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Washington, D.C. 20005

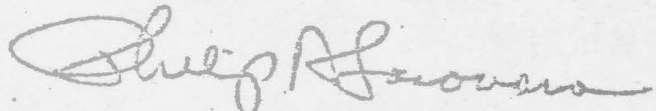
August 15, 1974

J. Fred Buzhardt, Esq.  
Counsel to the President  
The White House  
Washington, D.C.

Dear Mr. Buzhardt:

In my letter to you earlier today I mentioned that we would furnish to you a tentative list of items understood to be in the Presidential files of former President Nixon which we intend to seek as involving evidence relevant to pending investigations. The enclosed schedules are tentative, and by no means final or exhaustive and are designed primarily to provide you with an awareness of the categories of information contained in those files that are relevant to matters under our jurisdiction.

Sincerely,



Philip A. Lacovara  
Counsel to the Special  
Prosecutor

Enclosure



SCHEDULE

All records for the period January 20, 1969, to the present, which record, refer or relate in any way to:

(1) Any loan, gift or other transfer of funds or real or personal property between Charles G. Rebozo and Richard M. Nixon, Mrs. Patricia R. Nixon, Julie Nixon Eisenhower, Patricia Nixon Cox, F. Donald Nixon, Edward C. Nixon and Rose Mary Woods.

(2) Any solicitation, receipt, storage, transmittal, or disbursement of political campaign contributions or payments of any kind to or by Charles G. Rebozo including but not limited to any payment from any of the following persons or his representative: Howard R. Hughes, A. D. Davis, J. E. Davis, J. P. Getty, James Crosby, I. G. Davis.

(3) Any acquisition, improvement, repair, maintenance, alteration, or extension by or at the instance of Charles G. Rebozo of any real property in which Richard M. Nixon holds or held a substantial ownership interest, including but not limited to any instruction given by Richard M. Nixon or his agent or representative to Charles G. Rebozo and any report from Charles G. Rebozo or his agent or representative directly or indirectly to Richard M. Nixon concerning any such transaction.



(4) Any investment by Charles G. Rebozo made at the direction of or for the benefit of Richard M. Nixon or any member of his family, or any agent, friend or associate, including but not limited to investments in real estate, certificates of deposit, precious gems or metals, and currency, anywhere, including but not limited to the United States, Jamaica, the Bahamas, Switzerland, and Canada.

(5) Any governmental action, decision, plan or proposal involving known interests of Howard R. Hughes, A. D. Davis, or J. E. Davis.

(6) The milk price support decisions announced March 12 and March 25, 1971; the commencement, prosecution, or attempted settlement of an antitrust suit commenced by the Department of Justice against the Associated Milk Producers, Inc.; and, contributions received, or expected to be received from the Associated Milk Producers, Inc., including but not limited to any and all notes, records, diary entries, or tapes relating to:

a. A meeting between John B. Connally and President Richard M. Nixon beginning on or about 2:30 p.m. on March 16, 1971;

b. A telephone conversation between John B. Connally and President Richard M. Nixon beginning on or about 11:45 a.m. on March 19, 1971;





c. A meeting between John B. Connally and President Richard M. Nixon beginning on or about 6:20 p.m. on March 18, 1971;

d. A telephone conversation between President Richard M. Nixon and John B. Connally on March 20, 1971;

e. A telephone conversation between John B. Connally and President Richard M. Nixon on March 22, 1971;

f. A meeting among President Richard M. Nixon, John Ehrlichman, John B. Connally, Clifford Hardin, John Whitaker, George Shultz, J. Phil Campbell and Donald Rice on March 23, 1971 from 5:05 - 5:35 p.m., including a meeting at the conclusion thereof between President Richard M. Nixon and John B. Connally;

g. A meeting between then Attorney General Mitchell, H. R. Haldeman, Lee Nunn, and President Richard M. Nixon on May 5, 1971;

h. A meeting among President Richard M. Nixon, H. R. Haldeman and Charles W. Colson held on September 22, 1972 in the Oval Office between 8:58 and 9:08 a.m.;

i. A meeting among President Richard M. Nixon, H. R. Haldeman, and Charles W. Colson on September 29, 1972 in the Oval Office between 12:11 and 2:03 p.m., a meeting which Mr. Alexander Butterfield joined for the period 12:15 - 12:17 p.m.



at Richard M. Nixon's direction or independently, to solicit funds or contributions of any kind for use in support of Richard M. Nixon's candidacy for the nomination of the Republican Party for the office of President at the 1972 election; and all records relating to or reflecting the offer of or making of any such contribution by any individual, group or organization and relating to or reflecting the use to which such contribution was put; and all records relating to any offer or request for governmental benefit, favor or assistance by such contributor or potential contributor or any person acting on his behalf and/or any communication which could be understood to threaten the withholding of any governmental benefit, favor, assistance or other act to such contributor, potential contributor or person acting on his behalf by Richard M. Nixon or any person acting at Richard M. Nixon's direction or actually or purportedly on Richard M. Nixon's behalf, including, but not limited to, records relating to contributions by, or government benefit offered to, or received by the following individuals and corporations or other legal entities, or their agents or employers or anyone acting on their behalf:

Ablanalp, Robert  
Allen, Robert  
Amerada Hess Corporation  
ARMCO Steel Corporation  
Arthur B. Young Company  
Atlantic Richfield Company  
Avis Rent-A-Car  
Babcock, Tim  
Berger-Avon Steamship Company  
Bethlehem Steel  
Blake Construction Company  
Boeing Company  
Borg-Warner Corporation  
Charles E. Smith Company  
Charter Corporation  
Chase-Manhattan Bank  
Christo, John  
Cities Service Petroleum Company  
Coldwell Banker  
Continental Airlines  
Delta Airlines  
DeMarco, Frank  
de Roulet, Vincent  
Duncan, Walter T.  
Evans, Thomas  
Farkas, Ruth  
Fisher, Max  
Flying Tiger  
Ford Motor Company  
Frankil, Victor  
General Motors  
Georgia Pacific  
Gould, Kingdon  
Greyhound Corporation  
Gulf Resources Corporation  
Gulf & Western Corporation  
Hertz Rent-A-Car  
Hess, Leon  
Heublein  
Honeywell  
James, Leonard  
Jones, Thomas V.



