

The original documents are located in Box 26, folder “Nixon, Richard - Transition Expenditures: General Accounting Office Audit (4)” of the John Marsh Files at the Gerald R. Ford Presidential Library.

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September 9, 1975

Dear Howard:

At Jack's request I am enclosing a copy of the GAO report re Presidential transitions.

We would be grateful for your comments on this report. If it is convenient, please send us your comments, along with the report itself, at your earliest opportunity. I would hope that we might receive your comments by September 20. Please keep this on a "close-hold" basis.

The attached copy of D. Potter's letter is self-explanatory.

I am sorry I missed your call the other day. I look forward to the pleasure of chatting with you in the near future.

I wish you could be with us this evening. We are heading over to Bolling Field for a Sardo/Blake "whetting down party".

With all good wishes, I remain,

Sincerely,

Russell A. Rourke
Deputy to Presidential
Counsellor, John O. Marsh, Jr.

Commander Howard Kerr
861 Balboa Avenue
Coronado, California 92118
RAR:cb



AUG 28 1975



(K)

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20350

August 27, 1975

The Honorable John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D. C. 20500

Dear Mr. Marsh,

Thank you very much for your kind letter of June 10th concerning Commander Howard "J" Kerr, United States Navy.

It is always a pleasure to receive praiseworthy comments about the performance of our people. You were most kind and thoughtful in taking the time to provide me with specific details concerning Commander Kerr's performance.

A copy of your letter has been provided to the Chief of Naval Personnel in order that your comments may be made a matter of appropriate records.

Sincerely yours,

D. S. Potter
Acting Secretary of the Navy



August 30

THE WHITE HOUSE

WASHINGTON

Russ --

Along with the GAO report
you will be sending Howard
Kerr, also include a copy
of Porter's Letter.

A handwritten signature in black ink, appearing to be "J. Edgar Hoover". The signature is stylized with a large loop for the "J" and a long, sweeping line for the "H". There are some small ink smudges to the right of the signature.

THE WHITE HOUSE

WASHINGTON

June 10, 1975

Dear Mr. Secretary:

You will recall, recently Commander Howard Kerr was awarded the Presidential Service Badge as well as the Vice Presidential Service Badge. To my knowledge, he is the first officer in the history of the Navy to be given these two awards. They are well deserved. Inasmuch as he served as a member of my staff in both the Office of the Vice President and the Office of the President, I want to give you some background as to why he was singled out for the award of the Presidential Service Badge which was presented with less than the usual one year service.

The President spoke with me concerning this award. He indicated because of the distinguished service rendered by Commander Kerr during the time he was assigned to the Office of the President, that this Service Badge be presented. This is clearly a reflection of the great confidence President Ford acquired in this individual based on his observation of how he performed.

By way of background, when President Ford assumed the Presidency, the President designated me a Counsellor and I named Commander Kerr immediately as my Deputy. Shortly thereafter, we moved our office to the White House where I served as a member of the Transition Team. The Commander served as a member of the Transition Team staff during that very critical period. He was the only military officer included in this group. A brilliant officer, he is decisive in command. He performed in such a manner as to earn the praise of not only the President, but also members of the President's senior staff as well as Cabinet officers.

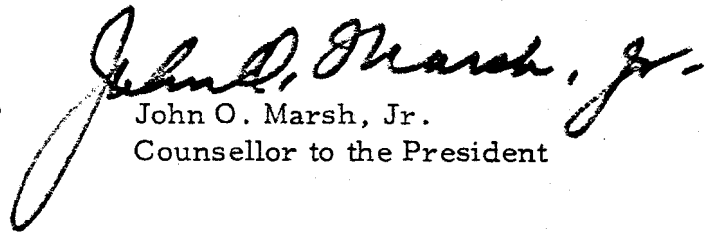
Commander Kerr brought to this position knowledge, tact, professionalism, management and leadership. These abilities were essential not only to the operation of my office, but more importantly to the Office of the President. He undertook assignments of a most sensitive nature which by his training and ability he was uniquely able to address. In every case, they were performed in a superior manner. It should be noted that he had major responsibilities and played a significant role in the transition arrangements of former President Nixon.

I had the opportunity to observe him in times of stress where issues of national consequence were concerned and he continued to impress me with his remarkably good judgment, his keen intellect, his exercise of command authority and a calmness under pressure. These personal attributes, so essential to a military leader, were brought to bear by the Commander on situations which confronted him.

I had worked with Commander Kerr for over seven months when he was a military aide to the Vice President and I can vouch for the outstanding work he rendered in this post. The performance of his duties qualified him for the responsibilities he was to assumed after the transition and I can assure you the United States Navy can take great pride in the contributions he made to his country during this most unique moment in American history.

It is my hope that this will be incorporated in his service record to more fully explain the background on the well deserved award of the Presidential Service Badge.

Sincerely,



John O. Marsh, Jr.
Counsellor to the President

The Honorable J. William Middendorf
Secretary of the Navy
Washington, D. C. 20350

OCT 22 1975

THE WHITE HOUSE
WASHINGTON

October 9, 1975

MEMORANDUM FOR: RUSS ROURKE

THROUGH: PHIL BUCHEN *P.W.B.* *J*

FROM: BARRY ROTH *BR*

SUBJECT: Draft GAO Transition Report

As your requested, I have reviewed the draft GAO Transition Report and offer the following comments:

1. P. 12, line 8. To the best of my knowledge, neither Rose Woods nor Marge Acker did any work whatsoever with the Nixon tapes. I suggest that "and tapes" be deleted.
2. P. 13. With respect to the WHCA duties at San Clemente, it is my understanding that they also supported the Secret Service as well as the former President and his staff.
3. P. 17, line 13. The statement is not accurate with respect to the Court order and its effect. I suggest instead the following:
"... the Counsel to the President, the Administrator, the Director of the United States Secret Service or their agents."

You should also be aware that the proposed GAO bill will remove the authority to detail persons on a non-reimbursable basis to former Presidents during the first six months after leaving office. Instead, the level of employees permitted will be subject to the appropriation process. In addition, the annual appropriations level will be substantially increased by the requirement that



the annual rent to GSA for office space must also be appropriated for the former President. This year rent for Mr. Nixon was waived, but it would have been in excess of \$70,000. Under the GAO bill, total annual appropriations for former Presidents may well be a politically unattractive amount.

THE WHITE HOUSE
WASHINGTON

Date -10/9/75

TO: Bill Gulley

FROM: BARRY ROTH

ACTION:

_____ Approval/Signature
_____ Comments/Recommendations
_____ For Your Information

REMARKS:

Per Russ Rouche, for
your comments.

Barry



October 9, 1975

MEMORANDUM TO: BARRY ROTH
FROM: RUSS ROURKE

Barry, as per our conversation, attached please find the draft GAO report on Presidential Transitions.

As soon as you have reviewed the report, please forward the report itself to Bill Gulley, and then send me your comments separately. I have already spoken with Bill, and have asked him for his own comments on the report.

cc: BGulley ✓

RAR:cb



THE WHITE HOUSE
WASHINGTON

JAO 10/15/68

October 13, 1975

MEMORANDUM TO: PAUL O'NEILL *Collier*
FROM: RUSS ROURKE *Russ*

Paul, attached please find the draft GAO report on Presidential transitions. We have already obtained the views of Howard Kerr, Barry Roth, Bill Gulley, GSA and Jack Brennan. No major discrepancies have been noted.

On a close hold basis, we would appreciate your inputs on this draft report. Depending on the ^{sub}stance of your reaction, those comments can be submitted to us verbally or in memo form. We promised GAO a report on our cumulative reaction to their draft by Thursday of this week.

