

**The original documents are located in Box 55, folder “President - Swimming Pool (2)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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MEMORANDUM  
OF CALL

[Sept. 1974]

TO:

Eva

☐ YOU WERE CALLED BY— ☐ YOU WERE VISITED BY—

Bobbie

OF (Organization)

w/ Mr. Miller

☐ PLEASE CALL → ☐ PHONE NO. CODE/EXT. \_\_\_\_\_  
☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU  
☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

X2903

RECEIVED BY

DATE

TIME

11:44



MEMORANDUM  
OF CALL

[Sept. 1974]

TO:

☐ YOU WERE CALLED BY—

☐ YOU WERE VISITED BY—

OF (Organization)

*Robert Miller*  
*Comp. on Inflation*

☐ PLEASE CALL —→

PHONE NO.  
CODE/EXT. \_\_\_\_\_

☐ WILL CALL AGAIN

☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL

☐ WISHES AN APPOINTMENT

MESSAGE

*Transit*  
*Transit*  
*Crow*  
*E. J. Dallas*

RECEIVED BY

DATE

TIME

STANDARD FORM 63

REVISED AUGUST 1967

GSA FPMR (41 CFR) 101-11.6

GPO : 1969-048-16-80841-1 332-389

63-108

THE WHITE HOUSE  
WASHINGTON

September 9, 1974

To: Philip Buchen

From: William E. Timmons *WET*

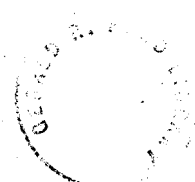
For your approval before we  
dispatch.

Approve *PWB*

Disapprove \_\_\_\_\_

Please return to Elouise Frayer in  
Room 113 East Wing.

Many thanks.



THE WHITE HOUSE

WASHINGTON

September 9, 1974

Dear Mr. Speaker:

On behalf of the President, I would like to thank you for your September 3 letter with which you enclosed the very generous check from Mr. Harold P. Gibson as a contribution toward the construction of a swimming pool at the White House.

To date, no decision has been reached as to whether or not a pool will be constructed. The President has stated that, if the decision is in the affirmative, no Federal money will be spent to build it. Also, he has not indicated his approval of, or desire for, a fund drive to finance such a project. Therefore, I am returning Mr. Gibson's check to you. Needless to say, his contribution is appreciated and should a fund drive materialize at a future date, he may wish to renew his generous offer at that time.

With warm regards,

Sincerely,



William E. Timmons  
Assistant to the President

The Honorable Carl Albert  
House of Representatives  
Washington, D.C. 20515

Enclosure.



MONEY AND/OR ORIGIN

9-6

The Speaker's Rooms  
U. S. House of Representatives  
Washington, D. C. 20515

September 3, 1974

The President  
The White House  
Washington, D. C.

Dear Mr. President:

Enclosed is a check from Mr. Harold P. Gibson of Elmore City, Oklahoma, in the amount of one hundred dollars for "Gerry's Swimming Pool." Harold is a very good friend of mine, my county campaign chairman in Garvin County, Oklahoma, and a very good Democrat.

However, he has written that he feels that "all good Presidents of the United States should have a swimming pool so they can relax from the stress of the problems of the world. It is my thought that there are many admirers who wish him well that might like to contribute to such a project. Enclosed is my personal check for that purpose. I am sure that if contributions were limited in amount, that there are thousands who would like for Gerry to have the Best."

Obviously, Mr. Gibson is a great admirer of yours and I know he would be most pleased if you can accept this voluntary contribution toward the construction of a swimming pool at the White House.

Warmest regards.

Sincerely,

  
The Speaker

CA/mrp

SEIA

To Casselman  
9/20

September 9, 1974

Mr. Rex Scouten  
Chief Usher  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

Dear Mr. Scouten:

Perhaps you are as pleased as we that the President and his family may soon have a swimming pool at the White House. While not only giving the President, his family, and staff a pleasant means of healthful relaxation and exercise, the pool could provide an opportunity for the Administration to set a fine example of the importance of physical fitness through daily activity. In addition, the situation is perfect for President Ford to set another example -- dealing positively and constructively with the timely problem of energy conservation in his own life style.

As Mr. Ford himself is aware, it would hardly be appropriate to use the considerable amount of fossil fuel necessary to heat the pool, even for this fine purpose. This is especially true since such use of fossil fuel is altogether unnecessary in today's technology.

The Solar Energy Industries Association commends to you the use of a simple solar energy conversion system for the pool's heating and cooling needs. As you may know, solar energy is the only heating mode available in Washington, D.C., utilizing an altogether clean, renewable energy source, while allowing year-around use of the pool.

The Solar Energy Industries Association, representing manufacturers, designers, and engineers in this newly emerging industry, would be more than pleased to discuss such a solar installation with White House personnel. Members would enjoy an opportunity to contribute to the home of America's First Families their unique expertise in design, planning, and installation of the solar heating, cooling and dehumidifying system.

Sincerely,

*Sheldon H. Butt*  
Sheldon H. Butt  
President

cc: President & Mrs. Gerald Ford

**9/11/74**

**To: Bill Casselman**

**From: Phil Buchen**

**Proposed swimming pool.**



THE WHITE HOUSE

WASHINGTON

September 6, 1974

MEMORANDUM FOR

PHIL BUCHEN

Attached is a note that I received from the President's Council on Physical Fitness and Sports which indicates that Case Conrad, the Executive Director of the Council, has been approached by the National Swimming Pool Institute regarding his possible involvement in a national fund-raising campaign to solicit funds for a proposed White House swimming pool.

Mr. Conrad has contacted me and asked that I contact you and request a legal opinion as to whether or not he should accept this offer.

Any guidance you can provide would be most appreciated. I would be more than happy to relay your guidance or your office may contact Mr. Conrad directly.

TOD R. HULLIN

cc: Jerry Jones  
Bill Casselman



THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

WASHINGTON, D.C. 20201

September 5, 1974

Dear Mr. Hullin:

Mr. Conrad has been recently approached by a representative of the National Swimming Pool Institute regarding his possible involvement in a national fund raising campaign to solicit funds for the proposed White House swimming pool. Mr. Conrad's function would not involve soliciting funds from Federal employees or in any way be an official act of the Council, HEW or the White House. Rather, his role would be to solicit funds from individuals on a national basis and would be, in our view, consistent with his role as leader of the National Program of Physical Fitness.

The purpose in calling this to your attention is that an immediate opinion from White House counsel is necessary before Mr. Conrad can react to the above proposal. I am directing this request to you in Mr. Conrad's absence from the office. Your prompt response to this request will be greatly appreciated since final plans on this project are reaching closure.

