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Oil for amendments
Wizard Finance Co

National Security
& Economic
Intelligence

Chapel-Tower
visit

Gun control trigger
Illegal aliens

I understand Dr. Levi is here -- wanted to see both you and Jim Connor ----- and is going to see Jim now and will be here after that.

Ken would
like to see
you as soon
as possible



THE WHITE HOUSE

WASHINGTON

March 3, 1975

MEMORANDUM FOR: PHIL BUCHEN

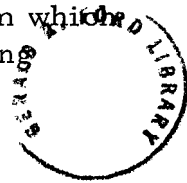
FROM: KEN LAZARUS ¹⁰

I have reviewed the Briefing Memorandum which was drafted by Jim Connor for the President's meeting with Attorney General Levi and offer the following:

1. Gun Control: In the 92nd Congress there was virtual unanimity on the Hill on the need for legislation outlawing so-called "Saturday Night Specials". A substantial problem arose, however, over the definition that should apply to this particular group of weapons. In this regard, liberals focused on the size and potential uses of such weapons; conservatives preferred to key the definition to cost. If any action is to occur in the current Congress it would have to originate in the House as Senators Bayh and Hruska, the principal sponsors of "Saturday Night Special" legislation in the Senate, do not intend to do anything further until such time as they receive an expression of interest from the House.

Most of the proposals for gun control are nothing more than eyewash. Any realistic attempt to reduce the quantity of handguns in this country will require a ban on the manufacture and importation of such weapons. Registration, taxation, etc. simply won't work.

2. Judicial Appointments: Connor's memo refers to the Florida Commission in a way that suggests this is a unique procedure for federal judicial appointments. In point of fact, many Senators have set up formal and informal screening procedures in order to provide them with a slate of candidates from which they can make their selections. This procedure has long



existed in the states of New York and Illinois and has elevated the quality of appointees to district seats in those states. This would not limit the President's authority in any practical way since virtually all of these positions are filled by "Senatorial courtesy".

One real contribution that the White House could make in this area is to speed up processing of judicial nominees -- currently, referral to the White House Personnel Office slows down judicial nominations by as much as a month or more.

3. Crime Message: Prior to Levi's appointment, the Department had all but completed work on the President's crime message. I had the opportunity to review this material which was a rather pedestrian effort. Levi is now completely rewriting the draft which will showcase the Federal Criminal Code, far and away the Department's most substantial legislative effort which will allow for a major reconsideration of every major criminal justice problem facing our country today.

4. Access to FBI Investigative Files: I am currently preparing an Executive Order which will incorporate the informal operating principles which we have been following relative to White House access to FBI investigative files pursuant to the President's directive of some months ago.

5. No-Fault Insurance: Although not noted on the briefing memorandum for the President, the question of the proper role of the Federal Government in any nationwide system of no-fault insurance is one that should logically be placed before the Attorney General as well as other interested Cabinet members, e.g. Secretary Coleman at DOT. Although the concept of no-fault is fetching indeed, the threshold question is what is the proper role of the Federal Government, viz. does a nationwide reparation system square with our concept of Federalism?

6. Comment: If the Counsel's office is to play any significant role whatsoever in the legislative process, we must assert ourselves relative to distinctly legal issues, law enforcement issues and issues of legal policy facing the Department of Justice.



Stated another way, we should assume the role earlier filled by Geoff Shepard at the Domestic Council. Perhaps this meeting might be the logical time to raise the question. I am also preparing a brief memorandum to the President on the question of the role of the Counsel's office pursuant to your request.



Monday 3/3/75

*Justin
Isues*

11:45 Ken Lazarus has a memo for you for your 12:15 meeting with the President and the Attorney General -- he is waiting in our office to see you about it.

11:45 The attached material was just received from the Attorney General.

I understand Dr. Levi is here -- wanted to see both you and Jim Connor ----- and is going to see Jim now and will be here after that.



THE WHITE HOUSE

WASHINGTON

March 3, 1975

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THE WHITE HOUSE

WASHINGTON


February 28, 1975

MEETING WITH ATTORNEY GENERAL EDWARD H. LEVI

Monday, March 3, 1975

12:15 p.m. (30 minutes)

The Oval Office

From: James E. Connor 

I. PURPOSE

To meet with Attorney General Levi in order to discuss several broad issues of mutual concern.

