

**The original documents are located in Box 43, folder “President - Assassination Attempts Fromme, Lynette (3)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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OCT 24 1975

CLERK, U. S. DIST. COURT  
Eastern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

---000---

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CRIMINAL NO. S-75-451
	)	
LYNETTE ALICE FROMME,	)	
	)	
Defendant.	)	

OPINION

On the morning of September 5, 1975, Gerald R. Ford, President of the United States, departed the Senator Hotel in downtown Sacramento and commenced a short walk across Capitol Park to the State Capitol for a scheduled meeting with the Governor of California. As he walked through the park, the President was greeted by numerous citizens and paused occasionally to shake hands. During one such handshaking stop a woman in a red dress, who had been previously observed by the President standing next to a tree and who was visible to the President above her chest, suddenly moved her right hand forward toward the President through the crowd at about waist level. The President observed that she was holding a hand gun and that she was about two feet distant from the President. The gun, a .45 caliber pistol, did not fire. <sup>1/</sup> Agents of the Secret Service and local law enforcement officers immediately wrestled the woman to the ground while other agents quickly moved the President from the scene of the incident.

<sup>1/</sup> The search warrant and complaint on file herein allege that although there was no bullet in the chamber of the gun, its magazine contained the bullets.

1 As a result of her conduct, Lynette Alice Fromme  
2 was arrested and indicted in this court for the crime of  
3 attempted assassination of the President of the United States  
4 in violation of Title 18 USC § 1751(c).

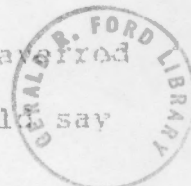
5 The issue presently before the court is a request  
6 by defendant Fromme to subpoena President Ford as a witness  
7 for the defense. As an initial matter, it must be noted that  
8 defendant, being an indigent, has no absolute right to sub-  
9 poena any and all witnesses for the defense. FRCrP 17(a).  
10 Since it will be necessary for the Government to incur the  
11 expense of witnesses, the provisions of FRCrP 17(b) are  
12 applicable:

13 "(b) Defendants unable to pay. The court  
14 shall order at any time that a subpoena  
15 be issued for service on a named witness  
16 upon an ex parte application of a defendant  
17 upon a satisfactory showing that the  
18 defendant is financially unable to pay the  
19 fees of the witness and that the presence  
20 of the witness is necessary to an adequate  
21 defense. . . ." (emphasis added)

22 In accord with the constitutional mandate of the  
23 Sixth Amendment, the courts have displayed a liberal attitude  
24 in application of FRCrP 17(b). Greenwell v. United States,  
25 317 F.2d 108, 110 (D.C. Cir 1963); Welsh v. United States, 404  
26 F.2d 414 (5th Cir 1968); Hathcock v. United States, 441 F.2d  
27 197 (5th Cir 1971). As the court noted in United States v.  
28 Romano, 482 F.2d 1183, 1195 (5th Cir 1973):

29 "If the accused avers facts which, if true,  
30 would be relevant to any issue in the case,  
31 the requests for subpoenas must be granted,  
32 unless the averments are inherently incredible  
33 on their face, or unless the Government  
34 shows, either by introducing evidence or  
35 other matters already of record, that the  
36 averments are untrue or that the request  
37 is otherwise frivolous."

38 In the instant case, the defendant has averred  
39 that if the President were called to testify, he would say



1 that he neither heard a "click" of the weapon, nor did he  
2 hear the defendant say any words. Whether the weapon "clicked"  
3 or not is relevant to the issue whether the defendant pulled  
4 the trigger and would assist the defendant in meeting evidence  
5 the Government "claims it can offer to the effect that a click  
6 was heard by a witness. Whether the President heard defendant  
7 utter any words is relevant to counter the testimony of other  
8- witnesses who are quoted in the indictment as hearing the  
9 defendant say words such as: "It didn't go off. Would you  
10 believe it. It didn't go off." and "He's not a public ser-  
11 vant. Why are you protecting him?"

12 During oral argument on this matter, defendant  
13 contended that a major issue in this case would be the  
14 question of intent: Did defendant intend to assassinate the  
15 President or did defendant, who purports to be an ecological  
16 advocate, do the alleged act with no intent to kill the  
17 President but only for the purpose of gaining publicity for  
18 her environmental causes. On the question of intent, the  
19 testimony of the President, as averred, would be most relevant.  
20 Further, the testimony of the President would have a rather  
21 high probative value as he was perhaps the most precipient of  
22 all witnesses to the alleged crime. For example, the  
23 President, in addition to the testimony indicated above, could  
24 likely testify as to the facial expression and demeanor of the  
25 accused at the critical moment. A jury could easily draw  
26 inferences on the question of intent from such testimony.

27 In fact, the testimony of the President is more  
28 than merely "averred" testimony. During oral argument, the  
29 Government presented an affidavit by the President wherein,  
30 inter alia, he attests that he has "no recollection" of either  
31 hearing a "click," or of hearing the defendant utter any words.  
32



1 Such testimony is obviously both relevant and necessary to an  
2 adequate defense. Clearly, on the basis of this affidavit,  
3 defendant has met her burden under FRCP 17(b).

4 " Obviously, by the introduction of the President's  
5 affidavit, the Government has not sought to show that the  
6 averred testimony is either untrue or frivolous. The Govern-  
7 ment has argued, however, that this court should exercise its  
8 discretion and not issue the subpoena on the ground that the  
9 witness sought would present merely cumulative evidence.

10 It is true that a district court has discretion,  
11 and broad discretion, to deny the issuance of a subpoena on  
12 behalf of an indigent defendant where that subpoena would  
13 bring to the court a witness whose testimony is merely cumula-  
14 tive. Wagner v. United States, 416 F.2d 558 (9th Cir 1969);  
15 United States v. Chapman, 455 F.2d 746 (5th Cir 1972); United  
16 States v. Rosa, 493 F.2d 1191 (2d Cir 1974). This court has  
17 carefully reviewed in camera the names and averred testimony  
18 of the other defense witnesses and determines that the testi-  
19 mony of the President in this case should not be denied on the  
20 basis of being cumulative. The Government has argued, however,  
21 that some of its witnesses may testify in a similar manner as  
22 the President. In the first place, the cases which consider  
23 judicial discretion to reject witnesses whose testimony is  
24 cumulative have considered the question only with regard to  
25 the witnesses sought by the defense, and not with regard to  
26 Government witnesses who might testify similarly as defense  
27 witnesses. Secondly, and more importantly, the testimony of  
28 the President, as noted, is unique due to his proximity to the  
29 defendant and the gun. The Government has not indicated that  
30 any other witness who was as close to the pistol and the  
31 defendant would testify in a manner similar to the President.

32 No consideration of "Executive Privilege" enters



1 the equation at this stage of the proceedings. As Chief  
2 Justice Marshall noted in the case of United States v. Burr,  
3 25 Fed. Cas. p. 30 (1807) and as cited in Nixon v. Sirica,  
4 487 F.2d 700 (D.C. Cir 1973):

5 "Whatever difference may exist with  
6 respect to the power to compel the same  
7 obedience to the process, as if it had  
8 been directed to a private citizen,  
9 there exists no difference with respect  
10 to the right to obtain it. . . .

11 The guard, furnished to this high officer,  
12 to protect him from being harassed by  
13 vexatious and unnecessary subpoenas, is  
14 to be looked for in the conduct of a  
15 court after those subpoenas have issued;  
16 not in any circumstance which is to  
17 precede their being issued."

18 In United States v. Nixon, -- U.S. --, -- S.Ct.  
19 --, 41 L.Ed.2d 1039 (1974), the Supreme Court made a clear  
20 pronouncement that the claim of "Executive Privilege" is not  
21 absolute, and the extent, if any, of the privilege is a  
22 decision ultimately for the court.