Kaiser Aluminum  
Keaton, Darius  
Kerr-McGee Corporation  
Kiewit, Peter  
Kovens, Cal  
Kroc, Ray  
Lehigh Dairy  
Lindner, Carl  
Lockheed Aircraft  
Lyles, Bissett, Carlisle & Wolfe  
Marathon Oil  
McDonalds Corporation  
McDonnell-Douglas Corporation  
Merrill, Lynch, Pierce, Fenner & Smith  
National Airlines  
National Steel Company  
Nolan, Ramon  
Northwest Airlines  
Occidental Petroleum  
Ogarrio, Manuel  
Ourisman, Florenz  
Pan American Sulfur Company  
Pepsi-Cola  
Perot, H. Ross  
Precision Valve  
Rebozo, Charles  
Rollins, John  
Safer, John  
Salomon Brothers  
Scali, John  
Seafarer's International Union  
Smith, C. Arnholt  
Steinbrenner, George or The American Shipbuilding Company  
Stewart, James  
Stirling-Homex  
Stone, Clement  
Sun Oil  
Susquehanna Corporation  
Symington, Fife  
Teamsters Union  
Terra, Daniel  
Time Oil  
Transamerica Corporation  
Union Carbide

United Airlines  
United Gas-Pennzoil  
U.S. Steel  
Vesco, Robert  
W. R. Grace & Company  
Warner Communications, Inc.  
Warner-Lambert  
Weyerhaeuser, George H.  
Whitney, C. V.  
Winn-Dixie Stores  
Wynne, Toddie





(8) Any communication between Maurice Stans, H. R. Haldeman, John Ehrlichman, John Mitchell, Herbert W. Kalmbach, Peter M. Flanigan, Harry S. Dent, Rose Mary Woods, Charles W. Colson and Richard M. Nixon concerning the solicitation, conditions, making or use of contributions as described in "(7)", supra.

(9) Any plan, scheme, program, effort, organization or committee which was to operate during the congressional campaign leading up to the election held on November 3, 1970, to raise and distribute funds in support of candidates for the United States House of Representatives or the United States Senate, and all records relating to the roles played in any such plan, scheme, program, organization or committee by any of the following: Richard M. Nixon, Harry R. Haldeman, Harry S. Dent, Herbert W. Kalmbach, Jack A. Gleason, Murray Chotiner, Robert Finch, Donald Rumsfeld, Charles Colson, Lawrence Higby, Jeremiah Milbank, Bryce Harlow, Jeb S. Magruder, John A. Mulcahy, John Rollins, Thomas Evans, John Ehrlichman, John Dean, and Maurice Stans.

✓ (10) Actual or proposed political contributions by or from foreign nationals in connection with Richard M. Nixon's Presidential campaigns, including records relating to the



solicitation, making, disposition, propriety, or legality of any such contributions.

(11) Consideration for Presidential appointment as an ambassador of the United States of any person who offered or contributed \$25,000 or more to Richard M. Nixon's 1968 or 1972 Presidential campaigns including, but not limited to, Cornelius V. Whitney, Ruth Farkas, Vincent deRoulet, and Fife Symington, Jr.

(12) The International Telephone and Telegraph Co. or persons representing its interest including, but not limited to:

a. Meetings between and among John Mitchell, H. R. Haldeman, Robert Dole and Richard M. Nixon on June 3, 1971;

b. Meetings between Charles Colson and Richard M. Nixon on March 18, 1972;

c. Meetings between and among Charles Colson, H. R. Haldeman and Richard M. Nixon on March 30, 1972;

d. Meetings between and among John Mitchell, H. R. Haldeman and Richard M. Nixon on April 4, 1972;

e. A meeting among John Ehrlichman, John Mitchell, George Shultz, John Connally and Richard M. Nixon on May 11, 1971.



SCHEDULE

1. All records which in any way relate to the following:

a. The employment of John Patrick Sears at the White House from May 1, 1969, through October 31, 1969;

b. A physical surveillance and electronic surveillance of Sears conducted by the FBI from in or about late July 1969, to in or about early October 1969;

c. Allegations that Sears was giving information to newspaper reporters in general and specifically, Messrs. Henry Brandon, Jules Witcover and/or Bruce Bliessat; and

d. The identification of Sears as the "old campaign chap" referred to in a July 18, 1969, letter to President Nixon from J. Edgar Hoover.

e. The termination of Mr. Sears' employment at the White House.

2. All records which in any way relate to the following:

a. plans of Richard M. Nixon to donate pre-Presidential papers and/or other material to the United States of America in 1958 and/or 1969;

b. The preparation and/or signing of the joint Federal income tax returns of Richard M. Nixon for 1963 and/or 1969;

c. The gifts of papers allegedly made by Richard M. Nixon to the United States in 1963 and/or 1969.

3. All records prepared, written or produced at any time between July 15, 1972, and November 15, 1972, which in any way relate to:

a. The financial and/or income tax affairs of Lawrence V. O'Brien and/or any persons or corporations with which Mr. O'Brien has been associated, including, but not limited to, Howard Hughes, McDonnell & Company, Claude de Sautels, and/or Joseph Magallan;

b. The financial and/or income tax affairs of Charles G. Rebozo and/or any persons or corporations with which Mr. Rebozo has been associated, including, but not limited to, Howard Hughes.

4. All records which in any way relate to the following specific conversations and meetings:

a. Telephone conversations on August 26, 1972, between Mr. John Ehrlichman and Mr. Charles G. Rebozo, telephone conversations on August 29, 1972, at approximately 11 a.m. and 6:50 p.m. between Mr. Ehrlichman and Secretary of the Treasury George Shultz, and a telephone conversation at 4:16 p.m., September 5, 1972, between Messrs. Shultz and Ehrlichman;

b. The meeting in the Oval Office at the White House between Richard M. Nixon, Secretary Shultz, and Mr. Ehrlichman, from 10:41 a.m. to 11:50 a.m. on September 7, 1972;

c. The meeting in the Oval Office at the White House between Richard M. Nixon, Mr. Ehrlichman, Mr. Haldeman, and Mr. Rebozo, from 12:58 to 1:15 p.m. on August 29, 1972; and

d. The meeting(s) between Richard M. Nixon and H.R. Haldeman in the Oval Office at the White House on September 15, 1972.

5. All records that reflect visits or admissions to the White House and/or Executive Office Building between July 15, 1972, and November 15, 1972, by any of the following individuals: Roger V. Barth, Mike DiMichele, Otha Hamer, Clyde Wise.

6. All records reflecting telephone calls which John Ehrlichman had from July 15, 1972, to November 15, 1972, to or from the following individuals:

- a. Roger V. Barth;
- b. Johnnie Walters.

