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*C. Cas
Chen*

THE WHITE HOUSE

WASHINGTON

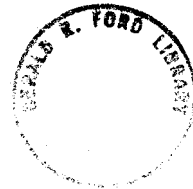
November 3, 1975

MEMORANDUM FOR: DONALD RUMSFELD

FROM: PHILIP BUCHEN *P.*

After checking the attached agreement which you had earlier signed, I find it relates only to your tenure as Assistant to the President. Therefore, I suggest you have executed the attached proposed amendment prior to your appearance before the Committee of the Senate which will review your nomination.

Attachment



AMENDMENT TO
NON-DISCLOSURE AGREEMENT

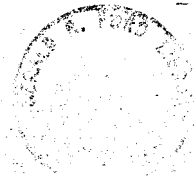
November , 1975

The undersigned, having entered into a non-disclosure agreement on January 27, 1975, do hereby amend the same by eliminating from the operative provisions of said agreement the words "the office of Assistant to the President of the United States" and inserting in place thereof, "any appointive federal office."

Jeannette H. Rumsfeld

Joan R. Ramsay

Donald H. Rumsfeld



THE WHITE HOUSE

WASHINGTON

November 4, 1975

*class.
chron*

MEMORANDUM FOR: GENERAL SCOWCROFT

FROM: PHILIP BUCHEN *J.W.B.*

SUBJECT: Assumption of the Duties of
Assistant to the President for
National Security Affairs

This is to present my recommendation that, prior to your retirement from the Air Force, you should refrain from assuming the office or exercising the functions currently held by Secretary Kissinger in his capacity as Assistant to the President for National Security Affairs.

Legal Constraints

10 U.S.C. §973(b) derives from the Act of July 15, 1870, ch. 294 §18, 16 Stat. 319. As most recently amended and recodified, it reads:

* * *

"(b) Except as otherwise provided by law, no officer on the active list of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard may hold a civil office by election or appointment, whether under the United States, a Territory or possession, or a State. The acceptance of such a civil office or the exercise of its functions by such an officer terminates his military appointment."



* * *

10 U.S.C. §8911, in pertinent part, provides that the Secretary of the Air Force "... may, upon the officer's request, retire

a regular or reserve commissioned officer of the Air Force who has at least 20 years of service . . ."

Thus, if the exercise of your new duties as the successor to Secretary Kissinger in his capacity as Assistant to the President would constitute a "civil office" within the meaning of 10 U.S.C. 973(b), your acceptance of such appointment or exercise of the functions of such office would have the effect of automatically terminating your military employment. Moreover, it would appear that such a termination would also have the effect of making you ineligible for military retirement benefits to which you would otherwise be entitled under 10 U.S.C. §8911.

Discussion

The term "civil office" as used in 10 U.S.C. 973(b) and predecessor statutes has not been statutorily defined. It is a term of variable meaning, the connotation of which changes with the context in which it is used. Morganthau v. Barrett, 108 F. 2d 481, 483 (D.C. Cir. 1939). The meaning to be given the term when used in a statute should be that which will effectuate the purposes of the statute being construed. See, e.g., Pardon v. Puerto Rico ex rel. Castro, 142 F. 2d 508, 510 (1st Cir. 1944).

From the debate on the floor of the Senate in 1870 regarding the antecedent of section 973(b), it appears that the primary concern of the Congress was the exercise of civil authority by military officers. CONG. GLOBE, 41st Cong., 2d Sess. 3393-3404 (1870). To this end, the Congress sought to prevent "the union of the civil and the military authority in the same hands," id. at 3401, in part because it was concerned that a military officer exercising such authority would be subject to the commands of his military superiors. The Congress did not intend to prevent civilian officials from seeking advice or administrative assistance from military officers. See, id. at 3403 (remarks of Sen. Trumbull).

The Comptroller General has consistently required that the following three criteria must be present to constitute such a "civil office":



* * *

The specific position must be created by law, there must be certain definite duties imposed by law on the incumbent, and they must involve the exercise of some portion of the sovereign power [44 Comp. Gen. 830, 832 (1965)].

* * *

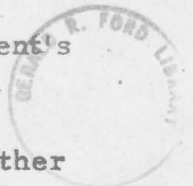
An application of these criteria to the facts in the instant case leads to the following conclusions.

