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THE WHITE HOUSE  
WASHINGTON

July 14, 1975

Dear Senator Abourezk:

Thank you for your letter of June 30, 1975, regarding the request of the Subcommittee on Separation of Powers for certain conversations which you indicate took place on November 30, 1972.

While we appreciate having the benefit of your interpretation of the Order of the United States District Court, as amended, in Nixon v. Sampson, et al., it is the understanding of this office and the Department of Justice that your interpretation is not consistent with the intended purposes of this Order.

In addition to the provisions of the Order that you cite in your letter, the Order also states the following:

"FURTHER ORDERED, that Plaintiff Richard M. Nixon, or his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecutor or to validly issued subpoenas, discovery demand or a court order....

\* \* \* \*

"FURTHER ORDERED, that any search conducted for purposes of producing or using said materials as provided in this Order shall be conducted jointly by Defendant Philip W. Buchen, or his agent, and counsel for Plaintiff Richard M. Nixon, or his agent, and said persons shall take such steps as are necessary to assure



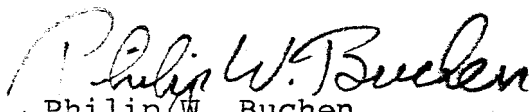
materials will in no way destroy or affect the original character of any of the materials, including tapes, documents or other papers referred to herein; ...."  
(Supplemental Order of October 22, 1974)

Enclosed is a letter to me from Mr. Herbert J. Miller, Jr., counsel for Mr. Nixon, dated July 2, 1975, in which he strenuously objects to the requested unilateral review of the Nixon Presidential tape recordings. I am a named defendant in this litigation and, therefore, I am restrained from unilaterally reviewing these recordings on the basis of your letter request.

As I indicated to you in my letter of June 17, the President has neither addressed nor decided the question of the status to be given any such tapes and materials insofar as his Administration is concerned. Until we are able to learn the precise nature of the contents of these materials, he cannot make that decision.

In view of Mr. Miller's position in this regard, we are unable to comply with your request at this time.

Sincerely,

  
Philip W. Buchen  
Counsel to the President

The Honorable James Abourezk  
Chairman, Subcommittee on Separation  
of Powers  
Committee on the Judiciary  
United States Senate  
Washington, D. C. 20510

Enclosure

bcc: Jack Marsh  
Brent Scowcroft  
Max Friedersdorf  
Herbert Miller, Jr.



LAW OFFICES  
MILLER, CASSIDY, LARROCA & LEWIN  
2555 M STREET, N.W. - SUITE 500  
WASHINGTON, D. C. 20037

AREA CODE 202  
TELEPHONE 293-6400

HERBERT J. MILLER, JR.  
JOHN JOSEPH CASSIDY  
RAYMOND G. LARROCA  
NATHAN LEWIN  
MARTIN D. MINSKER  
WILLIAM H. JEFFRESS, JR.  
THOMAS D. ROWE, JR.  
R. STAN MORTENSON  
THOMAS B. CARR

JOSEPH S. MCCART  
COURTNEY A. EVAN  
OF COUNSEL

July 2, 1975

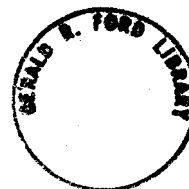
Philip W. Buchen  
Counsel to the President  
The White House  
Washington, D. C.

Attention: Mr. Casselman

Dear Mr. Casselman:

I have been informed by your office that in a letter dated June 30, 1975, Senator James Abourezk reasserted a previously desired request for access to a tape recording of a November 30, 1972 meeting among then-President Nixon, Secretary of Defense and the Joint Chiefs of Staff. I understand that Senator Abourezk's letter states that your prior denial, based upon our refusal to consent to such access was inappropriate because his request constitutes a demand for access for purposes of current government business and thus President Nixon's consent is not required under the outstanding court orders.

I am writing to inform you that, on behalf of former President Nixon, I strenuously object to the Senator's request for access to my client's presidential materials and accordingly will not waive my right to be present during the search that would be a necessary prerequisite to complying with the Senator's demand. Notwithstanding Senator Abourezk's characterization of his request, it is not, in my opinion, for "purposes of current government business" as that term is to be construed in the order of the United States District Court for the District

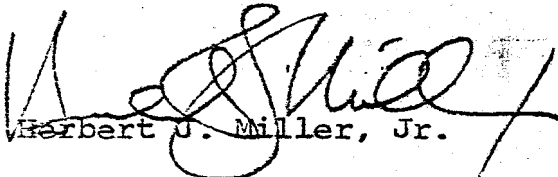


Philip W. Buchen  
Page Two  
July 2, 1975

of Columbia in Nixon v. Sampson, dated October 22, 1974. The limited scope of the "current government business" provision and the understanding thereof by the parties who participated in the formulation of that order is reflected by the fact that the Special Prosecutor, who is a party to the Nixon v. Sampson litigation, has not had access to the presidential materials under the "current government business" provision of the order and has not attempted to invoke that provision to gain access. At minimum, the Senator's request stands on the same footing as requests for access to the presidential materials by the Special Prosecutor. Because the Senator's request does not qualify under the "current government business" provision, Mr. Nixon's or my consent is required before access by the Senator to any of the presidential materials can be permitted. You do not have that consent.

