PHILIP BUCHEN *P.W.B.*
SUBJECT: Access to Nixon Presidential Files

Attached is a copy of a request from Mr. R. Stan Mortenson, attorney for former President Nixon, to review certain files of the Nixon Administration located in the NSC vault for the purpose of determining whether to withdraw previous objections they have raised to discovery of items subpoenaed by the Plaintiff in Halperin v. Kissinger (copy attached). This request is in accordance with 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., C.A. No. 74-1518, and Mr. Mortenson is hereby authorized to conduct his review.

For your information, should Mr. Nixon withdraw his objections to discovery of these documents, under the Order the Government must have an opportunity to review these documents and to assert any privileges that may be applicable.

Please contact Barry Roth of my staff should you have any questions in this regard.

Attachment



4/11/76 Paper

THE WHITE HOUSE

WASHINGTON

June 10, 1976

MEMORANDUM FOR

H. S. Knight
Director, United States Secret Service

In order to respond to a subpoena in Halperin v. Kissinger, et al., this is to request the assistance of the appropriate representatives of the Technical Security Division of the Secret Service in duplicating portions of Nixon Presidential tape recordings. At the present time, only a portion of one tape requires duplication. However, it is likely that additional duplication will be required in the future.

Mr. Barry Roth of my staff is handling this request on my behalf and will contact the appropriate representatives of the Technical Security Division to make the necessary arrangements.

Thank you for your assistance.



Philip W. Buchen
Counsel to the President



THE WHITE HOUSE

WASHINGTON

June 17, 1976

MEMORANDUM FOR:

H. S. Knight
Director, United States Secret Service

Mr. R. Stan Mortenson, counsel for Mr. Nixon, has requested that he be allowed to review certain of the Nixon Presidential tape recordings in order to respond to a subpoena directed to me in Halperin v. Kissinger, et al. This is to request the assistance of the appropriate representatives of the Technical Security Division to make duplicates of such original recordings and to provide the duplicates to a member of my staff. Mrs. Gertrude Fry and an appropriate representative of the Secret Service are authorized to enter Safe Zone 128 to remove the appropriate tapes for this purpose. Once outside the Safe Zone, the tapes should be receipted and handled in the customary manner.

The following are the recordings necessary for this purpose:

July 24, 1971	Oval Office
August 12, 1971	Oval Office
September 10, 1971	EOB
September 18, 1971	Oval Office
July 25, 1972	Oval Office
November 27, 1972	Camp David
March 21, 1973	Oval Office
March 27, 1973	EOB
March 31, 1973	Oval Office
April 19, 1973	Camp David
May 3, 1972	EOB
June 30, 1971	Oval Office



In addition, Mr. Barry Roth of my staff is authorized to designate such other tapes as may be necessary to duplicate for this purpose.

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

cc: Gertrude Fry