First, it appears that your position as Assistant to the President for National Security Affairs would be one "created by law". For at least the last 15-20 years, the position of national security adviser has been one on the immediate staff of the President under 3 U.S.C. §106. Additionally, your de facto function would involve management of the staff of the National Security Council, created by 50 U.S.C. §402.

Second, it also appears that the position would include "certain definite duties imposed by law on the incumbent", viz. " . . . such duties as the President may prescribe." (3 U.S.C. §106)

Third, and most importantly, the position likely would be held to "involve the exercise of some portion of the sovereign power." Given the concerns of the drafters of 10 U.S.C. §973(b) for civilian independence from military authority, this would seem to be the most important touchstone of the three under discussion.

3 U.S.C. §107 provides authority for the detail of military officers to the White House in order to provide advice on military matters or administrative assistance. This authority has traditionally been asserted as a basis for the detail of officers for service as White House military aides and for the detail of a Deputy Assistant to the President for National Security Affairs. In these instances, the theory is that such detailees are limited to providing administrative support or advice limited to military matters. On the other hand, the President's principal national security adviser has traditionally been responsible for eliminating or minimizing differences of opinion between the Departments of State and Defense and other



interested agencies, with a right of direct access to the President.

Recommendation

The Attorney General and the Acting General Counsel of the Department of Defense agree with my conclusion that, given the substantial risks involved, i. e. loss of your military retirement and other military privileges, you are best advised to resign your commission in the Air Force prior to the acceptance of an appointment as Assistant to the President for National Security Affairs or the assumption of any duties of that office.

In closing, I should also note that retirement at the grade of Lieutenant General would require Presidential approval and the advice and consent of the Senate [10 U.S.C. 8962].

This requirement does not apply to retirement at any grade below that of Lieutenant General.



THE WHITE HOUSE
WASHINGTON

*Law.
Chron*

November 4, 1975

MEMORANDUM FOR:

DOUGLAS BENNETT

FROM:

PHILIP BUCHEN *P.*

As you know, I became acquainted with Marc Leland at the time he was being considered for appointment to be Deputy Counsel to the President.

My impression of Marc is that we should try to find a position for him within the Administration, because I believe he would be a valuable asset. He is at the point in his career when he has severed his connections with his law firm in San Francisco and is debating whether to take a position overseas with one of several firms in which he is interested.

However, his preference is to have a position with the government under this Republican Administration.

Prior to Marc's becoming interested in the Deputy Counsel's position, he talked to Larry Eagleburger at the State Department about a possible Ambassadorial appointment and was encouraged to express an interest in appointment to such a position either in Norway or Czechoslovakia.

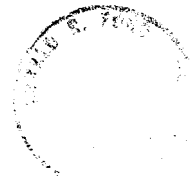
I believe Marc is extremely qualified to fill the post of Ambassador in either of these countries, although I believe Norway would be his preference. Marc has had the advantage of leading a multinational existence and is thoroughly familiar with the European countries.

He also has the advantage of the extra means which make service as a U. S. Ambassador easier to accomplish despite the limited salary and allowances



afforded to our ambassadors by the U. S. Government.

I would very much appreciate your giving thought to this subject and advising me how we could advance Marc's name for further consideration to fill the position discussed. I think Larry Eagleburger is eager to move on this matter if he gets encouragement from here.



THE WHITE HOUSE
WASHINGTON

November 4, 1975

Dear Mr. Learson:

This office has reviewed your answers to the questions on the Personal Data Statement which was submitted to you.

As a result of our conversation yesterday, I propose the following recommendations:

1. That you submit a list of your wife's investments and agree that they too will be placed in blind trust;
2. That for the trustee of your blind trust and that of your wife that you designate a bank or trust company with which you have had no recent business association;
3. That you upon confirmation will resign from the following:

Board of Directors of the
Chemical Corporation &
Chemical Bank

Board of Directors Exxon Corp.

Member of the Business Council

Member of Brookings Institute

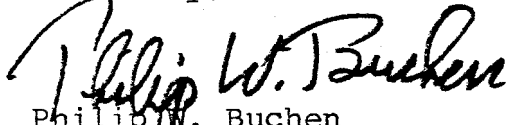
I understand that the other corporations with which you are affiliated as director do not now have and do not plan in the future to have any interest which could be affected by the outcome of negotiations at the Law of the Seas Conference. It may be, of course, that the members of the Senate Committee who will be

reviewing your nomination would question one or more of your affiliations which you do not propose to terminate, but our preliminary view is that none of such affiliations would be objectionable.

