

**The original documents are located in Box 37, folder “Personnel - Conflict of Interest: General” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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WJ  
THE WHITE HOUSE  
WASHINGTON

October 8, 1974

MEMORANDUM FOR: Jennie Lou Nunn  
FROM: Bill Casselman *LS*  
SUBJECT: President's Commission on  
Olympic Sports

You have asked whether it would constitute a conflict of interest to have members of the United States Olympic Committee (36 U. S. C. §§ 371-83) serve on the proposed President's Commission on Olympic Sports.

I am unaware of any legal prohibition against such a proposal.

cc: Phil Buchen  
Phil Areeda  
Ken Lazarus



NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 01478

REASON FOR WITHDRAWAL . . . . Donor restriction  
TYPE OF MATERIAL . . . . . Form(s)  
CREATOR'S NAME . . . . . Lazarus, Kenneth A.  
DESCRIPTION . . . . . Confidential statement of Employment  
and Financial Interests and  
attachments.  
CREATION DATE . . . . . 10/29/1974  
  
COLLECTION/SERIES/FOLDER ID . 001900423  
COLLECTION TITLE . . . . . Philip W. Buchen Files  
BOX NUMBER . . . . . 37  
FOLDER TITLE . . . . . Personnel - Conflict of Interest, A-G  
  
DATE WITHDRAWN . . . . . 08/24/1988  
WITHDRAWING ARCHIVIST . . . . LET

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 01479

REASON FOR WITHDRAWAL . . . . Donor restriction  
TYPE OF MATERIAL . . . . . Form(s)  
CREATOR'S NAME . . . . . Areeda, Philip E.  
DESCRIPTION . . . . . Confidential Statement of Employment  
and Financial Interests and  
attachments.  
CREATION DATE . . . . . 10/30/1974  
  
COLLECTION/SERIES/FOLDER ID . 001900423  
COLLECTION TITLE . . . . . Philip W. Buchen Files  
BOX NUMBER . . . . . 37  
FOLDER TITLE . . . . . Personnel - Conflict of Interest, A-G  
  
DATE WITHDRAWN . . . . . 08/24/1988  
WITHDRAWING ARCHIVIST . . . . LET

THE WHITE HOUSE  
WASHINGTON

11/7/74 at Mr. Buchen's  
request I

3:00 called  
Jerry Jones,  
office —

I had only sent  
the memo (not  
backup) on the  
conflict of interest  
papers.

We are retaining the  
Confidential statements



THE WHITE HOUSE

Eleanor: WASHINGTON

Would you please have Mr. A.  
initial the release form and send  
the package back to me? Thanks.

Dawn

✓  
12/17

Casselman



THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR:

JERRY JONES

FROM:

PHILLIP AREEDA

SUBJECT:

WILLIAM E. CASSELMAN II

(Counsel to the President)

This is to notify you that the Counsel's Office has taken the following action with respect to the above-named individual:

- 1) Statement of Employment and Financial Interests,  
approved 12-17-74
- 2) Security Clearance, approved 4-17-74
- 3) Special Clearances, approved 11-7-74
- 4) National Security Clearances,  
approved \_\_\_\_\_  
required and pending \_\_\_\_\_  
not required at this time x

Comments:

Date: 12-17-74

cc: Bill Walker  
Bob Linder



COUNCIL ON INTERNATIONAL ECONOMIC POLICY  
WASHINGTON, D.C. 20500

January 13, 1975

MEMORANDUM FOR


JERRY H. JONES

SUBJECT: Standards of Conduct/Confidential Statements of  
Employment and Financial Interests

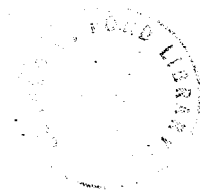
In response to your memorandum of December 31, 1974, this is to advise you that the Council on International Economic Policy has complied with the present regulations for filing Statements of Employment and Financial Interests.

My own filing with the Chairman of the Civil Service Commission is current. CIEP staff members who are required to file the Statement of Employment and Financial Interests have done so and they have been evaluated by the General Counsel, David A. Hartquist.

In several cases where potential conflicts may exist, I have personally reviewed the statements and we have sought additional guidance from the Civil Service Commission.

  
W. D. Eberle  
Executive Director

cc: Philip W. Buchen





2/20/75

Lazarus handled.