In light of the foregoing, I must inform you that if steps are taken to permit production of these materials to Senator Abourzek despite my stated objection, I will seek appropriate sanctions for violation of the outstanding restraining orders or take such other action as I deem necessary to preserve my client's rights.

Sincerely,

  
Herbert J. Miller, Jr.

HJM/sl



JAMES O. EASTLAND, MISS., CHAIRMAN  
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WILLIAM L. SCOTT, VA.

## United States Senate

PETER M. STOCKETT  
CHIEF COUNSEL AND STAFF DIRECTOR

COMMITTEE ON THE JUDICIARY  
WASHINGTON, D.C. 20510

June 30, 1975

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

Dear Mr. Buchen:

Thank you for your letter of June 17 in which you respond to my request of the President that he furnish the Subcommittee on Separation of Powers certain material related to a meeting held on November 30, 1972.

You note that the material requested is subject to the October 21, 1974, Order of the Court in Nixon v. Sampson which you state "enjoins the search, disclosure, transfer or disposal of these materials, and effectively requires that President Nixon or his agent consent to any production or use of such materials for the limited purposes specified in the Order." In accordance with this determination you state that you have referred my "request to Mr. Herbert J. Miller, Jr., Counsel to Mr. Nixon, for his consideration before the matter of disclosure can be considered by this Administration."

Your interpretation of the Court's Order and your actions based thereon ignore the October 22 Order of the Court in which Judge Richey amended his earlier order to ensure that the "injunction shall not serve as a bar to the ... use of said materials with prior notification to Counsel for Plaintiff Richard M. Nixon and with the consent of Defendant Philip W. Buchen, for purposes of current government business (emphasis added)." Thus, it is apparent that Judge Richey's Order requires only that prior notification be given to Mr. Miller before you consent to my request. Your forwarding of my request to Mr. Miller for his "consideration" satisfies the "prior notification" requirement; however, your conclusion that the Judge's Order effectively requires the consent of Mr. Nixon or his agent before the requested material can be released is not supported by the language of the Order.

Numerous grounds sustain your granting the Subcommittee's request for use of the material for "purposes of current government business." First, as I said in my original letter, the conversations conducted at the November 30th meeting as they pertain to the making of secret



2

Philip W. Buchen, Esquire  
June 30, 1975 - Page Two

commitments and to the making of international agreements are crucial to this Subcommittee's study of executive agreements. This material will provide the facts needed for the Subcommittee to consider legislation it has pending before it and for Congress to legislate effectively in this area. Such a need surely satisfies Judge Richey's requirement that such material be used for purposes of current government business.

Overriding policy reasons which have been recognized by the Supreme Court - especially Congressional access to information which will aid it in performing its legislative function - also mandate your granting my request. To refuse to provide the requested information would fly in the face of the Court's assertion in Watkins v. United States, 354 U.S. 178, 187 (1957) that: "It is unquestionably the duty of all citizens to cooperate with Congress in its efforts to obtain the facts needed for intelligent legislative action." I would submit that your position, as a public servant, imposes an especially heavy duty upon you and compels consent.

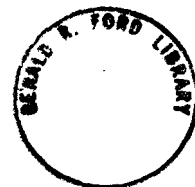
Furthermore, when the Subcommittee requested copies of the Nixon-Thieu correspondence of late 1972 and early 1973, you responded by denying my request on the grounds that "President Nixon and members of his Administration stated publicly and repeatedly that the United States intended to continue its aid relationship with the Republic of Vietnam and react vigorously to violations of the 1973 Paris Peace Agreement." I cannot accept your premise that public statements about government policy decisions are grounds for denying Congressional access to the documents which formed the basis of such decisions. Nevertheless, your statement evidences the conviction that the material I presently seek is not Mr. Nixon's private information but rather constitutes material which was used in the conduct of foreign policy and which is in the public domain.

In light of Judge Richey's Order and because of the facts and policy and practical reasons stated above, I respectfully request that you consent to the prompt disclosure of the material which the Subcommittee seeks. Since Mr. Monroe Leigh will reappear to testify before this Subcommittee on July 15 and since we shall need the material requested in order to prepare for his appearance, I ask that you respond by close of business on July 8.

Thank you for your cooperation on this matter.

Sincerely,

  
James Abourezk  
Chairman  
Subcommittee on Separation of Powers



June 17, 1975

Dear Mr. Chairman:

On behalf of the President, this is in response to your letter of June 9, 1975, in which you request that the Administration make available to the Subcommittee on Separation of Powers, "any tapes or transcripts of tapes of, or any other material which in any way relates to," a meeting held on November 30, 1972, with former President Nixon, the Secretary of Defense and the members of the Joint Chiefs of Staff.

The President has not addressed and decided the question of the status to be given any such tapes and materials insofar as his Administration is concerned, and he cannot do so without first having learned the exact nature and the contents of the materials, if they do exist. Such recordings and materials, if they do exist, are part of the "Presidential materials of the Nixon Administration," and are subject to the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et. al., Civil Action No. 74-1518. This Order enjoins the search, disclosure, transfer or disposal of these materials, and effectively requires that President Nixon or his agent consent to any production or use of such materials for the limited purposes specified in the Order. Accordingly, we have referred your request to Mr. Herbert J. Miller, Jr., counsel to Mr. Nixon, for his consideration before the matter of disclosure can be considered by this Administration.