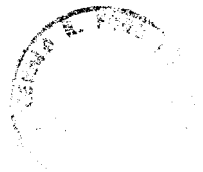
I was delighted to visit with you yesterday and will be glad to provide any further assistance with the matters discussed.

With best wishes.

Sincerely,


Philip W. Buchen
Counsel to the President

Mr. T. V. Learson
North Manursing Island
Rye, New York 10580



THE WHITE HOUSE
WASHINGTON

November 5, 1975

MEMORANDUM FOR: DON RUMSFELD

FROM: PHILIP BUCHEN *P.*

Attached are the following:


1. A proposed draft of a letter to Chairman Stennis which should be checked and completed and then prepared for submission in duplicate.
2. A copy of your last statement to me on November 26, 1974, from which I took some of the information contained in the draft letter.

I was not sure, however, as to whether you still own any of the stock listed on Attachment A of the November 26 memo.

In addition to sending the attached letter to the Chairman, you should submit 50 copies of your biographical sketch to be delivered to Ed Braswell, the Committee Counsel.

Attached also is a form of biographical sketch used by Richard Wiley before the same Committee which I would recommend that you refer to for guidance in having your biographical sketch drafted.

Attachments



THE WHITE HOUSE
WASHINGTON

*Class.
chron*

November 5, 1975

MEMORANDUM FOR THE PRESIDENT

THROUGH: PHILIP BUCHEN *P.W.B.*
RICHARD CHENEY

FROM: EDWARD C. SCHMULTS *EC*

SUBJECT: Claim of the Olson Family
for the Death of Dr. Olson

Status of Settlement Discussions and
Recommendation from Director Colby

Pursuant to Rod Hills' earlier memorandum, Mitchell Rogovin, Special Counsel to the Director of the CIA, entered into discussions with attorneys for the Olson family and secured a commitment from them that they would settle their claim for the amount of \$1,250,000. The family would also retain the Federal Employees Compensation Act benefits of approximately \$150,000 paid to date.

Attached at Tab A is a letter to you from CIA Director Colby, dated October 29, 1975, advising that the Olson family has agreed to settle its claim for \$1,250,000, but that the Attorney General is not prepared to certify under existing law that such a settlement is appropriate. In his letter, Director Colby recommends that Congress be requested to pass a private relief bill for the settlement amount. As indicated below, Director Colby appears to be correct in concluding that a routine settlement is not possible and so the options are a private relief bill or litigation with the Olsons.

Problems with a Settlement without
Litigation

Pursuant to the procedure set forth in Rod Hills' earlier memorandum, we have had an informal discussion with the



Labor Department to determine whether the Labor Department (Workmen's Compensation) is likely to reverse its 22-year-old decision that Dr. Olson did die in the course of his employment.

While the Labor Department believes it likely that they will vacate their decision of 22 years ago on the grounds that Mrs. Olson was not given an opportunity to bring a Federal Torts Claim Act case,^{*/} they are not willing, on the facts that they now know, to reverse that decision and find that he did not die in the course of his employment.

After weighing the Government's chances of ultimate success in a lawsuit by the Olson family, the Department of Justice has concluded that the settlement value of the Olsons' claim should be no more than \$650,000. This amount is obtained by taking, in Justice's view, the highest conceivable settlement value of \$1 million, subtracting a discount of \$500,000 for the risk of litigation which Justice believes is substantially in favor of the Government's position, and adding the Federal Employees Compensation Act benefits which the Olsons have received to date of approximately \$150,000. As support for its conclusion, Justice cites the fact that its original \$1 million starting point exceeds by \$250,000 the highest unappealed award for a single death under the Federal Torts Claim Act and exceeds by \$500,000 the advice the Department has received from eminent Maryland counsel as to a fair settlement value. Accordingly, the Department contends that the Attorney General is not in a position to approve a settlement under the Federal Torts Claim Act in the amount of \$1,250,000, the amount tentatively agreed to by the CIA and the Olsons. Attached at Tab B is a memorandum, dated September 24, 1975, from the Attorney General to Rod Hills evaluating the claim of the Olson family.

Thus, absent a private bill, the CIA will be required to reject the Olson family claim and a lawsuit will ensue. The Justice Department will raise two defenses: (1) that Dr. Olson was deemed 22 years ago to have died in the course of his employment and that

^{*/} They reason that she was given false facts concerning her husband's death which could have caused her to bring a suit rather than file for benefits under the Federal Employees Compensation Act.



determination is not now reviewable, and (2) in any event, Dr. Olson did die in the ordinary course of his employment. The Justice Department realizes that it may lose the first issue on the grounds that false information kept Mrs. Olson from electing the remedy of a lawsuit 22 years ago, but the Department feels confident that it will prevail on the second ground.