Note from Mr. B. To Mr. A. "please  
"handle.



Department of Justice  
Washington, D.C. 20530

*Mr. Aronson*

FEB 18 1975

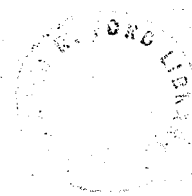
MEMORANDUM FOR KENNETH LAZARUS  
Associate Counsel to the  
President

In response to your request of last week,  
I enclose a draft letter to me (from you or  
perhaps from the General Counsel of the  
Rockefeller Commission) concerning the con-  
flict-of-interest problem we discussed; and  
a draft of the reply which such a letter  
would provoke.



Antonin Scalia  
Assistant Attorney General  
Office of Legal Counsel

Enclosure



Dear Mr.

This is in reply to your letter of February , requesting my views on possible conflict of interest problems that may arise as a result of Mr. 's appointment to the staff of the Commission on CIA Activities Within the United States, established by Executive Order 11828. Under the facts you present, Mr. will not serve the Commission more than 130 days during the next 365 consecutive days. He will therefore be a "special Government employee" under the conflict of interest statute (18 U.S.C. 202(a)), subject to prohibitions less stringent than those applicable to regular employees.

Of the applicable conflict of interest laws (18 U.S.C. 203, 205, 207, 208, and 209), it would appear that only sections 209, 205 and 207(c) are relevant to the issues you raise.

Section 209(a) prevents an officer or employee of the executive branch from receiving, and anyone from paying him, any salary or supplementation of salary as compensation for his services to the Government. Since section 209(c) provides that section 209 does not apply to a special Government employee, Mr. may receive, and the firm may pay him, such additional compensation as it desires.

Section 205 is concerned with conduct by officers and employees of the United States, including special Government employees, acting in their private (non-governmental) capacities. It precludes a regular employee of the Government from acting as attorney or agent before any department, agency, or court in connection with any matter in which the United States is a party or has a direct and substantial interest. Section 205 is less restrictive, however, with respect to a special Government employee. He is precluded from acting as agent or attorney only (1) in a matter involving a specific party or parties in which he has participated personally and substantially in a governmental capacity and (2) in a matter (even though it is not one in which he has participated) involving a specific party or parties "which is pending in the department or agency of the Government in which he is serving." Under the facts you state, this provision seems unlikely to have any application.

Section 207(c) applies to partners of a current Government employee. Under this provision, the partners are prohibited from acting as agent or attorney for anyone other than

the United States in connection with enumerated proceedings and matters, including those in court, in which the United States is a party or has a direct and substantial interest and in which such employee or special Government employee participates or has participated personally and substantially in his official capacity, or which is the subject of his official responsibility. From the facts you present, it seems unlikely that Mr. 's firm will be inhibited by this provision.

Please let me know if I can be of further assistance to you in this matter.

Sincerely,

Antonin Scalia  
Assistant Attorney General  
Office of Legal Counsel



Dear Mr. Scalia:

The President is considering the appointment of  
Esq., a partner in the firm of ,  
to serve as a staff member of the Commission on CIA Activities  
Within the United States, established by Executive Order 11828  
of January 4, 1975. Inasmuch as the Executive Order directs  
the Commission to present its final report to the President  
not later than three months from the date of its establishment,  
it is anticipated at this time that Mr. will serve  
with the Commission no more than 90 days.

Before Mr. agrees to serve on the Commission,  
he and his firm would appreciate your advice as to the Federal  
conflict of interest problems which may be presented. The firm  
has among its clients defense contractors, and a number of other  
clients whose business affairs are of concern to various Govern-  
ment agencies of the United States. In some of the firm's cases  
pending in the courts, the United States is a party and has a  
direct and substantial interest. So far as we know, however,  
the firm has no intention of representing anyone who will be  
called to testify before the Commission; and if the Commission  
were required to make any recommendation, give any advice,  
render any report, or take any other action relating to or affect-  
ing any client of the firm, Mr. would disqualify him-  
self from participation in that particular matter. The firm  
plans, moreover, to pay to Mr. his regular share of  
partnership earnings attributable to the period during which he  
is serving as a staff member of the Commission.