23 Although the Burr, Sirica, and Nixon cases cited  
24 above, all dealt with the acquisition of presidential docu-  
25 ments or other tangible evidence, the reasoning in those cases  
26 is even more pertinent in the instant case. Those cases hold  
27 that no person, even a President, is above the law and that  
28 in appropriate judicial proceedings, documents and other  
29 tangible evidence within the very office of the President may  
30 be obtained for use in those judicial proceedings. Similarly,  
31 where the President himself is a percipient witness to an  
32 alleged criminal act, the President must be amenable to sub-  
33 poena as any other person would be.

34 This court is fully mindful that there exists no  
35 particular precedent for the issuance of a subpoena to an  
36 incumbent President to be a witness in a criminal trial. By  
37 the same token, however, there is no precedent of a President

1 being a precipient witness to a crime, particularly a crime  
2 perpetrated against the person of the President.

3 Notwithstanding the burden which is imposed on  
4 the person of the President if he is called to testify as a  
5 witness in a criminal trial, this court has an even heavier  
6 burden to ensure a fair and a speedy trial to the accused,  
7 with total regard for all the rights and protections afforded  
8 an accused under the law of this land. In this respect, the  
9 words of the Supreme Court in United States v. Nixon, supra,  
10 41 L.Ed.2d at 1066 ring especially true:

11 "[T]he allowance of the privilege to  
12 withhold evidence that is demonstrably  
13 relevant in a criminal trial would cut  
14 deeply into the guarantee of due process  
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function of the courts."

15 The court has determined that the subpoena should  
16 issue on the facts of this case. In recognition of the high  
17 office of the President and being mindful of the inconvenience  
18 and burden the subpoena will impose upon him, the court will  
19 not require the President to come to court to present his  
20 testimony, but rather, will "bring" the court to the President.

21 FRCrP 15 permits the taking of depositions of  
22 witnesses in criminal cases. It is appropriate in the instant  
23 case to take a deposition of the President, on video tape, at  
24 a place and time of his choosing on or before October 31, 1975.  
25 At such a deposition, attorneys for the Government will be  
26 present as will the co-counsel for defendant. Examination and  
27 cross-examination will be conducted and the responses and  
28 demeanor of the witness will be preserved for the jury. To  
29 facilitate the hearing and to assure that the trial of this  
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Notwithstanding the burden which is imposed on the person of the President if he is called to testify as a witness in a criminal trial, this court has an even heavier burden to ensure a fair and a speedy trial to the accused, with total regard for all the rights and protections afforded an accused under the law of this land. In this respect, the words of the Supreme Court in United States v. Nixon, supra, 41 L.Ed.2d at 1066 ring especially true:

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Research reveals no precedent for the taking of a video tape deposition of a President in a criminal case pursuant to FRCP 15, however, this is a case without precedent. It is felt, nonetheless, that such a procedure will fully protect the accused's rights under the Sixth Amendment of the United States Constitution while at the same time imposing the least onerous burden on the person and the office of the President of the United States.

IT IS THEREFORE ORDERED that a subpoena shall issue consistent with this opinion.

DATED: October 21, 1975.

*James J. McBratney*

UNITED STATES DISTRICT JUDGE

FACSIMILE TRANSMISSION RECEIPT						DATE: 10-24-75	
ADDRESSEE:			ORIGINATOR:				
SEE BELOW			SEE BELOW				
TO:	FROM:	DATE:	TIME:	PAGES:	PAGE NO.:		RECEIVED:
202 275-6025	916 444-2250	10-24-75	11:10a	7	OF		
REMARKS:				CHK:	OPR:		
				JUSH	BA		

HONORABLE RICHARD L. THORNBURG  
ASSISTANT ATTORNEY GENERAL  
CRIMINAL DIVISION  
C/O JOHN C. KEENEY, ESQ.

DEPUTY ASSISTANT ATTORNEY GENERAL, OR  
VECTOR STONE, ESQ.

APPELLATE SECTION  
U. S. DEPARTMENT OF JUSTICE  
MAIN JUSTICE BUILDING  
WASHINGTON, D. C. 20530

WAYNE KEYES, UNITED STATES ATTORNEY  
2758 FEDERAL BUILDING, 650 CAPITOL M  
SACRAMENTO, CA 95814 (PHONE 449-2



OCT 24 1975

CLERK, U. S. DIST. COURT  
Eastern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

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perpetrated against the person of the President.

Notwithstanding the burden which is imposed on the person of the President if he is called to testify as a witness in a criminal trial, this court has an even heavier burden to ensure a fair and a speedy trial to the accused, with total regard for all the rights and protections afforded an accused under the law of this land. In this respect, the words of the Supreme Court in United States v. Nixon, supra, 41 L.Ed.2d at 1066 ring especially true:

"[T]he allowance of the privilege to withhold evidence that is demonstrably relevant in a criminal trial would cut deeply into the guarantee of due process of law and gravely impair the basic function of the courts."

The court has determined that the subpoena should issue on the facts of this case. In recognition of the high office of the President and being mindful of the inconvenience and burden the subpoena will impose upon him, the court will not require the President to come to court to present his testimony, but rather, will "bring" the court to the President.

FRCrP 15 permits the taking of depositions of witnesses in criminal cases. It is appropriate in the instant case to take a deposition of the President, on video tape, at a place and time of his choosing on or before October 31, 1975. At such a deposition, attorneys for the Government will be present as will the co-counsel for defendant. Examination and cross-examination will be conducted and the responses and demeanor of the witness will be preserved for the jury. To facilitate the hearing and to assure that the trial of this matter may commence on November 4, 1975, as presently scheduled, a United States District Judge will preside at the taking of the deposition.

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IT IS THEREFORE ORDERED that a subpoena shall issue consistent with this opinion.

DATED: October 21, 1975.

*Ernest J. B...*  
UNITED STATES DISTRICT JUDGE

FACSIMILE TRANSMISSION RECEIPT						DATE: 10/24/75	
TO: SEE BELOW			FROM: SEE BELOW				
TO	916 444-2330	CL	92 0017	FLT	11:37a	DATE	10-24-75
TO	202 275-0025	REMARKS				PAGES	7 OF
						CHG	JUSH
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HONORABLE RICHARD L. THORBURGH  
ASSISTANT ATTORNEY GENERAL  
CRIMINAL DIVISION  
C/O JOHN C. KEENEY, ESQ.  
DEPUTY ASSISTANT ATTORNEY GENERAL, CR  
VECTOR STONE, ESQ.  
APPELLATE SECTION  
U. S. DEPARTMENT OF JUSTICE  
MAIN JUSTICE BUILDING  
WASHINGTON, D. C. 20530

WAYNE KEYES, UNITED STATES ATTORNEY  
3758 FEDERAL BUILDING, 650 CAPITOL M  
SACRAMENTO, CA 95814 (PHONE 449-2



THE WHITE HOUSE  
WASHINGTON

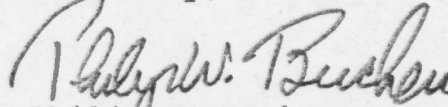
*President -  
Subpoena*

October 24, 1975

Dear Mr. Thornburgh:

In accordance with your conversation with a member of my staff, enclosed is a copy of the subpoena directed to the President with respect to United States v. Fromme, E. D. Cal., CR. No. S-75-451, for appropriate handling.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable Richard Thornburgh  
Assistant Attorney General  
Criminal Division  
Department of Justice  
Washington, D. C. 20530

Enclosure



10/24/75

Form No. USM-52 (Rev. 6-1-65)

SUBPOENA TICKET

**District Court of the United States**

Eastern DISTRICT OF California

Gerald R. Ford, President  
of The United States  
Washington, D .C .