If the matter goes to trial, the court may well order discovery about the circumstances of Dr. Olson's employment, but we are now informed by the Justice Department that the CIA would not resist discovery of those matters and that no national security issues would be imperiled by such discovery.

Private Relief Bill

Since our efforts at a routine settlement without legislation appear to be frustrated, a private relief bill appears to be the only method to reach an amicable accord with the Olsons out of court. Normally, a private relief bill is a three step procedure: (1) a bill is passed referring the matter to the Court of Claims for a damages hearing; (2) a bill is enacted approving the damages found by the Court of Claims and authorizing payment; and (3) an appropriations bill is passed for the authorized payment. However, Justice has informed me that on rare occasion a relief bill short circuits this procedure and is not referred to the Court of Claims. If you agree with the private bill approach, I believe Legislative Affairs should explore with the Senate and House Judiciary Committees the prospects for a streamlined procedure to achieve rapid passage.

Based on some very preliminary discussions, Max Friedersdorf believes that the House Subcommittee on Claims and Governmental Relations may handle the bill in a low key, routine way and, in any event, would not have jurisdiction to review any other cases that might involve the same subject matter.

If you favor a private relief bill, presumably an attempt would be made to have the bill introduced by Representative Goodloe E. Byron (D. Md.) who represents the Olsons' district. The CIA would be the appropriate agency to express its views as to the amount requested. The Department of Justice would support



such a bill, but, if asked, would indicate that, while not unreasonable, the amount called for by the bill is more than Justice's view of the amount of the damages which would be found if litigation were to occur.

Of course, there are pitfalls in following the legislative trail. Congress may make an issue of the matter. Certain members may wish to have constituent cases treated similarly. Finally, although they now appear ready to follow a private bill route, the Olsons may become impatient and decide to sue.

Recommendation

Because of the history of the settlement negotiations with the Olsons and the unique circumstances of their claim, as well as the difficulty of predicting what the emotional impact of the case would be on a court in applying relevant legal principles, we recommend that the CIA with the assistance of the Department of Justice be requested to prepare a private relief bill in the amount of \$1,250,000 to settle the claim of the Olson family and that the Administration support prompt passage of the bill by Congress. The alternative is to acknowledge that it was not possible to negotiate an acceptable settlement with the Olsons and be prepared to articulate the legal problems that frustrated a settlement. We must be prepared in this regard in any event because the legislative route may fail.

Agree _____

Disagree _____

Comment _____



THE WHITE HOUSE

WASHINGTON

November 5, 1975

MEMORANDUM FOR:

JIM CONNOR

FROM:

PHIL BUCHEN *P.*


SUBJECT:

Counsel's Office Staff

Attached are rosters covering professionals and non-professionals currently assigned to the Office of the Counsel to the President. As you will note, our current White House staff personnel total is 14 (7 professional and 7 secretarial). Additionally, we have one consultant (Bobbie Kilberg), a part-time law clerk and 5 detailees (3 professional and 2 secretarial). Thus, our total personnel figure is 21.

Jim Wilderotter will be leaving our staff before the end of the year and his slot will be filled by Bobbie Kilberg. Therefore, in response to your request to reduce our White House staff personnel total from 14 to 13, we have attempted to arrange for the full-time assignment of an employee of the FBI to assume the duties now handled by Claire Connors of our Security Office. Given the fact that the principal function of the Security Office is to serve as a switching device between the Bureau and Counsel's Office, such an arrangement would appear to be entirely appropriate. However, for a variety of reasons, the Bureau will not go along with the proposal. Therefore, the only viable option to reduce our White House personnel figure to 13 is to place Miss Connors on an agency payroll and detail her to the Security Office.

You also requested that we attempt to reduce our total personnel figure. In this regard, I anticipate that we will be able to reduce our number from 21 to 17 before the end of the year. This would be accomplished by releasing the two professional detailees from Defense (they might thereafter be needed on an intermittent basis) and the clerical detailee from the



Correspondence Unit and by placing Jay French on another payroll which would enable him to assist Jack Marsh and me with the various intelligence investigations.

While I would like to reduce these figures further, I cannot see any way in which that can be accomplished at the present time.