7. All records written, prepared or produced between August 1, 1971, and December 1, 1971, which in any way relate to:

a. The series of articles published by Newsday on October 27, concerning President Nixon, Charles G. Rebozo, and Senator George Wallace;



b. Robert Greene, the head of the Newsday investigative team which wrote the series of articles on President Nixon, Charles "Babe" Roboza and Senator George Smathers in October 1971, and/or relating to any other persons or organizations in any way associated with the publication of those articles;

c. John Wayne's tax problems with the Internal Revenue Service;

d. Reverend Billy Graham's tax problems with the Internal Revenue Service;

e. The initiation of tax audits by the Internal Revenue Service;

f. John Caulfield's proposal to establish a private security firm known as "Operation Sandwedge;"

g. The enemies and/or opponent's list and/or efforts of whatever tape relating to the commencement of proceedings of whatever nature against so-called "enemies;"

h. Lawrence Yale Goldberg who was then under consideration for a job at the Committee to Re-Elect the President.

8. All records written, prepared or produced between December 1, 1971, and March 1, 1972, which in any way relate to James Ray Polk, a reporter who was writing an article regarding inter alia Herbert Kalmbach.

9. All records which in any way relate to a meeting or conversation concerning the Internal Revenue Service on September 16, 1971, as set forth in item 26 of a White House memorandum dated June 13, 1974, subject "Summary of Omitted Items Requested by Defendant John Ehrlichman."

10. All records written, prepared or produced between March 1, 1973, and May 2, 1973, which in any way relate to the appointment of Vernon Acree as United States Commissioner of Customs.

11. All records that reflect visits or admissions to the White House and/or Executive Office Building between January 1, 1971, and May 2, 1972, by Vernon Acree.

12. All records which in any way relate to the confirmation hearings of L. Patrick Gray III held before the Senate Judiciary Committee in February and March 1973, including, but not limited to, all records which in any way relate to the following specific conversations and meetings:



a. Telephone conversation between Mr. Ehrlichman and Richard M. Nixon from 4:11 to 4:15 p.m. on January 9, 1973;

b. Meeting of Richard M. Nixon and Mr. Ehrlichman from 4:50 to 5:43 p.m. on February 15, 1973;

c. Meeting of Richard M. Nixon, Mr. Ehrlichman, and Mr. Gray from 9:03 to 9:33 a.m. on February 15, 1973;

d. Meeting of Richard M. Nixon with Mr. Ehrlichman from 9:35 to 10:05 a.m. on February 23, 1973;

e. Meeting of Richard M. Nixon with Mr. Kleindienst from 10:08 to 10:52 a.m. on February 23, 1973;

f. Meeting of Richard M. Nixon with Mr. Ehrlichman from 2:48 to 3:40 p.m. on February 27, 1973;

g. Meeting of Richard M. Nixon with Mr. Dean from 3:55 to 4:20 p.m. on February 27, 1973;

h. Meetings of Richard M. Nixon with Mr. Dean on March 1, 1973, at (1) 9:13 to 9:46 a.m., (2) 10:36 to 10:44 a.m., (3) 1:06 to 1:14 p.m.;

i. Telephone conversations of Richard M. Nixon with Mr. Kleindienst on March 1, 1973, at 9:36 a.m. and from 10:52 to 10:56 a.m.;

j. Meeting of Richard M. Nixon with Mr. Dean on March 7, 1973, from 8:53 to 9:16 a.m.;

13. Any conversations of Richard M. Nixon with William D. Ruckelshaus and/or Elliot L. Richardson in the period from April 26, 1973, to June 1, 1973, which relate in any way to the Ellsberg prosecution and/or the seventeen wiretaps conducted by the FBI at the request of the White House from May 1969 to February 1971, and/or the records of these wiretaps.

14. All records prepared, written or produced at any time between May 2, 1972, and April 27, 1973, relating to conversations, correspondence, or contacts between Mr. Ehrlichman and Mr. Gray, including, but not limited to, all records which in any way relate to the following specific conversations:

a. Telephone conversation between Mr. Ehrlichman and Mr. Gray at 3 p.m. on January 9, 1973;

b. Telephone conversation between Mr. Ehrlichman and Mr. Gray at 12:57 p.m. on February 27, 1973.

15. All records that reflect visits or admissions to the White House and/or Executive Office Building between February 1, 1973, and May 31, 1973, by William C. Sullivan.

16 -a. All records which in any way relate to press briefings conducted at the White House from on or about February 23, 1973, to on or about March 2, 1973, which in any way relate to the article published in Time Magazine on or about February 26, 1973, referring to a White House directed electronic surveillance project.





15-b All records which relate in any way to seventeen wiretaps conducted by the FBI at the request of the White House in or about May 1969, to in or about February 1971, including, but not limited to, all records which relate in any way to:

a. The movement at any time of any of the FBI documents relating to these wiretaps;

b. The concealment from duly authorized officials of the Department of Justice of the fact that Morton Halperin had been the subject of one of these seventeen wiretaps and that Daniel Ellsberg, Paul Warnke and Leslie Gelb, among others, had been overheard during the course of these seventeen wiretaps.

17. All records which in any way relate to the following specific conversations and meetings:

a. Meeting with the President with Messrs. Mitchell and Ehrlichman at approximately 3:45 p.m. on June 15, 1971;

b. Meeting of the President with Messrs. Kissinger, Ehrlichman and Haldeman at approximately 5:20 p.m. on June 17, 1971;

c. Telephone conversation between Messrs. Ehrlichman and Mitchell at approximately 9:55 a.m. on June 29, 1971;

d. Telephone conversation between Messrs. Ehrlichman and Mitchell at approximately 4:32 p.m. on June 29, 1971;

e. Telephone conversation between the President and Mr. Mitchell at approximately 5:50 p.m. on June 29, 1971;

f. Meetings of the President with Mr. Mitchell from approximately 2:55 p.m. to 3:07 p.m. and from approximately 5:15 p.m. to 6:33 p.m. on June 30, 1971;

g. Meeting of the President with Messrs. Haldeman, Ehrlichman and Colson at approximately 10:50 a.m. on July 1, 1971;

h. Meeting of the President with Mr. Ehrlichman on July 1, 1971;

i. Meeting of the President with Messrs. Haldeman and Ehrlichman at approximately 5:35 p.m. on July 2, 1971;

j. Meeting of the President with Messrs. Mitchell, Haldeman and Ehrlichman at approximately 11:00 a.m. on July 6, 1971;

k. Meeting with the President with Messrs. Haldeman and Ehrlichman probably occurring at approximately 10:30 a.m. on July 9, 1971;

l. Meeting of the President with Messrs. Haldeman, Ehrlichman and Miss Woods on July 10, 1971;