To \_\_\_\_\_

BY VIRTUE OF A SUBPOENA issued out of the District Court of the United States, you are re-  
quired to be and appear before the said Court at \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ m., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

then and there to testify on behalf of the \_\_\_\_\_ in the case of

United States of America

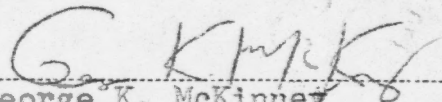
vs. Lynette Alice Fromme

CR. No. S-75-451

~~and to bring with you and produce~~

..... YOU ARE HEREBY REQUIRED TO APPEAR AT A LOCATION TO BE  
..... DETERMINED BY YOU AT ANY TIME CONVENIENT TO YOU ON OR BEFORE  
..... OCTOBER 31, 1975, TO TESTIFY IN THE ABOVE ENTITLED CASE BY WAY  
..... OF A VIDEO-TAPED DEPOSITION. ....

and not to depart without leave. If you fail to obey such subpoena, you may be fined and imprisoned,  
as the Court may direct.

  
George K. McKinney U. S. Marshal.

John E. Virga  
Attorney for defendant  
721 11th St.  
Sacramento, California 95814  
Tel: (916) 444-6595



THE WHITE HOUSE  
WASHINGTON

*Fromme  
Case*

October 25, 1975

MEMORANDUM FOR: THE PRESIDENT

FROM: PHILIP BUCHEN *P.*

When I talked to you Thursday evening about the Judge's action in the Fromme case to authorize your being subpoenaed for a deposition, I indicated that the Justice Department was concerned that the Judge had not properly addressed the various legal issues raised by the defendant's request to have you be a witness. However, the next day the Judge did issue an opinion, copy of which is attached.

As you can see from the opinion, the Judge now has carefully addressed the various legal issues and although one might argue against certain of his conclusions, he appears not to have misused his discretionary authority in your matter.

Of further interest to you may be the attached article which appeared recently in the University of Illinois Law Forum and which has just come to my attention.

Attachments



Your Honor?

2 THE COURT: Well, Miss Fromme will not be present.  
3 I would not consent to Miss Fromme going back for the taking  
4 of the deposition.

5 Sorry about that, Miss Fromme. Mr. Virga certainly  
6 will very ably represent you at the taking of the deposition.

7 You and Mr. Heller or either of you, or if you want  
8 the deposition to be taken by someone of the Justice Depart-  
9 ment, that's up to you. But I think that Mr. Virga can take  
10 the deposition by himself.

11 MR. VIRGA: May I direct a comment to the Court?

12 THE COURT: Yes.

13 MR. VIRGA: Will you be there? I would prefer you  
14 be there to make rulings on any objections that might come up.  
15 I don't want to be in the situation where we go back there and  
16 take his deposition and he's instructed by his counsel not to  
17 answer a question, or the U. S. Attorney feels a question  
18 should not be answered, or I feel it is a vague and ambiguous  
19 question. I think we need somebody there to make a ruling.  
20 I think if this deposition is going to be taken, that it should  
21 have all the atmosphere the Court provides and it should be  
22 just a supplemental to this trial with you there, Your Honor.  
23 I would also request, since the U. S. Attorney has indicated  
24 that at the conclusion of his case he is going to turn over  
25 all statements, I request that before I depose the President I

DENNIS F. McKINNON  
CERTIFIED SHORTHAND REPORTER

DO NOT LOAD PAST THIS LINE

ADMINISTRATIVELY CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

*L222705*

SCHEDULE REQUEST

Date: October 25, 1975

From: Philip W. Buchen *PW*

Via : Jerry Jones :

MEETING: Deposition of the President by John E. Verga, Attorney for Lynette Alice Fromme.

DATE: On or before October 31, 1975 (although it could be slipped to November 1, 1975, provided I know by Tuesday, October 28).

PURPOSE: To comply with the attached subpoena, issued pursuant to opinion of the U. S. District Court for the Eastern District of California on October 24, 1975.

FORMAT: - location: Counsel's Office (West Wing) (subject to approval by WHCA that facilities here would be appropriate)

- participants: The President; a Judge of the U. S. District Court for the District of Columbia (to be designated); Dwayne Keyes, a U.S. Attorney for the Eastern District of California; an attorney from the Department of Justice in Washington; Philip W. Buchen; a court reporter (to be designated); and WHCA personnel as needed for video taping.

- expected length of participation: Probably not more than one-half hour but allowance should be made for possible extension.

*Thomas J. MacBride*

*Richard Fong  
Court Reporter*

*John Verga*

*Philip W. Buchen*

*Secret Service Agent*

*Two cameramen*

*One sound man*



OTHER  
PARTICIPATION:

None

PREPARATORY  
MATERIAL:

Copy of President's written  
statement to the FBI which he  
gave on October 2, 1975.

PRESS  
COVERAGE:

None (except that the Press Office  
on the day of the event should  
probably make an announcement that  
the deposition is to be taken).

STAFF:

Philip W. Buchen

APPROVAL \_\_\_\_\_ FOR \_\_\_\_\_ AT \_\_\_\_\_ O'clock



10/24/75

Form No. USA-52 (Rev. 6-1-65)

SUBPOENA TICKET

District Court of the United States

Eastern DISTRICT OF California

Gerald R. Ford, President  
of The United States  
Washington, D.C.

To \_\_\_\_\_

BY VIRTUE OF A SUBPOENA issued out of the District Court of the United States, you are re-  
quired to be and appear before the said Court at \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ m., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

then and there to testify on behalf of the \_\_\_\_\_ in the case of

United States of America

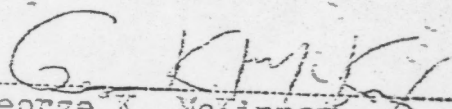
vs. Lynette Alice Fromme

CR. No. S-75-451

~~Not to be used with video deposition~~

YOU ARE HEREBY REQUIRED TO APPEAR AT A LOCATION TO BE  
DETERMINED BY YOU AT ANY TIME CONVENIENT TO YOU ON OR BEFORE  
OCTOBER 31, 1975, TO TESTIFY IN THE ABOVE ENTITLED CASE BY WAY  
OF A VIDEO-TAPED DEPOSITION.

and not to depart without leave. If you fail to obey such subpoenas, you may be fined and imprisoned,  
as the Court may direct.

  
George K. McKinney U. S. Marshal

John E. Virga  
Attorney for defendant  
1111 11th St.  
Sacramento, California 95814  
Tel: (916) 444-6595



ADMINISTRATIVELY CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

SCHEDULE REQUEST

Date: October 25, 1975

From: Philip W. Buchen *Plus*

Via : Jerry Jones.?

MEETING: Deposition of the President by John E. Verga, Attorney for Lynette Alice Fromme.

DATE: On or before October 31, 1975 (although it could be slipped to November 1, 1975, provided I know by Tuesday, October 28).

PURPOSE: To comply with the attached subpoena, issued pursuant to opinion of the U. S. District Court for the Eastern District of California on October 24, 1975.

FORMAT:

- location: Counsel's Office (West Wing)  
(subject to approval by WHCA that facilities here would be appropriate)
- participants: The President; a Judge of the U. S. District Court for the District of Columbia (to be designated); Dwayne Keyes, a U.S. Attorney for the Eastern District of California; an attorney from the Department of Justice in Washington; Philip W. Buchen; a court reporter (to be designated); and WHCA personnel as needed for video taping.
- expected length of participation: Probably not more than one-half hour but allowance should be made for possible extension.



OTHER  
PARTICIPATION:

None

PREPARATORY  
MATERIAL:

Copy of President's written  
statement to the FBI which he  
gave on October 2, 1975.

PRESS  
COVERAGE:

None (except that the Press Office  
on the day of the event should  
probably make an announcement that  
the deposition is to be taken).