We will advise you of the position taken by Mr. Miller on this request.

Sincerely,

Philip W. Buchen  
Counsel to the President

The Honorable James Abourezk  
Chairman, Subcommittee on Separation  
of Powers Judiciary Committee  
United States Senate  
Washington, D. C. 20510

bcc: General Scowcroft  
Jack Marsh  
Max Friedersdorf  
Mr. Herbert J. Miller, Jr.





PETER M. STOCKETT  
CHIEF COUNSEL AND STAFF DIRECTOR

COMMITTEE ON THE JUDICIARY  
WASHINGTON, D.C. 20510

June 9, 1975

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

Dear Mr. President:

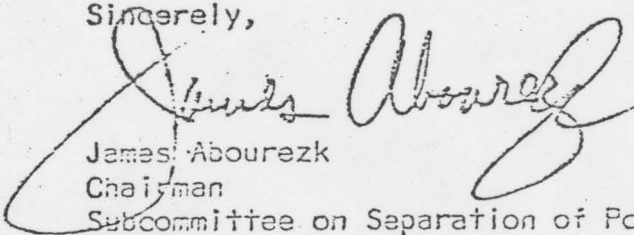
During the hearings on executive agreements held on May 13, by the Separation of Powers Subcommittee, retired Admiral Elmo Zumwalt, former Chief of Naval Operations, testified that it was "quite clear" to him that "verbal commitments had been made" to South Vietnam based on what he was told "in one meeting between the President, the Secretary of Defense and the members of the Joint Chiefs of Staff on the 30th of November 1972."

When I asked Admiral Zumwalt who had indicated that these were commitments to South Vietnam, he responded that "the best source, I suppose, Mr. Chairman, of that would be if you could get a hold of the tape." The Admiral added that it was his "recollection" that "it was implicit in a whole series of things that were said," but he was unable to recount with complete accuracy everything that was said at that meeting.

The conversations conducted at that meeting as they pertain to the making of secret commitments and to the making of international agreements obviously are crucial to this Subcommittee's study of executive agreements. Thus, we respectfully request that you make available to the Subcommittee any tapes or transcripts of tapes of, or any other material which in any way relates to, the meeting held on November 30, 1972.

Thank you for your help on this matter.

Sincerely,

  
James Abourezk  
Chairman

Subcommittee on Separation of Powers



THE WHITE HOUSE  
WASHINGTON

August 1, 1975

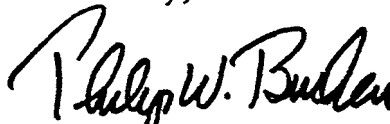
Dear Senator Abourezk:

In accordance with your request during your meeting with members of my staff, this letter is to confirm the position I have previously taken with respect to the request of the Subcommittee on Separation of Powers for certain materials relating to a meeting held on November 30, 1972, with former President Nixon, the Secretary of Defense and the members of the Joint Chiefs of Staff.

As I indicated to you in my letters of June 17 and July 14, the Department of Justice has advised me, a named defendant in Nixon v. Sampson, et al., that the Order of the District Court currently in effect prohibits my compliance with your request as long as counsel for Mr. Nixon continues to object to my undertaking the necessary search and review of the "Presidential materials of the Nixon Administration." For this reason, we remain unable to either review these materials or address the question of the status to be afforded to any such tapes and materials by this Administration.

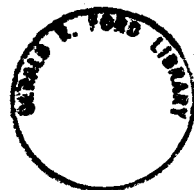
I trust that you understand our position in this matter.

Sincerely,



Philip W. Buchen  
Counsel to the President

Honorable James S. Abourezk  
Chairman  
Subcommittee on Separation of Powers  
United States Senate  
Washington, D. C.



PHILIP A. HART, MICH.  
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BIRCH BAYN, IND.  
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ROBERT C. BYRD, W. VA.  
JOHN V. TUNNEY, CALIF.  
JAMES ABOUREZK, S. DAK.  
HIRAH L. FONG, HAWAII  
HUGH SCOTT, PA.  
STROM THURMOND, S.C.  
CHARLES MC C. MATHIAS, JR., MD.  
WILLIAM L. SCOTT, VA.

# United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, D.C. 20510

PETER M. STOCKETT  
CHIEF COUNSEL AND STAFF DIRECTOR

July 28, 1975

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

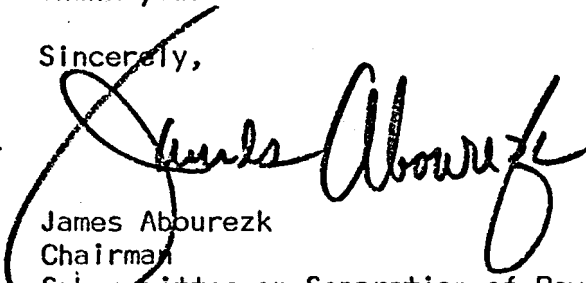
Dear Mr. Buchen:

Thank you for your letter of July 14, 1975, responding to the Subcommittee's request for certain conversations which occurred on November 30, 1972. Your response and the statements made by Mr. Miller in his letter lead me to conclude that further correspondence regarding this matter would be unproductive.