I would appreciate your advice on the conflict of interest  
problems which Mr. 's employment might produce under the  
above-described circumstances. It is my intention to convey  
your reply to Mr. and his firm for their reliance.

Sincerely,



THE WHITE HOUSE  
WASHINGTON

February 20, 1975

MEMORANDUM FOR PHIL AREEDA

FROM: WILLIAM N. WALKER *W. Walker*  
Subject: Conflict of Interest

Would you please provide me with an interpretation of the Commodity Futures Trading Commission Act of 1974 in order that we may determine whether or not a candidate, now selected by the President, would be eligible to serve under the terms of that Act.

He asks whether he might be permitted to buy and sell futures contracts for the purpose of hedging his own farming production.

Section 401(d) and 101(3)(7) of the Commodity Futures Trading Commission Act of 1974, P.L. 93-462 appear to be the relevant sections.

As resolution of this issue may require us to seek a substitute candidate, I would appreciate your early consideration of this question. Bill Casselmann's background in the industry may be particularly helpful.

Beverly Splane of my office has spoken with Jack Knebel, General Counsel, Department of Agriculture and Paul Walsh from the Justice Department. They were both of the opinion that the law does not permit hedging by a Commission in connection with his farming operations.

*I agree*  
*P. Areeda*



*Conf.*  
*Hays, Wayne*

THE WHITE HOUSE

WASHINGTON

May 24, 197

MEMORANDUM FOR: PHIL BUCHEN  
FROM: MAX FRIEDERSDORF *M.F.*  
SUBJECT: Chairman Wayne Hays (D-Ohio)

I am referring the following matter to you for proper handling.

Chairman Wayne Hays of the House Administration Committee phoned this afternoon to protest what he termed a violation of his rights by the Federal Bureau of Investigation which has apparently undertaken an investigation of recent stories relating to a female member of Hays' staff.

Hays reported that the FBI sought to interview one of his secretaries at her residence on Sunday night and that when she objected to their demands for an interview, they advised her that they were investigating an alleged Federal crime committed by Chairman Hays.

Hays also reported that the FBI attempted to question employees in the Horizon House today concerning his relationship and circumstances of possible visitations at the apartment of an employee of Chairman Hays.

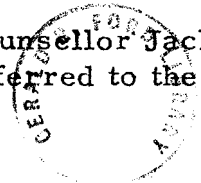
Hays alleged that the FBI action represented a vendetta by the Justice Department and was related to bad feelings between himself and Deputy Attorney General Thornburg.

Hays' objections to the FBI action apparently were not related to the fact that he is being investigated by the FBI but rather that he had not been notified of this action.

Congressman Hays insisted that the President be advised of these efforts and I advised the Chairman that I would refer the matter to the President's Counsel together with his request.

After this conversation with Chairman Hays I reported it to Counsellor Jack Marsh who advised and concurred that the matter should be referred to the White House Counsel's office.

cc: Jack Marsh



THE WHITE HOUSE  
WASHINGTON

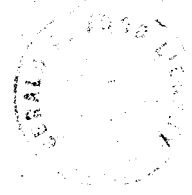
May 6, 1975

*Marsh, John*

*Conflict of  
Interest*

MEMORANDUM FOR: JACK MARSH  
THROUGH: PHIL BUCHEN *P.W.B.*  
FROM: KEN LAZARUS *KL*  
SUBJECT: National Committee for Employer  
Support of the Guard and Reserve

I have reviewed the purpose, funding, operations and membership of the above-referenced organization and have concluded that there is no impediment to your continued service as an honorary member of the Board of this organization.





THE WHITE HOUSE  
WASHINGTON

April 23, 1975

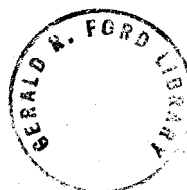
MEMO FOR: PHIL BUCHEN

FROM: JACK MARSH *Jack*

Is it possible for me to continue to serve on  
this Board?

Thanks.

*Marsh*  
*Confidential*  
*J. Marsh*



APR 23 1975



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
NATIONAL COMMITTEE FOR EMPLOYER SUPPORT  
OF THE GUARD AND RESERVE  
400 ARMY NAVY DRIVE  
ARLINGTON, VA. 22202  
TEL. 202-697-6902



MANPOWER AND  
RESERVE AFFAIRS

April 22, 1975

J. M. ROCHE  
NATIONAL CHAIRMAN

EXECUTIVE COMMITTEE

ROBINSON F. BARKER  
PPG INDUSTRIES, INC.