STAFF:

Philip W. Buchen

APPROVAL \_\_\_\_\_ FOR \_\_\_\_\_ AT \_\_\_\_\_ O'clock



10/24/75

## District Court of the United States

Eastern DISTRICT OF California

Gerald R. Ford, President  
of The United States  
Washington, D .C .

To

BY VIRTUE OF A SUBPOENA issued out of the District Court of the United States, you are re-  
quired to be and appear before the said Court at

at \_\_\_\_\_ o'clock \_\_\_\_\_ m., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

then and there to testify on behalf of the \_\_\_\_\_ in the case of

United States of America

vs. Lynette Alice Fromme

CR. No. S-75-451

~~Notice to the defendant~~

YOU ARE HEREBY REQUIRED TO APPEAR AT A LOCATION TO BE  
DETERMINED BY YOU AT ANY TIME CONVENIENT TO YOU ON OR BEFORE  
OCTOBER 31, 1975, TO TESTIFY IN THE ABOVE ENTITLED CASE BY WAY  
OF A VIDEO-TAPED DEPOSITION.

and not to depart without leave. If you fail to obey such subpoena, you may be fined and imprisoned,  
as the Court may direct.

*G. McKinney*  
George K. McKinney

U. S. Marshal.

John E. Virga  
Attorney for defendant  
221 11th St.  
Sacramento, California 95814  
Tel: (916) 444-6595



*President  
Court Cases*

Monday 10/27/75

1:00 Helen Thomas called. She would like to know what the government's reasoning is for the President not giving a deposition in the Squeaky case.

393-3430

I told her that you had previously asked that we refer calls in this matter to Mr. Thornburgh at Justice.

She indicates that, according to the Justice people in California, it was a White House decision.

She will call Mr. Thornburgh -- but would still like a call from you.



THE WHITE HOUSE

WASHINGTON

October 29, 1975

*advised  
W/H communications  
would  
handle*

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

BOB MEAD *Bm*

SUBJECT:

Attached Resume/Request

I recently received a call from Mr. Allen Benowitz, signator of the attached letter, after he read the news concerning the request for the President to do a videotape deposition. This is his ~~field~~ of work.

I informed him that any such decision would rest with the Justice Department and no arrangement for such a deposition was being made. Now, that's changed.

He has forwarded to me a letter of introduction and resume offering his services which I pass onto you for your information. I am somewhat upset that he took it upon himself to also contact Judge MacBride in Sacramento.

Mr. Benowitz has requested a reply which I turn over to you.



NOTARIES PUBLIC  
—  
DEPOSITIONS  
STATEMENTS  
COURT HEARINGS  
GENERAL REPORTING



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CERTIFIED SHORTHAND REPORTERS  
VIDEO TAPE DEPOSITIONS  
538 SEYBOLD BUILDING  
MIAMI, FLORIDA 33132



TELEPHONES  
—  
373-9997  
373-9998

October 22, 1975

Mr. Robert Mead  
Television Advisor to  
The President  
The White House  
1600 Pennsylvania Avenue  
Washington, D. C. 20500

Dear Mr. Mead:

Thank you for the opportunity of speaking with you today. By way of further introduction, I refer you to the attached resume, brochure, and Florida Bar Journal article entitled, "Legal Applications of Videotape."

This letter documents my discussion with you today, in which I expressed my interest in videotaping the deposition of President Ford, if a decision is made by the Department of Justice, or the proper body, together with making a simultaneous stenographic record, in connection with the Hon. Thomas J. MacBride's order on the above concerning the Lynette "Squeaky" Fromme case, who is charged with attempting to assassinate the President.

I understand from our discussion that no arrangements for an independent videotape deposition service have yet been made. I can assure the Court and parties involved, based on experience, of the utmost quality, camera neutrality point of view, and optimum results in taking video depositions.

I know you are aware of the inherent benefits to the bench and bar of this videotape technique, which are worthy of your consideration.

I await your reply. Thank you.

cc: Hon. Thomas J. MacBride

Sincerely,

H. Allen Benowitz, CP, EM, CSR,  
RPR, President

HAB:ml  
Encs.



NOTARIES PUBLIC

DEPOSITIONS  
STATEMENTS  
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MIAMI, FLORIDA 33132



TELEPHONES

373-9997  
373-9998

October 22, 1975

The Hon. Thomas J. MacBride  
U. S. District Court Judge  
650 Capitol Mall  
U. S. Courthouse  
Sacramento, California 95814

RE: LYNETTE "SQUEAKY" FROMME - VIDEOTAPE DEPOSITION, PRES. FORD

Your Honor:

By way of introduction, I refer you to the attached resume, brochure, and Florida Bar Journal article entitled, "Legal Applications of Videotape."

This letter documents my discussion with your secretary this day, in which I expressed an interest in videotaping the deposition of President Ford, together with making a simultaneous stenographic record, in connection with your order that the President testify in this fashion.

I understand that no arrangements for an independent videotape deposition service have yet been made. I can assure the Court and parties involved, as I have indicated to Mr. Mead at the White House, evidenced by the attached letter, of the utmost quality, camera neutrality point of view, and optimum results in taking video depositions.

I need not emphasize the significance of having a court reporter in attendance making a simultaneous stenographic record to verify the authenticity of the videotape, together with a date-time generator, and many other reasons which are self-evident.

I hope the Court and counsel will find the services of my office worthy of your consideration.

Thank you.

cc: Mr. Robert Mead, Television  
Advisor to the Present

Sincerely,



HAB:ml  
Encs.

H. ALLEN BENOWITZ, CP, CM,  
CSR, RPR, President

NOTARIES PUBLIC

DEPOSITIONS  
STATEMENTS  
COURT HEARINGS  
GENERAL REPORTING



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MIAMI, FLORIDA 33132



TELEPHONES

373-9997  
373-9998

October 1975

### RESUME

H. Allen Benowitz has served the legal profession as a court reporter for 15 years.

Since establishing himself in Miami, Florida, 14 years ago, Mr. Benowitz and his court reporting and videotape deposition firm, H. Allen Benowitz & Associates, Inc., have achieved a reputation for thorough professionalism.

Mr. Benowitz' qualifications and experience have been recognized by experts in both the court reporting field and the legal profession:

- 1] Holder of the National Shorthand Reporters Association Certificates of Proficiency and Merit;
- 2] At the age of 22, placed 3rd in the 220-word-per-minute Literary and 6th Place in the 230-word-per-minute Legal Opinion Examination in the Annual Speed Contest of the National Shorthand Reporters Association;
- 3] Certificate of Certified Shorthand Reporter, State of Florida;
- 4] Technical Consultant for Chairman and Video Advisor to the Committee of Audiovisual Recording for the National Shorthand Reporters Association and Florida Shorthand Reporters Association, 1973-1974;
- 5] Addressed the American Bar Association's Annual Meeting in Washington, D. C.; the South Broward Bar Association; the Broward County Trial Lawyers Association on the topic, "Achieving Optimum Results in Taking Video Depositions," 1973 and 1974;



NOTARIES PUBLIC  
—  
DEPOSITIONS  
STATEMENTS  
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GENERAL REPORTING



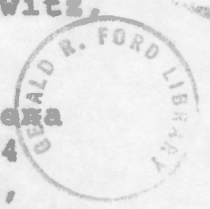
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TELEPHONES  
—  
373-9997  
373-9998

