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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

November 15, 1974

MEMORANDUM FOR:

PHILIP W. BUCHEN ✓  
JOHN G. CARLSON  
ROBERT T. HARTMANN  
LES JANKA  
JOHN O. MARSH, JR.  
WILLIAM E. TIMMONS

CAROL FORYST (For Treasury Secretary  
William E. Simon)

FROM:

PAUL A. MILTICH *PAM*

SUBJECT:

Updating of Presidential  
Briefing Book

The President wants his briefing book updated every week. Since the President will be out of the country the week of November 17-24, there is no need for an update that week. But beginning the following week (the week of November 24), briefing book updates (one original plus three copies) should be sent to me on a regular weekly basis by 3 p.m. each Wednesday.



MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

December 3, 1974

MEMORANDUM FOR:

PHILIP W. BUCHEN ✓  
KENNETH R. COLE  
ROBERT T. HARTMANN  
LES JANKA  
JOHN O. MARSH, JR.  
WILLIAM E. TIMMONS

CAROL FORYST (For Treasury Secretary  
William E. Simon)

FROM:

PAUL A. MILTICH *Pam*

SUBJECT:

Update of President's  
Press Conference Briefing Book

The deadline for the next update of the President's press conference briefing book is Wednesday, December 11. There is no need to engage in repetition of material which will go unchanged. Please turn in to me all new material and revised Q. and A. (4 copies) by 3 p.m. December 11.



MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

December 18, 1974

MEMORANDUM FOR:

PHILIP W. BUCHEN ✓  
KENNETH R. COLE  
MAX L. FRIEDERSDORF  
ROBERT T. HARTMANN  
LES JANKA  
JOHN O. MARSH, JR.

CAROL FORYST (For Treasury Secretary  
William E. Simon)

FROM:

PAUL A. MILTICH *Pam*

SUBJECT:

Updating of Material for  
President's Briefing Book

At this writing, the President's next news conference is planned for some-time Saturday. There no doubt will be some developments between now and Saturday which will require Q. and A. updating. Please send three copies of such updates directly to Ron Nessen.

Inasmuch as the President will be in Vail, Colorado over Christmas and New Year's, the next "general delivery" of Q. and A.'s subsequent to the December 21 news conference will be due by 3 p.m., January 8, in my office. Four copies, please, with large holes for placement of pages in looseleaf binders. Also, new material or revised material only, please.



THE WHITE HOUSE

WASHINGTON

December 18, 1974

MEMORANDUM FOR:

PHILIP W. BUCHEN ✓  
KENNETH R. COLE  
MAX L. FRIEDERSDORF  
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*Pres  
Briefing  
Update*

*(See National  
Growth  
Report)*

December 17, 1974

**MEMORANDUM FOR:           ANDRE BUCKLES**  
**FROM:                       PHIL BUCHEN**  
**SUBJECT:                   National Growth Report**

Do you think that the press office should be briefed or the President be given Q's and A's regarding the comments made by Senator Humphrey regarding the draft 1974 National Growth Report? Here's a copy of those comments which was passed on to me by a friend.

Also is there any material in the Growth Report which should be given consideration in preparation of the President's State of the Union address?



*Pres. Briefing*

Thursday 1/30/75

9:20 Paul Miltich's office called to say they need the updates on Q & A's by 3 o'clock tomorrow (Friday 1/31). The President will be going to Atlanta.

They would like them limited to key questions only -- only questions you feel the President might actually be asked.