Many thanks.



Collier:
I saw Rourke after he sent this. I think this is the draft we saw several months ago. Will you check? In any event I don't think we need have any comment. Do you agree?

**DRAFT OF REPORT TO
THE CONGRESS OF THE UNITED STATES**

UPDATING OF GAO NOVEMBER 1970 REPORT ON
FEDERAL ASSISTANCE FOR PRESIDENTIAL TRANSITIONS
Includes recommendations for changes in legislation
which would

1. Amend the Presidential Transition Act of 1963 to make it applicable only to Presidents-elect and Vice-Presidents-elect, and
2. Amend the Former Presidents Act of 1958 principally to combine in one law the authorization for Federal funds needed to provide services and allowances to former Presidents.

NOTICE -- THIS DRAFT RESTRICTED TO OFFICIAL USE

This document is a *draft* of a proposed report of the General Accounting Office. It is subject to revision and is being made available solely to those having responsibilities concerning the subjects discussed for their review and comment to the General Accounting Office.

Recipients of this draft must not show or release its contents for purposes other than official review and comment under any circumstances. At all times it must be safeguarded to prevent premature publication or similar improper disclosure of the information contained therein.

BY
THE COMPTROLLER GENERAL
OF THE UNITED STATES



C O N T E N T S

	<u>Page</u>
DIGEST	1
CHAPTER	
1 INTRODUCTION	
The August 1974 Transition	1
2 FINANCING THE NIXON TRANSITION TO PRIVATE LIFE	4
Pension under the Former Presidents Act	5
of 1958	5
Staff, office facilities, and services under	
the Transition Act of 1963	5
3 UNCOMPLETED WORK AT CLOSE OF THE TRANSITION PERIOD	15
Presidential records	15
Mail	20
4 ASSISTANCE AFTER THE TRANSITION PERIOD	22
5 RECOMMENDATIONS FOR CHANGES IN LEGISLATION	24
Recommendations to the Congress	24
Presidential Transition Act	24
Former Presidents Act	26
APPENDIX	
I Suggested additions and deletions to laws pertaining	
to Presidential Transitions and former Presidents	



ABBREVIATIONS

GAO - General Accounting Office
OMB - Office of Management and Budget
GSA - General Services Administration
NARS - National Archives and Records Service
WHCA - White House Communications Agency
EOP - Executive Office of the President



DIGEST

GAO issued a report to the Congress on November 16, 1970, on "Federal Assistance for Presidential Transitions." In its report on the 1975 Supplemental Appropriations Bill, which included funds to provide allowances and services to former President Nixon, the Senate Appropriations Committee suggested that GAO update its 1970 report on Presidential transitions. The Committee report also stated that it believed that new legislation should be developed that merges the transition activities of a former President with the benefits of the Former Presidents Act.

GAO has updated its 1970 report to include information on the Nixon-Ford transition. On the basis of its work in developing the 1970 and this updated report GAO recommends that the Congress:

1. Amend the Presidential Transition Act of 1963 to delete all references to assistance to be provided former Presidents and former Vice-Presidents. As amended this act would then only apply to the President-elect and Vice-President elect.

Also for consideration are

—the amount authorized to be appropriated to carry out this Act. If the provisions pertaining to former Presidents and Vice Presidents are deleted this would mean that \$900,000 would be authorized to assist the incoming President and Vice President or twice the amount intended. In our 1970 report, however, we noted that the



\$450,000 in Federal funds made available to the incoming Nixon administration was far less than the estimated \$1.5 million spent to defray the expenses of the incoming administration.

2. Amend the Former Presidents Act to include in one Act the authorization for all allowances, services, etc. to be provided a former President from the time he leaves office until his death.

GAO also recommends certain changes in the Act to clarify some of the provisions concerning the items to be furnished a former President, add a provision authorizing the use of Federal funds for a short period after a former President's death to provide for an orderly closing of his office, and transferring to this Act the provisions dealing with the assistance to be provided a former Vice-President for 6 months after he leaves office.

This report also includes information on the services and assistance provided to former President Nixon under both the Transition Act and the Former Presidents Act and a discussion of the problems we noted in applying the provisions of these laws which led to our recommendations for changes in legislation.



CHAPTER 1

INTRODUCTION

The Senate Appropriations Committee in reporting on the 1975 Supplemental Appropriation Bill suggested that we update our report to the Congress on "Federal Assistance for Presidential Transition," dated November 16, 1970. That report presented information on transition problems and experiences with special emphasis on the 1968-69 transition from President Johnson to President Nixon. The Senate Committee report also stated that it believed new legislation in this area is required and recommended that legislation be developed that merges the transition activities of a former President with the benefits of the Former Presidents Act.

THE AUGUST 1974 TRANSITION

Although there had been for a year or more speculation that President Nixon might be impeached or resign there was little time to prepare for the transition when it actually occurred on August 9, 1974. As late as August 6, 1974, cabinet members after a meeting with President Nixon stated that he did not intend to resign; and the debate in the House of Representatives on the Judiciary Committee's recommendations on impeachment was not scheduled to begin until later in the month.

Consequently, when Vice President Ford succeeded President Nixon he faced a situation entirely different than that of the first Presidential succession covered by the Presidential Transition Act (Johnson-Nixon).



As Vice President he was constrained from making any definite plans for his succession to the Presidency until August 8, 1974, when President Nixon announced that he planned to resign the next day. By contrast, as President-elect, Mr. Nixon had 2-1/2 months after his election in 1968 to prepare for his assumption of the Presidency.

Mr. Ford did have the advantage of succeeding a President of his own party in an administration of which he was a part. Most of the top White House staff on duty at the end of the Nixon administration remained to serve the new administration for at least several months. Changes were made gradually and by March 15, 1975, 7 months after President Nixon's resignation, 18 of the top 52 White House staff on August 9, 1974, remained. Three of those who left remained on the White House payroll for 6 months after President Nixon resigned but were detailed for the entire 6 months to Nixon's transition staff. Another top White House staff member who also left after 6 months was assigned during part of that 6-month period to the transition staff.

Changes in the President's cabinet were also made slowly; none were replaced during the balance of calendar year 1974 and by March 15, 1975, four had been replaced and seven remained.

President Ford was not a President-elect and received no funds under the Presidential Transition Act. Our observations on the operation of the Transition Act insofar as an incoming elected administration is concerned are included in our 1970 report. Our principal recommendation in that report concerning a President-elect was on the funding limitation.



The circumstances of the August 1974 transition resulted in a great deal of congressional and press attention being given to the Federal assistance provided to former President Nixon under the Presidential Transition and Former Presidents Acts. That assistance is the subject of this report.



CHAPTER 2

FINANCING THE NIXON TRANSITION TO PRIVATE LIFE

Assistance to former Presidents is authorized by several acts. Briefly, the authorizations are as follows:

Pension

Former Presidents Act of 1958

Staff, office facilities, and services

Presidential Transition Act of 1963--for the first 6 months

Former Presidents Act of 1958--after the first 6 months

Operation of Presidential Libraries

Presidential Libraries Act of 1955

Thus far former President Nixon has received assistance under the Former Presidents and Presidential Transition acts. The resignation of President Nixon under the threat of impeachment presented problems not envisioned when the Former Presidents Act and the Transition Act were enacted and the question was immediately raised by the General Services Administration^(GSA) as to whether Mr. Nixon was a "former President" and thereby entitled to the allowances and services authorized.

The Transition Act does not specifically define a former President while the Former Presidents Act does. The Justice Department determined that based on the definition of a former President in the latter act, as a person who had served as President, no longer holds that office, and had not been removed by impeachment, that former President Nixon was entitled to the benefits provided to former Presidents under both acts.