m. Meeting between Mr. Ehrlichman and Mr. Mardian at approximately 8:15 a.m. on July 12, 1971;

n. Meeting of the President with Messrs. Haldeman, Ehrlichman and Mardian at approximately 11:00 a.m. on July 12, 1971;

o. Meeting of the President with Mr. Ehrlichman at approximately 11:15 a.m. on July 20, 1971;

p. Meeting of the President with Mr. Mitchell at approximately 3:30 p.m. on August 9, 1971;

q. Meeting of the President with Mr. Ehrlichman on August 11, 1971;

r. Meeting of the President with Mr. Ehrlichman at approximately 6:00 p.m. on August 19, 1971;

s. Meeting of the President with Mr. Ehrlichman on September 16, 1971;

t. Meeting of the President with Messrs. Mitchell, Haldeman and Ehrlichman at approximately 12:15 p.m. on September 18, 1971;

u. Telephone conversation of the President with Mr. Mitchell at approximately 3:30 p.m. on September 18, 1971;

v. Meeting of the President with Mr. Mitchell at approximately 10:00 a.m. on September 30, 1971;

w. Telephone conversation of the President with Mr. Mitchell at approximately 12:00 noon on October 1, 1971;

x. Telephone conversation of the President with Mr. Mitchell at approximately 11:05 a.m. and 11:11 a.m. on October 7, 1971;

y. Meeting of the President with Messrs. Mitchell and Ehrlichman at approximately 10:00 a.m. on October 8, 1971;

z. Meeting of the President with Messrs. Ehrlichman and Helms at approximately 11:00 a.m. on October 8, 1971;

aa. Meeting of the President with Mr. Ehrlichman at approximately 12:00 noon on October 25, 1971;

bb. Meeting of the President with Mr. Mitchell at approximately 3:30 p.m. on October 27, 1971;

cc. Meeting of the President with Mr. Mitchell at possibly at or about 4:00 p.m. on November 1, 1971;

dd. Meeting of the President with Mr. Ehrlichman at approximately 4:30 p.m. on November 2, 1971.

18. All records reflecting meetings and/or telephone calls which the President had during 1971, with the following individuals:

- a. H. R. Haldeman
- b. John Ehrlichman
- c. Robert Mardian
- d. J. Edgar Hoover
- e. William C. Sullivan
- f. Richard G. Kleindienst

19. All records prepared, written or produced at any time between April 24, 1972, and May 16, 1972, which in any way relate to:

a. A demonstration, counter-demonstration and/or assault which took place on the west steps of the Capitol on the evening of May 3, 1972;

b. The funeral proceedings for J. Edgar Hoover;

c. Daniel Ellsberg including particularly, but not limited to, Dr. Ellsberg's participation in a demonstration in Washington, D. C. in early May 1972.

20. All records prepared, written or produced at any time between May 1, 1972, and May 31, 1972, which in any way relate to an entry or break-in at the Chilean Embassy on Massachusetts Avenue in Washington, D. C., on or about May 13-15, 1972, including particularly, but not limited to, all records relating to discussions or deliberations of this entry or break-in by any White House affiliated national security group.

21. All records prepared, written or produced at any time between March 1, 1972, and November 15, 1972, which in any way relate to the so-called "Responsiveness" or "Grantsmanship" program, including particularly, but not limited to, records prepared, written or produced by Fred Malek, William Gifford, and/or H. R. Haldeman.

22. All records prepared, written or produced at any time between January 1, 1972, and December 31, 1972, including particularly, but not limited to, records prepared, written or produced by Llewellyn "Bud" Evans, Charles Colson, Fred Malek, H. R. Haldeman and/or William Gifford, which in any way relate to: the Federation of Experienced Americans, the National Council on Aging, and/or the National Council of Senior Citizens.

23. All records which in any way relate to the treatment and/or handling of demonstrators at Presidential appearances, including specifically, but not limited to, records prepared, written or produced by H. R. Haldeman, Rhon Walker, William Henkle, or any White House advancement which in any way relate to demonstrators at President Nixon's visits to the following locations on the specified dates:

- a. Bangor, Maine, August 6, 1971;
- b. Springfield, Illinois, August 18, 1971;
- c. Dayton, Ohio, September 3, 1971;
- d. Charlotte, North Carolina, October 15, 1971;
- e. Philadelphia, Pennsylvania, April 6, 1972;
- f. Philadelphia, Pennsylvania, October 20, 1972;
- g. Cleveland, Ohio, October 28, 1972;



4. San Diego, California, August 21, 1972.

10. The so-called "Advancement's Handbook" and all records which in any way relate to the Handbook, including particularly but not limited to, all additions and substitutions for the handbook.



25. All records written, prepared or produced from June 1, 1971 to November 31, 1971 which in any way relate to plans in the Summer or Fall of 1971 to retrieve any documents from the Brookings Institute, including but not limited to plans to "firebomb" the offices of the Brookings Institute.

26. All records which relate in any way to the preparation, adoption, implementation, operations conducted pursuant to, or discussions of the "Report of the Ad Hoc Committee on Intelligence Operations," also known as the "Huston Plan."

27. All records which relate in any way to the establishment, duties and operation of the Intelligence Evaluation Committee, which Committee was first formed in the Fall or Winter of 1970.

28. All records which relate in any way to physical or electronic surveillance in the Summer and Fall of 1969 of Joseph Kraft.

29. All records which relate in any way to physical or electronic surveillance in 1969 and 1970 of Donald Nixon.

30. All records which relate in any way to discussions in 1971 of the possible replacement of J. Edgar Hoover as Director of the FBI, including but not limited to discussions of possible congressional investigations of the FBI, conversations between Mr. Hoover and Mr. Kleindienst concerning such congressional investigations and the possibility that during the course of such congressional investigations or at any other time Mr. Hoover might reveal certain matters - embarrassing to the Nixon administration.





31. All records relating to telephone conversations between President Nixon and Director Hoover at the following times:

- a. At approximately 9:13 a.m. on March 1, 1971;
- b. At approximately 12:44 p.m. on April 10, 1971;
- c. At approximately 5:33 p.m. on June 25, 1971;
- d. At approximately 5:59 p.m. on July 1, 1971;
- e. At approximately 5:35 p.m. on November 22, 1971

32. All records which relate in any way to the investigation of the disclosure of the Pentagon Papers, and the investigation and prosecution of Daniel Ellsberg.