Sincerely,



Richard O. Keelor, Ph.D.  
Director of Federal-  
State Relations

755-8800

Mr. Tod Hullin  
General Counsel  
The White House  
Washington, D.C. 20500





## INAUGURAL COMMITTEE - 1973

Second and T Streets, S. W.

Washington, D. C. 20315

(202) 447-9150

September 18, 1974

Mr. John L. Bryant, Jr.  
President  
National Park Foundation  
Washington, D. C. 20240

Dear Mr. Bryant:

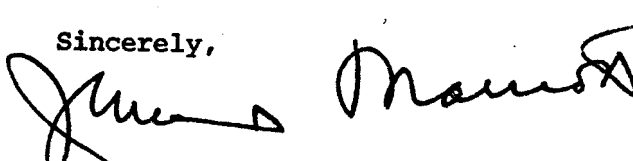
This confirms our conversation of this morning concerning the desire of the Inaugural Committee - 1973 to participate in the effort to construct a swimming pool for the use of the President, his family, and guests and which will become a permanent addition to the White House.

Specifically, the committee shall furnish an interest-free loan of not more than \$350,000 to the National Park Foundation to enable the foundation to undertake immediate construction activity. It is the understanding of the committee that repayment of this loan will be made from funds generated by a public fund-raising drive in support of the White House pool project.

The committee shall guarantee the cost of the pool construction project and its related costs up to the loaned amount of \$350,000 to the extent that the fund-raising drive fails to receive contributions sufficient to cover these costs.

I will develop with you the pay-out schedule of this interest-free loan in order to facilitate the prompt construction of the pool.

Sincerely,

  
J. Willard Marriott  
Chairman



*Swimming  
pool*

February 7, 1975

Dear Mr. Sehorn:

I have been advised of your efforts to establish an organization to coordinate a voluntary program to raise private funds for the installation of a swimming pool and related facilities at the White House.

I am most appreciative for the work which you have undertaken and personally would look forward to the exercise and relaxation that such a facility would provide. Nevertheless, I believe it best for the time being to defer any further action on this matter.

Please convey to the heads of all your affiliated organizations my sincere thanks for their willingness to participate in this project and my earnest hope that at some future time an appropriate facility can be provided to the White House.

With best wishes.

Sincerely,

Mr. Albert J. Sehorn  
Chairman, Volunteers for a White  
House Physical Fitness Center  
24353 Clawiter Road  
Hayward, California 94545

WEC:bw



THE WHITE HOUSE  
WASHINGTON

*Policy*  
*swimming*  
*pool*

March 16, 1975

MEMORANDUM FOR: Jack Stiles

FROM: Bill Casselman /ST

As we discussed recently, I am prepared to meet with you at any time on the swimming pool matter.

bcc: Phil Buchen



THE WHITE HOUSE  
WASHINGTON

Jack Marsh:  
For your  
~~confidential~~ review  
& return to  
me with your  
comments.  
P.

Determined to be an  
Administrative Working

By TML NARA Date 2/29/16



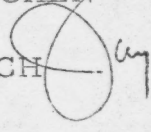
THE WHITE HOUSE

WASHINGTON  
April 14, 1975

MEMORANDUM TO:

PHILIP W. BUCHEN

FROM:

JAY T. FRENCH 

You have requested the legal and political considerations incident to the acceptance of the gift discussed in the attached memo (Tab A).

Through discussions with Bill Casselman, it appears that J. Willard Marriott's offer may be out of date. The offer conveyed to Dave Hoopes was made three (3) weeks ago. Bill Casselman has reason to believe that Mr. Marriott is now less willing to make the offer. However, set forth below is a discussion of the legal and political considerations.

There is no legal impediment to this gift. The Inaugural Committee, by its chairman, has made donations to the White House in the past with the approval of former President Nixon. Both the National Park Service and the National Park Foundation have statutory authority to accept gifts. (See attached memo from Casselman to Haig dated August 29, 1974 in Tab B.)

If the decision is made to accept the gift, two steps should be taken before any announcement. First, it must be determined that the Inaugural Committee has the approval of any governing body established by the Committee's charter to make the donation. Second, the Department of Interior should be consulted to determine the precise manner in which the gift will be made. These steps may be taken by contacting Bob Barber, J. Willard Marriott's counsel, and by contacting Rick Robbins of the Interior Department.





There are several political drawbacks to this gift. A major White House improvement made with funds from the Nixon Inaugural Committee could initiate considerable adverse comment about analogous improvements the government made at the former President's homes. Also, such a gift would strongly link President Ford with Richard Nixon in the public mind. There could be speculation that Mr. Marriott asked for Richard Nixon's approval before making the gift. (We should determine if this will be done by Mr. Marriott.)

Finally, this improvement will not simply be seen as an addition to the White House. Rather, it will be viewed as a personal gift for the benefit of President Ford. Unfortunately, it will be suggested that this is a "payoff" for the pardon.

It is my opinion that no funds should be accepted from the 1972 Inaugural Committee.





THE WHITE HOUSE

WASHINGTON

April 10, 1975

MEMORANDUM FOR: JACK MARSH

FROM: RUSS ROURKE *R*

Dave Hoopes advises me that Willard Marriott has indicated that he would be happy to make available any amount of money, up to \$200,000 out of the \$300,000 - \$400,000 profit left over in the Inaugural Committee, to underwrite the Presidential swimming pool construction.

Although uncertain as to possible legal questions, this proposal might merit some consideration.

Please advise.







THE WHITE HOUSE

WASHINGTON

August 29, 1974

MEMORANDUM FOR:

General Alexander M. Haig, Jr.

FROM:

William E. Casselman II *WC*

SUBJECT:

Construction of Swimming Pool and  
Related Facilities on White House  
Grounds

The following is an outline of possible funding sources and contracting options open to the President in constructing a swimming pool and related facilities on the White House grounds. If the recommended project proposal is approved, a detailed implementation plan will be drawn up by this office and the Department of the Interior.

OBJECTIVE:

To construct a swimming pool and related facilities for the use of the President, his family and guests as part of National Park Service, Reservation 1 (White House).

POSSIBLE PARTICIPANTS:

1. National Park Service (NPS):

Has administrative responsibility over White House mansion and grounds, including authority to undertake construction and authority to accept donations of both funds and equipment, 75 stat. 586; 16 U.S.C. 1 et seq. NPS has authority to construct pool with appropriated funds. However, such funds are not presently available. All NPS contracting would be subject to government regulations. NPS has available expertise to oversee construction activities. Donations to NPS are tax deductible.



2. National Park Foundation (NPF):

Has authority to accept donations of both funds and equipment to further National Park Service activities including authority to contract for construction projects, 16 U.S.C. 19(e) et seq. NPF does not have existing funds with which to undertake project. Adequate staff to oversee construction activities is available to NPF through the Department of the Interior, 16 U.S.C. 19(h). NPF contracting is not subject to government regulation. Donations to NPF are tax deductible.