PENSION UNDER THE FORMER
PRESIDENTS ACT OF 1958

The Former Presidents Act, as amended, authorizes the payment to each former President of a monetary allowance for the remainder of his life equal to the annual rate of basic pay of the head of an executive department, currently \$60,000. A former President is entitled to the payment of the allowance as soon as he leaves office.

The fiscal year 1975 GSA appropriation for former Presidents, approved on August 21, 1974, provided \$60,000, only enough to pay the monetary allowances authorized by the Former Presidents Act to the widows of Presidents Johnson, Eisenhower, and Truman. When Mr. Nixon resigned, GSA obtained approval from OMB to reappropriation these funds so that funds would be available to pay Mr. Nixon's monetary allowance, as well as the widows, until a supplemental appropriation could be obtained.

Included in the Supplemental Appropriation Act, 1975, approved on December 27, 1974, was \$100,000 for expenses under the Former Presidents Act. This provided \$55,000 for Mr. Nixon's monetary allowance from August 1974, to June 1975, and \$45,000 for other expenses from February 9, to June 30, 1975. The \$55,000, when added to the \$60,000 in the regular appropriation, provided \$115,000 to pay the monetary allowance to the three eligible widows and Mr. Nixon for fiscal year 1975.

STAFF, OFFICE FACILITIES, AND SERVICES
UNDER THE TRANSITION ACT OF 1963

The Transition Act of 1963 states that its purpose is "to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of



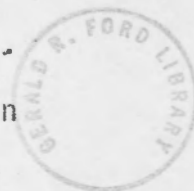
a new President," and provides for assistance to both the incoming and outgoing administration.

The act aids the newly elected administration by giving the Administrator of General Services the authority to provide, upon request, to each President-elect and each Vice-President-elect during the transition period between election and inauguration, necessary services and facilities--including suitably equipped office space, payment of staff salaries, consultants, travel expenses, communications services, printing and binding, and postage--subject to appropriations provided therefor. The act also permits Federal employees to be detailed to the President-elect or Vice-President-elect on a reimbursable or non-reimbursable basis with the consent of the head of the agency.

The act aids the outgoing administration by authorizing the Administrator of GSA to provide during the 6-month period following the expiration of their terms of office similar services and facilities to each former President and each former Vice-President, for use in winding up the affairs of their offices.

The act authorizes for each transition an appropriation of not more than \$900,000 to carry out the purposes of the act. The amount appears to have been based on an estimate of transition costs made by the Bureau of the Budget (now the Office of Management and Budget), as modified in the legislative process and was apparently intended to be divided equally between the incoming and outgoing administrations.

Because funds are appropriated under the Presidential Transition Act only for Presidential election years, no funds were specifically available for implementing the Transition Act when Mr. Nixon left office in 1974. Therefore, the executive branch had to request a supplemental appropriation to carry out the provisions of the act. On August 29, 1974,



the Administration requested the Congress to appropriate \$450,000 to the General Services Administration (GSA) for the purpose of carrying out the provisions of the Transition Act which pertain to a former President. The funds requested were to cover an 11-month period rather than the 6-month period provided in the act. GSA advised us that the 11-month period was requested because Mr. Nixon's resignation was sudden and it believed the additional time would be needed to make some of the arrangements which are usually made before a President leaves office.

The Supplemental Appropriations Act of 1975 (P.L. 93-554), which was approved on December 27, 1974, appropriated \$100,000 to implement the Transition Act and limited the period of availability to the 6 months ending February 9, 1975. The appropriation act also provided that the salaries of detailed personnel provided on a nonreimbursable basis could not exceed \$70,000 from December 27, 1974, through February 8, 1975.

We advised the Office of Management and Budget (OMB) on September 10, 1974, that pending approval of the supplemental appropriation, the "Unanticipated Personnel Needs" fiscal year 1975 appropriation of the Executive Office of the President could be used for transition expenses. OMB transferred \$50,000 to GSA from this fund for transition expenses. When the \$100,000 approved for transition under the 1975 Supplemental Appropriation Act became available, GSA reimbursed the "Unanticipated Personnel Needs" appropriation for the \$50,000 that had been made available for transition expenses.



Most of the work performed for former President Nixon during the 6-month transition period was by detailed employees provided by several Government agencies, principally the Executive Office of the President and the Department of Defense, on a non-reimbursable basis. Only about \$4,700 of the \$100,000 Transition Act appropriation was used to pay salaries and related costs.

The transition staff of former President Nixon occupied most of the same office space at San Clemente, California, that had been used by his staff when he visited there as President. Much of the furniture and equipment in these offices was retained for the use of the transition staff; some excess equipment was transferred to GSA, and some excess equipment was acquired from surplus GSA stocks. About \$14,400 of Transition Act funds were used to acquire new equipment, transport the excess GSA equipment, and to rent equipment.

The remaining Transition Act funds were used to purchase stationery (\$45,400) and other office supplies (\$7,400), postage (\$12,000), communications (\$6,500) and miscellaneous services (\$9,400). Very little of the stationery and postage paid for with Transition Act funds was used during the 6-month transition period (See p. 20).



Detailed on a Non-reimbursable Basis

The Transition Act provides that any Government employee may be transition

detailed during the 6-month/period to a former President on a reim-

burse or non-reimbursable basis with the consent of the head of the

agency. There is no limitation in the act as to their number or the

costs that may be incurred on a non-reimbursable basis for detailed

employees. The Supplemental Appropriation Act of 1975, however, placed

a salary limitation on the non-reimbursable salary costs that could be

incurred for detailed employees assigned to former President Nixon from

December 27, 1974, until the end of the transition period February 8, 1975.

During the Nixon transition all detailed employees were provided

on a non-reimbursable basis. When the transition period began there was

no limitation on the number or costs that could be incurred for detailed

employees and the arrangements for detailing employees were generally informal.

When it became evident that the Congress was concerned about the use of

detailed employees to assist in the transition, OMB issued instructions

on October 21, 1974, that no further details should be made without the

approval of the Director, OMB.

The Supplemental Appropriations Act of 1975, which included funds for

the transition, placed a limitation of \$70,000 on the funds that could be

used for the salaries of detailed employees from December 27, 1974, when

the appropriation act was approved, through the end of the transition

period, February 8, 1975. By the end of December 1974 the number of detailed



employees had been reduced substantially and the salaries paid after that date to detailed employees were well within the limitation.

None of the agencies maintained accounting records segregating the salary and related costs of employees detailed to assist in the transition. At our request, the agencies provided us from their records the names, grades, periods assigned, and



the travel incurred by detailed employees. Based on this information, and subsequent verification work by us, we estimated that about several \$500,000 was spent by agencies during the transition period for salaries and related costs and travel expenses of employees detailed to assist in the transition. Excluded from this total were the costs for the following services not directly related to the transition (1) protection of the President and his wife by the Secret Service, (2) security functions performed by the Coast Guard at San Clemente, (3) removal of communications equipment and kitchen equipment and supplies at San Clemente by the White House Communications Agency and Navy mess stewards, and (4) archival and related services performed by employees of the National Archives and Records Service.

The detailed employees provided a variety of services during the transition period as shown below.

Executive Office of the President

By far the largest part of the costs incurred for detailed employees was by the Executive Office of the President (EOP), \$161,000 out of a total of about \$266,000. Seventeen different employees were assigned to the transition staff for periods ranging from a few weeks to 6 months. Four employees with annual salaries ranging from \$12,500 to \$42,500 worked principally at San Clemente for the full 6-month transition period. They performed a variety of duties such as liaison with the White House and others on matters relating to the Presidential papers and funding, press contacts, and various secretarial and clerical duties. They were assisted, especially during the early days of the



transition, by other EOP employees who assisted in these duties at San Clemente for periods ranging from a few weeks to 3 months.