33. All records written, prepared or produced between June 1, 1971, and December 31, 1972, which in any way relate to the assassination of Premier Diem of South Vietnam or State Department cable(s) indicating complicity of the Kennedy Administration in Diem's assassination including, but not limited to, all records which in any way relate to the following specific conversations and meetings:

- a. Meeting of Richard M. Nixon, Mr. Kissinger, Mr. Ehrlichman and Mr. Haldeman at approximately 5:20 p.m. on June 17, 1971.
- b. Meeting of Richard M. Nixon, Mr. Kissinger, Mr. Haldeman and Mr. Ehrlichman at approximately 9:30 a.m. on June 23, 1971.
- c. Meeting of Richard M. Nixon, Mr. Mitchell, Mr. Haldeman and Mr. Ehrlichman at approximately 12:15 p.m. on September 18, 1971.
- d. Meeting of Richard M. Nixon and John Ehrlichman on October 1, 1971.

34. All records prepared, written or produced at any time between June 1, 1972, and November 15, 1972, which in any way relate to information received by John Ehrlichman, H.R. Haldeman, Richard M. Nixon, and/or any other member of the White House staff, from any employee or division of the United States Post Office Department concerning then-Presidential candidate George McGovern's personal or campaign mail.

35. All records relating in any way to the Pentagon Papers, Daniel Ellsberg, Daniel Ellsberg's psychiatrist, Dr. Lewis J. Fielding, Hunt-Liddy Special Project No. One, Hunt-Liddy Project No. One, Special Project No. One, Project Odessa, Project O, California Operation, Hunt and/or Liddy's travel to California, E. Howard Hunt, Jr., G. Gordon Liddy, including, but not limited to, all writings initiated or authored by, addressed to or received by any of the following individuals: Richard M. Nixon, H.R. Haldeman, David R. Young, Egil Krogh, Jr., Charles W. Colson, John D. Ehrlichman, E. Howard Hunt, Jr., G. Gordon Liddy, and Todd Hullin.

36. All records relating in any way to meetings between Richard M. Nixon and John Ehrlichman on September 8, 1971, at approximately 3:30p.m., and September 10, 1971, at approximately 3 p.m.

WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005  
August 16, 1974

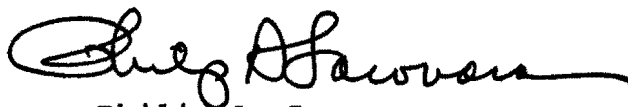
Philip W. Buchen, Esq.  
Counsel to the President  
The White House  
Washington, D. C.

Dear Mr. Buchen:

In accordance with our telephone conversation this morning, I am enclosing an extra copy of the motion of H. R. Haldeman to suppress certain papers which he contends are his personal property and which are part of former President Nixon's White House files. Also enclosed is a copy of the memorandum we intend to submit in opposition to that motion, together with the supporting affidavit of Assistant Special Prosecutor Richard Ben-Veniste. You will note that on page two, at footnote one of the memorandum, we state that your office concurs in our view that the notes taken by Mr. Haldeman during his government service cannot be considered his personal property.

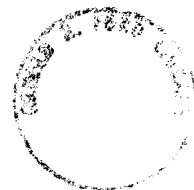
We appreciate your cooperation on this matter.

Sincerely,



Philip A. Lacovara  
Counsel to the Special  
Prosecutor

Enclosures



WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005  
August 16, 1974

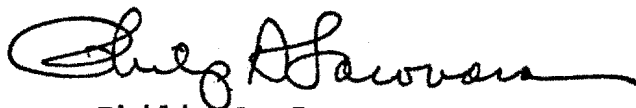
Philip W. Buchen, Esq.  
Counsel to the President  
The White House  
Washington, D. C.

Dear Mr. Buchen:

In accordance with our telephone conversation this morning, I am enclosing an extra copy of the motion of H. R. Haldeman to suppress certain papers which he contends are his personal property and which are part of former President Nixon's White House files. Also enclosed is a copy of the memorandum we intend to submit in opposition to that motion, together with the supporting affidavit of Assistant Special Prosecutor Richard Ben-Veniste. You will note that on page two, at footnote one of the memorandum, we state that your office concurs in our view that the notes taken by Mr. Haldeman during his government service cannot be considered his personal property.

We appreciate your cooperation on this matter.

Sincerely,



Philip A. Lacovara  
Counsel to the Special  
Prosecutor

Enclosures



Supreme Court Chambers  
August 17, 1974

Philip W. Buchen, Esq.  
The Whitehorns  
Washington, D. C.



Dear Sir:

Gerald Ford has seriously tainted the presidency by his absurd action in relying on the "official" opinions of James St. Clair and J. Fred Buzhardt, that the tapes and documents made by Nixon during his term of office are his personal property.

This reliance is infuriatingly insulting to the intelligence of the American people! It is tantamount to having the guilt or innocence of a criminal defendant determined by his counsel, rather than by the jury!

The American bar is further shamed, and is brought into greater contempt by this horrendous action; and if you are more attorney than politician, you must resign it.

On the merits of the issue it is suggested that you read the thoughtful Aug. 15 column by James Reston, entitled "The President's Papers."

To hold that records made at public expense by an official, during his term of public service, belong to him personally, is legally untenable. To say that this is so because of precedent is as logical as to say that future presidents may follow the course of conduct of Richard Nixon, because of precedent.

As a member of the bench and bar, I will await your opinion. But it now becomes clear that this nation is not yet out of the woods. Ford's publicized instincts of basic honesty seem to bend too easily toward his personal loyalty to the man who put him in office.

Justice, U.S. Supreme Court



Supreme Court Chambers  
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Justice, U.S. Supreme Court



DRAFT 8/17/74

Letter to Philip A. Lacovara

This is in response to your letter dated August 15, 1974, captioned United States v. John B. Connally, which requests that the White House retain "tapes not yet turned over to anyone" pending further developments in the Connally case.

As I indicated during the course of our August 15, 1974, meeting, all files and other objects contained in the Presidential files of former President Nixon determined to be arguable relevant to the schedule of outstanding requests for documents and objects enclosed in your earlier August 15, 1974, communication to Mr. Buzhardt, are retained and secured in the White House complex.

The precise location of certain of the requested files and objects have been located and secured. Specifically: approximately 900 reels of tape of Presidential conversations along with the personal files of certain former White House employees, including but not limited to Messrs. Dean, Haldeman, Ehrlichman, Caulfield, Chapin, Colson, Krogh, and McGruder have been located, centralized and secured. The location, present custodian and/or existence of much of the other items contained in your schedule of outstanding requests is unknown to me at present, nonetheless, I have directed that no files or objects, other than the personal chattel of the former President and his family, will be removed from the White House complex without appropriate prior notice to your office.