3. United States Secret Service (USSS):

Has responsibility for the protection of the President and his family, 18 U.S.C. 3056(a). This would include oversight of construction activities from a security standpoint.

4. National Swimming Pool Institute (NSPI):

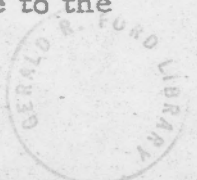
By letter of intent dated August 22, 1974, (attached Tab A), has offered funding and construction assistance from the swimming pool industry. NSPI does not have funds or in-house construction capability at this time.

5. Edna McConnell Clark Foundation (EMCF):

Mr. James Henry, Executive Director, has offered financial assistance including an immediate interest free construction loan and indemnification of any funding shortfall. EMCF is willing to grant this assistance anonymously.

6. Inaugural Committee:

Committee Chairman J. Willard Marriott has indicated that the Committee has \$400,000 in excess funds which it is willing to donate to the project.





## 7. Ad Hoc Fund-raising Group:

A broad-based organization including representatives of NSPI and other swimming-oriented organizations, U.S. Olympic Committee, Congress, etc. could be created to undertake fund-raising efforts. (A memo recommending lead personnel is attached at Tab B).

## 8. Council for National Cooperation in Aquatics:

Could be approached for fund-raising assistance. Members include NSPI, Red Cross, Boy Scouts, Girl Scouts, YMCA, YWCA, AAU, NCAA, National Safety Council, U.S. Office of Education, U.S. Public Health Service, and other recreation groups.

## FUNDING SOURCES:

### 1. Government Appropriations:

Funds could be secured by direct appropriations to NPS, subject to reimbursement from private donations. Would have advantages of limiting number of participants, and using standardized procedures applicable to government contracting. Disadvantages include: necessity to seek supplemental appropriations and increased project costs as a result of exclusive government contracting (subject to all government contracting restrictions). Also, if not done on a reimbursable basis would result in total cost being borne by taxpayer.

### 2. Private Donations:

Private funding carries advantages of flexibility, lower project cost, no cost to taxpayer, no direct connection with government. Disadvantages include greater number of necessary participants and need for establishing a central administrative control over fund-raising activities.



Private funding could be secured either from single or limited source donations or from a broad-based fund-raising drive.

Single or limited sources for donations have advantages of immediate implementation and limited administrative problems because of reduced number of participants. The disadvantage relates to possible adverse exposure resulting from use of such sole sources. The advantages and disadvantages of a broad-based fund raising drive are basically the reverse of the above.

However, fund-raising could be done in combination with single source and broad-based drive. The immediate implementation costs could be secured on a loan indemnification basis from a single source, while having project cost borne by subsequent broad-based drive. This carries the advantage of immediate implementation while at the same time reaping public relations benefits of the broad-based campaign.

Donated funds could be funneled to the NPS either directly or through the NPF with spillover funds being dedicated to the U.S. Olympic Committee. Both routes would result in tax advantages to donees.

## CONTRACTING OPTIONS:

### 1. Government:

NPS could contract directly for the pool construction. This has the advantages of standardized procedures and government expertise. The disadvantages include necessity to comply with government contracting regulations, higher costs and utilization of appropriated funds.



## 2. National Park Foundation:

Pursuant to a special use permit from NPS, NPF could contract for the construction of pool and upon completion, transfer title to NPS. This procedure is advantageous in that NPF is not subject to government contracting regulations which results in lower project costs. Contracting and construction expertise is available to NPF from the Department of the Interior.

## 3. Private:

Because of the statutory restrictions on the acceptance of conditional gifts, there appears to be no viable private contracting options which do not involve the NPF.

## RECOMMENDED PROJECT IMPLEMENTATION:

### 1. Fund Raising:

It is recommended that the cost of the project be borne by funds solicited by a broad-based ad hoc fund-raising group created for this purpose. Funds raised by this group would be channeled into the National Park Foundation. Any spillover funds would be distributed among the twenty-seven sports on the Olympic program. (A memo detailing this spillover recommendation is attached Tab C).

A strict dollar (and value in the case of donated equipment) limitation from any one source should be imposed. Also strict prohibitions concerning product endorsement or advertising should be imposed.

The broad-based funding campaign should be supplemented by using the offer from the Edna McConnell Clark Foundation to advance funds for





the necessary start-up costs and to indemnify the project in case of a funding shortfall. The advance of funds and indemnification should run to the National Park Foundation.

This procedure offers the advantages of immediate implementation and broad-based public relations appeal.

## 2. Design, Construction and Contract Administration:

It is recommended that responsibility for the administration of necessary design, construction, and contracting be vested with the National Park Foundation. This would be accomplished by the issuance of a construction permit to the NPF from the National Park Service. The permit from NPS would involve the necessary environmental impact statement and Fine Arts Commission clearance. The NPF would issue the actual construction contract. Pursuant to NPF authorities, design, construction, and contracting experts would be made available to NPF from the Department of the Interior. All construction activities would be coordinated with the USSS. Initial funding and indemnification would be furnished to the NPF by the EMCF and funds necessary to cover the costs would be funneled to the NPF from the fund raising group as such funds are available.

Upon completion of the project, title to the pool and related facilities would be transferred to NPS by the NPF.

This procedure offers the advantages of immediate implementation, lower costs, and avoidance of government contracting restrictions while at the same time utilizing available government expertise and maintaining close government liaison.

Enclosures

cc: Honorable Philip W. Buchen  
Honorable Jerry H. Jones



THE WHITE HOUSE  
WASHINGTON

April 19, 1975

*Pres.  
Swimming  
Pool*

MEMORANDUM FOR:

JERRY JONES

FROM:

PHILIP BUCHEN

*P.W.B.*

SUBJECT:

Putting Green on the  
White House Lawn

In response to your memoranda of April 10 and 11, I enclose a memorandum with attachment prepared for me by Barry and Bill. I think their points are well taken and should be given careful consideration. As between a putting green and a swimming pool, I think the President would much prefer the latter.





THE WHITE HOUSE  
WASHINGTON

*Policy  
Swimming pool*

April 21, 1975

MEMORANDUM FOR: Jack Marsh  
FROM: Bill Casselman *BC*  
SUBJECT: Status of Swimming Pool Proposal

At the request of the President, Jack Stiles has been working on a revised proposal to construct a White House swimming pool. As you will recall, the previous proposal was dropped last fall because of high cost (approximately \$250,000) and possible adverse political reaction.