Two EOP employees with annual salaries of \$23,000 and \$36,000 were also detailed for the full 6-month period to assist with transition matters principally in Washington, D.C. They were assisted by one clerk for most of the transition period. Their principal duties involved working with Archives personnel engaged in sorting the Presidential papers and tapes, principally answering questions to assist in the sorting of the material. They also worked (1) with Archives in sorting and inventorying Mr. Nixon's pre-Presidential papers and arranging for their eventual release, (2) reading and answering, or sending to San Clemente, some mail sent to the former President in Washington, D.C. after his resignation.

Department of Defense

During the transition period 19 different employees from the White House Communications Agency (WHCA) provided communications assistance to the transition staff for varying periods. They operated a switchboard and provided other communications assistance to the former President and his staff through January 15, 1975, when this assistance was discontinued. The communications equipment they operated was installed in San Clemente when Mr. Nixon was President. The salary and related costs of these employees during the transition was about \$24,000.

In addition to the WHCA employees the Department of Defense furnished 7 other people for varying periods to assist in the transition. The Marine Corps detailed a Lt. Colonel and two enlisted men to the staff for the entire 6-month transition period and one additional enlisted



man for 3 months. The Lt. Colonel was in charge of the operation of the office in San Clemente; the enlisted men were listed as drivers but they also assisted in the handling of the mail and performed other duties. A Navy lieutenant was assigned to the staff for about 4-1/2 months and was responsible for opening all of the incoming mail. The Navy also detailed a Medical Corpsman, stationed at nearby Camp Pendelton, for the entire transition period to take care of some of the former President's medical needs. We were told that he took the former President's blood pressure several times a day after he became ill and from time to time also performed other medical procedures such as taking blood samples. The salaries and related costs of the Department of Defense employees, other than WHCA, during the transition amounted to about \$67,000.

General Services Administration (GSA)

GSA detailed one employee to act as liaison with the transition staff for about 1 week and a secretary for about 5 months at a total salary cost of about \$6,400. GSA also provided maintenance and other services for the offices in San Clemente. As noted on page 30, GSA waived the Standard Local User Charge (SLUC) for the office at San Clemente. If charged the SLUC payment would have included a factor for standard maintenance and repair costs.

National Capital Park Service

Seven movers and packers were assigned for short periods to assist in the moving of the Nixon's personal belongings from the White House to storage in Virginia and eventual shipment to California. The salary costs of the National Park Service employees involved in the move was about \$2,600.



The Executive Office of the President receives an annual appropriation for the operation of the White House known as the "Executive Residence" appropriation. The appropriation is administered by a White House employee (Chief Usher) but the bookkeeping and maintenance of the house and grounds are done by the National Capital Parks Service. While Mr. Nixon was President a maid and a butler were paid from this appropriation. When Mr. Nixon resigned the maid and butler went with him to California. They remained on the "Executive Residence" payroll for about 2 months when they were dropped from the Government payroll. Their salaries during the 2-month period amounted to about \$3,600.



CHAPTER 3

UNCOMPLETED WORK AT CLOSE OF THE TRANSITION PERIOD

The Transition Act presumed that most of the 6-month transition period would be spent by a former President, his staff, and any detailed employees in sorting out his Presidential and other official papers and in answering mail from the public. Very little of this occurred.

PRESIDENTIAL RECORDS.

The papers and other official materials of former President Nixon were a central issue in his transition. A minimum amount of work was done on his official Presidential papers. He never had possession of any of his official Presidential papers or materials during the transition and much of the work which would normally have been accomplished during the transition was prevented by legal problems surrounding ownership and custody of the papers and tapes.

When Mr. Nixon resigned on August 9, 1974, little work had been done to get his records and papers in order. A group of National Archives and Records Service (NARS) employees called the "Nixon Records Liaison Unit" was established in 1968 with one or two people and grew to a level of nine employees at the time Mr. Nixon resigned. They performed preliminary work on an archival collection of Nixon documents, such as securing Presidential aides' papers when they resigned and preliminary indexing and sorting of some of the papers and documents of officials of the Nixon Administration.



In August 1974 NARS began increasing the size of the Liaison Unit and soon after the resignation, a total of 37 NARS employees were assigned to the Nixon papers, including the 9 members of the Liaison Unit, 18 additional archivists, and 10 laborers. They sorted and boxed the documents and other materials, placed them on pallets and stacked them in various rooms in the Old Executive Office Building.

On September 7, 1974, the Administrator of General Services signed an Agreement on behalf of the Government with former President Nixon. The Agreement provided that Mr. Nixon would transfer his Presidential materials to the Government for deposit, but would retain title, including literary property rights, to the materials.

Neither Mr. Nixon nor the Administrator were to have sole control of the material. Rather, the Agreement called for a "two-key" system in which Mr. Nixon would have one key and the Administrator would have one key. Both keys, used together, would be required to gain access to the materials. Under the Agreement, the Government would retain possession of the materials in a Government facility.

The access clause provided that for a period of 3 years, Mr. Nixon would withdraw materials only in order to respond to subpoenas or other judicial orders. Thereafter, Mr. Nixon had the right to withdraw the



materials, except for the tape recordings. With respect to the tape recordings, Mr. Nixon gave these to the United States effective September 1, 1979, reserved the right to order their destruction after that date, and required their destruction on September 1, 1984, or his death, whichever first occurred.

Between October 17 and 24, 1974, three suits were filed seeking enforcement or cancellation of the September 7, 1974, agreement and on October 21, 1974, the Federal District Court issued an order that temporarily sealed all Nixon Presidential records pending the outcome of litigation.

The Government was enjoined from disclosing, transferring, disposing or otherwise making known to any person the Presidential materials of the Nixon administration in the custody and control of the President, the Administrator, or other Government officials. The Order also enjoined the Government from effectuating the terms and conditions of the September 7 Agreement. The Order specifically exempted from the injunction, however, the production of the materials pursuant to a subpoena, discovery demand, or court order; the production of the materials in regard to the Watergate criminal trial then pending before District Judge John Sirica; the production of the materials in response to requests by the Special Prosecutor or a jury; or the use of materials for purposes of current Government business after notification of Mr. Nixon and with the consent of the Counsel to the President. The Order also granted Mr. Nixon access to the materials for the sole purpose of asserting privileges or defenses, and granted access to former White House staff members for purposes relating to criminal investigation.



or prosecutions. The Order required any search conducted pursuant to the Order to be conducted jointly by the Counsel to the President and Counsel for Mr. Nixon.

On December 19, 1974, President Ford signed Public Law 93-526 the "Presidential Recordings and Materials Preservation Act." This law granted complete possession and control of the tape recordings, papers and documents of the Nixon Administration to GSA with custody to be maintained in the District of Columbia and its metropolitan area except as necessary to carry out other provisions of the law. On December 20, 1974, Mr. Nixon brought suit in Federal District Court to prevent the enforcement of this act on the grounds that it violated the Constitution.

The pending court cases and resultant court orders severely limited the amount of activity on the Nixon Presidential papers during the transition period. Some work was done on pre-Presidential materials. Two White House employees detailed to the Nixon transition staff worked with NARS employees in the Executive Office Building to sort and inventory about 100 cubic feet of pre-Presidential material which was released by the court and sent to former President Nixon at San Clemente in February 1975. An additional 1,200 cubic feet of pre-Presidential material that had been in NARS custody prior to President Nixon's resignation was also released and placed in temporary storage in a GSA building in Laguna Niguel, California.