Attachments

COUNSEL'S OFFICE
PROFESSIONAL STAFF

Name

Title

Commissioned Personnel

Philip W. Buchen	Counsel to the President
Edward M. Schmults	Deputy Counsel to the President
Kenneth A. Lazarus	Associate Counsel to the President
James A. Wilderotter	Associate Counsel to the President

Non-Commissioned Personnel

Bobbie G. Kilberg	Consultant (temporary)
Dudley Chapman	Associate Counsel
Barry N. Roth	Assistant Counsel
Jane M. Dannenhauer	Staff Assistant

Detaillees

Jay T. French	(Department of Justice)	Assistant Counsel
Timothy Hardy	(Department of Defense)	Staff Assistant
Mason Cargill	(Department of Defense)	Staff Assistant

Law Clerk (Part-time)

H. P. Goldfield	(Not included in White House personnel authorization figures)
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COUNSEL'S OFFICE
NON-PROFESSIONAL STAFF

<u>Name</u>	<u>Supervisor</u>
<u>White House Staff</u>	
Eva Daughtrey	Philip Buchen
Shirley Key	Philip Buchen
Jane Thomas	Edward Schmults
Dawn Moorcones	Kenneth Lazarus
Luraner Little	Bobbie Kilberg
Nancy Smilko	Dudley Chapman
Claire Connors	Jane Dannenhauer
 <u>Detaillees</u>	
Margaret O'Neill (Correspondence)	James Wilderotter
Lillian Greene (Veterans Administration)	Jane Dannenhauer

~~SECRET~~

classified
c. 1975

THE WHITE HOUSE

WASHINGTON

November 5, 1975

MEMORANDUM FOR: JEANNE W. DAVIS

FROM: PHILIP W. BUCHEN

P.W.B.

By memorandum dated October 24 I provided you with my comments and a suggested draft memo for the President's signature dealing with the use of riot control agents in war to protect nuclear weapons. My staff now informs me that the Defense Department would like to broaden my draft memo to include the authority to use riot control agents in times other than in war to protect nuclear weapons.

I have no legal objection based on an analysis of Executive Order No. 11850 to the broadening of my memo in this way because that Executive Order does not deal with the use of riot control agents in peacetime. Therefore, whether it is appropriate for the President to take this additional action is not a legal matter as much as a national defense issue which must be resolved by the NSC and the DOD.

Attached is a new draft memo for the President's signature.

DECLASSIFIED
E.O. 12958 Sec. 3.5

MR 74-152, #15; NSC 64th 9/8/98

By lit NARA, Date 6/6/2000

~~SECRET~~

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR

THE SECRETARY OF DEFENSE

SUBJECT: Use of Riot Control Agents (RCAs)

Pursuant to Section 1 of Executive Order No. 11850, you are hereby authorized to use riot control agents in war for the protection or recovery of nuclear weapons.

Further, you are hereby authorized to use riot control agents for the same purpose in times other than in war even though such advance authorization is not required by Executive Order No. 11850.

DECLASSIFIED
E.O. 12958 Sec. 3.6

MR 94-152, #16; NSC 644 9/1/98

By WT NARA, Date 6/6/2000

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THE WHITE HOUSE
WASHINGTON

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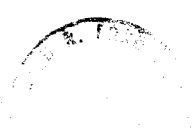
November 6, 1975

MEMORANDUM FOR: BILL SEIDMAN

FROM: PHIL BUCHEN *P.*

Attached is a document which discloses the contents of a memo supplied to the Office of Counsel to the President on December 12, 1974, for my review and inclusion in your personnel file.

Attachment



THE WHITE HOUSE

WASHINGTON

November 6, 1975

MEMORANDUM FOR: JACK MARSH
FROM: PHIL BUCHEN *P.*
SUBJECT: Assistant to the President for
National Security Affairs

This is to advise that an appointment by the President of an Assistant for National Security Affairs is not subject to Senate advice and consent. Statutory foundation for the National Security Council is found in 50 U.S.C. Sec. 402. The Council is composed of the President, the Vice President, certain members of the Cabinet and other officials of the Federal intelligence community. The statute also provides that the Council shall have a staff to be headed by a civilian Executive Secretary who shall be appointed by the President and for the employment of such additional personnel, subject to the Civil Service Commission laws, as may be necessary to perform the duties of the Council.