Basically, the original proposal provided for the pool design, construction, and contracting to be undertaken by the National Park Foundation (NPF), a non-profit, tax exempt corporation, established by law to accept gifts in connection with the activities of the National Park Service (NPS). NPS would issue a construction permit to NPF with the necessary environmental impact statement and Fine Arts Commission clearance. NPF would then award the construction contract on a competitive basis and would be responsible for its administration. All construction work would be coordinated from a security standpoint with the Secret Service. Upon completion of the project, title to the pool would be formally accepted by NPF and transferred to NPS, which would administer the gift on behalf of the Government.

The original proposal also provided for initial funding and indemnification to be furnished to NPF thru an ad hoc, broad-based fund raising group to be established for that purpose. Any additional funds would be distributed among the 27 sports on the 1976 Olympic program. A strict dollar or value limit on donations from any one source would be imposed. In addition, donors of equipment or services would be prohibited from commercially exploiting their connection with the project.



The revised proposal differs in several substantial ways from the one described above. First, the scope of the project has been reduced. In an effort to make the proposal politically acceptable, it was decided that not more than \$75,000 would be expended for the total cost of the construction. This would mean the elimination of any dressing or exercise facilities and the use of berms and shrubbery as protective screening in lieu of a climate-controlled, roofed-in pool enclosure. The feasibility of this change is now being studied by Stiles and Gordon Rudd, the contractor who built the pool at the President's home in Alexandria.

Second, the contract would be awarded on a sole source basis, presumably to Rudd. This would eliminate the expense and delay involved in competitive bids. While NPF is not bound by the usual Federal procurement laws and regulations applicable to Government agencies, the use of such a contract might raise some eyebrows.

Third, initial funding and indemnification would be provided thru J. Willard Marriott, using excess discretionary funds from the 1972 Inaugural Committee. This, too, carries some negative political implications because of the association with the previous Administration. However, except in the case of a short-fall in donations, the funds would be used only as an interest free loan.

Finally, the loan would be repaid with monies raised from the following sources: (a) Grand Rapids friends of the President, whose fund raising efforts would be headed by Peter Secchia, a mobile home executive in Grand Rapids, (b) the National Swimming Pool Institute and/or other swimming-oriented organizations, and (c) donations sought via public solicitation from an organization to be headed by a well-known fund raiser, perhaps, Al Sehorn, a noted Olympic supporter. In all other respects, the original proposal, including participation by NPF, would remain the same.

cc: Phil Buchen  
Jack Stiles



April 21, 1975

**MEMORANDUM FOR:**

Jack Marsh

**FROM:**

Bill Casselman /S/

**SUBJECT:**

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cc: Phil Buchen  
Jack Stiles

THE WHITE HOUSE

WASHINGTON

April 24, 1975

MEMORANDUM FOR:

Philip W. Buchen *P.W.B.*  
Rod Hills  
William E. Casselman II  
Kenneth A. Lazarus  
James Wilderrotter  
Dudley H. Chapman  
Barry N. Roth

FROM:

Jay T. French

Attached is the Department of Justice news summary. Please circulate.

PRESS SUMMARY FOR THE ATTORNEY GENERAL

THURSDAY, APRIL 24, 1975

PAGE

REFUGEES

Immigration Service sending personnel to Guam to handle influx of Vietnamese refugees. (Washington Post, page A-1; New York Times, page 10) 1 & 2

WIRETAPS

Federal prosecutors are investigating charges that Federal agents participated with Houston police in illegal wiretaps. (Washington Post, page A-26) 3

Baltimore News American accuses IRS of illegal tapping of the newspaper's telephone. (Washington Post, page B-9) 4

INFORMANTS

The use of informers by Federal prosecutors renews debate. (New York Times, page 22) 5 & 6

CRIMINAL CODE

The 750-page Criminal Code revision appears to be approaching its first Congressional test. (New York Times, page 24) 7

ANTITRUST

White House Task Force probing antitrust immunity of agriculture cooperatives, the insurance industry, and labor unions. (Los Angeles Times, page I-1) 8

A federal appeals court rules that the CAB improperly allowed three airlines to renew flight-cutback agreements. (Wall Street Journal, page 10) 9

Federal appeals court also rules the ICC can't order a railroad how to spend its money. (Wall Street Journal, page 4) 10

FOIA

Scientists are jittery over provisions of the Freedom of Information Act which would open grant applications to public view, thus allowing other scientists to steal their research ideas. (Washington Post, page A-2) 11



## NEWS SHIELD BILL

Assistant Attorney General Antonin Scalia testified 12  
against the so-called newsmen's shield bill which  
would place some limits in which journalists could  
protect confidential sources. (New York Times, page  
25)

## DRUGS

Attorney General Levi backs the Justice Department 13  
defense of Federal narcotics agents involved in  
civil suits stemming from the Collinsville raid.  
(New York Times, page 23)

DEA Chief John Bartels says U.S. is about to lose 14  
ground in struggle against heroin addiction. (UPI,  
item 297)

New York Times has last of series on the "Latin 15 & 16  
Connection." (New York Times, page 1)

## COURT ACTIONS

North Carolina judge denies Joan Little dismissal 17  
. . . SLA trial continues. (Washington Post, page  
A-30)

Three New York garment workers indicted on Federal 18  
tax evasion charges. (New York Times, page 37)

## IRS

Former Illinois Rep. Ken Gray says IRS audit shows 19  
he did not misuse campaign funds. (Chicago Tribune,  
page I-3)

## WATERGATE

Jaworski doubts Nixon could get a fair trial. 20  
(Washington Post, page A-3)

## LANDS

U.S. Steel fights Federal pollution order for its 21  
Birmingham, Alabama, plant. (New York Times, page  
27)



## CIVIL RIGHTS

House Judiciary subcommittee reverses itself and votes for renewal of the Voting Rights Act which would strengthen the attempt by Hispanic-Americans to expand coverage. (Washington Post, page A-32) 22

Justice Department joins the City of Richmond in asking the Supreme Court to allow the City Council to hold elections for the first time since 1970. (Washington Post, page B-13) 23

Interior Secretary Rogers Morton returns the Menominee reservation to its tribe. (New York Times, page 40) 24

## CIA

Church CIA panel says White House laggard in turning over data. (New York Times, page 8C) 25

## CRIME RATE

New York to experience one of its largest boosts in serious crime for the past several years. (New York Times, page 37) 26

## OPERATION BOULDER

State Department scraps Operation Boulder, a screening program to keep Arab terrorists out of the United States. (Washington Star, page A-13) 27

## WHITE COLLAR

Baltimore Sun has lengthy series on white collar crime. (Baltimore Sun, page 1) 28 through 33

## JUDICIARY

Linda Matthews reports political pull provides push for appointments to the Federal bench. (Los Angeles Times, page I-1) 34 through 36

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## Refugees to Guam

By Murrey Marder

Washington Post Staff Writer

The United States shifted its swiftly expanding Vietnamese evacuation airlift from the Philippines to Guam yesterday, to remove tens of thousands of South Vietnamese before the war cuts off their exit route.