II. BACKGROUND, PARTICIPANTS, AND PRESS PLAN

- A. Background: This is your first private session with the Attorney General. You previously saw him at the last Cabinet meeting on February 21st, and you were present at his swearing-in at the Justice Department on February 7th.

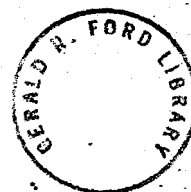
This is the first in a series of meetings with your new Cabinet officers. It is intended to enable you and the Attorney General to get to know one another better, and to enable each of you to indicate general policy areas and approaches you consider important.

- B. Participants: Attorney General Levi, Don Rumsfeld and James Connor.
- C. Press Plan: Announcement to the Press. Press photo opportunity at opening of meeting and David Hume Kennerly photo.
- D. Discussion: The Attorney General suggests several items he would like to raise:

- ...Increasing the role of the Justice Department in policy formulation
- ...Gun control
- ...Aliens policy
- ...Problems with the federal judiciary
- ...The Florida Commission approach to judicial appointments.

White House staff suggested some other items you may wish to raise:

- ...FBI Oversight
- ...Crime Message
- ...Drug Abuse



1. Role of the Department of Justice: The Attorney General is concerned that the Department has not been an effective contributor to the policy process in past Administrations. He may indicate that he would like the Department to play a broader role and that he will work to ensure that it is capable of being an effective part of the Administration.

2. Gun Control: In his confirmation hearings, Attorney General Levi committed to attempting to draft appropriate "Saturday Night Special" legislation, and he will be the chief Administration witness before the House Judiciary Subcommittee, which is currently holding hearings on gun control. Given his urban background, the Attorney General's views on gun control may differ from your own.

He does feel, for example, that your crime message ought to address the problem. He suggests it point out that the existing situation with regard to gun control is unsatisfactory and that the existing laws should be better enforced or new laws should be passed. How far the Attorney General would want to go is, however, unclear.

3. Aliens Policy: The problem of illegal alien immigration has recently received a great deal of attention because they may compete with U. S. citizens for jobs. The Immigration and Naturalization Service of the Justice Department is the major governmental agency involved. In addition, the Attorney General is Chairman of the Domestic Council Committee on Illegal Aliens which you established. Current DOJ policy is to press for legislation vigorously restricting immigration. The Attorney General indicated to me that he has some concerns with the policy and would like to raise them with you. I understand that John Dunlop has also raised some questions in this area. You might ask Mr. Levi to outline his concerns.

4. Federal Judiciary: The Attorney General may raise three problems with respect to the judiciary:

- .. the appointment process
- .. salary levels
- .. the need for additional judges



In the area of appointments, he may emphasize the need for ensuring the quality of the candidates for judicial appointment by working closely with the ABA in its rating system. On the salary question he may stress the point raised by Chief Justice Burger that relatively low judicial salaries are resulting in resignations of sitting judges

and turn downs by the most attractive potential nominees. Since judicial salaries are linked to Congressional salaries and thus to the entire question of Executive Level federal pay, you may wish to give him your views on the subject.

The question of additional federal judges has been an issue for the past five years. The federal case load has been rising steadily and the "Speedy Trial Act" which goes into effect July 1, 1975, will further compound the problem. The Attorney General may ask for your strong support in getting the Congress to move on the establishment of new judgeships.

5. The Florida Commission: An extremely thorny problem has been raised by the attempt of Florida to initiate a new method of selecting Federal judges. This approach entails the creation of a Florida Judicial Selection Commission which screens judicial candidates and "nominates" five of them to the Florida Senators who then select one individual they recommend for appointment. The Commission is appointed in the following manner:

- ..each Senator appoints three Commissioners;
- ..the Board of Governors of the Florida Bar appoints three Commissioners

Under this arrangement the Senators would withhold their endorsement of candidates who did not come through this process. Since such a procedure substantially affects your authority to appoint judges, the Attorney General is concerned and wishes to inform you fully of the implications of the situation.