NARS estimates that it incurred costs of about \$102,000 in handling the Nixon papers and other related materials during the 6-month transition period. About \$79,000 of this amount was for personnel costs, about \$5,000 for supplies, and about \$18,000 for the space occupied by the Nixon records in two NARS buildings.

The "Presidential Recordings and Materials Preservation Act" required GSA to report to the Congress within 90 days proposing regulations for public access to the Nixon Presidential materials. In its March 1975 report to the Congress proposing such regulations NARS estimated that once given legal clearance to begin complete archival work, it will require about 3-1/2 years with a staff of about 100 at a total cost of about \$7 million to do the work necessary under its proposed regulations to make the Nixon tapes and papers available for public access. In its report GSA stated that soon after it begins its processing some of the most sensitive Watergate material can be made available to the public and that virtually all Watergate materials can be made available within 3 years from the start of processing.

The future staff requirements of former President Nixon insofar as his Presidential papers are concerned will depend to a great extent on the final outcome of the various court cases noted above and any future legislation affecting the ownership of the papers. The Presidential Recordings and Materials Preservation Act in addition to granting control of the Nixon papers to GSA established a Public Documents Commission to study the problems and questions with respect to the control, disposition, and preservation of records produced by or for Federal officials. One specific question the Commission is directed to study is the ownership of the Presidential papers.



MAIL

The transition staff at San Clemente estimated that former President Nixon received over 1 million pieces of mail during the 6-month transition period of which only a small part was answered. During most of the transition period no count was kept of the amount of outgoing mail. On the basis of an actual count of the outgoing mail for a one week period near the end of the transition period the transition staff's estimate of the number of envelopes used, and other factors, it was estimated that the outgoing mail amounted to about 300 pieces a week. If this estimate is accurate only about 8,000 pieces of mail were answered during the transition period.

The transition staff cited Mr. Nixon's illness and hospitalization on two occasions during the transition period as well as uncertainty as to the funds that would be available for postage as the chief reasons why so little of the incoming mail was answered. With the assistance of unpaid volunteers from the San Clemente area most of the incoming mail was opened and sorted during the transition period into various categories such as get-well wishes, birthday greetings, support, opposition, etc.

About \$45,000 of transition funds was used to buy stationery, envelopes, and acknowledgement cards but very little of the purchased stationery was used during the 6-month transition period. Near the end of the transition period \$2,000 of transition funds were used to buy stamps and \$10,000 was transferred to the Postal Service as a credit to cover the charges for franked mail. On the basis of the estimate of 300 pieces of outgoing mail a week during the transition period only \$1,015 was charged



to the postal credit during the transition period leaving \$8,985 in postage credit available after February 9, 1975, for use in acknowledging some of the unanswered mail.



CHAPTER 4

ASSISTANCE AFTER THE TRANSITION PERIOD

The 6-month transition period provided for in the Presidential Transition Act ended for former President Nixon on February 8, 1975.

After that date he continued to receive his pension under the provisions of the Former Presidents Act. The Administrator of GSA is ^{also} required by the act to provide each

/former President with an office staff selected by the former President and responsible only to him. The act also requires the Administrator to furnish each former President suitable office space appropriately furnished and equipped at such place within the United States as the former President shall specify.

There is no overall limit in the authorizing legislation as to the total amount of funds that can be appropriated under the Former Presidents Act; there are, however, some specific limitations. The salaries of the office staff is limited to \$96,000 a year and no individual can be paid at a rate in excess of the rate for level II of the Executive Schedule, currently \$42,500 a year. There is no authority in the Former Presidents Act to detail Federal employees to assist a former President.

The Supplemental Appropriations Act, 1975, appropriated \$100,000 for expenses under the Former Presidents Act. This provided \$55,000 for Mr. Nixon's pension from August 1974 through June 1975 and \$45,000 for all other expenses from February 9 to June 30, 1975.



When the transition period ended on February 8, 1975, there were five Defense Department employees, six Executive Office of the President employees, and one GSA employee detailed to former President Nixon's staff on a nonreimbursable basis. Ten of these employees were working at San Clemente and two in Washington, D.C. Because only \$45,000 of Former Presidents Act funds were available to pay the salaries and other expenses for the remainder of the fiscal year the size of the staff had to be sharply reduced on February 9, 1975.

Two former EOP employees and one GSA employee who had been detailed to the transition staff were retained as members of the former Presidents staff, one assigned to Washington, D.C., and the other two to San Clemente. An office manager, who had been hired just before the end of the transition period and paid with Transition Act funds, was also placed on the Former Presidents Act payroll. As of June 30, 1975, about \$35,000 in Former Presidents Act funds had been obligated or expended for salaries and related expenses of the four members on the former President's staff.

Other major expenditures or obligations during the February 9 to June 30, 1975, period were for communications, principally telephone service, ^{\$3,600} and transportation and travel also about \$3,600. Relatively minor amounts were expended for supplies and rental of equipment.



From February 9, 1975, to June 30, 1975, an additional \$3,391 was charged by the Postal Service to the postal credit paid for with Transition Act funds (see p. 20) for the use of franked mail by the former President during that period. On the basis of the postage purchased and the postal credit used, the outgoing mail volume from August 9, 1974, through June 30, 1975, amounted to about 60,000 pieces. On June 4, 1975, the Administrator of GSA, in testimony before a House Appropriations Subcommittee, stated that the mail received by former President Nixon since his resignation had reached 2 million pieces leaving a large backlog of unanswered mail.



CHAPTER 5

RECOMMENDATIONS FOR CHANGES IN LEGISLATION

The Senate Appropriations Committee in its report on the Supplemental Appropriation request for fiscal year 1975 stated that it found many areas where the present legislation was not adequate to the situation presented when President Nixon resigned. It recommended that legislation be developed which merges the transition activities of a former President with the benefits of the Former Presidents Act.

We believe the needs of a President-elect and a former President are sufficiently different to justify such legislation. A President-elect has a short period of only about 2-1/2 months after his election to prepare for the assumption of the wide-ranging responsibilities of the Presidency. A former President on the other hand is entering, usually for the remainder of his life, into a new era of diminished responsibilities.

We have summarized below our recommendations for the changes needed, to provide separate legislation for the assistance authorized for (1) a President-elect during the period between his election and inauguration and (2) a former President for the remainder of his life from the time he leaves office.

Recommendations to the Congress

Presidential Transition Act

We believe this act should deal solely with the assistance to be provided to the incoming Administrator. We therefore recommend that the Presidential Transition Act of 1963 (3 U.S.C. 102 note) be amended to



- Delete section 4 dealing with services and facilities authorized to be provided to former Presidents and former Vice Presidents. Insofar as an incoming administration is concerned, on the basis of the work we did in connection with our 1970 report, we believe the Transition Act adequately covers the types of assistance needed.
- Delete the provision which authorizes the availability of funds appropriated under the act in the fiscal year succeeding that in which the transition occurs.

Such a provision is needed under the present act which includes the authorization for services to be provided a former President and Vice-President for a period which extends into the succeeding fiscal year. Such authority is not needed for a President-elect since the authority for the services provided begins and ends in the same fiscal year.

Also, the Congress should consider whether the \$900,000 limitation for any one transition in section 5 should be changed. The deletion of section 4 would mean that the limitation would apply only to the incoming administration whereas it was intended to also cover the outgoing administration. As noted in our November 1970 report the expenses of the incoming Nixon administration amounted to about \$1.5 million of which only \$450,000 was paid for with Transition Act funds.