Sincerely,

Philip Buchen



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Sincerely,

Philip Buchen



John M. Lawrence  
Executive Secy., COMASFE INC.  
57 W 10 Street  
New York, N. Y. 10011

August 17, 1974

Mr. Leon Jaworski  
Special Prosecutor of the Justice Department  
Constitution Avenue & 9th St.  
Washington, D. C. 20530



Re: Your unethical conduct in violation  
of the 4th Amendment, and T. 18, U.S. Code

Copy: Phillip Buchen, Special Attorney to Pres. Ford

Dear Mr. Jaworski:

The NEW YORK TIMES of August 17th, pp. 1 and 15, reports that you have been, and are, engaged in illegal activities, of asserting a general inquisition or general search and seizure power in respect to private property, consisting of papers, tapes and other writings of former President Nixon left in limited bailment, or safekeeping by him in the White House. It appears from this dispatch that you have procured the acts of Mr. Phillip Buchen, an attorney for President Gerald Ford, in doing these illegal acts. They are acts that appear to be criminal violation of Title 18, Secs. 242, a Misdemeanor, and of Title 18, Sec. 241, a Felony, U. S. Code.

You are not unfamiliar with the histories showing that one of the central purposes of the 4th Amendment was to disallow and general seizures, or any general searches, of the property or papers or writings of any person. Indeed, the general seizure and search of the papers triggered the fight both in England and by John Otis in America, leading to the specifics of the 4th Amendment requiring (a) showing of probable cause and (b) a necessity to specify the particular thing to be seized for search. The case of MAPP V. OHIO, 367 U.S. 643 was indeed a case of a government making a general seizure and search of a trunk full of papers in limited bailment. You are now deliberately corruptly acting, with the abetment of the President's attorney, Mr. Buchen, is accomplishing a lawless general seizure, or restraint upon the property of another, as you violate the 4th Amendment by criminality.

The cooperation in this venture rendered by Mr. Buzhardt is not at all voluntary, but done under a duress, as you go to the newspaper reporters to coerce such an agreement to allow you to put a 'hold' or general seizure upon such property by threats and innuendos. In this respect you are obviously unethically resorting to prejudicial appeals against the interests of those accused under the present indictment, including the non-indicted but accused former President Nixon, to imply or by innuendo smear him and them in public discussion, as a terror-



istic way, in concert with Mr. Buchen, of coercing the general seizure or so-called "temporary hold" that you have had President Ford execute in respect to such properties under limited, safe-keeping bailment.

You have utterly no demonstrable probable cause justification, under any theory of subpoena or discovery, for any particular paper. You are exactly aware of the fact of the limited, safe-keeping of property only, nature of the bailment of the property of Mr. Nixon to Mr. Ford. Mr. Buchen has not made any representation as to bailment rights to search in such properties, and he asserts, and has asserted to you, according to the news dispatches, a full position that such matters are solely the property of Richard M. Nixon. You have full knowledge of the whereabouts of Mr. Nixon, and are aware that Mr. Buzhardt is his sole attorney, but likewise without authority to search such properties.

What you are criminally engaging in is a conduct of criminally going to a limited bailee, not in respect to any contraband or instrumentalities of criminality, but solely to papers not known or believed by you to be particularly any evidences of anything over which you might have judicial leave to search upon probable cause shown, and having that bailee criminally coact with you to perfect a general seizure.

This is conduct by you in violation of your Constitutional Oath of Office, under Article VI, Sec. 3, as Mr. Buchen similarly commits that kind of crime, with you, in violation of his Oath and the mandates of the 4th Amendment and T. 18, Sec. 241. You do this conduct to explicitly aid your attempts to prosecute, but do so only by innuendoly seeking to inflame public opinion against Mr. Nixon, and the defendants in the trial now pending, such as Mr. Mitchell, Mr. Haldeman and Mr. Ehrlichman, but supply a sleazy suggestion that Mr. Nixon or his agents endanger the security of those papers, respecting which you show not a scintilla of probable cause interest. This is dirty, ununderhanded conduct in deliberate violation by you of the Canons of Professional Ethics for Lawyers, and in violation of the Due Process mandates of the 5th Amendment, as you carry on such tactics in the District of Columbia to inflame prejudice in the populace from which a jury panel may be drawn. It is really criminal conduct to pervert the process of Justice, or tamper with the judicial processes now underway.

WHEREFORE, I do request and demand you desist your lawless conduct forthwith. I do not here deal with a separate incident where a Judge out-State has made a void order in respect to certain unidentified papers of Mr. Nixon, at the request of William Kunstler, which neither shows probable cause nor any particularity. Under your jurisdiction to prosecute, that has nothing to do with you.

JOHN M. LAWRENCE

Sincerely yours,

*John M. Lawrence*



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Executive Secy., COMASPE INC.  
57 W 10 Street  
New York, N. Y. 10011

August 17, 1974

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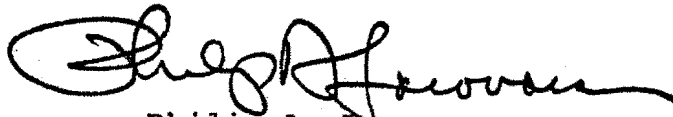
WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005  
August 19, 1974

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

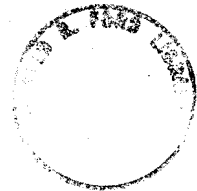
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Sincerely,



Philip A. Lacovara  
Counsel to the Special  
Prosecutor



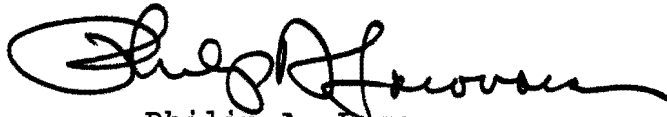
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A handwritten signature in black ink, appearing to read "Philip A. Lacovara". The signature is fluid and cursive, with a large initial "P" and "L".

Philip A. Lacovara  
Counsel to the Special  
Prosecutor



THE WHITE HOUSE  
WASHINGTON

8/20/74

Chairman Jim  
CAB -

United Aircraft  
Paid for trip

— came from Skip Williams



THE WHITE HOUSE  
WASHINGTON

Nate Segal  
Off. of Legal Council

---

Mary Lawton ass't

---

Pres. appointee

Came from Skip Williams?



WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005

August 27, 1974

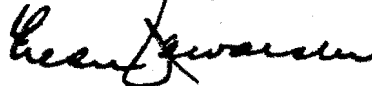
Honorable John J. Sirica  
Judge, United States District Court  
United States Courthouse  
3rd and Constitution Avenue NW.  
Washington, D.C.