Staff has suggested that you may wish to explore with Mr. Levi the following items:

1. FBI oversight: The Attorney General testified on February 27th on operations of the FBI. The Attorney General has been concerned about the area, and you might wish to ask him to elaborate on the subject.
2. Crime message: Work was substantially completed by the Department of Justice on a proposed draft of a Presidential message on crime to the Congress. Since your purpose in this message is to set the proper tone in support of Justice initiatives, you might wish to encourage the Attorney General to inject his own thoughts into the creation of this message for your consideration. This message



will, in essence, set Justice policy through 1973, and it is therefore important for the Attorney General to be comfortable with the proposals. Moreover, he seems to have an intuitively good "feel" about an appropriate tone for the message.

3. Drug Abuse: The narcotics problem, particularly heroin addiction, seems to be on the increase again and may become a very visible public issue shortly. OMB is concerned with the management of the program, and in the relationship between the Drug Enforcement Administration of DOJ and the agencies involved. You may wish to indicate to the Attorney General that you are looking to him to stay well ahead of the issue for the Administration.

III. TALKING POINTS

1. Ed, this is the first of a series of meetings I intend to have with my new Cabinet officers. I want to focus on broad policy questions to get your views and to let you know my own.
2. I understand that there were several areas you wanted to raise. Let's start with them.
3. How did the FBI hearings go last week? What is your impression of their impact on the Congress, the public and the Agency?
4. I'm particularly concerned with our progress on the crime message. I hope you'll devote a great deal of personal attention to it because it will essentially be our policy now and through 1976.
5. I understand that heroin use seems to be on the rise again. Is the Drug Enforcement Administration fully equipped to handle the problem? We want to stay ahead on that issue and not react to it.
6. I want you to know that you will have access to me when you need it. I've asked Jim Connor to meet with you regularly. If you need quick answers or want to see me, let him know.



ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 01242

Collection/Series/Folder ID	:	001900267
Reason for Withdrawal	:	DR, Donor restriction
Type of Material	:	COR, Correspondence
Creator's Name	:	Buchen, Philip
Receiver's Name	:	Laufer, Charles A.
Description	:	Personal matter.
Creation Date	:	03/06/1975
Date Withdrawn	:	06/23/1988

THE WHITE HOUSE
WASHINGTON

March 24, 1975

MEMORANDUM FOR: THE ATTORNEY GENERAL

On February 14, 1975, Ms. Juliet Lowell, asked for permission to obtain and publish a sampling of unintentionally humorous letters to the President. A member of my staff, Ken Lazarus, replied to Ms. Lowell on March 4, 1975, that it was the President's policy that no profit should be made from publishing such letters. Further, Ms. Lowell was informed that if she would agree to donate the profit to charity, then she would be permitted to undertake such an effort.

Our records indicate that there was no further response from Ms. Lowell. On March 9, 1975, Ms. Lowell published an article in Family Weekly magazine, a sunday newspaper supplement, which contained humorous letters to the President.

The White House correspondence unit has indicated that no one on that staff gave letters to Ms. Lowell for this article. Indeed there is some doubt that the letters are real.

While I am not aware of any law which Ms. Lowell has violated, it is apparent that she has disregarded the policy with regard to the President's mail.

Would you please review this matter to determine if any action is appropriate. Attached are copies of papers in our files about this matter.

P.W.B.

Philip W. Buchen
Counsel to the President



THE WHITE HOUSE
WASHINGTON

March 25, 1975

Justice
(see
Revenue
sharing)

Dear Congressman Esch:

Your letter of March 8 to the President concerning the Ferndale Michigan School District case was forwarded to my office for further response.

If the Secretary of the Treasury determines that a person in the United States has been denied the benefits of any program or activity funded by revenue sharing funds, then the Secretary may

- (a) refer the matter to the Attorney General who may bring a civil action;
- (b) terminate revenue sharing funds to the activity or program;
- or
- (c) take other appropriate action as provided by law.