RICHARD C. BLOCK  
SAN FRANCISCO, CA.

JOHN M. CAMPBELL  
MILLER & PAINE  
DEPT. STORE

RICHARD G. CAPEN, JR.  
COPLEY NEWSPAPERS

PAUL J. FASSER, JR.  
ASSISTANT SECRETARY  
OF LABOR FOR LABOR-  
MANAGEMENT RELATIONS

KIMBALL C. FIRESTONE  
FIRESTONE TIRE AND  
RUBBER CO.

RONALD J. GIDWITZ  
HELENE CURTIS IND., INC.

WERNER P. GULLANDER  
NATIONAL ASSOCIATION  
OF MANUFACTURERS

J. R. JOHNSTONE  
UNION CARBIDE CORP.

WALTER A. KIEFER  
KIEFER ELECTRICAL  
SUPPLY CO.

ERNEST S. LEE  
AFL-CIO

JOHN E. LEWIS  
NATIONAL SMALL  
BUSINESS ASSOC.

MARILYN C. LINK  
HUGHES AIRWEST

HEINZ H. LOEFFLER  
EXETER PAPER CO., INC.

HAROLD R. SIMS  
JOHNSON & JOHNSON

REUBEN D. SIVERSON  
CHAMBER OF COMMERCE  
OF US

M. WAYNE STOFFLE  
STOFFLE & ASSOCIATES

VINCENT T. WASILEWSKI  
NATIONAL ASSOCIATION  
OF BROADCASTERS

CLYDE M. WEBBER  
AMER. FEDERATION  
OF GOV'T. EMPLOYEES

HARRY J. ZINK  
CIVIL AERONAUTICS  
BOARD

HONORARY MEMBERS

JOHN O. MARSH, JR.  
COUNSELLOR TO  
THE PRESIDENT OF  
THE UNITED STATES

W. STANFORD SMITH  
MILITARY EXECUTIVE  
RESERVE FORCES POLICY  
BOARD

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

Dear Jack:

The next meeting of the Executive Committee is scheduled for June 11, 1975, and will be held in the Pentagon Conference Area, 1E801, Room 5.

The meeting will convene at 8:30 a.m., there will be a noon luncheon in the Pentagon "Blue Room," and we should conclude our business by 4:30 p.m. An agenda will be forthcoming shortly together with an information kit so that you will be aware of those areas which we will discuss.

Hotel accommodations have been reserved at the new Stouffer's National Center Inn in Arlington, and transportation will be provided for those who require it.

Please complete and return the enclosed questionnaire at your earliest convenience so that we may proceed with our plans for the meeting.

I look forward to seeing you in June.

My very best wishes.

Sincerely,

J. M. Roche  
National Chairman

Enclosure



THE WHITE HOUSE

WASHINGTON

February 24, 1976

*Personal*  
*Confidential*  
*W/ + Interest*  
*Marsh*  
*Jack*

MEMORANDUM FOR:

JACK MARSH

THROUGH:

PHIL BUCHEN

FROM:

KEN LAZARUS

*P.*  
*C.*

In response to your inquiry of February 17, this is to advise that we see no objection to your acceptance of a position on the Board of Visitors at Virginia State College. However, we would suggest the inclusion of a statement in your letter of acceptance along the following lines:

\* \* \* \* \*

"Although I may be compelled to rescuse myself from certain individual matters which may come before the Board from time to time based on my responsibilities in government, I trust that these instances will be few in number and will not affect my ability to be of some service to the school."

\* \* \* \* \*

Such a caveat would recognize that you would be precluded from participating as a Board member in matters requiring Federal government action. Additionally, in your role as a government official you should avoid participating personally and substantially in matters directly affecting the college, e.g., a government grant to the institution.

I trust this satisfies your inquiry.



THE WHITE HOUSE

WASHINGTON

February 17, 1976

MEMORANDUM FOR: PHIL BUCHEN

FROM: JACK MARSH

I have been asked about the possibility of my availability to serve on the Board of Visitors at a State College in Virginia.

Is there any problem in connection with this?

Many thanks.