The State and Defense departments also are sending extra personnel to Guam.

Authority to admit to this country up to 132,000 Indo-chinese refugees, including senior officials of the South Vietnamese government, was granted Tuesday by the Justice Department.

in the bombing of North Vietnam in 1972.

There were reports and denials that the Philippine government of President Ferdinand E. Marcos insisted that the United States stop using Clark Air Base, the largest American military installation outside the

# U.S. Coping With Refugee Resettlement Problems

By Douglas E. Kneeland

Special to The New York Times

WASHINGTON, April 23—As thousands of Vietnamese fled Saigon aboard American military aircraft, State Department officials here were still grappling today with plans for their resettlement.

hasn't been nailed down yet," he said.

He also said that no arrangements had been made yet for jobs or housing for the refugees.

And he explained that even the number 120,000, which the Justice Department said vester-

for deciding which South Vietnamese were in the "high risk" category that qualified for immigration "parole" by the Justice Department.

He said that the Agency for International Development was sending a man to Guam to work with a team of immigra-

Nations had been unable to relocate the applicant in another country.

As for the South Vietnamese, Verne Jervis, public information officer for the Immigration and Naturalization Service, said that "our role is to process

# U.S. Probes Agents' Role In Wiretaps

By Ronald Kessler

Washington Post Staff Writer

HOUSTON—U.S. prosecutors are investigating charges that federal agents participated with Houston police in illegal wiretapping.

Houston Police Chief Carol M. Lynn and former U.S. Attorney Anthony J. P. Farris said in separate

"Some covered one page—others covered 10. They were repetitious, skeletal, and included Xerox copies of newspaper articles. Well, hell, I had read all those."

Farris said he complained last November to then Attorney General William French Smith about what he termed the Justice Department's lack of concern about the case.

The complaint, a six-page letter with exhibits, pointed out that some of the allegations being investigated involved the FBI and said the FBI effort in the case was "not there," Farris said.

Farris said he received no reply.

interview that he personally obtained wiretap information from the telephone company security office about half a dozen times. He said the security office also provided him with records of long-distance toll calls.

Jerry L. Slaughter, a former FBI agent who heads the security office, did not return telephone calls. However, a company spokesman said he has previously denied the charges.

The spokesman said the company cannot deny that someone in the company might have helped police wiretapping, because the company cannot speak for each of its 14,000 employees.

man, chief investigator of the National Wiretap Commission.

In the transcripts, the officers suggested that Lynn should not worry about the federal investigation of the police department because federal agents had participated in the practices or were at least aware of them, the source said.

"The flavor was we had this bunch of boys who did anything they wanted to," the source said.

In court hearings that have not been reported by the press, lawyers representing accused wiretappers have charged that the al-

Baltimore News-American

# Paper Says IRST Tapped Phones

BALTIMORE (UPI)—The Baltimore News American reported today that the Internal Revenue Service has been illegally tapping the newspaper's telephones. IRS officials de-

said none of his men "would conduct an illegal telephone tap."

The conversation that was allegedly taped concerned

was possible Miss Schulte's telephone was the one being tapped. "No, they're upset by the stories you're writing," Olesker quoted the source as

# Prosecutors' Use of Informers

## Stirs a Legal Debate

By **LESLIE OELSNER**

Special to The New York Times

WASHINGTON, April 23—

Despite recurring complaints by civil libertarians and others, including judges, the nation's courts have imposed few restrictions on the Government's use of informers and other undercover agents.

The courts have created a few protections over the years for targets of secret agents. They can learn the identity and backgrounds of agents in some situations, for instance; and agents may not intrude upon a defendant's discussion with his or her counsel about the defendant's case.

Sometimes, too, the courts have chastized law enforce-

Robert M. Morgenthau Jr., District Attorney of Manhattan, favors the use of informers generally but would set limits. He is against infiltrating political groups except where there is evidence of a crime, he said in an interview. He is also against Government agents committing crimes in their undercover work, except in making "buys" of contraband such

Courts have dealt with some of the issues and suggestions being raised. The law on the use of undercover agents is a collection of decisions on assorted aspects of undercover work, a collection of not-always uniform holdings with a few common threads, rather than a comprehensive statement of rights and duties.

# Criminal Code Revision Near Congress Test

By **WARREN WEAVER, Jr.**

Special to The New York Times

WASHINGTON, April 23—A massive and controversial revision of the Federal Criminal Code is approaching its first test in Congress, with a powerful coalition of sponsors determined to push the complex legislation through before the 1976 election.

The 750-page bill, more than four years in the drafting,

Apart from numerous controversial features, the McClellan bill is so long and complicated that getting an agreed version through both houses in 16 months presents a formidable, practical problem for its sponsors. The fact that so many members are lawyers given to fault-finding is not likely to speed the process.

Federal criminal laws have never been codified but have simply accumulated over nearly

centuries, with the requirement that the collector plans such communication.

¶ Authorize for the first time an appeal from a Federal criminal conviction based on a claim of excessive sentence for all defendants whose fine or jail sentence was more than one-fifth of the maximum allowed.

¶ Expand Federal criminal jurisdiction by classing as Federal offenses some acts, previously subject only to state

who shall not learn, speak or write about a vast array of politically as well as militarily sensitive information."

"To state this proposition is to refute it," the A.C.L.U. observed. "The Constitution permits no such law."

Melvin L. Wulf, legal director of the civil liberties group, called for decriminalizing pornography and the use or possession of marijuana.

# Probe Questions Farmers', Unions' Antitrust Immunity

Insurance Industry Also Under Scrutiny in Move by  
Ford to Reduce Government's Economic Tinkering

BY GAYLORD SHAW  
Times Staff Writer

WASHINGTON—A high-level task force created by President Ford is examining the antitrust immunity of

disclosing in a largely overlooked sentence deep in a 360-page economic report to Congress.

Any recommendation to erase labor's antitrust immunity is certain to encounter strong opposition in Congress. One Administration official said: "We realize it's a strong political lobby."

But one task force participant said a decision had been made to study organized labor's economic power even if the inquiry did not result in legislative recommendations.

The third major area of study centers on the 1948 law known formally as the Insurance Antitrust Moratorium Act. Under its provisions, insur-



# CAB Extension Of Flight Cuts Voided by Court

## Panel Rules Agency Acted Improperly in Allowing 3 Airlines' Joint Action

*By a WALL STREET JOURNAL Staff Reporter*

WASHINGTON—A federal appeals court ruled that the Civil Aeronautics Board improperly allowed three major airlines last July to renew flight-cutback agreements in

In the 1974 CAB approval, the appeals court said the CAB hadn't attempted to meet an argument posed by the Justice Department, which had challenged the pact. The department contended that carriers could save fuel by dropping flights on an individual basis and didn't need joint agreements on cutbacks.