Former Presidents Act

Other than his pension, which begins as soon as he leaves office, the assistance authorized for a former President under this act does not begin until 6 months after he leaves office. To provide a former President with the type of assistance needed from the time he leaves office we recommend that the Former Presidents Act (3 U.S.C. 102 note) be amended to



--delete the \$96,000 ceiling on the annual salaries that can be paid to a former President's staff.

Under the Transition Act a former President can have during the first 6 months after he leaves office a large staff of detailed employees provided on a non-reimbursable basis plus those paid with Transition Act funds. The \$96,000 ceiling in the Former Presidents Act, with no provision for detailing employees on a nonreimbursable basis, requires the drastic reduction of the former President's staff at the end of the 6-month period. Experience during both a normal transition (Johnson-Nixon) and an abnormal one (Nixon-Ford) shows that the workload of a former President does not decline as rapidly after the first 6 months as the much-reduced staff level in the Former Presidents Act requires.

The deletion of Section 4 of the Transition Act as recommended previously would remove the authority to provide a former President with detailed employees during the 6-month period after he leaves office. The deletion of the \$96,000 ceiling in the Former Presidents Act will permit the adjustment of the funds provided for the staff requirements of a former President through the appropriation process to meet particular circumstances as they develop.

--transfer to this act the authorization language in the Presidential Transition Act concerning the services to be provided a former President.

The Transition Act lists certain services such as communications services, printing and binding, office supplies, and the use of



consultants and experts which can be provided to a President-elect or former President during the 6-month transition period but are not specifically included in the authority provided by the Former Presidents Act. That act includes authority for office space appropriately furnished and equipped, language which is sufficient to include communications services, office supplies, printing and binding but not the services of consultants and experts. We believe that a former President may need the services of consultants and experts for short periods when it would not be practical to add them to this staff. We are therefore recommending that the Former Presidents Act be amended to include generally the same services authorized by the Transition Act. One exception is the authority to use penalty mail.

The provisions of the Presidential Transition Act of 1963 as they apply to a former President make no direct reference to postage but do provide that a former President be provided for a 6-month period the necessary services and facilities of the same general character as provided in the act for a President-elect. The act provides that a President-elect may send all mail sent in connection with his assumption of office as "penalty mail" and the act specifically lists as one of the authorized expenses reimbursement to the postal revenues of the postage otherwise payable on penalty mail. "Penalty mail" is defined (39 U.S.C. 3201) as official mail authorized to be sent without the prepayment of postage and derives its name from the requirement that the envelopes used to send such mail must include information on the penalty for the unlawful use of such envelopes.



The authority of a former President to send franked mail is included in the Postal Service laws rather than the Former Presidents Act. The laws pertaining to the Postal Service (39 U.S.C. 3214) authorizes a former President to send all nonpolitical mail free of postage anywhere in the United States and its territories and possession under his signature i.e., franked mail. The law also requires (39 U.S.C. 3216b) that the Postal Service be reimbursed the equivalent amount of postage for the use of franked mail by a former President from any appropriation made for that purpose.

We were advised by former President Nixon's transition staff that during the transition period all mail was sent as franked mail.

The deletion of section 4 of the Transition Act, as recommended above, would remove the authority of a former President to use penalty mail during the transition period. We believe this authority is unnecessary and do not recommend that it be transferred to the former Presidents Act. We believe that the authority in the Postal Service laws giving a former President authority to send franked mail adequately meets and is better suited to the needs of a former President since penalty mail is limited to official mail whereas a former President can use franked mail for all nonpolitical mail. Funds appropriated under the Former Presidents Act would be available to reimburse the Postal Service for the use of the franking privilege by a former President.



--transfer to the Former Presidents Act the authority in the Transition Act for the travel of the former President and members of his staff.

The Former Presidents Act does not mention travel as an authorized expense but the fiscal year 1969 supplemental appropriation act stated that a former President and no more than two members of his staff were authorized thereafter to use Former Presidents Act funds to pay travel expenses. The Transition Act authorizes the payment of any travel expenses found necessary by a former President.

We believe that the authorizing legislation, the Former Presidents Act, rather than an appropriation act, should include the authorization for travel expenses of a former President and his staff. Control of the amount authorized for travel can be obtained through the appropriation process and we are recommending the transfer to the Former Presidents Act of the travel authority now included in the Transition Act. In effect



this would result in the deletion of the limitation on travel to just two staff members. If the Transition Act is amended as recommended above, the Former Presidents Act would also cover the period immediately after a President leaves office when travel by more staff members may be required.

--add a provision to cover the staff, services and facilities authorized to be provided a former Vice-President for 6 months after the expiration of his term of office. Such authorization is now provided in section 4 of the Transition Act which we have recommended be deleted.

We are recommending basically that the provisions in the Transition Act as they apply to a former Vice-President be transferred to the Former Presidents Act with the following changes. Specify that the office space provided a former Vice-President be located in just one place. Under the Transition Act a former Vice-President can be furnished office space at any place or places in the United States. The Former Presidents Act limits a former President to office space in just one place and we believe a similar limitation should be imposed on a former Vice-President.

The Transition Act authorizes the detailing of Federal employees to assist a former Vice-President on a reimbursable or nonreimbursable basis. The transferring of this authority intact to the Former Presidents Act would give the former Vice-President authority for assistance which would not be available to a former President. The assistance provided to a former Vice-President, however, is only authorized for a 6-month period whereas that provided a former President is for the remainder of his life.



Because of the difficulties a former Vice-President might have in obtaining for his own staff the type of assistance needed for a relatively short period, we believe the authority for detailing Federal employees to a former Vice-President should be retained. To provide adequate control, however, over the number and cost of employees detailed to a former Vice-President, we recommend that the authority to provide such employees on a nonreimbursable basis be deleted.

In addition to the basic changes recommended above to provide separate legislation for the incoming and outgoing Presidents and Vice-Presidents, we noted some other matters during our review which we believe require consideration.

We recommend that consideration be given to amending the Former Presidents Act to

--add a provision specifically authorizing the appropriation of funds under this act to pay GSA the Standard Level User Charge for space and services provided to former Presidents at rates determined in accordance with (40 U.S.C. 490(j)).

Prior to July 1, 1974, when GSA furnished space and services in a building occupied by Federal agencies, it obtained the funds from the Congress for these purposes and was not reimbursed by the occupying agencies. Public Law 92-313, however, now requires the agencies to reimburse GSA at rates approximating commercial rates for such space and services unless such charges are waived by GSA as being infeasible or impractical. The rates established by GSA are called Standard Level User Charges (SLUC). The estimated annual SLUC charges of \$77,000 for the



San Clemente offices occupied by former President Nixon were waived by GSA for fiscal year 1975. Funds were not requested in the fiscal year 1976 Former Presidents Act budget to pay SLUC charges for the San Clemente office during fiscal year 1976.

One of the major costs incurred by the Government for a former President is in connection with the office space provided and in our opinion should be subject to control through the appropriation process. We are therefore recommending that the Former Presidents Act be amended to require the payment of SLUC.

--add a provision authorizing the appropriation of funds under the act to pay the expenses of moving the personal effects of a former President from the White House to a place of his choice in the United States and of a former Vice-President from the official Vice-Presidential residence to a place of his choice in the United States.

After President Nixon resigned National Capital Park Service employees were detailed on a nonreimbursable basis to pack and move the Nixon's furniture and other personal belongings from the White House to a Government warehouse in Alexandria, Virginia. Most of these items were eventually flown by military aircraft to the West Coast and delivered to San Clemente. None of these costs were paid for with Transition Act funds but were absorbed by the agencies performing the services. We were advised by an official in the office of the Military Aide to the President that the shipment of the property of other former Presidents had been handled in the same way although there is no specific authority for the use of Government funds for this purpose.