THE WHITE HOUSE  
WASHINGTON

W/H Marsh  
Jack Coffey

December 23, 1975

MEMORANDUM FOR: JACK MARSH

FROM: PHILIP BUCHEN *P.*

SUBJECT: Your inquiry about acceptance of Christmas Gifts

Your inquiry about the following:

1. Four bottles of wine sent to you from the Romanian Ambassador;
2. A Virginia ham sent to you from a friend whose wife has substantial oil investments; and
3. Another Virginia ham sent to you from the Corporation with which a friend of yours is affiliated where the Corporation is in the oil business.

Attached is a copy of the memorandum of December 1 which dealt with this subject generally.

In the case of the present from the Romanian Ambassador, there is no problem of your retaining this gift so long as the value is not in excess of \$50.00.

The other two gifts are questionable unless it can be said that the gifts of either or both hams are motivated solely by the personal relationship of the donor with you and will not give rise to the appearance of a conflict of interest. If you should decide you should dispose of either or both of the hams and you find it inappropriate to return, then you could dispose of them to a public charity or charitable institution.

Attachment



THE WHITE HOUSE

WASHINGTON

December 1, 1975

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM:

PHILIP W. BUCHEN

P.W.B.

SUBJECT:

Acceptance of Christmas Presents

The approach of the Christmas season raises anew questions of presents -- those to be given and those which may be received. With no intention of detracting from the joys of the season, I remind everyone on the White House Staff of the limitations imposed by statutes and regulations on acceptance of gifts.

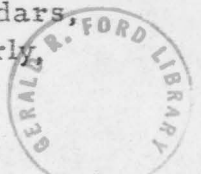
Gifts between Staff Members

Federal statutes prohibit the acceptance of gifts from fellow employees of a lesser pay status. The solicitation of contributions for a Christmas gift for an employee in a superior official position is also prohibited by statute, as is the giving of such a gift or donation. However, these laws have not been interpreted to preclude the traditional exchange of gifts of nominal value between co-workers within an office.

Acceptance of Other Gifts

As a member of the White House Staff you are expressly prohibited from soliciting or accepting gifts from corporations or persons (1) who have or are seeking contractual agreements with any Executive department or agency, (2) who engage in activities regulated by Executive departments or agencies, or (3) who have any interests which may be substantially affected by the performance of your job. This latter group includes federal employees as well as persons in the private sector.

The foregoing does not preclude your acceptance of unsolicited advertising or promotional items such as pens, note pads, calendars, etc., so long as they are of nominal value (\$10 or less). Similarly,



you are not prohibited from accepting reasonable gifts, promotional or otherwise, from close personal friends or relatives who have dealings with the government, when it is clear that the motivation for the gift is the personal relationship and acceptance would not give rise to the appearance of a conflict of interest.

In addition, the law prohibits the acceptance of gifts in excess of \$50 (retail value in U.S.) from representatives of foreign governments except with the express consent of Congress.

Procedures for Disposition of Prohibited Gifts

Any prohibited gift should be returned to the donor along with a letter, a copy of which should be retained for your files, stating the reasons for its return. If for any reason it is not possible to return the gift, please forward it to the Counsel's office (Room 106, OEOB) along with a letter of explanation. The gift will then be turned over to a public charity or charitable institution, or if it is from a representative of a foreign government, to the State Department for disposition in accordance with its regulations.

The rationale for the foregoing restrictions is two-fold. First, as between members of the Staff, they avoid any appearance that a person is attempting to gain favor with a superior by the giving of a gift or that any gift is expected by the superior. Second, as to gifts that might be offered from those outside the White House, they protect you as a member of the Staff from being exposed to even the appearance of a conflict of interest.



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THE WHITE HOUSE

WASHINGTON

December 20, 1975

MEMORANDUM FOR: PHIL BUCHEN

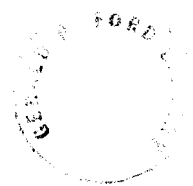
FROM: JACK MARSH 

I received four bottles of wine from the Romanian Ambassador.  
I understand similar gifts went to other Members of the senior  
staff.

I have no idea as to the value of this gift, nor to the propriety of  
an acceptance.

Can you give me some guidance?

Many thanks.