(Message given to Mr. Areeda)

cc: Mr. Areeda

*1/31/75  
3:05  
sent Areeda  
Chen*



December 19, 1974

MEMORANDUM FOR: DONALD RUMSFELD  
FROM: PHILIP BUCHEN  
SUBJECT: Presidential Action  
(December 22 - January 2)

During the President's stay in Vall, it may be necessary or desirable for this office to impose upon his time relative to the following matters:

1. Actions by President on Recommendations of the Clemency Board. Material on additional cases should be available by the end of the day on December 20, and in order for the President to act during the holiday period, his decisions should be put in proclamation form and transmitted by courier for signature.
2. Enrolled Bill, H. R. 8193, Cargo Preference. Last day for action is December 30. Legal office is investigating the legal effects of the waiver provisions, about which President should know before he acts.
3. AEC Vacancy. It may be necessary for the President to consider an interim appointment to the AEC, although this matter would come to him through the Personnel Office.
4. Gift Policy. Consideration of policy and plan of action regarding gifts to the First Family from domestic sources or foreign sources not otherwise subject to legal restraints (latest Lewitz-Lazarus draft of proposed policy is in your office) or, in the face of newspaper inquiries, preparation of press statement that a policy is in preparation which will be made public.
5. Enrolled Bill - H. R. 5463, Federal Rules of Evidence - last day for action is December 31. It is recommended that the President should sign, but legal office will probably take lead in preparing and submitting signing statement.



MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 31, 1975

MEMORANDUM FOR:

PHILIP AREEDA

FROM:

JERRY WARREN 

I discussed this briefing book with Phil Buchen. I would like you to look at it with a possibility of lobbying problems. We have meticulously excised everything that appeared to us to be lobbying.

The President plans to distribute these to 50 Republican members of the House at 6:30 this evening.

You do not have the questions and answers; they are strictly factual.

*Shall I  
have new  
questions  
from Jerry*



Q&A

**Q. and A. on Richard Helms and report of  
Evans and Novak in their column of February 2, 1975**

Question

**What comments do you have to make on the reported warning given to former CIA Director Helms before he met with you in regard to CIA activities?**

Answer

**The only newspaper report I have seen on this subject was not fully accurate. But it would not be proper for me to comment further except to say that the only conversation which occurred between my Counsel and Mr. Helms was with my knowledge and that it occurred at the request of the Department of Justice.**



**2/3/75**

first line of answer

Mr. Marsh suggests adding "fully"

reading -- was not fully accurate.

O. K. to add?

*Yes.*



Q & A's

2/3/75

To: Ron Nessen

Frm: Phil Buchen

cc: Paul Miltich



Q. and A. on Richard Helms and report of  
Evans and Novak in their column of February 2, 1975

Question

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2/3/75

Q + A's

Feb. 3, 1975

To: Ron Nessen

From: Phil Buchen

cc: Paul Miltich



Q. & A. on FBI data furnished the President when he was House Minority Leader in connection with his investigation of Justice Douglas (see Jack Anderson's column of February 3, 1975)

Question

Now that the FBI is being charged with having wrongfully compiled information on public officials, how do you defend its having furnished you with information from its files on Justice Douglas when you were House Minority Leader?

Answer

That House Judiciary Committee at the hearings on my nomination to be Vice President had before it the materials furnished by the Department of Justice to me, which involved only limited information from the FBI. I believe that if the Committee at that time had believed it was not proper for the Department of Justice or FBI to cooperate even in this limited way with another branch of government, the Committee would have pursued the matter.



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**February 17, 1975**

**To: Ron Nessen**

**From: Phil Buchen**



Q. and A. on Vincent Barabba

Question

What has the White House done about the alleged charges against Vincent Barabba, Director of the Census?

Answer

The White House is referring the matter to the proper authorities.

Question

To whom have you referred it?

Answer

To the General Counsel's Office of the Civil Service Commission for a preliminary check.



THE WHITE HOUSE

WASHINGTON

March 10, 1975

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

JERRY WARREN

SUBJECT:

Press Conference Briefing Book

In view of the continuing frequency of Presidential press conferences, interviews and other sessions with newsmen, we have devised a system which we believe will facilitate keeping the President's briefing book up to date.

It is our intention to maintain a rather extensive master briefing book in this office, which will contain current Q&A's on a wide variety of subjects. From that master book, and from other issues we think may arise in a particular session, we will pull together materials for a smaller, more manageable briefing book for the President.