The CAB had based its approval on an airlines' argument that acting unilaterally, they would be forced to keep capacity high in "highly competitive" markets and at peak demand times, while slashing service below acceptable levels in lightly traveled or monopoly markets and in off-peak periods.

Having properly approved the agreements in October 1973 in a fuel-pinch emergency, the court said, the CAB then had ample time to make a full inquiry into their merits by July 1974. However, Judge Malcolm Richard Wilkey, in his opinion for the three judges, said, "Far from acting with deliberate speed, the CAB's inaction was a

# Chessie Appeal Of ICC Ruling Upheld by Court

Agency Can't Tell Railroads  
How to Spend Revenue,  
Three-Judge Panel Says

*Special to THE WALL STREET JOURNAL*

RICHMOND—The Interstate Commerce Commission can't order a railroad how to spend its revenue, a federal appeals court ruled.

## Freedom of Information Act Cited

# Scientists Worry About Idea Theft

By Stuart Auerbach

Washington Post Staff Writer

Scientists are worried that provisions of the Freedom of Information Act which open their grant applications to public view will allow other scientists to steal their research ideas.

As a result, two major sci-

"During the six years I was an institute director," added Dr. Theodore Cooper, newly named as assistant secretary for health of the Department of Health, Education and Welfare, "I think there were about three instances where individual scientists have contacted me claiming ... some stealing of an idea."

"It seems to me that when public funds are involved, the public has a right to see how they are being spent."

Scientists thought their grant applications were exempted from the Freedom of Information Act, but a recent court suit forced the government to make them public. Federal officials said

## Newsmen's 'Shield' Bill Snagged Again

Special to The New York Times

WASHINGTON, April 23—The issue of a law permitting reporters to keep their news sources confidential came up in the new Congress today, with the same result as in the last two sessions—instant impasse.

A House Judiciary subcommittee headed by Representative Robert W. Kastenmeier, Democrat of Wisconsin, heard

During a two-and-one-half-year period covering mid-1970 through early 1973, Mr. Scalia said, the department approved subpoenas for 13 reporters. In the two years since that time, the department has received 46 requests for such approval, he reported, and the number of reporters involved may run still higher.

Mr. Scalia did not say how many requests for subpoenas

Under the Kastenmeier bill, Mr. Scalia said, "a member of a radical violent organization would be able to publish a weekly newsletter concerning the past and proposed future criminal activities of that organization without being compelled to disclose his source."

Mr. Nelson said the Supreme Court's 1972 refusal to recognize any reporter's privilege to refuse to testify "has not

## LEVI BACKS SHIFT ON DRUG RAID CASE

His Agency Defends Agents  
It Formerly Prosecuted

WASHINGTON, April 23 (AP) —The Justice Department is defending five Federal narcotics agents and one former

lawyers. The agents are being defended free by the Justice Department.

Mr. Levi's decision puts the department's Civil Division in the position of defending men who had been prosecuted by the department's Civil Rights Division.

The Drug Enforcement Administration, also part of the department, punished all six agents for their conduct in the raids in the Collinsville area, although not specifically for



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WASHINGTON (UPI) -- THE HEAD OF THE DRUG ENFORCEMENT ADMINISTRATION SAID WEDNESDAY THE UNITED STATES IS ABOUT TO LOSE THE GROUND GAINED IN ITS RECENT STRUGGLE AGAINST HEROIN ADDICTION.

JOHN R. BARTELS JR. SAID THE NATION'S HEROIN EPIDEMIC BEGAN IN 1965 PRIMARILY AMONG MINORITY POPULATIONS IN MAJOR METROPOLITAN AREAS ON THE EAST AND WEST COASTS.

HE SAID IT QUICKLY SPREAD TO THE WHITE POPULATIONS IN THOSE CITIES AND BY 1970 WAS REACHING EVEN THE SMALLER CITIES.

BARTELS SAID THE HEROIN EPIDEMIC WAS INTERRUPTED IN 1972 BY BETTER DRUG TREATMENT AND PREVENTION PROGRAMS AS WELL AS BY DIPLOMATIC PRESSURES ON TURKEY THAT RESULTED IN A BAN ON OPIUM POPPY PRODUCTION.

THE TURKISH BAN, HE SAID, IMMEDIATELY CREATED A SHORTAGE OF OPIUM ON THE EAST COAST THAT TRIPLED HEROIN PRICES. MEXICO THEN REPLACED TURKEY AS A CHIEF SOURCE OF HEROIN, BUT ILLICIT SUPPLIES WERE STILL LOWER THAN PRE-1972 FIGURES.

NOW, HOWEVER, NEW "SUPPLY THREATS ABOUND," BARTELS TOLD A HOUSE SUBCOMMITTEE HEARING.

NOT ONLY HAVE PRICES REMAINED STABLE DURING THE PAST YEAR, BUT THE PURITY OF THE ILLEGAL HEROIN ALSO IS IMPROVING -- INDICATING BOTH LARGER AND BETTER QUALITY SUPPLIES.

IN ADDITION, BARTELS SAID, A NUMBER OF CITIES THAT SHOWED A DECLINE IN HEROIN USE IN 1972 AND 1973 ARE NOW REPORTING AN INCREASE BASED ON A RISING NUMBER OF HEROIN-RELATED EMERGENCY ROOM VISITS AND HEROIN OVERDOSE DEATHS.

DUPLICATES B-WIRE POINTS

UPI 04-23 09:15 PED

## Lack of Treaties Hinders U.S. Effort to Curb Drugs

*Last of four articles on why Latin America is now the major source of hard drugs entering the United States.*

By NICHOLAS GAGE

The United States has indicted more than half of the 200 active drug traffickers in Colombia for narcotics violations in this country, but under existing international agreements they cannot be extradited from Colombia or prosecuted at home.

A number of agencies are involved in the United States narcotics effort in Latin America, but the most active are the Federal Drug Enforcement Administration, the Central Intelligence Agency and the Agency for International Development.

Another diplomat said, "We could jeopardize our relations by pushing too hard on narcotics. These countries don't have a drug problem themselves. There's no mutual interest to work with."

While some narcotics officials have been grumbling about lack of support from the State Department, the most active and visible of the agencies fighting narcotics abroad—the Drug Enforcement Administration—has come under its own share of criticism, much of it from the Senate Permanent Subcommittee on Investigations headed by Senator Henry M. Jackson.

**'Ineffectiveness' Is Explored**

### Cocaine Gains Cited

Another achievement cited by Mr. Bachrach was the disruption of cocaine production in Chile. Shipments of cocaine to the United States from Chile have now been reduced from more than 200 kilos a month to less than ten, he said.