Secretary Kissinger and his predecessors in the position of Assistant to the President for National Security Affairs did not serve in any position authorized by the organic act creating the National Security Council. Traditionally, this position has had its legal foundation in 3 U.S.C. 105 and 106 which authorize the appointments of a limited number of Executive Level II assistants on the immediate staff of the President. The National Security Adviser's traditional function as head of the staff of the National Security Council does not have a statutory footing. It is therefore clear that General Scowcroft's appointment is not subject to Senate advice and consent.

Attached is a copy of a recent memorandum which I provided to General Scowcroft which notes that his retirement at the grade of Lieutenant General, prior to any appointment as Assistant to the President for National Security Affairs, would require Presidential approval and the advice and consent of the Senate in accordance with 10 U.S.C. 8962. This does not apply to retirement at any rank below that of Lieutenant General.

Procedures required by Section 8962 were followed when General Haig resigned his position as Deputy Assistant to the President for National Security Affairs and became Chief of the White House Staff during the Nixon Administration. It might be that Chairman Stennis' inquiry relating to the necessity of Senate confirmation for General Scowcroft was based on his recollection of the Haig retirement.

Attachment

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 01418

REASON FOR WITHDRAWAL Donor restriction

TYPE OF MATERIAL Letter(s)

CREATOR'S NAME Philip Buchen

RECEIVER'S NAME Robert Spadaro

DESCRIPTION re allegations of conflict of interest
against a government official

CREATION DATE 11/06/1975

COLLECTION/SERIES/FOLDER ID . 001900629

COLLECTION TITLE Philip W. Buchen Files

BOX NUMBER 26

FOLDER TITLE National Security Chronological File
(1)-(7)

DATE WITHDRAWN 08/12/1988

WITHDRAWING ARCHIVIST WHM

THE WHITE HOUSE

WASHINGTON

November 6, 1975

MEMORANDUM FOR: JACK MARSH

FROM: PHIL BUCHEN *P.*

SUBJECT: Assistant to the President for
National Security Affairs

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Attachment



Chrom

THE WHITE HOUSE

WASHINGTON

TOP SECRET
ATTACHMENTS

November 10, 1975

MEMORANDUM FOR: JEANNE DAVIS

FROM: PHILIP W. BUCHEN

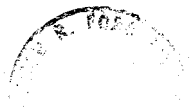
P.W.B.

By your memorandum dated November 5 you asked me to review and clear with the Justice Department Freedom of Information Committee the NSC's alternative responses to Jonathan Bennett's request for release of NSC 29.

The age of this document and the fact that its recommendations were never adopted by the NSC tends to make untenable continued classification as a Top Secret document. However, if the NSC staff believes that the name of one particular country which appears repeatedly in the document ought to remain classified for foreign policy reasons, then it is suggested that these references be given the lowest level of classification, confidential. All other parts of NSC 29 should be declassified and released to Mr. Bennett. Such action is consistent with the Freedom of Information Act, as amended, which requires the segregation and release of portions of documents that are not exempt from disclosure.

This response has been cleared with Robert Saloschin, Chairman of the Freedom of Information Committee at the Department of Justice.

TOP SECRET
ATTACHMENTS



THE WHITE HOUSE

WASHINGTON

November 11, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: JIM CONNOR
THROUGH: PHIL BUCHEN *P.W.B.*
FROM: KEN LAZARUS *KL*
SUBJECT: Special Prosecutor Clearances

During the course of the past year, this office has been requested to obtain clearances from the Office of Watergate Special Prosecution Force on a large number of people. With respect to 35 of these individuals, clearances were never obtained. In order to clarify any White House records pertaining to these people, we are in the process of updating earlier requests for clearances so that previous denials do not carry any unwarranted adverse inferences.

Recently, clearances were obtained from the Special Prosecutor on 11 of these people:

Roy Ash
William Baroody, Jr.
Kenneth Cole
Leonard Garment
William Henkel
Jana Hruska
Jerry Jones
Powell Moore
Patrick O'Donnell
Geoffrey Shepard
William Timmons

Kindly arrange to have these clearances made a part of any relevant White House files. The remaining 24 names are currently being updated, and I expect that we will be able to report to you on them in the not too distant future.

Thank you.

TOP SECRET
ATTACHMENTS

THE WHITE HOUSE
WASHINGTON

November 20, 1975

MEMORANDUM FOR: JEANNE DAVIS

FROM: PHILIP W. BUCHEN *P.W.B.*

By your memorandum dated November 14 you asked me to review and clear with the Justice Department Freedom of Information Committee the NSC's alternative responses to Mr. Joseph P. O'Grady's request for release of NSC 68/4.