RESUME, PAGE 2

- 6] Consultant to Federal Judicial Center, J. L. Ebersole, [then] Director of Systems and Innovations, helping to draft "A Guide to Videotaping a Deposition";
- 7] Consultant to Committee on Legal Applications of Videotape, American Trial Lawyers Association, Douglas Stripp, Chairman;
- 8] Author, "One Court Reporter's View of Videotape Depositions," National Shorthand Reporter Journal, October 1973;
- 9] Author, "Legal Applications of Videotape," Florida Bar Journal, February 1974;
- 10] NSRA Representative, Legal Communication Workshop, a government-funded program presented by the National Science Foundation in conjunction with Michigan State University. Topic: Impact of videotape trial versus live trial on the jury, Atlanta, Georgia, March 14-16, 1974;
- 11] Instructor, Aspen Law Center, Video Workshop for court reporters. Topic: "Techniques for Videotaping a Deposition," Aspen, Colorado, April 10-13, 1974;
- 12] Coordinator, Video Workshop, National Shorthand Reporters Association Annual Convention, Houston, Texas, August 1974;
- 13] TV interview, Channel 4, WTVJ, Miami, Florida, May 9, 1974 (Participants: Judge McCrystal, Ohio, Judge Silver, Miami, Florida Talbot (Sandy) D'Alemberte, Miami, Florida, H. Allen Benowitz, Miami, Florida);
- 14] TV Panel Interview, Channel 36, UHF, Pasadena Cablevision, Houston, Texas, August 7, 1974 (Participants: Ray DeSimone, Robert Cohen, H. Allen Benowitz, NSRA Audiovisual Committee);



NOTARIES PUBLIC

DEPOSITIONS  
STATEMENTS  
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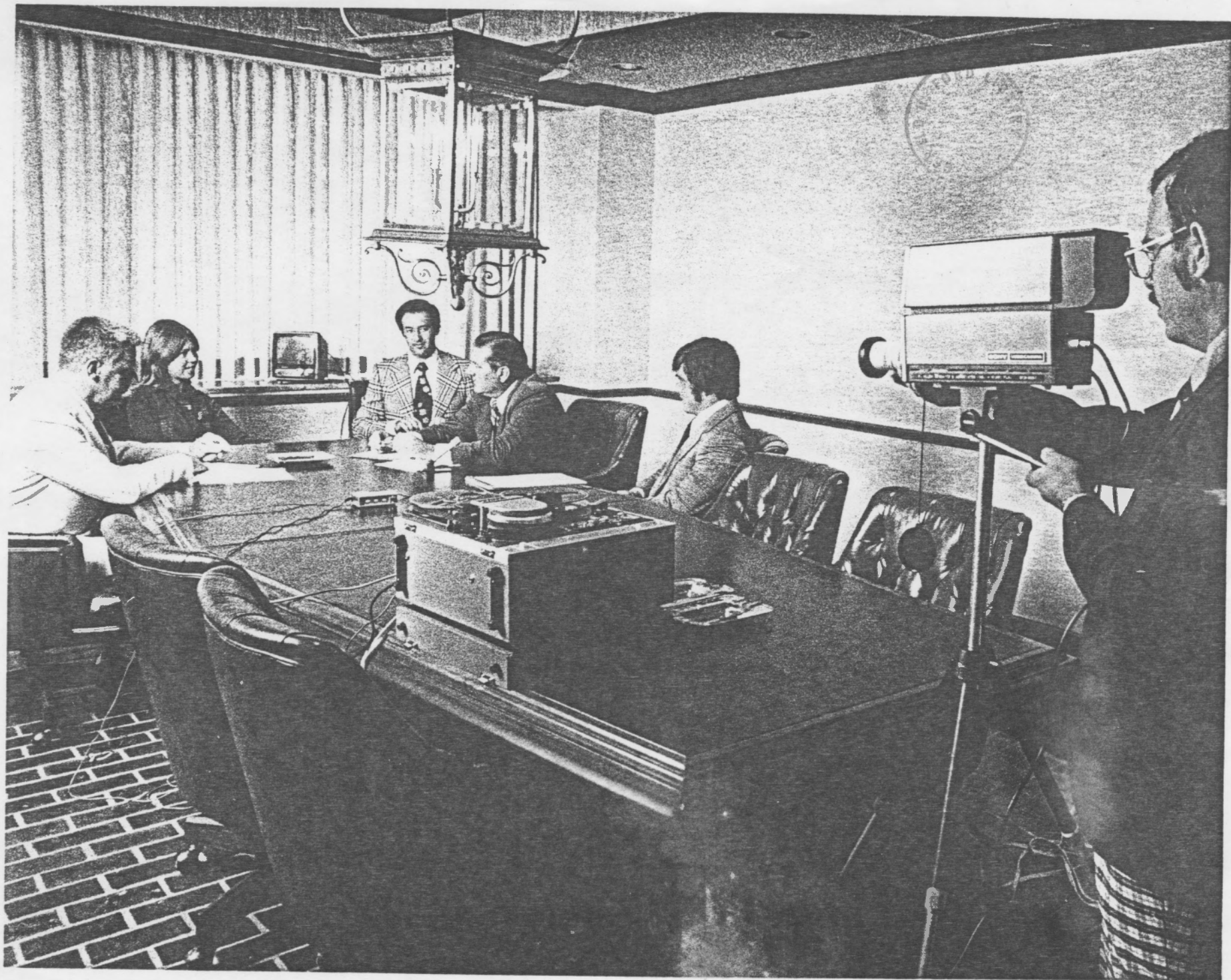
RESUME, PAGE 3

- 15] Published (Reprint) "Legal Applications of Videotape," Wisconsin Bar Bulletin and Wisconsin Reporter, June 1974;
- 16] Instructor, Videotape Workshop for Mississippi Court Reporters Association, sponsored by the Mississippi Judicial College, coordinated by the University of Mississippi Law Center and Division of Continuing Education and Extension, funded by Mississippi Division of Law Enforcement Assistance, Office of the Governor, Jackson, Mississippi, October 11-13, 1974; Biloxi, Mississippi, October 25-27, 1974;
- 17] Chairman, Committee of Electrical Recording, Florida Shorthand Reporters Association, 1974-1975;
- 18] Member, Committee on Videotape Recording, National Shorthand Reporters Association, 1974-1975;
- 19] Coordinator and instructor, Video Workshop, National Shorthand Reporters Association, Doral-On-The-Ocean, Miami Beach, Florida, January 10-12, 1975;
- 20] Lecturer, Video Workshop and Annual Convention, Maryland Shorthand Reporters Association, Ocean City, Maryland, October 10-12, 1975.

- - - - -

Reference: Martindale-Hubbell.