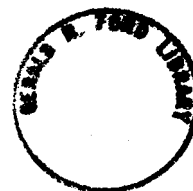
Thus, I propose that we have a meeting at which we can attempt to arrive at an understanding in this matter. I have, therefore, instructed my staff to make the necessary arrangements with Mr. Miller and your staff.

Thank you.

Sincerely,

  
James Abourezk  
Chairman  
Subcommittee on Separation of Powers

cc: Herbert J. Miller, Jr., Esq.



THE WHITE HOUSE

WASHINGTON

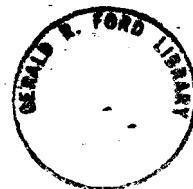
August 1, 1975

Dear Mr. Chairman  
and Mr. Vice Chairman:

This is in response to your letter of this date concerning the request of the Select Committee for certain materials contained among the "Presidential materials of the Nixon Administration."

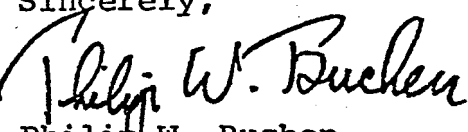
I appreciate your views on the interpretation to be given to the Order of the United States District Court for the District of Columbia in Nixon v. Sampson, et al. However, I have been advised by the Department of Justice, which represents me as a named defendant in this litigation, that the Order, as it currently stands, prohibits compliance with this request until counsel for Mr. Nixon consents to our undertaking the necessary search and review of Nixon Presidential materials. Otherwise, I would be construing the Order differently from the way Mr. Nixon does and would be doing so at my peril. For this reason, we are unable to comply with your request at this time. In fact, I thought Mr. Schwarz agreed with me that only a further clarifying order by the Court would enable me to conduct a unilateral search.

As you are aware, it is the policy of this Administration to cooperate fully with the investigations of the Select Committee. However, under the Order of the District Court, we lack the unqualified authority to review unilaterally the documents on the basis of your request. Until these materials have been reviewed, we cannot address the question of the handling of any of these materials by this



Administration. I can assure you that this is in no way intended to reflect any change in our desire to cooperate fully with the investigation.

I trust that you understand our position in this matter.

Sincerely,  
  
Philip W. Buchen  
Counsel to the President.

The Honorable Frank Church  
Chairman, Select Committee to Study  
Governmental Operations with  
Respect to Intelligence Activities  
United States Senate  
Washington, D. C. 20510

The Honorable John G. Tower  
Vice Chairman, Select Committee to  
Study Governmental Operations with  
Respect to Intelligence Activities  
United States Senate  
Washington, D. C. 20510

bcc: Jack Marsh  
General Scowcroft  
Max Friedersdorf  
Herbert J. Miller, Jr.  
Erwin, Goldbloom



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CURTIS R. SMOTHERS, MINORITY COUNSEL

## United States Senate

SELECT COMMITTEE TO  
STUDY GOVERNMENTAL OPERATIONS WITH  
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

August 1, 1975

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

Dear Mr. Buchen:

We have received your letter of July 28, 1975, stating that you have referred our request for certain materials contained in the Nixon Presidential materials to President Nixon's counsel, Mr. Herbert J. Miller, Jr.

As you are aware, the materials that we have requested are necessary to fulfill our mandate under S. Res. 21. We do not accept your position that the Court Order has any effect upon a duly authorized Congressional demand for material necessary to an investigation.

In any event, the Order of the United States District Court for the District of Columbia in Nixon v. Sampson, et al., Civil Action No. 74-1518, permits the search, disclosure, and transfer of said materials "with prior notification to Counsel for plaintiff Richard M. Nixon and with consent of defendant Philip W. Buchen, for purposes of current government business."

In keeping with the spirit of cooperation necessary for an expeditious inquiry, the Committee is confident that you will give the consent envisioned by the Court Order. (You have already provided to us similar material from the files of the administrations which preceded President Nixon.) Since you have already complied with the other provision of the Order, namely notification of an authorized representative of President Nixon, there can surely be no further impediment to rapid compliance with our request. We expect, then, that you and Mr. Miller, or one of his agents, will forthwith search for and segregate the documents that we have requested, at which time Mr. Miller may notify us of any objections that he might have. Any objections that Mr. Miller might have will be given due consideration by the Committee.



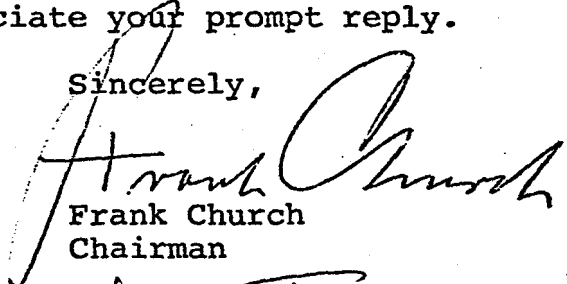
August 1, 1975

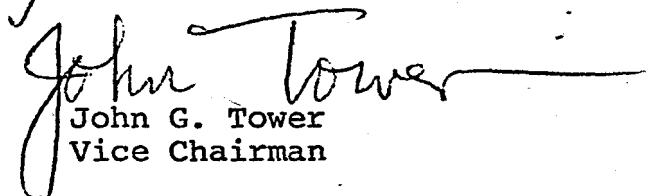
The language in the Order which provides that searches of the material shall be conducted jointly by yourself and counsel for Mr. Nixon does not give Mr. Miller the ability to control access to the materials.