Re: Tape Recorded Telephone  
Conversation Between President  
Nixon and Charles Colson on  
January 5, 1973.

Dear Judge Sirica:

After having been briefed by Mr. Ben-Veniste who has listened to a segment lasting approximately three minutes of the above-described subpoenaed tape recorded conversation, it is my opinion that while this segment is totally unrelated to the case of United States v. Mitchell, et al., 73 Cr. 110, it does appear to be relevant to one of our ongoing grand jury investigations. As it is my understanding that the White House has withdrawn its claim of privilege for this portion of the conversation, I hereby request that the Court order that a copy of this segment be made available to our office.

Respectfully,



LEON JAWORSKI  
Special Prosecutor

cc: Philip Buchen, Esq.  
Counsel to the President



8/27/74

US v. Mitchell

To: Fred Bushardt

From: Phil Buchen



WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005

August 27, 1974

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Respectfully,



LEON JAWORSKI  
Special Prosecutor

cc: Philip Buchen, Esq.  
Counsel to the President



[Sept. 1974?]

**§ 0.31 Designating officials to perform the functions of the Director.**

(a) In case of a vacancy in the Office of the Director of the Community Relations Service, the Deputy Director of the Service shall perform the functions and duties of the Director.

(b) The Director is authorized, in case of absence from his office or in case of his inability or disqualification to act, to designate the Deputy Director to act in his stead. In unusual circumstances, or in the absence of the Deputy Director, a person other than the Deputy Director may be so designated by the Director.

**§ 0.32 Applicability of existing departmental regulations.**

Departmental regulations which are generally applicable to units or personnel of the Department of Justice shall be applicable with respect to the Community Relations Service and to the Director and personnel thereof, except to the extent, if any, that such regulations may be inconsistent with the intent and purposes of section 1003(b) of the Civil Rights Act of 1964.

**Subpart G—Office of the Pardon Attorney**

CROSS REFERENCE: For regulations pertaining to the office of Pardon Attorney, see Part 1 of this chapter.

**§ 0.35 Applications for clemency.**

Subject to the general supervision of the Attorney General, and under the direction of the Deputy Attorney General, the Pardon Attorney shall have charge of the receipt, investigation, and disposition of applications to the President for pardon and other forms of Executive clemency, and shall perform any other duties assigned by the Attorney General or the Deputy Attorney General.

[Order No. 543-73, 38 FR 29584, Oct. 26, 1973]

**§ 0.36 Recommendations.**

The Pardon Attorney shall submit all recommendations in clemency cases to the Attorney General through the Deputy Attorney General.

[Order No. 543-73, 38 FR 29584, Oct. 26, 1973]

**Subpart G-1—Office of Watergate Special Prosecution Force****§ 0.37 General functions.**

The Office of Watergate Special Prosecution Force shall be under the direction of a Director who shall be the Special Prosecutor appointed by the At-

torney General. The duties and responsibilities of the Special Prosecutor are set forth in the attached appendix below which is incorporated and made a part hereof.

[Order 551-73, 38 FR 30738, Nov. 7, 1973]

**§ 0.38 Specific functions.**

The Special Prosecutor is assigned and delegated the following specific functions with respect to matters specified in this subpart:

(a) Pursuant to 28 U.S.C. 515(a), to conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings, which United States attorneys are authorized by law to conduct, and to designate attorneys to conduct such legal proceedings.

(b) To approve or disapprove the production or disclosure of information or files relating to matters within his cognizance in response to a subpoena, order, or other demand of a court or other authority. (See Part 16(B) of this chapter.)

(c) To apply for and to exercise the authority vested in the Attorney General under 18 U.S.C. 6005 relating to immunity of witnesses in Congressional proceedings.

**APPENDIX—DUTIES AND RESPONSIBILITIES OF THE SPECIAL PROSECUTOR**

*The Special Prosecutor.* There is appointed by the Attorney General, within the Department of Justice, a Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters which he consents to have assigned to him by the Attorney General.

In particular, the Special Prosecutor shall have full authority with respect to the above matters for:

Conducting proceedings before grand juries and any other investigations he deems necessary;

Reviewing all documentary evidence available from any source, as to which he shall have full access;

Determining whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;





Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, or for warrants, subpoenas, or other court orders;

Deciding whether or not to prosecute any individual, firm, corporation or group of individuals;

Initiating and conducting prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

Coordinating and directing the activities of all Department of Justice personnel, including United States Attorneys;

Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to such committees.

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. In accordance with assurances given by the President to the Attorney General that the President will not exercise his Constitutional powers to effect the discharge of the Special Prosecutor or to limit the independence that he is hereby given, (1) the Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part and without the President's first consulting the Majority and the Minority Leaders and Chairmen and ranking Minority Members of the Judiciary Committees of the Senate and House of Representatives and ascertaining that their consensus is in accord with his proposed action, and (2) the jurisdiction of the Special Prosecutor will not be limited without the President's first consulting with such Members of Congress and ascertaining that their consensus is in accord with his proposed action.

#### STAFF AND RESOURCE SUPPORT

1. *Selection of Staff.* The Special Prosecutor shall have full authority to organize, select, and hire his own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to assign such personnel and to provide such other assistance as he may reasonably require. All personnel in

the Department of Justice, including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. *Budget.* The Special Prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.

3. *Designation and responsibility.* The personnel acting as the staff and assistants of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

*Continued responsibilities of Assistant Attorney General, Criminal Division.* Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

*Applicable departmental policies.* Except as otherwise herein specified or as mutually agreed between the Special Prosecutor and the Attorney General, the Watergate Special Prosecution Force will be subject to the administrative regulations and policies of the Department of Justice.

*Public reports.* The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assignment submit a final report to the appropriate persons or entities of the Congress.

*Duration of assignment.* The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself.