The age of this document and the fact that its release will not likely cause any damage to the national security make its continued classification as a Top Secret document unnecessary and untenable. Furthermore, it is our opinion that if Mr. O'Grady was refused this document and he brought an action for its release in the Federal District Court, that he would have a very high probability of success. Accordingly, we recommend the selection of Option 1.

This response has been cleared with Robert Saloschin, Chairman of the Freedom of Information Committee at the Department of Justice.

TOP SECRET
ATTACHMENTS

TOP SECRET
ATTACHMENTS

THE WHITE HOUSE
WASHINGTON

November 20, 1975

MEMORANDUM FOR: JEANNE DAVIS

FROM: PHILIP W. BUCHEN *P.W.B.*

By your memorandum dated November 14 you asked me to review and clear with the Justice Department Freedom of Information Committee the NSC's alternative responses to Mr. Joseph P. O'Grady's request for release of NSC 68/4.

The age of this document and the fact that its release will not likely cause any damage to the national security make its continued classification as a Top Secret document unnecessary and untenable. Furthermore, it is our opinion that if Mr. O'Grady was refused this document and he brought an action for its release in the Federal District Court, that he would have a very high probability of success. Accordingly, we recommend the selection of Option 1.

This response has been cleared with Robert Saloschin, Chairman of the Freedom of Information Committee at the Department of Justice.

TOP SECRET
ATTACHMENTS

COPIES ONLY
November 24, 1975

MEMORANDUM FOR

**THE HONORABLE HAROLD TYLER
DEPUTY ATTORNEY GENERAL**

The attached file involves a matter on which I would like your personal advice before either the Department of Justice or I do anything further. After you have reviewed the file, I would appreciate your calling me.

**Philip W. Buchen
Counsel to the President**

Attachment



THE WHITE HOUSE
WASHINGTON

December 2, 1975

MEMORANDUM FOR:

BILL SEIDMAN

FROM:

PHIL BUCHEN *P.*

Chas. Chm.
Bill Seidman's papers

With this memorandum I am returning your copy of the letter from Arthur Groman along with the material I had previously sent you. I talked to Arthur Groman a few days ago to explain the nature of the deletion at the top of page 1 of your original memo. He advises that he will report the information to Marshall Grossman and would let me know if he foresaw any further difficulty.

Thus far, I have not heard anything further from Mr. Groman.

Attachments

12/5/75 Mr. Buchen

talked to Mr. Groman



THE WHITE HOUSE

WASHINGTON

*Class.
him*

December 6, 1975

MEMORANDUM FOR:

JACK MARSH

FROM:

PHILIP BUCHEN *P.*

You will recall that prior efforts have been made to induce Charles Collatos to resign from his position on the Selective Service Appeals Board.

My last conversation with him on October 9 indicated that he thought you were going to call former Speaker McCormick and that he would not want to act until you had called the former Speaker.

When I told you this, you indicated that you doubt that the former Speaker would be able to act intelligently on the matter, but I suggested you place the call as a formality so I can assure Collatos of your having made the call.

1975 R. FORD

THE WHITE HOUSE
WASHINGTON

*Class
Chen*

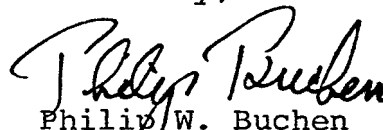
December 6, 1975

Dear Mr. Groman:

Enclosed is a complete copy of a document supplied to my office as Counsel to the President on December 12, 1974.

Although the memorandum is addressed to the President, it was not read or considered by him. Instead, when the memorandum was submitted, I reviewed the contents on behalf of the President, inasmuch as I am responsible for matters of this sort which involve members of the President's staff at the White House.

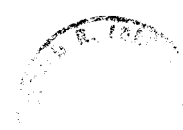
Sincerely,



Philip W. Buchen
Counsel to the President

Mr. Arthur Groman
Mitchell, Silberberg & Knupp
1800 Century Park East
Los Angeles, California 90067

Enclosure



THE WHITE HOUSE
WASHINGTON

*Bush,
Geo*

December 19, 1975

MEMORANDUM FOR: JACK MARSH

FROM: PHILIP BUCHEN *P.*

The Chairman asked to have a letter of this type from me to "round out his files" on George Bush. He wants the letter as early as possible this afternoon so I would appreciate your reviewing it and clearing it promptly.