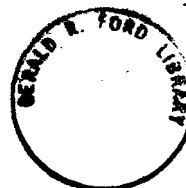
The Court Order clearly places the power to consent to our request solely in your hands. Mr. Nixon or his representative, Mr. Miller, need only be notified of your intent to conduct a search and be given an opportunity to participate in that search. Accordingly, we expect that you will notify Mr. Miller that you will search for the documents that we have requested at a specified time within the coming week. Such notice will provide Mr. Miller ample opportunity to protect Mr. Nixon's interests as provided in the Order. If Mr. Miller declines to avail himself of the opportunity to be present during your search of the documents then there is no reason for you to fail to deliver them to us.

We would appreciate your prompt reply.

Sincerely,

  
Frank Church  
Chairman

  
John G. Tower  
Vice Chairman



MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

6421

September 27, 1975

MEMORANDUM FOR PHILIP W. BUCHEN

FROM: BRENT SCOWCROFT *BS*

SUBJECT: Reply to Representative Abzug on Concorde

This is in response to your memorandum of September 24 in which you requested comments on your proposed reply to Congresswoman Abzug's most recent request for the release of 1973 correspondence relating to the Concorde aircraft.

In paragraph two of your proposed reply, I would recommend deleting the phrase "...and can be ignored only at the risk of impairing good foreign relations, ...." This phrase tends to qualify and weaken what is otherwise a fine response.



*Letter is gone.  
Sent with file.*



THE WHITE HOUSE  
WASHINGTON

September 3, 1975

*Abzug,  
Cong. Bella*

MEMORANDUM FOR SECRETARY COLEMAN  
FROM: MIKE DUVAL *MD*  
SUBJECT: CONCORDE

In the attached letter to Representative Abzug, Phil Buchen declines, in behalf of the President, to release a copy of a letter from former President Nixon to then Prime Minister Heath and then President Pompidou, concerning the Administration's position on the Concorde.

Phil also advises the Congresswoman that appropriate Administration officials will be in contact with her personally to explain the Administration's overall position on the Concorde. Will you please ask the appropriate official of your Department (along with representatives of the State Department, if you think this would be advisable) to meet with Mrs. Abzug concerning the Concorde.

Thanks very much.

cc: Philip Buchen ✓



THE WHITE HOUSE

WASHINGTON

August 23, 1975

Dear Mrs. Abzug:

This is in response to your letter of August 20, 1975, in which you requested copies of letters you understood former President Nixon wrote to then-Prime Minister Heath and then-President Pompidou in January 1973 concerning Administration support for the Concorde supersonic transport. I regret the delay in responding to you on this matter.

Mr. Herbert J. Miller, Jr., counsel for Mr. Nixon, has notified this office, in accordance with the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., C.A. No. 74-1518, that he refuses to consent to your request.

At the time of my June 9 letter to you, it was our understanding that all copies of the letters in question were subject to the above-referenced Order. However, we have since been advised by the Federal Aviation Administration that a copy of this correspondence was provided to them. Although that copy of this correspondence is not within the scope of the Order, we are unable to respond affirmatively to your request for its production.

A cardinal principle of diplomatic intercourse is the confidentiality of exchanges between heads of state. The President believes that the effectiveness of American diplomacy depends in many ways on our reliability in preserving this essential principle for all such diplomatic communications with other countries.

However, we have sought information concerning the government's position in 1973 on the Concorde. I have been advised that the following points were made at that time by officials of the United States during consultations with the British and French regarding the regulation of the Concorde:

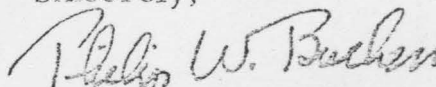


1. Regulation of the Concorde is an important issue, both from a domestic and international viewpoint.
2. Concorde would be treated fairly and judged on its merits.
3. A draft fleet noise rule [then being considered but never promulgated] would not apply to Concorde.
4. The U.S. would work with the British and French to ascertain whether an SST noise standard could be developed that would meet our domestic requirements without undercutting Concorde.
5. Many aspects of aircraft regulation are outside the jurisdiction of the Executive Branch, and even the extent of Federal authority in this area is limited.
6. The Administration is committed to free commerce and non-discriminatory regulations.
7. The Concorde would be treated equitably, but it does raise new environmental and societal questions.

I have again requested that the appropriate officials contact you with respect to the present views of the Administration on the treatment of the Concorde.

Your inquiry is appreciated.

Sincerely,



Philip W. Buchen

Counsel to the President

The Honorable Bella S. Abzug  
House of Representatives  
Washington, D.C. 20515



THE WHITE HOUSE  
WASHINGTON

September 25, 1975

*Abzug,  
Bella  
(cong.)*

Dear Ms. Abzug:

In behalf of the President, this is in further response to your letter of August 29 requesting copies of correspondence exchanged between former President Nixon, former Prime Minister Heath and former President Pompidou concerning the Concorde supersonic air transport.