In order to accomplish this system, we are, first, returning to you some of the questions from previous books; we ask that you review them and provide us with current answers to them no later than 4:00 p.m. Thursday, March 13, in Room 164, OEOB. Since we will not be able to return the Q&A's to you each week, we ask that you keep a file of the Q&A's you resubmit or update. This, we feel, will assist both you and us in coordinating preparation of the book.

Second, we ask that in order to keep the book up to date you submit any additions or changes each week by 4:00 p.m., on Thursday, to Room 164, OEOB. Updates can be accepted on Friday or Saturday on new or changing issues. We will, in addition, attempt to inform you of each expected need for the book so that you can word answers appropriately (i.e. before or after announcements or events).



MEMORANDUM TO: Phil Buchen  
FROM: Jerry Warren  
SUBJECT: Press Conference Briefing Book  
DATE: March 10, 1975

Page Two

You might find it convenient to designate a member of your staff to be responsible for keeping our Q&A up to date and initiating new material. If you would like me to meet with that staff member, I would be glad to provide what assistance I can.

This week's input, in addition to bringing up to date previous questions, will be aimed at the President's press conference on Monday, March 17, in South Bend, Indiana.

Thank you for your cooperation. If we continue to work together I think we can contribute significantly to the President's preparation for press conferences and other sessions with the press.

One obvious addition in your area would be the President's position on gun control.



Q+A

Tuesday 5/11/75

10:15 Jack Hushen said one of the questions he's not sure they have a suitable answer for is:

Does the President want the Church Committee to investigate allegations of assassination or attempted assassinations by the CIA?

Would appreciate a call as soon as possible.



THE WHITE HOUSE

WASHINGTON

March 11, 1975

MEMORANDUM FOR:

RON NESSEN

FROM:

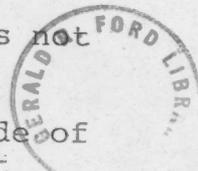
PHILIP BUCHEN

T.W.B.

SUBJECT:

Monday's Leftovers on CIA

- Q: Saul Kohler: Has the President asked Church to hold some of his committee hearings secret?
- A: Senators Church and Tower told the President that the Committee was planning to have principally Executive sessions but might have some open hearings.
- Q: Risher: Is anyone looking into the allegations of CIA assassinations of foreign political figures. ditto  
Deakin: Is anyone in the Executive or Legislative branch checking into political assassinations?
- A: ~~Deakin~~ The White House will not comment on particular areas on investigations within the Executive Branch. This is also the policy of the Vice President in regard to the Commission on which he is Chairman. As to what the Legislative branch may be doing, you should make your inquiry to the Congress.
- Q: Lisagor, Shaw, Brokaw: Does the President plan to broaden the charter of the Rocky Commission beyond domestic intelligence? Does he have any part of the charter under review?
- A: The President has no plan in this regard and he does not have the charter under review.
- Q: Helen: Did the Colby report take in anything outside of domestic activities and did Colby give the President further information or an update on the report verbally?
- A: The White House is not commenting on the contents of the Colby report or on any of the verbal reports in that



connection. The report and any further information which Mr. Colby has on the subject were referred by the President to the Commission on CIA activities within the U. S.

Q: Kondracke, Deakin: Must all requests for information on CIA activities be funneled through the WH? Has there been any special machinery set up to handle Church's requests? Who is the WH liaison with Church?

A: Requests for information on CIA activities need not be funneled by the Congressional committees through the White House but if the Chairman of any committee involved in the investigation has a request to make of the White House, it is to be handled initially by the Office of the Counsel to the President.

Q: Schieffer: The President's position on CIA activities in assassinations. Ron said he would provide any public comment the President has made on the subject.

A: The President made the following comment on this subject:

"I am not in a position to give you an factual account. I have had a full report from Mr. Colby on the operations that have been alluded to in the news media in the last week or so, really involving such actions that might have taken place beginning back in the 1960s.

I don't think it is appropriate for me at this time to go any further. We do have an investigation of the CIA, of our intelligence agencies, by the Congress, both overt and covert, going back from the inception of the CIA. And, of course, we do have the Rockefeller Commission going into any CIA activities in the domestic front.