It is my understanding that the Secretary has only determined to refer this matter to the Attorney General. No decision has been made to seek a termination of any revenue sharing funds at this time. If the Secretary decides to seek a termination at a later date of some or all of these revenue sharing funds to effect compliance then a very definite procedure must be followed. That procedure is set forth in 31CFR §51.32(f).

When a case of this kind is referred to the Department of Justice, the Attorney General may decide to file suit to seek compliance. At any stage during litigation the Department will consider any new school desegregation plan proposed by the Ferndale School District. Furthermore, such consideration will be in accordance with the congressional mandate which is found in the Esch Amendment in the Equal Education Opportunities Act of 1974.

At this time it would be premature for a Federal court to become involved in determining whether a particular plan is proper under the law because no final judicial decision has been rendered. However, if the Department obtains a court order as the result of such



litigation, then the Federal courts will become involved in finding the appropriate remedy.

I do hope that this discussion answers the questions which you raised in your letter. The persons at the Department of Justice who are responsible for this case are most willing to meet with you to discuss their actions.

Most Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable Marvin L. Esch
House of Representatives
Washington, D.C. 20515



March 11, 1975

Dear Marv:

Thank you for your March 8 letter to the President outlining the circumstances concerning the Ferndale School District, and the contemplated legal action against it by the Department of Justice.

You may be assured your letter will be presented for prompt review.

With kindest regards,

Sincerely,

Vernon C. Loen
Deputy Assistant
to the President

The Honorable Marvin L. Esch
House of Representatives
Washington, D.C. 20545

~~bcc:~~ w/incoming to Philip Buchen for further handling. Note--
March 10 referral of letter from Cong. James Blanchard on
same case.
bcc: w/incoming to James Cavanaugh - FYI

VCL:EF:VO:vo



15
MARVIN L. ESCH
REPRESENTATIVE IN CONGRESS
2D DISTRICT, MICHIGAN

COMMITTEES:
EDUCATION AND LABOR
SCIENCE AND TECHNOLOGY

WASHINGTON OFFICE:
2353 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
PHONE: (202) 225-4401

Congress of the United States
House of Representatives
Washington, D.C. 20515

March 8, 1975

3-11
DISTRICT OFFICES:
200 EAST HURON
ANN ARBOR, MICHIGAN 48108
PHONE: (313) 665-0618
9 EAST FRONT STREET
MONROE, MICHIGAN 48161
PHONE: (313) 242-7580
15273 FARMINGTON ROAD
LIVONIA, MICHIGAN 48154
PHONE: (313) 261-6080

MF
The Honorable Gerald R. Ford
The President
The White House
Washington, D. C. 20500

Dear Mr. President:

The purpose of this letter is to request that you immediately review the potential cutoff to Michigan of over \$90 million in Revenue Sharing funds as a result of the Ferndale School case.

The contemplated action by the Justice Department and the Office of Revenue Sharing raises several significant questions:

(1) Should all of the citizens of Michigan be penalized for a situation over which they have absolutely no control? It appears to me that such a proposal is a prime example of the unwarranted intervention of the Federal bureaucracy. Certainly, this is a far-fetched idea developed by unresponsive bureaucracy and clearly not intended by the Congress.

(2) Should the Justice Department attempt to impose their direct interpretation of remedies upon the Ferndale School system without allowing the remedies proposed by the local school officials to be tried? Under the so-called Esch Amendment (Section 214 of the Education Amendments of 1974), certain remedies for school desegregation, which would prohibit cross district busing and would encourage neighborhood schools, were provided. Among these was permitting students to transfer from one school to another. Should not a school system be allowed to try this remedy first or should a parent, black or white, be forced to send his child away from his neighborhood school against their will in order to achieve an arbitrarily determined balance? Simply stated, should there be any freedom of choice left for the parent, black or white?

(3) Should the policy of the Justice Department be to require specific policies and procedures for desegregation independent of guidance of the Court? In Ferndale, while the Court clearly indicated that the Grant School was segregated, there was never a specific remedy mandated by the Court.



The Honorable Gerald R. Ford


March 8, 1975

As the author of the major amendment dealing with the protection of neighborhood schools, I know of your past efforts in support of our proposals and in your agreement with the philosophy that while we must assure that every citizen must have equal educational opportunities under our Constitution, we must also provide leadership to encourage the continuation of our neighborhood schools.