For the reasons discussed in my letter to you of August 23, I regret that we are unable to provide you with the materials you seek. Inasmuch as the expectation of representatives from other countries for confidentiality of diplomatic exchanges must be respected and can be ignored only at the risk of impairing good foreign relations, the President's constitutional responsibilities for the conduct of foreign relations are involved.

In that letter, I provided you with the position that was taken in 1973 by officials of the United States in discussions with British and French officials on regulation of the Concorde. Thus, the information material to the concerns reiterated in your letter has already been provided.

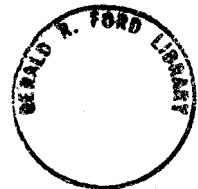
Should you have any further questions with respect to that position, I would be pleased to request officials familiar with this subject talk to you about it.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

The Honorable Bella Abzug  
House of Representatives  
Washington, D. C. 20515



SEP 24 1975

THE WHITE HOUSE

WASHINGTON

September 24, 1975

MEMORANDUM FOR: JACK MARSH ✓  
GENERAL SCOWCROFT  
VERN LOEN  
MIKE DUVAL

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

SUBJECT: Congresswoman Abzug's Request  
for Correspondence Concerning  
the Concorde

Congresswoman Abzug has again written requesting copies of the 1973 correspondence between then-Presidents Nixon and Pompidou and Prime Minister Heath concerning regulation of the Concorde supersonic air transport. Attached is a draft response for my signature in which we continue to deny her request. In order to respond tomorrow, I would appreciate any comments or suggestions that you might have by 10 a.m., Thursday, September 25.

Thank you for your assistance.

Attachment





THE WHITE HOUSE

WASHINGTON

September 23, 1975

Dear Ms. Abzug:

In behalf of the President, this is in further response to your letter of August 29 requesting copies of correspondence exchanged between former President Nixon, former Prime Minister Heath and former President Pompidou concerning the Concorde supersonic air transport.

For the reasons discussed in my letter to you of August 23, I regret that we are unable to provide you with the materials you seek. Inasmuch as the expectation of representativeness from other countries for confidentiality of diplomatic exchanges must be respected and can be ignored only at the risk of impairing good foreign relations, the President's constitutional responsibilities for the conduct of foreign relations are involved.

In that letter, I provided you with the position that was taken in 1973 by officials of the United States in discussions with British and French officials on regulation of the Concorde. Thus, the information material to the concerns reiterated in your letter has already been provided.

Should you have any further questions with respect to that position, ~~or on the position of this Administration~~, I would be pleased to arrange for *request* responsible officials ~~to contact you in this regard.~~ *familiar with this subject talk to you about it.*

Sincerely,

Philip W. Buchen  
Counsel to the President

The Honorable Bella Abzug  
House of Representatives  
Washington, D. C. 20515



Benny

September 2, 1975

Dear Ms. Abzug:

This will acknowledge receipt of your letter to the President of August 29. You may be assured it will be presented for prompt consideration.

With kind regards,

Sincerely,

Vernon C. Loen  
Deputy Assistant  
to the President

The Honorable Bella Abzug  
House of Representatives  
Washington, D.C. 20515

~~Acc:~~ w/incoming to Philip Buchen for further action.

VCL:VO:vo



BELLA S. ABZUG  
20TH DISTRICT, NEW YORK

COMMITTEES:  
GOVERNMENT OPERATIONS  
PUBLIC WORKS

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

WASHINGTON OFFICE:  
1506 LONGWORTH OFFICE BUILDING  
WASHINGTON, D.C. 20515

DISTRICT OFFICES:  
252-7TH AVENUE  
NEW YORK, N.Y. 10001  
725 WEST 181ST STREET  
NEW YORK, N.Y. 10033  
720 COLUMBUS AVENUE  
NEW YORK, N.Y. 10025

August 29, 1975

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D. C.

Dear Mr. President:

3/1  
I have received the response of your counsel, Mr. Philip Buchen, to my letter of August 20 requesting a copy of the letters between former President Nixon and former Prime Minister Heath, and former Premier Pompadou. Mr. Buchen's letter states that the copy of that correspondence provided to the Federal Aviation Agency is not subject to the order of the United States District Court in Nixon v. Sampson, et al. In his correspondence to me dated June 9, Mr. Buchen had stated that the letters were part of the material covered by that order, and therefore could not be released.

However, Mr. Buchen stated in his August 23 letter that The White House is still unable to respond affirmatively to my request since "the confidentiality of exchanges between heads of state" is a "cardinal principle of diplomatic intercourse."

I would submit that no such principle is embodied in our law, and that it should not be used as a method for keeping material from Congress which is necessary if we are to carry out our duties effectively. The recent release of previously confidential minutes of an inter-departmental meeting regarding the Concorde to the Environment Defense Fund, which contain evidence that executive departments have been considering waiving both environmental and mechanical requirements for the Concorde, makes it imperative that any information relating to agreements regarding the SST be made public.

I therefore ask that you comply with this request.