But for me to comment beyond that, I think, would be inappropriate at this time."

Q: Deakin: Asked a two-part question summing up the CIA questions ... which I didn't get and we will have to check the transcript.

From the transcript: Would it be possible for you to ascertain the President's views in a concrete and detailed way and report them back to us with specific reference to (1) the question of whether assassinations are or are not the policy of the government and (2) whether or not the



President wishes and will permit the Church Committee to investigate these assassination reports?

A: It is not the policy of this Administration to plot political assassinations but the President does not think it appropriate, as he stated in his Press Conference, to make comments on allegations of actions taken in the early 1960s which may be the subject of pending investigations.



3/20/75

Q+A's

Phil:

These questions were left over from yesterday's briefing/ I doubt if they will come up today in the same fashion, but a general statement of Presidential policy regarding the operation of the FBI would be helpful for Ron ~~xxxxxx~~ in case the subject comes up today.

Jack Hushen

FBI

Deakin: Has the President requested a report from the AG re. the FBI breaking into the Alexandria home. Does the President feel there are circumstances under which the FBI should be able to enter a private home without a search warrant?

Ted Knap: What is the President's reaction to the FBI report concerning disruptive action taken against the socialist party.

Mort Kondracke: Did Levi receive instructions from the President to bring, for the first time, the FBI operation completely under the AG?

*Lazarus will  
call Hushen*



29

Rou Kassen ✓

or  
fbi ✓

do - Co.  
10

in  
a. H. ✓

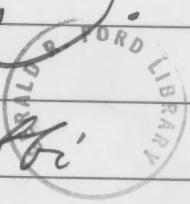
1-2-76 ✓  
10. H.

re tip, 52 ✓  
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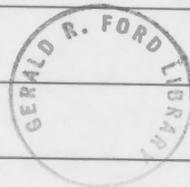
15-76 ✓  
2021 ✓

100576

(or 18, prem. Jan)



→ Ken  
→ Casselman  
↑ ↑ ↓



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President Building Bldg  
Q + A

THE WHITE HOUSE  
WASHINGTON

Jay said  
you wanted  
this  
right away



Decord  
because has  
question  
German  
in the  
ways  
of

THE WHITE HOUSE  
WASHINGTON

April 1, 1975

MEMORANDUM TO: PHILIP W. BUCHEN

FROM: JAY T. FRENCH

Attached are questions and answers on the law suit which challenges the constitutionality of the appointment of President Ford to the office of Vice President. Also, I have attached a copy of the original news article.

I reviewed the House and Senate records of the nomination hearings it appears that Rep. Bella Abzug noted this challenge. However, I have found no discussion of this challenge as yet. I am continuing to search these reports for such information.



Question

What is your reaction to the lawsuit filed by Randolph Phillips in Federal Court in Washington, D. C., challenging the constitutionality of your appointment as Vice President?

Answer

Generally it is my policy not to discuss matters that are being litigated in the courts. At issue is Clause 2 in Article I, Section 6 of the Constitution which says no member of Congress during his term may be appointed to an office the emoluments of which shall have been increased during that term. As I understand Mr. Phillips believes my appointment violates this clause because during my term the Congress passed legislation increasing the retirement annuity payable to the Vice President.

(4) 4/1/75



Question

In light of these facts do you believe your appointment violates the Constitution?

Answer

Once again I would point out that this matter is before the courts. However, it is interesting to note that the case was dismissed in the Federal District Court for lack of jurisdiction. Mr. Phillips has appealed that decision to the Court of Appeals.

(4) 4/1/75



# ousting of Ford by court urged

Suit Holds Appointment  
Was Unconstitutional

By WARREN WEAVER Jr.

Special to The New York Times

WASHINGTON, March 29—  
A 64-year-old self-styled "consultant to lawyers" has gone into Federal Court here seeking a ruling that President Ford's appointment as Vice President was unconstitutional and that he thus has no right to occupy the White House today.