THE WHITE HOUSE  
WASHINGTON

*Marsh, Jack*

*Personal  
Conflict  
of Interest*

April 25, 1975

MEMORANDUM FOR: KEN LAZARUS

FROM:

PHILIP BUCHEN

*T.W.B.*

Attached is a memo and letter from Jack Marsh. Would you kindly prepare a reply -- from you through me -- to Jack.

Attachment



WITHDRAWAL ID 01480

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REASON FOR WITHDRAWAL . . . . Donor restriction

TYPE OF MATERIAL . . . . . Letter(s)

CREATOR'S NAME . . . . . Marsh, John
RECEIVER'S NAME . . . . . Buchen, Philip

DESCRIPTION . . . . . Personal financial statement with
                           attachments.

CREATION DATE . . . . . 12/20/1974

COLLECTION/SERIES/FOLDER ID . 001900423
COLLECTION TITLE . . . . . Philip W. Buchen Files
BOX NUMBER . . . . . 37
FOLDER TITLE . . . . . Personnel - Conflict of Interest, A-G

DATE WITHDRAWN . . . . . 08/24/1988
WITHDRAWING ARCHIVIST . . . . LET
  
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Policy —  
statutory  
restrictions on  
employment  
after leaving  
govt. service

*Conflicting  
Interest*

THE WHITE HOUSE

WASHINGTON

May 29, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: BARRY ROTH *BR*

18 U.S.C. 207 contains the statutory restrictions on employment after leaving Government service. Basically, this statute provides that:

A former employee is permanently barred from acting as an agent or attorney for anyone other than the United States in connection with a particular matter in which the United States is a party or has an interest and in which he participated personally and substantially for the government.

A former employee may not for a period of one year after the termination of his government employment appear personally before any court, department or agency as agent or attorney for anyone other than the United States in connection with any particular matter in which the United States is a party or has an interest and which was under the official responsibility of the former staff member during the last year of his government service.

This statute also affects the circumstances under which a former employee may join or rejoin a firm which is engaged in his particular business. It makes it unlawful for a former employee to share in any fees received by the firm for services in relation to a particular matter, in which the United States is a party or has an interest, performed by the firm at any time during the period of his government employment. This is so even though the matter was not ever before his particular department or agency and did not come to his attention before his separation from the government.





case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

"Nothing herein prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

"Nothing herein or in section 203 prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, provided that the Government official responsible for appointment to his position approves.

"Nothing herein or in section 203 prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires.

"Such certification shall be published in the Federal Register.

Publication in  
F. R.

"Nothing herein prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

**"§ 206. Exemption of retired officers of the uniformed services**

"Sections 203 and 205 of this title shall not apply to a retired officer of the uniformed services of the United States while not on active duty and not otherwise an officer or employee of the United States, or to any person specially excepted by Act of Congress.

**"§ 207. Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners**

"(a) Whoever, having been an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed, or

"(b) Whoever, having been so employed, within one year after his employment has ceased, appears personally before any court or department or agency of the Government as agent, or attorney for, anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested, and which was under





his official responsibility as an officer or employee of the Government at any time within a period of one year prior to the termination of such responsibility—

"Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both: *Provided*, That nothing in subsection (a) or (b) prevents a former officer or employee, including a former special Government employee, with outstanding scientific or technological qualifications from acting as attorney or agent or appearing personally in connection with a particular matter in a scientific or technological field if the head of the department or agency concerned with the matter shall make a certification in writing, published in the Federal Register, that the national interest would be served by such action or appearance by the former officer or employee.

Publication in  
F. R.

"(c) Whoever, being a partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, acts as agent or attorney for any one other than the United States, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest and in which such officer or employee of the Government or special Government employee participates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his official responsibility—

"Shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

"A partner of a present or former officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia or of a present or former special Government employee shall as such be subject to the provisions of sections 203, 205, and 207 of this title only as expressly provided in subsection (c) of this section.

#### "§ 203. Acts affecting a personal financial interest

"(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

"Shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

"(b) Subsection (a) hereof shall not apply (1) if the officer or employee first advises the Government official responsible for appointment to his position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such



CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

June 10, 1975

*Personnel*  
*Conflicts*  
*General*

MEMORANDUM FOR: Max Friedersdorf  
FROM: Phil Buchen *P.W.B.*  
SUBJECT: Your memorandum to me of June 5

Our office has made some discreet inquiries about the matters you raised, and we cannot find any information. However, we shall keep the matter in mind and advise you if we learn of anything.