Sincerely,

*Bella S. Abzug*  
BELLA S. ABZUG  
Member of Congress

BSA:rm





Rhi

10 AM

Cong abzug re  
concorde

Letter OK

Dural has no objection

THE WHITE HOUSE  
WASHINGTON

September 24, 1975

MEMORANDUM FOR: JACK MARSH  
GENERAL SCOWCROFT  
VERN LOEN  
MIKE DUVAL ✓

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

SUBJECT: Congresswoman Abzug's Request  
for Correspondence Concerning  
the Concorde

Congresswoman Abzug has again written requesting copies of the 1973 correspondence between then-Presidents Nixon and Pompidou and Prime Minister Heath concerning regulation of the Concorde supersonic air transport. Attached is a draft response for my signature in which we continue to deny her request. In order to respond tomorrow, I would appreciate any comments or suggestions that you might have by 10 a.m., Thursday, September 25.

Thank you for your assistance.

Attachment

*OK*  
*Called to Buchen's*  
*off. 3:00 pm 9/25*



THE WHITE HOUSE  
WASHINGTON

September 24, 1975

*no comment  
✓LC*

MEMORANDUM FOR: JACK MARSH  
GENERAL SCOWCROFT  
VERN LOEN ✓  
MIKE DUVAL

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

SUBJECT: Congresswoman Abzug's Request  
for Correspondence Concerning  
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Congresswoman Abzug has again written requesting copies of the 1973 correspondence between then-Presidents Nixon and Pompidou and Prime Minister Heath concerning regulation of the Concorde supersonic air transport. Attached is a draft response for my signature in which we continue to deny her request. In order to respond tomorrow, I would appreciate any comments or suggestions that you might have by 10 a.m., Thursday, September 25.

Thank you for your assistance.

Attachment



Abzug, Bella  
cy sent  
16  
B...

September 2, 1975

Dear Ms. Abzug:

This will acknowledge receipt of your letter to the President of August 29. You may be assured it will be presented for prompt consideration.

With kind regards,

Sincerely,

Vernon C. Loen  
Deputy Assistant  
to the President

The Honorable Bella Abzug  
House of Representatives  
Washington, D. C. 20515

~~Acc:~~ w/incoming to Philip Buchen for further action.

VCL:VO:vo



14  
BELLA S. ABZUG  
20TH DISTRICT, NEW YORK

COMMITTEES:  
GOVERNMENT OPERATIONS  
PUBLIC WORKS

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

7-2  
WASHINGTON OFFICE:  
1506 LONGWORTH OFFICE BUILDING  
WASHINGTON, D.C. 20515

DISTRICT OFFICES:  
252-7TH AVENUE  
NEW YORK, N.Y. 10001  
725 WEST 181ST STREET  
NEW YORK, N.Y. 10033  
720 COLUMBUS AVENUE  
NEW YORK, N.Y. 10025

August 29, 1975

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D. C.

Dear Mr. President:

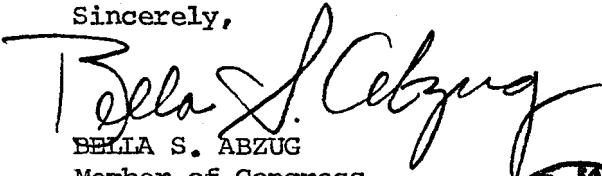
ME  
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I therefore ask that you comply with this request.

Sincerely,

  
BELLA S. ABZUG  
Member of Congress

BSA:rm



THE WHITE HOUSE  
WASHINGTON

August 23, 1975

*Abzug,  
Cong. Bella*

MEMORANDUM FOR: MIKE DUVAL

FROM: PHILIP BUCHEN

*P.W.B.*

The attached is self-explanatory. Would you please arrange for the appropriate officials, I assume DOT, to make known to Mrs. Abzug our present position on this issue.

cc: Jack Marsh  
Max Friedersdorf  
General Scowcroft



THE WHITE HOUSE

WASHINGTON

August 23, 1975

Dear Mrs. Abzug:

This is in response to your letter of August 20, 1975, in which you requested copies of letters you understood former President Nixon wrote to then-Prime Minister Heath and then-President Pompidou in January 1973 concerning Administration support for the Concorde supersonic transport. I regret the delay in responding to you on this matter.

Mr. Herbert J. Miller, Jr., counsel for Mr. Nixon, has notified this office, in accordance with the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., C.A. No. 74-1518, that he refuses to consent to your request.

At the time of my June 9 letter to you, it was our understanding that all copies of the letters in question were subject to the above-referenced Order. However, we have since been advised by the Federal Aviation Administration that a copy of this correspondence was provided to them. Although that copy of this correspondence is not within the scope of the Order, we are unable to respond affirmatively to your request for its production.

A cardinal principle of diplomatic intercourse is the confidentiality of exchanges between heads of state. The President believes that the effectiveness of American diplomacy depends in many ways on our reliability in preserving this essential principle for all such diplomatic communications with other countries.

