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Question:

Why have you now proposed revisions to S. 495 when the Department of Justice witnesses had previously opposed the concept of the bill?

Answer:

Assistant Attorney General Michael Uhlmann testified in December 1975 before the Senate Government Operations Committee and the Deputy Attorney General testified in May of this year before the Senate Judiciary Committee. The thrust of their testimony was to point out the Department of Justice was already performing functions without need for the reorganization proposed by the bill. In addition, the testimony pointed out the constitutional and practical deficiencies of the legislation. This Administration has not been in opposition to the basic objectives of the bill but thinks that it should apply equally to both high level officials of the Executive Branch and members of the Congress.

THE WHITE HOUSE

WASHINGTON

September 26, 1974

MEMORANDUM FOR RON NESSEN

FROM: LARRY SPEAKES

SUBJECT: CHECK ON APPOINTMENTS
(SHABECOFF INQUIRY)

- Q: Is the White House checking all appointments with the Special Prosecutor?
- A: The White House, as a matter of routine, has an FBI investigation made on every potential appointee. If any indication of a past criminal investigation turns up in this FBI check, we then go to the source of that investigation to determine the disposition of the case.
- Q: Sources close to the investigation say that Nelson Rockefeller was checked out with the Special Prosecutor. Is that true?
- A: Counsellor Robert Hartmann said in a briefing on August twentieth that the President had asked his Counsel, Mr. Buchen, to check five or six candidates for the nomination for Vice President with the Special Prosecutor. The purpose was to see if the Special Prosecutor had any charges pending against them or any derogatory information directed against any of the names. The Special Prosecutor said he did not.

Q - Haig checked
A - No



NEW SPECIAL PROSECUTOR

Q: Will a new Special Prosecutor be named today.

A: There is nothing that I can give you today on that, except to say that any announcement would be made by the Attorney General, who [redacted] has the responsibility for appointing special prosecutors.)

Q: Will a new Special Prosecutor be named before Oct. 25, when Jaworski's resignation becomes effective?

A: [redacted] We will hold to that timetable.

Q: Has the President met with the Attorney General about this matter?

A. The schedules of the two men are such that they have not had a face-to-face meeting since the Jaworski resignation was announced. But *they have talked by telephone about a successor.*
~~any announcement is made.~~ He has a great deal of interest in this matter and wants to insure that the Special Prosecutor's [redacted] office has highly qualified and effective leadership.

(FYI - Henry Ruth will be announced by Justice at about 4 p.m. today, but do not announce.)
~~(FYI and for possible announcement. Sarbe and the President talked this morning about the appointment, but I don't know what was resolved if anything.)~~

Q: Would the President like to see the Special Prosecutor's office become permanent?

A: No, nor do others who understand the purpose of a special prosecutor. The Dept. of Justice is fully capable of investigating and prosecuting matters under its jurisdiction.

1974

SPECIAL PROSECUTOR

Q: ~~Has there been any decision made yet on a successor for Leon Jaworski.~~

A: No, there has been no one selected to succeed Mr. Jaworski, but the ~~President's~~ ^{Buchen} Legal Counsel has begun compiling a list of possible candidates. I have not seen the list but I do know that suggestions are being coordinated by Phil Buchen's office.

Q: Have the President and Attorney General Saxbe discussed a possible successor?

A: The Attorney General has been travelling to Ohio and to New Orleans since the resignation was announced. The President also has had a fairly busy schedule, so he and the Attorney General have not talked yet, but I am sure they will in the near future. As you know, the resignation does not become effective until October 25, so we do have some maneuvering room here.

Q: Can you say how many names are under ~~your~~ consideration?

A: No, I cannot. ~~There have been several suggested, but I do not know how many and it doesn't seem to be very helpful to throw around numbers or names at this stage.~~ I would point out that Mr. Jaworski recommended very strongly that Henry Ruth be named as his successor, and I am sure that that recommendation will be given strong consideration.

Q: Would you say that Mr. Ruth had the inside track?

A: I would certainly say that he comes highly recommended, but it is premature to say that anyone has the inside track. Until the President ^{NJ} and the Attorney General have talked I



don't think it would be fair to ^{speculate} that anyone has the inside track.

Q: Should the Special Prosecutor become a permanent part of the Executive Branch?

A: I don't think the President has addressed this question specifically, but I do know that other members of the Administration, particularly in the Justice Department, have said that the Special Prosecutor should not be made a permanent operation. I think Leon Jaworski has said the same thing. ~~It is not unusual to find a special prosecutor used in unusual circumstances where it may be difficult for the existing system to properly meet the challenge. But the system provides for just such emergencies and when the emergency has passed, the special prosecutor returns to his former practice.~~ It is not unusual to find a special prosecutor used in unusual circumstances where it may be difficult for the existing system to properly meet the challenge. But the system provides for just such emergencies and when the emergency has passed, the special prosecutor returns to his former practice.