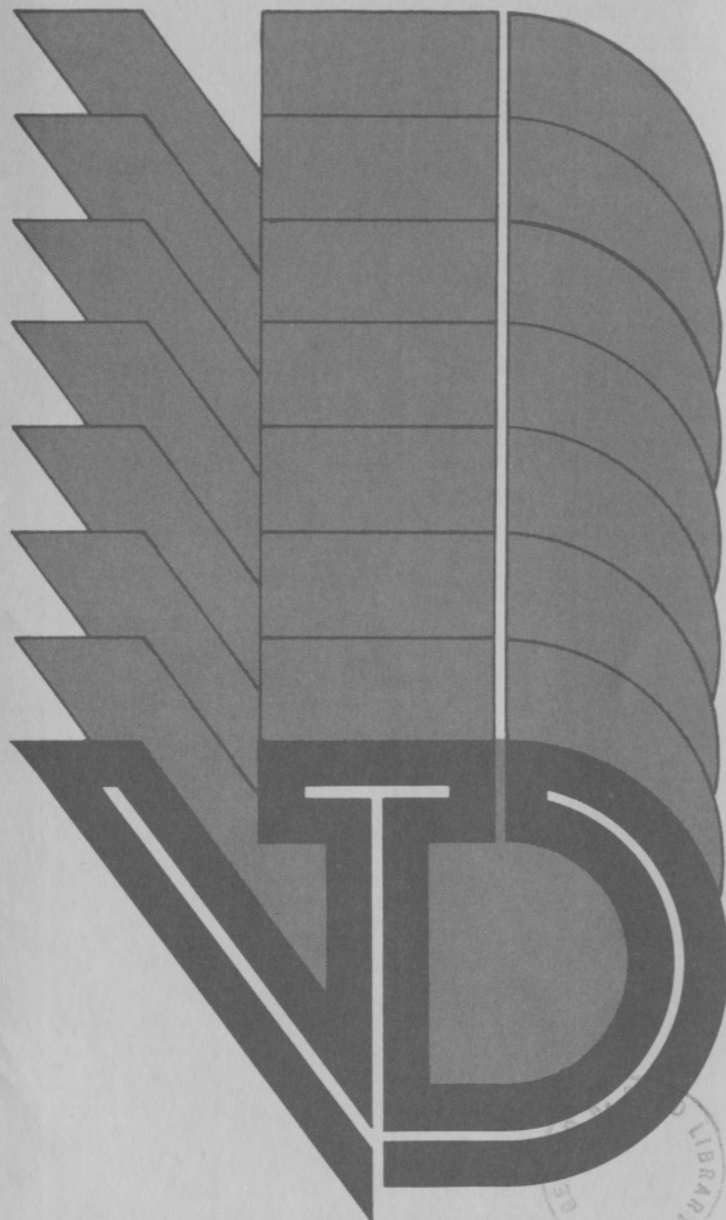


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CERTIFIED SHORTHAND REPORTERS  
VIDEOTAPE DEPOSITIONS  
538 Seybold Building, Miami, Florida 33132



## VIDEOTAPE DEPOSITIONS

By H. Allen Benowitz & Associates, Inc.



A new dimension  
has been added to  
the technique of taking  
testimony in the way of  
Videotape Depositions.



*Unretouched photograph of a simulated videotape deposition.*

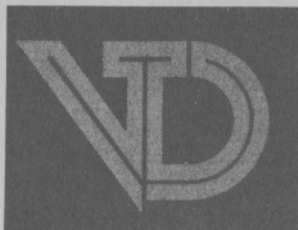
## YOUR MOST VALUABLE EYE-WITNESS

Videotape depositions, acceptable in Florida Courts of Law, provide a highly convenient and credible form of testimony. Videotape recordings are especially valuable when important witnesses cannot be available at time of trial. Testimony and evidence may be taped anytime, anywhere . . . a doctor's office, at hospital bedside, in a witness' home, court reporter's office or any place designated by the attorney . . . and then replayed over a portable TV monitor in your office or at the trial.

The scope of the audiovisual medium adds to the effectiveness of testimony in the jury's eyes, and is certainly more attention-getting than the reading of a written deposition. Just as television brings eye-witness events into your home, so can it bring the same effective dimensions of sight and sound into the courtroom.

Another advantage of this medium is apparent in the recommendations made by the American Bar Association's Special Committee on Automobile Accident Reparations.

*We are pleased to announce that H. Allen Benowitz & Associates, Inc. has added new scope to its reporting services with the addition of Videotape Depositions.*



sm

## A VARIETY OF USES

Videotape recording may be used to avoid bringing cumbersome demonstrative evidence into the courtroom in products liability cases, while providing satisfactory demonstrations. Expert witnesses may record their testimony in professional surroundings. Will signings when videotaped provide visual evidence of the testator's competence and state of mind at time of execution. Videotape provides a superior view of accident scenes, land acquisition sites, building interiors, taking of statements, depositions and such—far more effectively than still photographs or diagrams.

## OBJECTIONS

*The problems of using videotape as evidence have been greatly facilitated by rules of court.*

If an attorney has an objection to a question, the court reporter's written transcript of the deposition is brought before the Court, the Judge rules on it, and the inadmissible material can be edited out of a duplicate or "dubbed" tape.

## EDITING

In videotape editing, the videotape itself is not cut or spliced. The original tape is re-recorded or "dubbed" to another videotape, leaving out portions of material that are not desired and thereby retaining the original tape recording, which is preserved for appellate purposes.

## THE DEPOSITION

The videotape operator and the court reporter, together with his written transcript, will fully identify the participants and attest to the time, date, and place of the deposition. Following the swearing of the witness by the court reporter, counsel will stipulate to the acceptance of the videotaped deposition. A form can be provided upon request.

At the conclusion of the videotaped deposition, the original tape will be retained by the operator until time of trial, at which time it will be viewed by the jury.

Until the time of trial the court reporter's written transcript, which is the official record, will serve your purposes for preparation. Additional, duplicate videotapes may be purchased by counsel for the respective parties.

## SERVICES & EQUIPMENT

H. Allen Benowitz & Associates, Inc. provides a complete range of videotape services for legal use. A qualified, experienced VTD technician is on staff. Equipment used is the Sony AV-3650, EIAJ-1 Format, using one-hour, half-inch tape; the Sony AV-8600 color/black & white recorder; and the Sony Video Rover II (Battery powered for convenient location use) AV-3400/AVC-3400, EIAJ-1 Format, which uses half-hour reels of half-inch tape. All are accepted as standard throughout the court system. Tapes used are: One-hour tape, Sony V-32, 2,370 ft., 7 in. diameter reel and box; half-hour tape, Sony V-30H 1,210 ft., 5-1/8 in. diameter reel and box.

**CHARGES** Out of town - additional  
In our studio - (1st hr.) - \$125.

### Videotaping:

\$150 for first hour, including use of tape;  
\$75 for second and third hours, including use of tape;  
\$50 for each additional hour thereafter, including use of tape.

### Playback:

\$60 for first hour (*minimum \$75 one hour or less*)  
\$50 for second hour  
\$25 for each additional hour or fraction thereof, including equipment and operator.  
(*color playback available upon request*)

### Videotape duplication:

\$20 per man-hour;  
\$40 per one-hour Sony V-32 tape, including reel and box;  
\$25 per half-hour Sony V-30H tape, including reel and box.

### Videotape editing:

\$25 per man-hour.

Contact H. Allen Benowitz, CSR

**H. ALLEN BENOWITZ & ASSOCIATES, INC.**  
**CERTIFIED SHORTHAND REPORTERS**  
**VIDEOTAPE DEPOSITIONS**  
538 Seybold Building, Miami, Florida 33132  
(305) 373-9997 373-9998





**H. Allen Benowitz, CSR**

**H. Allen Benowitz & Associates, Inc.**

**Certified Shorthand Reporters/Videotape Depositions**

**538 Seybold Building, Miami, Florida 33132. (305) 373-9997/98**

**H. Allen Benowitz & Associates, Inc.**  
**Certified Shorthand Reporters/Videotape Depositions**  
**538 Seybold Building, Miami, Florida 33132.**