Attachment



THE WHITE HOUSE

WASHINGTON

December 19, 1975

MEMORANDUM FOR:

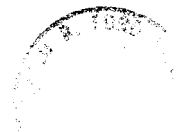
JACK MARSH

FROM:

PHILIP BUCHEN P.

The Chairman asked to have a letter of this type from me to "round out his files" on George Bush. He wants the letter as early as possible this afternoon so I would appreciate your reviewing it and clearing it promptly.

Attachment



THE WHITE HOUSE

WASHINGTON

December 19, 1975

Dear Mr. Chairman:

As you have requested, I am sending you this letter for your files to confirm information I previously reported verbally to Mr. Edward Braswell, Chief Counsel and Staff Director, Senate Committee on Armed Services. This information involves the results of an inquiry by the Federal Bureau of Investigation into the circumstances of allegations concerning Ambassador George Bush made by one Jack Harold Halfen.

The allegations were purportedly made on November 16, 1971, to William Gallinaro, an Investigator for the Senate Permanent Subcommittee on Investigations, when Gallinaro interviewed Halfen while the latter was a federal prisoner being held at a county jail in San Antonio.

The Gallinaro interview with Halfen was made at the instigation of an attorney for Halfen who also contacted the FBI office in San Antonio to advise that Halfen would provide information as to the location of \$5 million of stolen securities in exchange for dismissal of charges pending against him in Los Angeles, California, Houston and San Antonio, Texas.

The allegations in question are reported in a confidential memorandum of November 23, 1971, from Gallinero to Mr. John P. Constandy, a copy of which is in the files of your Committee.

As early as 1956, when Halfen had been convicted of income tax invasion and was scheduled to serve a sentence of 48 months, he attempted to negotiate terms concerning his sentence and immunity from other prosecutions by offering a list of 40 local, state, and federal officials who had allegedly taken payoffs. However, he later refused to furnish any details concerning the alleged payoffs.

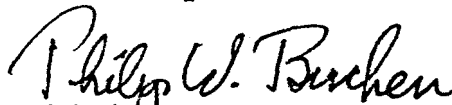
Again in June 1973, after Halfen pled guilty to perjury charges and was sentenced to ten years, an intermediary advised that if Halfen's sentence were cut in half, he would furnish valuable information to the U. S. Government. The FBI told the intermediary to take the proposal to the Department of Justice. Subsequently in 1974, a representative of the Organized Crime and Racketeering Section, Department of Justice, did interview Halfen but found that Halfen was unreliable and merely trying to use the U. S. Government to get out of jail.

A copy of the full record of the FBI Identification Division concerning Halfen is enclosed.

After December 9, 1975, when I had obtained the foregoing information from the FBI, I advised Mr. Braswell that the FBI could be asked to conduct an interview with Mr. Halfen but that his prior criminal record and his prior use of unsubstantiated allegations to gain relief from sentences or immunity from prosecution gave every reason to believe that such an interview would be fruitless. The likely result would be that Halfen would merely bargain over his present continuing sentence without producing in the end any basis for his allegations. I expressed my view, which I still hold, that no useful investigative purpose would be served by approaching Halfen, and that, on the contrary, to do so could very well result in his further publicizing for self-serving reasons charges which he cannot substantiate. Mr. Braswell then advised that I hold up requesting such an interview unless I was asked to do otherwise.

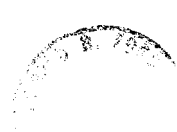
I trust this information will suffice to complete your records concerning this matter.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable John C. Stennis
Chairman
Committee on Armed Services
United States Senate
Washington, D. C. 20510



*Classified
chron*

THE WHITE HOUSE
WASHINGTON

December 30, 1975

EYES ONLY

MEMORANDUM FOR: DOUG BENNETT
FROM: PHIL BUCHEN *P.*
SUBJECT: Turner Shelton

It is my understanding that Turner Shelton is presently under active consideration for a Presidential appointment subject to Senate confirmation. Although the background investigation raises no question of his being a security risk, I recommend against his appointment at this time for the following reasons:

- (1) A majority of the persons interviewed by the FBI recommended against any appointment on the basis that he is unqualified.
- (2) The confirmation hearings are likely to be lengthy and highly controversial.
- (3) The risk of his not being confirmed is one which we should avoid at this stage in the campaign.

If you wish, we can discuss this further at your convenience.