CONFIDENTIAL

*Administrative marking  
DAB 8/15/88*





THE WHITE HOUSE  
WASHINGTON

5:45

Mr. Buchen,

Dudley Chapman  
called and said  
HUD had not  
been able to  
find anything else  
on the CSC.



THE WHITE HOUSE  
WASHINGTON

CONFIDENTIAL

June 5, 1975

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

MAX FRIEDERSDORF

*M. 6*

SUBJECT:

HUD Scandals (Prospective)

Congressman Bill Ford (D-Mich) has mentioned to Charlie Leppert an impending scandal involving HUD & Civil Service, that would be embarrassing to the Administration.

Representative Herm Schneebeli has also mentioned a HUD scandal brewing at Sunbury, Pennsylvania, and has sent a letter to Secretary Hills. Herm says the FBI is investigating the Sunbury matter.

cc: Jack Marsh

CONFIDENTIAL

*Administrative marking  
- Max 8/6/84*



THE WHITE HOUSE  
WASHINGTON*Policy*

September 16, 1975

FOR: PHIL BUCHEN

FROM: DON RUMSFELD

Don Kendall has been a visitor around the White House for a good many years, as you may know. In the past at Christmas time he has given gifts to various members of the staff, the telephone operators and others. Some of the gifts were returned last year in view of the stricter staff policy.

It might be appropriate this year, prior to the holiday season, to contact Kendall and be sure he is aware of the policy and its application to the entire staff.

He is Chairman of the Board of Pepsi Cola.



*Conflicts*

October 29, 1975

Ken,

Mr. Buchen would like to know  
how you are coming on the  
examination bar conflict-of-  
interest procedures?

I hope this is worded the way he  
said it.

shirley



11/4  
Confidential  
11/11

THE WHITE HOUSE  
WASHINGTON

December 8, 1975

MEMORANDUM FOR: PETER MC PHERSON  
FROM: PHILIP BUCHEN *P.*  
SUBJECT: Restrictions on Appointment  
of Relatives

You have requested the opinion of this office on whether the President can appoint Mrs. Ford to be a member of the proposed President's Commission on the Medal of Freedom.

Under 5 U.S.C. 3110, added by section 221 of the Postal Revenue and Federal Salary Act of 1967, P.L. 90-206, no federal official, expressly including the President, may appoint or employ any of a broadly defined class of relatives (including wives) in a "civilian position" in the agency in which the appointing official is serving, "or over which he exercises jurisdiction or control." The only penalty for violation of this provision is loss of salary for the individual so appointed.

In applying this section to the President, the Office of Legal Counsel of the Department of Justice interpreted this prohibition to extend only to the President's authority to appoint "inferior officers", whose appointment Congress has vested by law in the President alone. On the other hand, Justice believes that this section does not limit the President's Constitutionally-based power to appoint officers of the United States "by and with the advice and consent of the Senate."

While the President can thus appoint relatives to positions which require confirmation by the Senate, he cannot appoint relatives to an inferior office such as the subject Commission on the Medal of Freedom.

On the other hand, this statute would not prohibit the Chairman of the Commission from inviting Mrs. Ford to serve as an ex officio member and to participate, but not vote, in all matters before the Commission. If you wish to proceed in this manner, the proposed Executive Order should be revised to allow the Chairman to invite ex officio member(s) to participate in the Commission's deliberations.

THE WHITE HOUSE  
WASHINGTON

December 8, 1975

MEMORANDUM FOR: JIM ROGERS

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

FROM: DUDLEY CHAPMAN *DC*

SUBJECT: Reporting of Financial Interests  
of Detailed Employees

There is presently no formal system for a conflict of interest review of employees detailed to the White House staff. Although in many cases this is not necessary, some detailees are working in substantive areas and should be checked.

Rather than requiring all detailees to fill out the disclosure form, it would be helpful if the Counsel's office were notified of all detailees when they arrive so that we can determine in each case whether a statement should be required. This can be done by a weekly note addressed to me listing new detailees, with the length of their expected stay, and a description of the area in which they will be working.