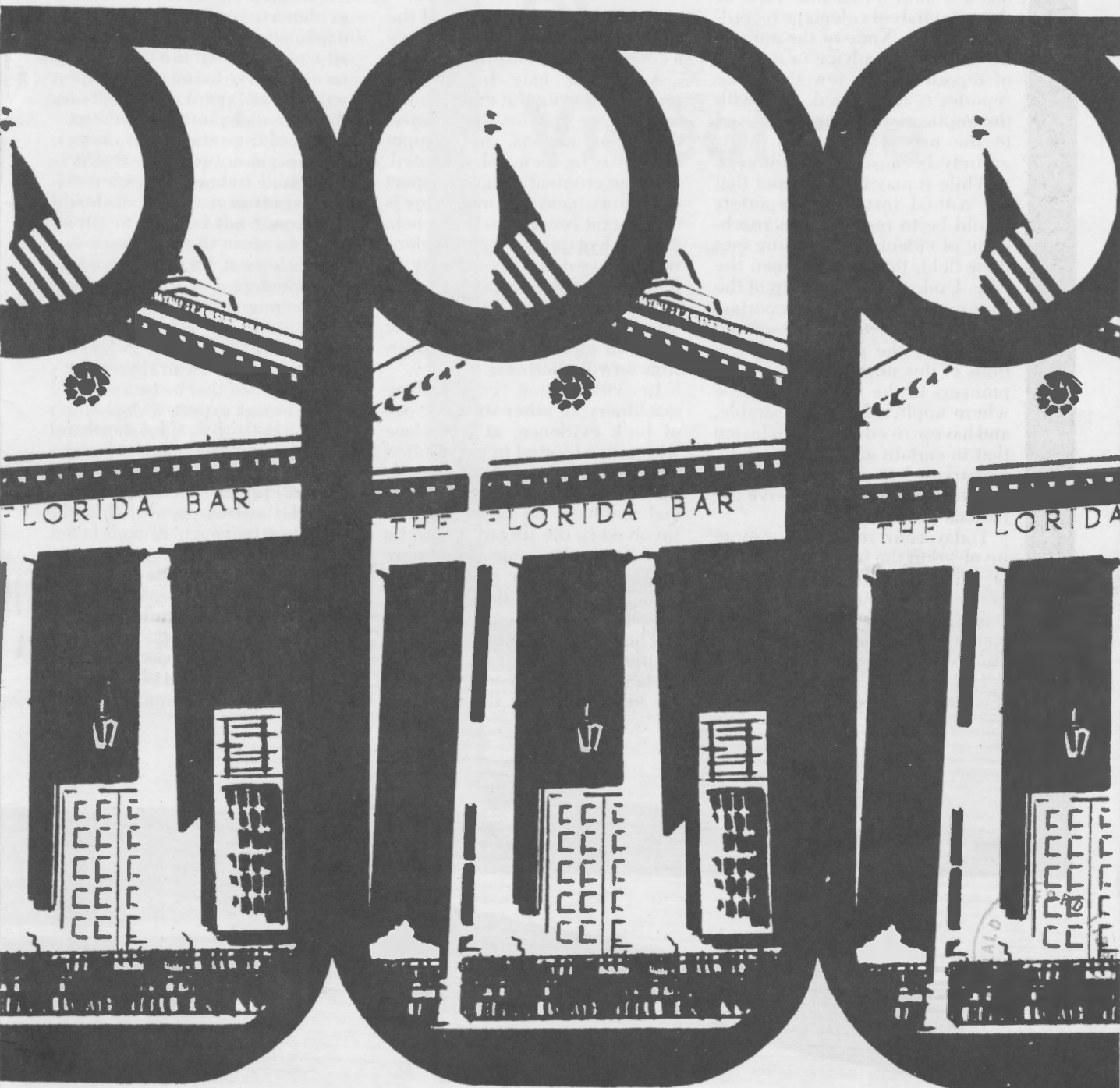


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# THE FLORIDA BAR JOURNAL

FEBRUARY

1974



Wednesday 10/29/75

1:10 Jim Burch of Olney Video Productions called to say that his company is the "best" to do the video of the President's deposition. They have done depositions before -- for trial attorneys and justices -- and they are familiar with procedures so they can be sure the tapes aren't tampered with, etc.

333-6664

Mr. Buchen said to tell him that it is a government operation and the government will handle it.

I thanked him for his offer.

*advised  
W/ & Communications  
will handle*



THE WHITE HOUSE

WASHINGTON

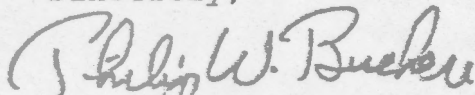
October 29, 1975

Dear Professor Prinz:

Thank you very much for the messages  
you left with my secretary last week.

I appreciate your interest and concern  
about the matter of the President's  
testimony in the Fromme case. As you  
probably know by now, the President's  
deposition will be taken on November 1  
for use at the trial.

Sincerely,



Philip W. Buchen  
Counsel to the President

Professor Donald Prinz  
McGeorge School of Law  
3200 Fifth Avenue  
Sacramento, California 95817

*Prinz,  
Donald*



Prince  
Don

Thursday 10/23/75

4:25 Don Prince called again. He is the Professor of Constitutional Law at McGeorge School of Law in Sacramento -- called on Wednesday 10/15.

(916) 927-4134

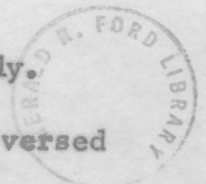
Wanted you to know that he hasn't talked to anyone else about this. He said he feels rather strongly that both legally and politically for the Justice Dept. to appeal the trial court decision concerning the subpoena on the President. The reason for that is that it is not the right case to win. It is a very weak case and he feels one should wait for a case where someone is clearly misusing the subpoena power. Feels the time to assert executive privilege is where someone has a good strong case that someone is misusing -- this isn't the case that can be one. There will be one that would be good for it. He feels this one would be almost a certain loss.

He feels the President is considered an open person -- he doesn't hide behind anything. People like him for that. For him to assert executive privilege and for him to go down that route it isn't wise because it is not his image. He may be able to argue that he is against the Justice?? direct appeal and waive the right.

The youth who are so disillusioned -- would probably be helped. The real important thing is on the law. If they want to make a strong case on the law, he thinks they have a strong case to offset executive privilege. The fact that it is video tape would not interfere too much with his time and function as the President. They have the argument that it is necessary for the defense. And the they want to know if the President didn't hear the gun click, does that mean it didn't click? Should he have heard it? How could someone else hear it if he didn't? Said he doesn't see how he can win on executive privilege. Legally, he'd rather wait for a case where they misused. Politically he's going to look a lot better. The kids wouldn't be so disillusioned. The President should say "I'm an open person and she thinks it's necessary for her defense; I will not hide behind any executive privilege." "Should waive my privilege and ask any appeal the Justice Dept. may have filed to be dismissed."

He thinks it's politically good and more important -- legally.

It's just a personal opinion but Mr. Prince says he's very versed in this field and that's what he thinks!!!



Prince  
Don

Wednesday 10/15/75

4:30 Don Prince called from Sacramento; he is a law professor -- constitutional law -- at McGeorge School of Law. (916) 927-4134

He had some information that he thought might be helpful in possibly preparing an answer in case somebody files a certain law suit in connection with the Lynette Fromme case -- thought it might be a matter the Counsel to the President might like to know. He doesn't want to talk to anyone but he has a great deal of expertise on executive privilege. He has talked with a lot of people, and he feels that the Defense is planning to subpoena the President -- it's speculation but felt if we had this knowledge, it might help to be ready for it.

I asked Barry to talk with Mr. Prince (when my only information was that he wanted to pass on some information in the Lynette Fromme matter) and Barry said he should talk to the U. S. Attorney's Office. With a little more information, Ken said either the U.S. Attorney's Office in Sacramento or Justice Department here.

Mr. Prince just wanted to pass this on to you -- feeling this would be information that you would like to know -- so I took his information.



Monday 10/20/75

11:20

Ken wanted you to know that tomorrow Lynn Fromme will make a motion in the U. S. District Court in Sacramento to subpoena the President as a witness in the prosecution against her. There is a notion of need in the rule governing the subpoenas and the Justice Dept. anticipates that because of the lack of need, they will be able to quash the motion. They will get copies of all relevant pleadings.

*Sorry — this note  
got buried!*




DEPARTMENT OF JUSTICE  
ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Philip W. Buchen			
2.	Counsel to the President			
3.				
4.				