We believe the former Presidents Act should be amended to provide the authority required to move the personal effects of a former President from the White House to a place of his choice. Because a Vice-President is now provided an official residence in Washington, D.C., we also believe that there should be authority in this act to move the personal effects of a former Vice-President from the official residence to a place of his choice.

--Add a provision specifically authorizing the use of funds appropriated under the act for 3 months after a former President's death to allow for the orderly closing of his office.

The Former Presidents Act provides that a former President shall be paid a monetary allowance during his lifetime but does not state specifically when the services and facilities authorized by the act will terminate. We noted that after the death of other former Presidents GSA advised the Appropriation Committees that Former Presidents Act funds would be used after the death of a President to bring about the orderly closing of the former President's office. We believe that the Former Presidents Act should include a specific provision establishing a definite time period after a former President's death for the closing of his office.

Appendix I includes the present text of the Presidential Transition Act and the Former Presidents Act with our recommendations for additions and deletions.



"Sec. 3

(a) The Administrator of General Services, referred to hereafter in this Act as 'the Administrator,' is authorized to provide, upon request, to each President-elect and each Vice-President-elect, for use in connection with his preparations for the assumption of official duties as President or Vice President necessary services and facilities, including--

"(1) Suitable office space appropriately equipped with furniture, furnishings, office machines and equipment, and office supplies, as determined by the Administrator, after consultation with the President-elect, the Vice-President-elect, or their designee provided for in subsection (e) of this section, at such place or places within the United States as the President-elect or Vice-President-elect shall designate;

"(2) Payment of the compensation of members of office staffs designated by the President-elect or Vice-President-elect at rates determined by them not to exceed the rate provided by the Classification Act of 1949, as amended for grade GS-18: Provided, That any employee of any agency of any branch of the Government may be detailed to such staffs on a reimbursable or nonreimbursable basis with the consent of the head of the agency; and while so detailed such employee shall be responsible only to the President-elect or Vice-President-elect for the performance of his duties; Provided further: That any employee so detailed shall continue to receive the compensation provided pursuant to law for his regular employment, and shall retain the rights and privileges of such employment without interruption.



Notwithstanding any other law, persons receiving compensation as members of office staffs under this subsection, other than those detailed from agencies, shall not be held or considered to be employees of the Federal Government except for purposes of the Civil Service Retirement Act,

the Federal Employees' Compensation Act ,

the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959 ;

"(3) Payment of expenses for the procurement of services of experts or consultants or organizations thereof for the President-elect or Vice-President-elect, as authorized for the head of any department by section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55a),

at rates not to exceed \$100 per diem for individuals;

"(4) Payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the President-elect or Vice-President-elect, as authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2), as may be appropriate;

"(5) Communications services found necessary by the President-elect or Vice-President-elect;

"(6) Payment of expenses for necessary printing and binding, notwithstanding the act of January 12, 1895, and the Act of March 1, 1919, as amended (44 U.S.C. 111);



"(7) Reimbursement to the postal revenues in amounts equivalent to the postage that would otherwise be payable on mail matter referred to in subsection (d) of this section.

"(b) The Administrator shall expend no funds for the provision of services and facilities under this Act in connection with any obligations incurred by the President-elect or Vice-President-elect before the day following the date of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2, or after the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.

"(c) The terms 'President-elect' and 'Vice-President-elect' as used in this Act shall mean such persons as are the apparent successful candidates for the office of President and Vice President, respectively, as ascertained by the Administrator following the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2.

"(d) Each President-elect shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by him in connection with his preparations for the assumption of official duties as President, and such mail matter shall be transmitted as penalty mail as provided in title 39, United States Code, section [4152] 3224. Each Vice-President-elect shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by him under his written autograph signature in connection with his preparations for the assumption of official duties as Vice President.



"(e) Each President-elect and Vice-President-elect may designate to the Administrator an assistant authorized to make on his behalf such designations or findings of necessity as may be required in connection with the services and facilities to be provided under this Act. Not more than 10 per centum of the total expenditures under this Act for any President-elect or Vice-President-elect may be made upon the basis of a certificate by him or the assistant designated by him pursuant to this section that such expenditures are classified and are essential to the national security, and that they accord with the provisions of subsections (a), (b), and (d) of this section.

"(f) In the case where the President-elect is the incumbent President, or in the case where the Vice-President-elect is the incumbent Vice President, there shall be no expenditures of funds for the provision of services and facilities to such incumbent under this act, and any funds appropriated for such purposes shall be returned to the General Fund of the Treasury.

["Sec. 4

The Administrator is authorized to provide, upon request, to each former President and each former Vice President, for a period not to exceed six months from the date of the expiration of his term of office as President or Vice President, for use in connection with winding up the affairs of his office, necessary services and facilities of the same general character as authorized by this Act to be provided to Presidents-elect and Vice-President-elect. Any person appointed or detailed to serve a former President or former Vice President,



"(e) Each President-elect and Vice-President-elect may designate to the Administrator an assistant authorized to make on his behalf such designations or findings of necessity as may be required in connection with the services and facilities to be provided under this Act. Not more than 10 per centum of the total expenditures under this Act for any President-elect or Vice-President-elect may be made upon the basis of a certificate by him or the assistant designated by him pursuant to this section that such expenditures are classified and are essential to the national security, and that they accord with the provisions of subsections (a), (b), and (d) of this section.

"(f) In the case where the President-elect is the incumbent President or in the case where the Vice-President-elect is the incumbent Vice President, there shall be no expenditures of funds for the provision of services and facilities to such incumbent under this act, and any funds appropriated for such purposes shall be returned to the General Fund of the Treasury.

["Sec. 4

The Administrator is authorized to provide, upon request, to each former President and each former Vice President, for a period not to exceed six months from the date of the expiration of his term of office as President or Vice President, for use in connection with winding up the affairs of his office, necessary services and facilities of the same general character as authorized by this Act to be provided to Presidents-elect and Vice-President-elect. Any person appointed or detailed to serve a former President or former Vice President



under authority of this section shall be appointed or detailed in accordance with and shall be subject to, all of the provisions of section 3 of this Act applicable to persons appointed or detailed under authority of that section. The provisions of the Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), other than subsections (a) and (e) shall not become effective with respect to a former President until six months after the expiration of his term of office as President.]

"Sec. [5] 4 . . . There are hereby authorized to be appropriated to the Administrator such funds as may be necessary for carrying out the purposes of this Act but not to exceed [\$900,000] *Note a* for any one Presidential transition, to remain available during the fiscal year in which the transition occurs [and the next succeeding fiscal year]. The President shall include in the budget transmitted to the Congress, for each fiscal year in which his regular term of office will expire, a proposed appropriation for carrying out the purposes of this Act .

Note a - It is suggested that amount authorized be deleted and a new ceiling inserted because of the suggested changes in the law and the experience with past transitions.



Former Presidents Act of 1958

FORMER PRESIDENTS *and Vice Presidents*; ALLOWANCE: SELECTION, COMPENSATION, AND STATUS OF OFFICE STAFF; OFFICE SPACE; WIDOW'S ALLOWANCE, TERMINATION; "FORMER PRESIDENT" *and Vice President* DEFINED

"(a) Each former President shall be entitled for the remainder of his life to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to the annual rate of basic pay, as in effect from time to time, of the head of an executive department, as defined in section 101 of title 5, United States Code. However, such allowance shall not be paid for any period during which such former President holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.

"(b) The Administrator of General Services shall, without regard to the civil-service and classification laws, provide for each former President an office staff. Persons employed under this subsection shall be selected by the former President and shall be responsible only to him for the performance of their duties. Each former President shall fix basic rates of compensation for persons employed for him under this paragraph [which in the aggregate shall not exceed \$96,000 per annum]. The annual rate of compensation payable to any person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.