However, we have sought information concerning the government's position in 1973 on the Concorde. I have been advised that the following points were made at that time by officials of the United States during consultations with the British and French regarding the regulation of the Concorde:

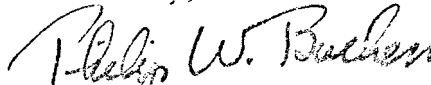


1. Regulation of the Concorde is an important issue, both from a domestic and international viewpoint.
2. Concorde would be treated fairly and judged on its merits.
3. A draft fleet noise rule [then being considered but never promulgated] would not apply to Concorde.
4. The U.S. would work with the British and French to ascertain whether an SST noise standard could be developed that would meet our domestic requirements without undercutting Concorde.
5. Many aspects of aircraft regulation are outside the jurisdiction of the Executive Branch, and even the extent of Federal authority in this area is limited.
6. The Administration is committed to free commerce and non-discriminatory regulations.
7. The Concorde would be treated equitably, but it does raise new environmental and societal questions.

I have again requested that the appropriate officials contact you with respect to the present views of the Administration on the treatment of the Concorde.

Your inquiry is appreciated.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable Bella S. Abzug  
House of Representatives  
Washington, D.C. 20515





August 21, 1975

Dear Ms. Abzug:

This will acknowledge receipt of your letter to the President of August 20 in reference to your previous correspondence about letters you understand the former President wrote to the British and French Prime Ministers relative to the operation of the Concorde SST in the United States.

Please be assured your letter will be called to the President's attention at the earliest opportunity.

With kind regards,

Sincerely,

Vernon C. Loen  
Deputy Assistant  
to the President

The Honorable Bella Abzug  
House of Representatives  
Washington, D. C. 20515

~~cc:~~ w/incoming to Philip Buchen for further ACTION  
Please provide this office with copy of response.

VCL:EF:VO:vo



# Congress of the United States

## House of Representatives

Washington, D.C. 20515

August 20, 1975

DISTRICT OFFICES:  
252-7TH AVENUE  
NEW YORK, N.Y. 10001  
725 WEST 181ST STREET  
NEW YORK, N.Y. 10033  
720 COLUMBUS AVENUE  
NEW YORK, N.Y. 10025

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D.C.

Dear Mr. President:

I am writing in reference to the letter sent to me by Mr. Phillip Buchen on June 9, 1975. In the letter, Mr. Buchen responded to my request of May 15, 1975 for copies of letters I understand President Nixon wrote to the British and French Prime Ministers, indicating Administration support for permitting the Concorde SST to operate into the United States.

Mr. Buchen stated in his letter that he would refer the matter to Mr. Herbert J. Miller, Counsel to Mr. Nixon, since he or Mr. Nixon would have to consent to any production or use of this material, as it is subject to the Order of the United States District Court for the District of Columbia, in Nixon v. Sampson, et al. In addition, Mr. Buchen assured me he would advise me of Mr. Miller's position and request that the appropriate administration official contact me directly concerning the present views of the Administration on the treatment of the Concorde.

I have not received any further correspondence on this matter either from the White House or from any other Administration officials. It is particularly important that this information be submitted to me at this time, since the Government Activities and Transportation Subcommittee of which I am the only New York City member, has initiated oversight hearings on the FAA certification of the Concorde SST for operation at JFK Airport in New York City and Dulles Airport near Washington, D.C. These hearings will be continued in September.

I therefore now restate my earlier request, and ask that you submit copies of Mr. Nixon's letters to me by August 31, 1975, to allow time to review them in preparation for the continuing Subcommittee hearings. I also request that you carry out your agreement to advise me of Mr. Miller's position and to have the appropriate officials inform me of the present views of the Administration on the Concorde.

Sincerely,

*Bella S. Abzug*  
BELLA S. ABZUG  
Member of Congress



THE WHITE HOUSE  
WASHINGTON

June 9, 1975

MEMO FOR: GENERAL SCOWCROFT  
MIKE DUVAL

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

I have responded to the requests of Congressman Wolff and Congresswoman Abzug for the 1973 exchange of letters between Presidents Nixon and Pompidou and Prime Minister Heath on the Concorde SST (copies attached).

I understand that you are responsible for the substantive handling of this question and am therefore referring both letters to you for response in connection with the Administration's current position on this issue. I concur in the approach that you have discussed that would have State and DOT share prime responsibility on this issue.

Attachments



*Congressional*

THE WHITE HOUSE

WASHINGTON

June 9, 1975

Dear Mrs. Abzug:

On behalf of the President, this is in response to your letter of May 15, 1975, in which you request copies of letters you believe were written by former President Nixon on January 19, 1973, to then-Prime Minister Heath and then-President Pompidou. You indicate that these letters deal with White House support for the Anglo-French Concorde supersonic transport.

The President has not addressed the question of the status to be given such correspondence insofar as his Administration is concerned. However, these letters, if they do exist, are part of the "Presidential materials of the Nixon Administration," presently in the custody of either the White House or the General Services Administration. These materials are subject to the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518. This Order enjoins the disclosure, transfer, or disposal of these materials, and effectively requires that President Nixon or his agent consent to any production or use of such materials for the limited purposes specified in the Order. Accordingly, we have referred your request to Mr. Herbert J. Miller, Jr., Counsel to Mr. Nixon, for his consideration.

We will advise you of the position taken by Mr. Miller. In addition, I have requested that the appropriate officials contact you directly concerning the present views of the Administration on the treatment of the Concorde.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

The Honorable Bella S. Abzug  
House of Representatives  
Washington, D. C. 20515