I believe that the proposed cutoff of Revenue Sharing funds to Michigan, as well as current suggestions of the Justice Department, is totally unwarranted and unbecoming the Ford Administration. I know that you will want to immediately ask the new Attorney General for a review of the situation outlined here in order that the basic thrust of your Administration, i.e., continuing emphasis on local decision-making, can be continued.

With best wishes,

Sincerely,


Marvin L. Esch
Member of Congress

MLE:rg



*Justice
Dept*

March 25, 1975

MEMORANDUM FOR: Ken Lazarus

FROM: Phil Buchen

Concerning the paper on Rex Lee, Ed Levi is very disturbed that that paper has been delayed (no fault of ours). But you should move quickly to get the FBI started and to advise Levi that you have done so, so Levi can do what he can to expedite it.

PWB:ed





Office of the Attorney General
Washington, D. C. 20530

March 31, 1975

Mr. Philip W. Buchen
Counsel to the President
The White House
Washington, D.C. 20500

Dear Phil:

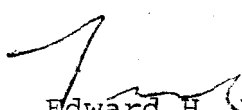
Here is a copy of the speech I am planning to give before a meeting of the International Association of Chiefs of Police April 6th. It will be the first public suggestion about the handgun proposal we have been developing here.

I ought to draw your attention to the central features of this proposal. For one thing, it would apply only in the heavily populated metropolitan areas. We expect to use the Standard Metropolitan Statistical Areas for this purpose. The federal law would apply only when the violent crime rate in the metropolitan area either exceeds the national violent crime rate by a specified percentage or increases a specified amount in a single year. The law would prohibit the possession of handguns outside of one's home or business. It would prohibit the sale or transfer of handguns and handgun ammunition. It would also prohibit importation of handguns into a metropolitan area. Of course, law enforcement officers and other narrowly defined security personnel would be exempt from the prohibitions.

We have been thinking about using a civil penalty for a first offense and criminal penalties for subsequent offenses. To avoid stop-and-go enforcement we think once the federal law goes into effect in the metropolitan area it ought to stay in effect for a period of several years.

Those are the basic features of the mechanism. The speech makes it clear that our proposal is still tentative and developing. I state that the entire idea "could be dropped, and it may be dropped." But I do hope the balloon will fly.

Sincerely,


Edward H. Levi
Attorney General



OLA

✓ Files

Mr. Ulman

Mrs. Gauf

APR 14 1963

Honorable Clement J. Zablocki
Chairman, Subcommittee on National
Policy and Scientific Development
Committee on Foreign Affairs
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

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The Office of Management and Budget has asked this Department to advise you of its views concerning the amendment to add section 36 to the Arms Control and Disarmament Act proposed by section 104 of H.R. 1550, a bill to amend that act, and for other purposes. The new section would require any agency proposing an authorization for a program exceeding \$250 million or an annual appropriation exceeding \$50 million for armaments, ammunition, implements of war or military facilities to prepare and submit to the Director of the Arms Control and Disarmament Agency an impact statement. The statements and ACDA reports thereon would be furnished to the NSC, OMB, and the Congress, and the Director would be required to make recommendations to the Congress with respect to any of the programs covered.

As you are undoubtedly aware, existing statutory requirements for impact statements by Executive branch agencies have given rise to voluminous and protracted litigation by third parties, delaying numerous Federal projects for substantial periods of time. The proposed amendment also threatens to give rise to such litigation, even in the face of legislation authorizing the expenditures. Cf. Committee for Nuclear Responsibility, Inc. v. Seaborg, 463 F.2d 783, 785 (C.A.D.C. 1971). Since we think it unwise to risk substantial and unjustified delay in the execution of programs having important national defense implications, the Department recommends that the amendment be deleted, or modified in such a way that the risk of litigation will be avoided.



The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this letter for the consideration of the Congress.

Sincerely,

A. Mitchell McConnell, Jr.
Acting Assistant Attorney General
Office of Legislative Affairs