## Member of House in '73

When Mr. Ford was nominated for the Vice Presidency late in 1973 by President Nixon, he was a member of the House. During that term, only a few weeks earlier, Congress had passed legislation increasing the retirement annuity payable to the Vice President, among other Federal officials and employees.

## One Interpretation

Under this interpretation, a man who secured appointment as Vice President by a bribe or who succeeded to the Presidency by arranging the death of the incumbent could not be challenged in the courts at all but only removed from office by the impeachment process.

When Mr. Nixon nominated Mr. Saxbe, then a Senator from Ohio, as Attorney General in 1973, he was later discovered to have voted for four years earlier for an increase in the salary of that office from \$35,000 to \$60,000.

To get around the obstacle of the emoluments clause on that occasion, Congress approved a special bill cutting the salary back to the smaller figure for the next six years and specifically granting Ford

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

April 10, 1975

MEMORANDUM FOR:

PHILIP BUCHEN ✓  
JAMES CANNON  
ROBERT HARTMANN  
JAMES LYNN  
JOHN MARSH  
BRENT SCOWCROFT  
WILLIAM SEIDMAN  
WILLIAM SIMON  
FRANK ZARB

FROM:

JERRY WARREN *J*

The President plans to hold a Q&A session with a panel from ASNE next Wednesday, April 16, 1975.

In order to ensure that the President has adequate preparation time for this session, it is requested that any input you have be in Room 164 EOB no later than 12 Noon, on Monday, April 14.

Thank you for your cooperation.



May 17, 1975

To: Jerry Warren

From: Phil Buchen

Attached are revisions  
of the two Q and A's  
on Mayaguez, which I  
sent over a short time  
ago.



May 17, 1975

To: Dick Smyser

From: Phil Buchen

Attached are copies of  
the revisions in the  
Q and A's for Mayaguez  
as you suggested.



**May 17, 1975**

**To: Jerry Warren**

**From: Phil Buchen**



**May 17, 1975**

**To: Dick Smyser**

**From: Phil Buchen**



Question

Senator Church has publicly expressed dissatisfaction at apparent obstacles raised by your administration to the investigation by his Senate Select Committee into the activities of the Intelligence Agencies. What is your reaction?

Answer

Officials in my administration who are responsible for responding to the requests by the Senate Select Committee also have a high responsibility for reasonably protecting sensitive information from any disclosures that could damage our foreign relations with particular nations or risk the lives of individuals involved or destroy the effectiveness of our vital foreign intelligence operations. Whatever delays have occurred are only the result of ensuring this protection while at the same time helping the Committee to obtain in an orderly and understandable fashion all material on allegations which especially concern the Committee.



Question

In military actions to seize the captured MAYAGUEZ and rescue its crew, did you comply fully with U.S. law?

Answer

I did. Neither the Cooper-Church Amendment in 1971 (which prohibited use of U.S. ground combat troops in Cambodia) nor the prohibitions in later appropriations acts against U.S. combat activities anywhere in Indochina limited my Constitutional authority under the circumstances in this case to protect American lives and vessels from illegal attack and seizure. The War Powers Resolution does not in any way restrict the introduction of U.S. armed forces into hostilities but merely calls for prior consultation with the Congress if possible and subsequent reporting of the fact. These procedural requirements were met.

PB 5/17/75 (revised)



MAYAGUEZ

Question

In military actions to seize the captured MAYAGUEZ and rescue its crew, did you comply fully with U.S. law?

Answer

In my opinion, I did. Neither the Cooper-Church Amendment in 1971 (which prohibited use of U.S. ground combat troops in Cambodia) nor the prohibitions in later appropriations acts against U.S. combat activities anywhere in Indochina limited my Constitutional authority under the circumstances in this case to protect American lives and vessels from illegal attack and seizure. The War Powers Resolution does not in any way restrict the introduction of U.S. armed forces into hostilities but merely calls for prior consultation with the Congress if possible and subsequent reporting of the fact. These procedural requirements were met.