The important advance in fighting narcotics in Chile came after the military coup against President Salvador Allende, Mr. Bachrach said. The junta that overthrew him agreed to expel 19 Chilean traffickers to the United States, where they faced narcotics charges, even though they were Chilean citizens. Most of the other traffickers,

## Convict Says He Ordered SLA Killing

SACRAMENTO, April 23 (AP) — Clifford Jefferson claimed on the witness stand today that he ordered the Nov. 6, 1973, killing of Oakland schools Supt. Marcus Foster.

With the jury out of the courtroom, the prosecution wit-

## Judge Denies Joan Little A Dismissal

WASHINGTON, N.C., April 23 (UPI)—A Superior Court judge today denied a motion for dismissal of a murder indictment in the slaying of a white jailer by a black woman who claims she was defending herself against a sexual at-

But the shortcomings, he said, "did not materially affect the issue with which we are concerned."

The defense team, which prepared nearly 20 motions prior to last week's start of the hearing, then announced that it had subpoenaed members of the grand jury that indicted Miss Little in preparation for a motion on evidence it said was withheld from the grand jury.

Miss Little, a construction worker, is charged with killing Clarence Allgood, who

## 3 Seized on Charges Of Tax Conspiracy To Aid the Mafia

A garment center businessman and two reputed Mafia figures were arrested yesterday on charges involving an alleged tax-evasion conspiracy designed to provide members of organized crime with apparently legitimate sources of income.

The 22-count Federal indictment alleged that the 52-year-old businessman Michael Pan-

# Gray claims clean bill of health by IRS

WASHINGTON [UPI]—Former Rep. Kenneth J. Gray [D., Ill.], has announced that an Internal Revenue Service audit requested by him in February shows he did not misuse campaign funds.

gress Committee had a deficit of \$5,477, which he said he paid from his personal funds.

One IRS letter on the helicopter sale, Gray said, shows that he has maintained a separate helicopter account.



## Fair Trial for Nixon Doubted by Jaworski

AUSTIN, April 23 (AP)— when the final White House Former President Nixon could tapes were played, House Ju- not have received a fair trial diciary Committee members on obstruction of justice in came on live TV and said that the Watergate case because they believed Nixon was

## U.S. STEEL FIGHTS POLLUTION ORDER

Alabama Plant Asks Delay  
of Clean Air Mandate

By B. DRUMMOND AYRES Jr.  
Special to The New York Times

ATLANTA, April 23 — The  
United States Steel Corpora-

a shutdown would force dismissal of 2,000 steelworkers and would cause a shortage in the type of steel used to make rails, which the company argued were critically needed by the nation's railroads.

Mr. Traina rejoined: "We are not insensitive, but the economic input is not necessarily a factor that we must take into consideration."

Last fall, the agency imposed a \$2,300-a-day fine on U. S.

# Hispanics Backed In Voting Act Bill

A House Judiciary subcommittee reversed itself yesterday and voted for a proposed renewal of the Voting Rights Act in a form that strengthens the attempt by Hispanic-Americans to expand the present law's coverage.

The full committee will begin its consideration of the bill on April 29.

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The Washington Post

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# U.S., Richmond Ask Lifting of Court Ban On Council Election

By John P. MacKenzie

Washington Post Staff Writer

The Justice Department joined the City of Richmond yesterday in asking the Supreme Court to permit Richmond to hold City Council elections this year for the first

The voting act requires Virginia and six other Southern states to prove to the Attorney General or a special three-judge district court in Washington that any election

The annexation cut the growing black voting age population from 45 per cent to 37 per cent, a reduction the Justice Department said could only be cured by converting to representative ward elections.

Rhyme said Bagley was no longer mayor and city officials "are not bigots or racists. This is not that kind of city."

The court took the case under advisement and is expected to rule by June.

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# The New York Times

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## Government Gives Reservation Back To the Menominees

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WASHINGTON, April 23  
(UPI) — The Government re-  
turned the Menominee Indian  
reservation in Wisconsin ves-



# WHITE HOUSE LAG ON SPY DATA SEEN

Administration Accused by  
Senators of Hampering  
Intelligence Inquiry

By NICHOLAS M. HORROCK  
Special to The New York Times

WASHINGTON, April 23—  
The chairman of the Senate  
Select Committee on Intel-  
ligence charged today that "ex-  
cessive delays" in turning over  
documents by the Ford Admin-  
istration and the Central Intel-

He said the volume of mater-  
ial was also an important fac-  
tor. "They wanted one set of  
34 books of documents that  
came to your waist when it  
was stacked on the floor," Mr.  
Hills said. He also said that  
the White House "could not  
responsibly turn this material  
over without reading it."

The Senate committee has  
sent major requests for infor-  
mation to the Central Intel-  
ligence Agency, the Federal  
Bureau of Investigation and the  
Defense Intelligence Agency,  
but today's complaint appeared  
mainly aimed at the C.I.A. Mr.  
Church said the committee had  
thing" from the agency.

Mr. Hills said that he could  
not understand this complaint.  
"The C.I.A. hasn't held up any-  
thing," he said.

Several sources familiar with  
activities behind the com-

## Postmaster Wrote Colby

WASHINGTON, April 23  
(UPI)—Benjamin F. Bailar, the  
Postmaster General, told a Sen-  
ate Appropriations subcommit-  
tee today that he had written  
a letter of complaint to William  
E. Colby, Director of Central  
Intelligence, after reading in the  
newspapers that the C.I.A. had  
opened people's mail. He said  
Mr. Colby had replied that the  
practice had been stopped and  
would not resume.

## SERIOUS CRIMES UP 21.3% IN THE CITY

January - February Rise Is  
One of Largest in Years  
to Be Tallied by Police

By SELWYN RAAB

Serious crimes reported to the police in the city increased 21.3 per cent in the first two months of this year compared

### Personal Crimes Rising

This sudden upsurge in murders has apparently reversed a steady downward pattern that has been evident here since late 1973. Last year murders dropped 7.5 per cent.

For the first two months of this year, crimes against persons, including robbery, rape and assault, were up 23.2 per cent. Robberies showed the largest increase—26.3 per cent. Assaults rose 20.5 per cent and rape 5.1 per cent.

Robberies and assaults, which are often street muggings, are the major barometers used by criminologists to measure violent crime in a community. Since most murders are com-

# Anti-Terrorist Screening Effort Shelved by U.S.

The State Department has scrapped Operation Boulder, an extensive screening program set up after the Munich Olympic games in 1972 to keep Arab terrorists out of the United States.

John Gatch, deputy head

"Operation Boulder is an overt program which is well-known to the Arab World, and terrorists are stymied by the unknown deterrent procedures in operation by the U.S. government," the report to Eilberg said. "It should be

"We rely on lookout books, checking with other consulates — and the good sense of the consular agents," Gatch said.