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> SIGNATURE                                | <input type="checkbox"/> COMMENT          | <input type="checkbox"/> PER CONVERSATION |
| <input type="checkbox"/> APPROVAL                                 | <input type="checkbox"/> NECESSARY ACTION | <input type="checkbox"/> AS REQUESTED     |
| <input type="checkbox"/> SEE ME                                   | <input type="checkbox"/> NOTE AND RETURN  | <input type="checkbox"/> NOTE AND FILE    |
| <input type="checkbox"/> RECOMMENDATION                           | <input type="checkbox"/> CALL ME          | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ |   |   |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ |   |   |

REMARKS

The attached is brief and to the point, I realize, but we are concerned that anything more definitive, i.e. disclosing the results of our investigation, might, if furnished to the President prior to his testimony, be (if demanded by and furnished to defense counsel) construed as an attempt to "brief" the President on what his testimony should be.

FROM:	NAME	BUILDING & ROOM	EXT.	DATE
	ASSISTANT ATTORNEY GENERAL Criminal Division	ROOM 2107 EXT. 2601		10/31



UNITED STATES GOVERNMENT

# Memorandum

TO : Richard L. Thornburgh  
Assistant Attorney General  
Criminal Division

FROM : D. Dwayne Keyes  
United States Attorney  
Eastern District of California

SUBJECT: LYNETTE ALICE FROMME

DATE: OCT 31 1975

The defendant, Lynette Alice Fromme, has been indicted for attempting to assassinate Gerald R. Ford, President of the United States.

Her trial is presently scheduled to commence on November 4, 1975, before the Honorable Thomas J. MacBride, Chief Judge, United States District Court for the Eastern District of California.

There were 20 to 25 known persons at the scene who saw various portions of the alleged attempt on the life of the President or who heard various statements attributed to the defendant.

There were numerous others in the immediate vicinity who neither saw nor heard anything.

The defense has stated they wish to inquire further into the President's recollection concerning the click of the handgun and statements attributed to the defendant. It can also be expected that the President will be asked about the appearance or demeanor of the defendant when she pointed the gun at him.



THE WHITE HOUSE

WASHINGTON

*Fromme Case*

October 31, 1975

THE PRESIDENT'S DEPOSITION

Saturday, November 1, 1975

10:00 a.m. (30 minutes)

Room 345-EOB

From: Philip W. Buchen *P.W.B.*

I. PURPOSE

To comply with the subpoena issued by the District Court of the United States for the Eastern District of California in the case of United States of America v. Lynette Alice Fromme.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

- A. Background: A subpoena was issued on October 24, 1975, requesting you to testify by way of a video taped deposition in lieu of your appearing as a witness called by the defense in the Fromme case which is to be tried starting November 4.

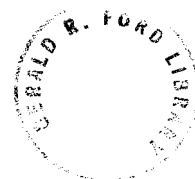
Background paper prepared by the Justice Department is attached at TAB A.

In addition, U. S. Attorney Dwayne Keyes will meet with you late on Friday, October 31 for approximately 15 minutes to provide further background.

- B. Participants: (See attached list, TAB B.)
- C. Press Plan: Event is to be announced, but there is to be no press coverage. If Judge MacBride agrees, we will have Dave Kennerly take photographs of the setting and the participants in place prior to the start of the deposition. These photographs would be for Archival purposes only and would not be released for publication.



A



UNITED STATES GOVERNMENT

# Memorandum

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Assistant Attorney General  
Criminal Division

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United States Attorney  
Eastern District of California

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B

PARTICIPANTS

Judge Thomas J. MacBride  
District Court of the United States  
for the Eastern District of California

Mr. Richard Thornburgh  
Assistant Attorney General  
Criminal Division  
Department of Justice  
Washington, D. C.

Mr. Dwayne Keyes  
U. S. Attorney for the Eastern District  
of California

Mr. John E. Virga  
Attorney for Lynette S. Fromme (The Defendant)

Mr. Richard Fong  
Court Reporter from Judge MacBride's  
Court

Technical personnel from the Navy  
Photo Center and from White House  
Communications Agency



THE WHITE HOUSE

WASHINGTON

October 31, 1975

THE PRESIDENT'S DEPOSITION  
Saturday, November 1, 1975  
10:00 a.m. (30 minutes)  
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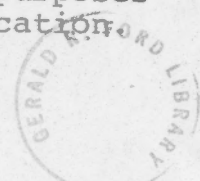
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Richard L. Thornburgh  
Assistant Attorney General  
Criminal Division

OCT 31 1975

817 D. Dwayne Keyes  
1218 United States Attorney  
Eastern District of California

LYNETTE ALICE FROMME

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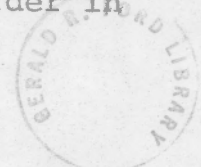
Technical personnel from the Navy  
Photo Center and from White House  
Communications Agency



THE WHITE HOUSE  
WASHINGTON

October 31, 1975

1. U. S. Attorney Keyes when all participants are present will make a statement for the audio record of the parties to the case, the persons present, and the authorization for the deposition and the applicable rules that will apply.
2. The Judge on the audio record will swear-in the President.
3. For the video record, the defendant's co-counsel will proceed with his questioning of the President and at the conclusion of the questioning, if any, by the U. S. Attorney, the video portion of the record will be concluded.
4. The Judge for the audio record will then direct that ~~one~~ of the two tapes made by camera #1 (Sony) that he will take immediate custody of one such tape under seal to have opened only upon the order at the trial, and at the conclusion of the trial <sup>it</sup> will be resealed and remain in the custody of the court pursuant to the court's order in that regard.



5. The Judge will then on the audio record direct that the second duplicate tape made by camera #1 shall be placed under seal and left in the personal custody of the Counsel to the President until further order of the Court.
6. The Judge will also state for the audio record that prior to sealing such two tapes, each shall be replayed in his presence to ascertain that there are no interruptions or defects or flaws therein and that when the Judge determines such tapes are acceptable, he will direct that the tape made by camera #2 (Navy) will be destroyed in his presence.



Friday 10/31/75

12:40 Mr. Thornburgh's office called to let you know that John Virga will be the only defense attorney appearing at the deposition tomorrow (Saturday 11/1).

Do you want me to pass this word along to Jerry Jones?



Friday 10/31/75

1:00 Forest Boyd of Mutual Broadcasting called to ask if the President will answer any questions or whether he will just make a statement at the deposition tomorrow. I checked with Hushen, but he was not at his desk, but they suggested Mr. Boyd go to that office and Mr. Hushen would be back in a minute to answer the question.

785-6415

He indicated Ron Nessen didn't cover that point in his press briefing.



*Deposition*

Friday 10/31/75

2:35 Jack Hushen wants to know if the President  
will be under oath during the deposition taking.

*Yes*



10-31-75

Memo to RN

From JWH

RE: President's deposition

It has been decided that a conference room on the third floor of the Executive Office Building (Room 345) offered the best facilities for the taking of the President's deposition at 10 a.m. tomorrow. The Navy Photo Center will provide the video taping equipment and will turn over the tape to the court. A backup system also will be used (furnish by the White House Communications Agency) to guard against tape failure.

Present for the meeting will be:

President Ford

~~Phil Buchen, counsel to the President~~

Richard Thornburg, Assistant Attorney General, Criminal Division, Department of Justice

Dwayne Keyes, United States Attorney from Sacramento, Calif.

John Virga, attorney for Lynette Fromme

Richard Fong, court reporter

Thomas J. McBride, <sup>U.S.</sup> Federal District Judge, <sup>for Eastern District</sup> presiding over the trial.

Two film cameramen and two soundmen and one technical adviser

Buchen says the President will be under oath when he gives the deposition. He expects it to last about 30 minutes. The reason the judge is present is so that he can make any rulings that might ~~be necessary~~ be necessary. The defense will receive a written transcript, as will the prosecution. The videotape will be shown during the trial to the jury. Once the case is finally closed, the tape will be ~~retained~~ retained by court until such time as the court orders its destruction.