### Question

Some members of Congress have raised the issue that you may have notified but did not "consult" Congress before attacks started to prevent movement of Cambodian boats between the MAYAGUEZ and Koh Tang Island or between the island and the Cambodian mainland. Others have raised the issue that you did not "consult" with the Congress before you had already decided to seize the ship and the island forcefully and to protect the operation by air attacks on military targets. What are your comments on these issues?

### Answer

From the very beginning of this operation, as our diplomatic and military actions developed, I kept the leaders of the Congress fully informed. On the decision made under a critical time deadline to use force in order to recover the vessel and the crew, I discussed the contemplated actions fully with the leaders of the Congress and of the appropriate committees as soon as possible.

As a former Congressman, I fully believe that it is important for the Congress and Executive to act together on major issues. That is the philosophy that I have followed since the beginning of my administration, and that I shall continue to follow. Neither one of us can assume the responsibilities of the other, nor should we try, but it is important that we should work together and understand each other's views.



## MAYAGUEZ

### Question

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### Answer

Whenever Congressional leaders were notified of intended military actions, they had the opportunity to register their opinions, and all opinions expressed were reported to me and indicated a general concurrence in the steps contemplated to try stopping movement of crew members from the ship or the island to the mainland or reinforcement of Cambodian troops on the ship or the island. On the decision made under a critical time deadline for U.S. Marines to seize the ship and rescue the crew wherever they were held captive, starting at daybreak of the final morning of the operation (Wednesday evening, Washington time), I did fully discuss my decision as soon as possible with leaders of the Congress and of the appropriate Committees. This discussion came soon enough to have permitted a modification of my orders for the attacks, but it resulted in nearly unanimous concurrence in all aspects of the operation.



THE WHITE HOUSE  
WASHINGTON

Attached  
is Ken's revision.

Noted  
P



## CAPITAL PUNISHMENT

Q. The recent execution of Basque terrorists by the Spanish Government has raised the issue of whether you support capital punishment. Do you?

Background: At the daily press briefing 9/29/75, Ron Nessen said he would not comment on your position because the issue was before the Supreme Court. He said he would have to check to determine your position before you became President.

A. As you may know, the Supreme Court in 1972 struck down a series of capital punishment sentencing provisions which were imposed by judges or juries without adequate standards for imposition (Furman v. Georgia). However, the Court did not rule that the death penalty is per se unconstitutional. The Department of Justice has since proposed legislation to provide objective standards for capital punishment, imposable only upon conviction of treason, espionage, sabotage and murder, in instances where there are no mitigating circumstances (e.g. immaturity, duress, etc.) found to be present. Subject to further review of the issue by the Supreme Court, I support this limited approach.



9/30/75

THE WHITE HOUSE  
WASHINGTON

I read the attached to Ken;  
he did want to make a change  
and called Shuman about it.

9/30

1:40

Dawn will  
send over acy.



## CAPITAL PUNISHMENT

Q. The recent execution of Basque terrorists by the Spanish Government has raised the issue of whether you support capital punishment. Do you?

Background: At the daily press briefing 9-29-75, Ron Nessen said he would not comment on your position because the issue was before the Supreme Court. He said he would have to check to determine your position before you became President.

A. My understanding is that a Constitutional question arises whenever capital punishment is imposed in a manner that involves cruel and unusual punishment, lack of due process or unequal protection of the laws. However, in Senate bill No. 1, which represents a complete recodification of the federal criminal laws, a revised approach is taken to the application of the extreme penalty. This approach sets objective standards for imposing capital punishment, and I am advised the Department of Justice believes that the standards and criteria in S. 1 would be upheld by the United States Supreme Court. I, therefore, support this approach subject, of course, to review by the Supreme Court as to its validity.

Buchen 9/30/75



*President's  
Briefing Book*

Wednesday 2/25/76

12:15 Jim Shuman would like to put a Q&A in the President's 2863  
briefing book re Goldwater's statement that former  
President Nixon is violating the Logan Act, which  
prohibits citizens from conducting foreign policy.

Goldwater indicates Nixon is violating it by going to  
China and talking to the leaders.