"(c) The Administrator of General Services shall furnish for each former President suitable office space appropriately furnished and equipped, as determined by the Administrator, at such place within the United States as the former President shall specify. Funds authorized to be appropriated under this act shall be available to pay the General Services Administration or other executive agency providing space and services authorized by this act at rates determined in accordance with the provisions of 40 U.S.C. 490 (j) and (k).

Funds appropriated to carry out the provisions of this act shall be available for the payment of expenses for the procurement of services of experts or consultants or organizations thereof, as authorized for the head of any department by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a) at rates not to exceed \$100 per diem for individuals; the payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the President as authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2), communications services found necessary by the President; and payment of expenses for necessary printing and binding, notwithstanding the act of January 12, 1895, and the act of March 1, 1919, as amended (44 U.S.C. 111).

"(d) Funds appropriated to carry out the provisions of this act shall also be available to reimburse the Postal Service for the equivalent amount of postage on franked mail sent by a former President and widows of former Presidents as authorized in 39 U.S.C. 3214 and by former Vice-Presidents as authorized in subsection (f) of this act.



the movement of the personal effects of a former President and his family from the Executive Residence in Washington, D.C. to a location in the United States selected by him.

"(f) The Administrator shall furnish for each former Vice-President, for a period not to exceed 6 months from the date of the expiration of his term of office, with the services and facilities needed to wind up the affairs of his office. The services and facilities shall generally consist of suitable office space appropriately furnished and equipped, as determined by the Administrator at such place within the United States as a former Vice-President shall specify; an office staff selected and responsible only to the former Vice-President at pay rates which do not exceed the rate provided by the Classification Act of 1949 as amended, for grade GS-18. Provided, that any employee of any agency of any branch of the Government may be detailed to such staff on a reimbursable basis with the consent of the head of the agency; and while so detailed such employee shall be responsible only to the former Vice-President.

Payment of expenses for the procurement of services of experts or consultants or organizations thereof as authorized for the head of any department by section 15 of the Administrative Expenses Act of 1946, as amended (5 U. S.C. 55a), at rates not to exceed \$100 per diem for individuals.

Payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the former Vice-President as authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2), as may be appropriate;



communications services paid necessary by former
Payment of expenses for necessary printing and binding, notwithstanding
the Act of January 12, 1895, and the Act of March 1, 1919, as amended
(44 U.S.C. 111); conveyance within the United States and its territories
and possessions of all mail matter, including airmail, sent by him under
his written autograph signature; the shipment of his personal effects and
those of his family from the official Vice Presidential Residence in
Washington, D.C. to a location in the United States selected by him.

["(e)] "(g) The widow of each former President shall be entitled to
receive from the United States a monetary allowance at a rate of \$20,000
per annum, payable monthly by the Secretary of the Treasury, if such widow
shall waive the right to each other annuity or pension to which she is entitled
under any other Act of Congress. The monetary allowance of such widow--

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such widow--

"(A) dies; or

"(B) remarries before becoming 60 years of age; and

"(3) is not payable for any period during which such widow holds
an appointive or elective office or position in or under the Federal
Government or the government of the District of Columbia to which is
attached a rate of pay other than a nominal rate.

["(f)] "(h)" As used in this section, the term 'former President'
and former Vice-President means a person

"(1) who shall have held the office of President or Vice-
President of the United States of America;

"(2) whose service in such office shall have terminated other than
by removal pursuant to section 4 of article II of the Constitution of the
United States of America; and

"(3) who does not then currently hold [such office] the office
of President or Vice President"

October 17, 1975

MEMORANDUM TO: JACK MARSH
FROM: RUSS ROURKE

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Since I, myself, detected no factual errors in the report, I fully concur with Paul's recommendation. In all fairness, however, I do not see any harm in forwarding the Roth/Gulley memos to GAO, as per the attached memo to Lowe.

RAR:cb



October 17, 1975

MEMORANDUM TO: VICTOR L. LOWE

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I have circulated your report to various offices here at the White House. At Tab A, I have attached the comments of Barry Roth in the Office of the White House General Counsel.

At Tab B I have attached the comments of Mr. Warren J. ("Bill") Gulley, Deputy to the Military Assistant to the President.

I have no factual corrections to make over and above those noted in the attachments.

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THE WHITE HOUSE

WASHINGTON

October 17, 1975

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FROM: BARRY ROTH *BR*

SUBJECT: GAO Draft Transition Report

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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

October 10, 1975

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FROM: BILL GULLEY *BR*
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My comments are attached.

10/13/75

Russ -

Bill makes some good points if you feel there is some way to incorporate them.

Barry

Communications

Although GAO covers communications in their proposal, I would like to submit a little history that affects this.

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In view of this, when addressing communications, I think the total support package should be looked at, including that to be provided for support personnel, including the Secret Service.

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Not transition, but dealing with former President's, President Truman had six full-time corpsmen assigned to him during the last

year of his life. He was also provided DoD medical care during his travels, as a former President. In the case of President Nixon, DoD has verbally said they will provide medical services on an "in-patient" care basis for both the President and Mrs. Nixon. However, "out-patient" care DoD feels, could only be provided if requested by the Secret Service. Again it being unpopular, Secret Service chose not to request this service. As a consequence, it was necessary for this authorization to come from the President's office. It is presently being provided as long as the need is verified by President Nixon's personal physician.

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Miscellaneous

It was also noted that the Office for Former President's, provided by the White House, is not addressed in this report.

Summation

I believe that all of the above mentioned DoD support activities should be spelled out as to what will be provided, not at the whim of a local military commander or the Secret Service, but included in a law that will be equal to all former President's and their families.

Comments on GAO Transition Report:
(Can be verbally transmitted to
McConley)

1. Kerr - "no factual errors. Thought it was
very fair, balanced, accurate. Thought Jody
should have been credited w/ really getting
it on track.

2. GSA - no factual errors. Few
small editorial-type changes.

3. Brennan - no info. on ~~his~~
his reaction.

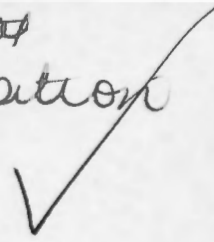
4. Roth - attached

5. PAR - no factual errors.

6. O'Neil - NO problems

7. Sully - attached

President's
Transition



THE WHITE HOUSE

WASHINGTON

October 21, 1975

MEMORANDUM TO: JACK MARSH

FROM: RUSS ROURKE *R*

I discussed the entire substance of the attachments with Charles McAuley at GAO. I gave him a summary of each of the prepared reports compiled by us.

FYI, it's GAO's intention to comment on the need for legislation that specifically ~~states~~ ^{SPELLS OUT} the benefits and privileges to which a former President is entitled. This is intended to cover the concerns to which Bill Gulley so eloquently addresses himself.

I have also covered the same ground with Tex Gunnels.



October 21, 1975

Dear Mr. McAuley:

Per our conversation, attached is a copy of the memo from the White House General Counsel's Office.

Sincerely,

Russell A. Rourke
Deputy to Presidential
Counsellor, John O.
Marsh, Jr.

Chas P. McAuley
Rm 3862
GAO Bldg
441 G. St. N.W.
Wash 20548



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October 17, 1975

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*R - Bill makes some excellent points.
I have a couple of questions:*

- 1. "Forthcoming" re travel RN
what does this mean*
- 2. Proposing perquisites by statute*
- 3. Lets discuss how to get his views
made known.*



THE WHITE HOUSE

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October 17, 1975

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TAB B

THE WHITE HOUSE

WASHINGTON

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