"WE ALSO felt that, if we were dealing with a determined terrorist, he could get in anyway," he added.

While the government's anti-terrorism effort has been highly successful in stopping aircraft hijacking in this country, officials are seriously worried about the possibility of terrorist attacks next year during the Bicentennial and the Olym-

4/23/75  
Date1  
PageWhite-collar crime

# Marylander is taken for a long, costly ride

*"Look, I was good, don't ever forget that. When I committed a crime—and I never hurt anybody, I never took from the little people on the street—I committed a god-damn good crime."*

*—Philip M. Wilson, white collar fraud man*

By RICHARD BEN CRAMER

Bel Air—In 1970, a whirlwind of white-collar fraud touched down in this Harford county town to sweep up Warren C. Eastburn, a successful construction contractor, and

group—the Normandie Trust Company of Panama.

Philip M. Wilson, Jack Axelrod and Carl Brown set up the company as successor to the Bank of Sark, a fraud that, by 1970, was ready to tumble.

He hoped to make up the rest of the cost, \$250,000, from his assets.

"About 60 per cent of the way through [the expansion project] I found out that \$750,000 estimate was crazy as hell. I had more than a million dollars in it and I figured I better look for some more to complete it."

It was early 1970 when Mr. Eastburn came to the realization that he needed more capital. At that time, interest rates were soaring and conventional bank financing was difficult to come by, even from the Mercantile, which ostensibly had a stake in the success of the quarry project.

"I said, 'Christ, I better do something,' " Mr. Eastburn recalls, "so I talked it around with a number of people.

"One was a local man here, a man in the same business who had a good deal of re-

His attorneys could suggest nothing other than chapter 11 of the federal law on bankruptcy proceedings. They said it would buy him some time before his creditors moved in and took the plant from him.

Judge Joseph O. Keyser, the federal bankruptcy referee, demanded \$60,000 immediately to satisfy Mercantile for three months. Mr. Eastburn borrowed \$20,000 on his remaining construction corporation and \$40,000 on his and his wife's signatures.

By this time, he also was indebted to the local bank for \$140,000 in a variety of loans. The Commercial and Savings Bank, three of whose directors were his former partners, started pressing for the money. They even sent the sheriff to his home to inspect the furniture and see what could be

# Justice is a big fraud's last victim

By RICHARD BEN CRAMER

Major white-collar fraud is growing fast—faster than the government's efforts to combat it.

That is the consensus of investigators, prosecutors, law enforcement officers, defense lawyers and fraud artists interviewed over the last five months.

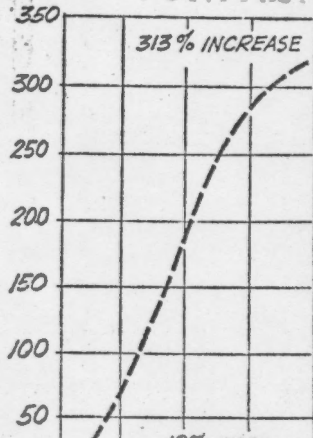
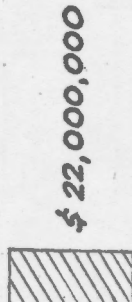
They cite a decaying morality within the American business community that allows "fast-money" schemes or outright frauds to operate undetected for years.

institutions. Fraud and embezzlement, two white-collar crimes, took almost \$136 million during the same period.

•From 1969 to 1973, frauds and embezzlements increased 313 per cent, while robberies increased 12 per cent. Though some of this rise is due to better reporting procedures, fraud experts agree the actual number of frauds committed is rising.

The experts in the field cite several reasons for the growth of the problem.

Times of tight money and runaway inflation play into





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# Judgeships--- Political Pull Provides Push

Connections Often  
the Main Factor in  
Federal Appointments

BY LINDA MATHEWS  
Times Staff Writer

WASHINGTON —If there were a contest to pick the worst judge ever named to the federal bench, some optimists here say the prize should

belong to the man who named himself had all the right credentials, including directorship of the Kennedy-Johnson campaign in Georgia in 1960.

As patronage plums go, judicial appointments are very choice indeed. All federal judges sit for life during "good behavior," with no worries about layoffs, depressions or electoral defeats. Those on the district courts earn \$40,000 a year, and appeals court judges draw \$42,500, less than they might make in private law practice but still an enviable sum to the average American.

The well-established tradition is for each President to bestow judgeships primarily on members of his own party. Thus, though President Richard M. Nixon's advisers swore in 1969 that party loyalty would play little part in judicial selection, only 18 of the 228 nominees Mr. Nixon named to

The real appointive power lies with the senators of the President's party. By tradition dating to the 1840s, these senators are awarded the prerogative of suggesting nominees for the district courts, the federal trial courts, in their states. If both senators belong to the opposition, the administration normally consults state party leaders and senior members of the state's delegation to the House.

Intertwined with the power to suggest judges is another ancient custom, "senatorial courtesy," which entitles each senator, no matter what his party, to block objectionable appointments in his state. The Senate Judiciary Committee will not even schedule confirmation hearings unless both senators from the nominee's state have submitted so-called "blue slips," which indicate begrudging acceptance if not always hearty approval of the appointment.

Patrick Buchanan

# It's time to let go, Mr. Justice

WASHINGTON—"When God almighty lays his hands upon a man, sir, I take mine off, sir." So said Thomas Hart Denton, Missouri's senatorial profile in courage, when terminal illness overtook his great southern antagonist John C. Cal-



tice is referring is the President of the United States, who, as Rep. Gerald Ford, led a partisan drive to have Douglas impeached. "I wouldn't give him the satisfaction of naming my successor," he is quoted as telling a friend.

# Polishing The Bar

By Philip B. Kurland

CHICAGO—There has been an outcry in recent days, led by Warren E. Burger, the Chief Justice of the United States, about the incapacities of some members of the legal profession to perform their functions well. The fact cannot be gainsaid. There are large numbers of lawyers who cannot do well some or any of the things that

The Supreme Court of Minnesota is now requiring members of its bar to go to school for fifteen hours of course work each year. With all deference, that is a worse than useless act. The notion is that lawyers can be brought "up to date" by this process. But there are already more than ample avenues for lawyers to keep "up to date."

Law reviews, judicial and administrative law reports, and commercial services are available in abundance for the lawyer who wants the information. Those who use these sources don't need classroom attendance and those who don't use these facilities are not likely to benefit from classrooms.

The problem with both the bar and

## Willowbrook Hope

The signing by Governor Carey of an agreement to settle the three-year court fight over Willowbrook represents only the beginning of hope for the patients consigned to that dismal institution for the mentally retarded.

It is clear that not even the rudiments of a plan now exist for the hostels, halfway houses and day-care training centers through which retardates are to be