[Order 551-73, 38 FR 30738, Nov. 7, 1973, as amended by Order 554-73, 38 FR 32805, Nov. 28, 1973]

### Subpart H—Antitrust Division

#### § 0.40 General functions.

Subject to the general supervision of the Attorney General, and under the direction of the Deputy Attorney General, the following-described matters are assigned to and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Antitrust Division:

(a) General enforcement, by criminal and civil proceedings, of the Federal antitrust laws and other laws relating to the protection of competition and the prohibition of restraints of trade and monopolization, including conduct of

surveys of trust laws proceedings, present ev ances and gative den orders and recover fo juries sust a result of ceedings to judgments tiation of tions; crim ties includ of penalti the Feder the antit amicus cu gation; an appeals in

(b) Inte fore admin wholly o statutes i which re tween the and the r cluding s Trade C Board, In sion, Civil Communic Maritime Commissio Commissio to any ag incident i under the in this Dep

(c) Dev ment, rec ing record Attorney r quired by April 25, submitted ments an

(d) As General, maries th tive factor or consoli quired by the Feder Stat. 891) (c)), and ing the p Governme tion 207 o



[Sept. 1974]

(d) *Form of payment.* Payment should be made by check or money order payable to the Treasury of the United States. [Order No. 502-73, 38 FR 4391, Feb. 14, 1973, as amended by Order 502-73, 38 FR 9666, Apr. 19, 1973]

**§ 16.10 Exemptions.**

(a) 5 U.S.C. 552 exempts from all of its publication and disclosure requirements nine categories of records which are described in subsection (b) of that section. These categories include such matters as national defense and foreign policy information; investigatory files; internal procedures and communications; materials exempted from disclosure by other statutes; information given in confidence; and matters involving personal privacy. The scope of the exemptions is discussed generally in the Attorney General's memorandum referred to in § 16.1.

(b) The Attorney General will not withhold any records of the Department over 10 years old on the ground that they are classified pursuant to Executive Order No. 11652 or its predecessors without notification from the Department review committee established in accordance with the Executive order and Subpart G of Part 17 of this chapter, by its Chairman, that continued classification is required by the Executive order.

**Subpart B—Production or Disclosure in Response to Subpenas or Demands of Courts or Other Authorities**

SOURCE: Order No. 501-73, 38 FR. 1741, Jan. 18, 1973, unless otherwise noted.

**§ 16.21 Purpose and scope.**

(a) This subpart sets forth the procedures to be followed when a subpoena, order, or other demand (hereinafter referred to as a "demand") of a court or other authority is issued for the production or disclosure of (1) any material contained in the files of the Department, (2) any information relating to material contained in the files of the Department, or (3) any information or material acquired by any person while such person was an employee of the Department as a part of the performance of his official duties or because of his official status.

(b) For purposes of this subpart, the term "employee of the Department" includes all officers and employees of the United States appointed by, or subject

to the supervision, jurisdiction, or control of, the Attorney General of the United States, including U.S. attorneys, U.S. marshals, and members of the staffs of those officials.

**§ 16.22 Production or disclosure prohibited unless approved by appropriate Department official.**

No employee or former employee of the Department of Justice shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department or disclose any information relating to material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without prior approval of the appropriate Department official or the Attorney General in accordance with § 16.24.

**§ 16.23 Procedure in the event of a demand for production or disclosure.**

(a) Whenever a demand is made upon an employee or former employee of the Department for the production of material or the disclosure of information described in § 16.21(a), he shall immediately notify the U.S. attorney for the district where the issuing authority is located. The U.S. attorney shall immediately request instructions from the appropriate Department official, as designated in paragraph (b) of this section.

(b) The Department officials authorized to approve production or disclosure under this subpart are:

(1) In the event that the case or other matter which gave rise to the demanded material or information is or, if closed, was within the cognizance of a division of the Department, the Assistant Attorney General in charge of that division. This authority may be redelegated to Deputy Assistant Attorneys General.

(2) In instances of demands that are not covered by paragraph (b) (1) of this section:

(i) The Director of the Federal Bureau of Investigation, if the demand is one made on an employee or former employee of that Bureau for information or if the demand calls for the production of material from the files of that Bureau,

(ii) The Director of the Bureau of Prisons, if the demand is one made on an employee or former employee of that Bureau for information or if the de-

mand calls for the production of material from the files of

(iii) The Commission on Immigration and Naturalization, if the demand is one made on an employee or former employee of that Commission for information or if the demand calls for the production of material from the files of that Commission.

(3) In instances of demands not covered by paragraph (b) of this section, the Attorney General.

(c) If oral testimony is demanded, an affidavit may be taken, if feasible, a statement of the testimony or a summary of the testimony, must be furnished by the U.S. attorney for the district where the demand is made, or by the appropriate Department official.

[Order No. 501-73, 38 FR 1741, Jan. 18, 1973, as amended by Order No. 502-73, 38 FR 9666, Apr. 19, 1973]

**§ 16.24 Final action by the Department official.**

(a) If the appropriate official, as designated in paragraph (b) of this section, proves a demand for production of material or disclosure of information, he shall so notify the U.S. attorney for the district where the demand is made, and such other persons as may be necessary to execute the warrant.

(b) If the appropriate official, as designated in paragraph (b) of this section, decides not to approve production or disclosure of material or information, he shall so notify the U.S. attorney for the district where the demand is made, and such other persons as may be necessary to execute the warrant.

**§ 16.25 Procedure for decision concerning demands made prior to the demand is received.**

If response to a demand is received before the instructions of the appropriate Department official are received, the U.S. attorney for the district where the demand is made, or the employee or former employee of the Department upon whom the demand is made, and any other authority having jurisdiction over the regulations controlling the production of material, shall inform the court



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(iii) The Commissioner of the Immi-  
gration and Naturalization Service, if  
the demand is one made on an employee  
or former employee of the Service for  
information or if the demand calls for  
the production of material from the files  
of the Service.

(3) In instances of demands that are  
not covered by paragraph (b) (1) or (2)  
of this section, the Deputy Attorney  
General.

(c) If oral testimony is sought by the  
demand, an affidavit, or, if that is not  
feasible, a statement by the party seek-  
ing the testimony or his attorney, setting  
forth a summary of the testimony de-  
sired, must be furnished for submission  
by the U.S. attorney to the appropriate  
Department official.

[Order No. 501-73, 38 F.R. 1741, Jan. 18, 1973,  
as amended by Order No. 503-73, 38 F.R. 4952,  
Feb. 23, 1973]

§ 16.24 Final action by the appropriate  
Department official or the Attorney  
General.

(a) If the appropriate Department of-  
ficial, as designated in § 16.23(b), ap-  
proves a demand for the production of  
material or disclosure of information,  
he shall so notify the U.S. attorney and  
such other persons as circumstances may  
warrant.

(b) If the appropriate Department  
official, as designated in § 16.23(b),  
decides not to approve a demand for the  
production of material or disclosure of  
information, he shall immediately refer  
the demand to the Attorney General for  
decision. Upon such referral, the Attor-  
ney General shall make the final decision  
and give notice thereof to the U.S. attor-  
ney and such other persons as circum-  
stances may warrant.

§ 16.25 Procedure where a Department  
decision concerning a demand is not  
made prior to the time a response to  
the demand is required.

If response to the demand is required  
before the instructions from the appro-  
priate Department official or the Attor-  
ney General are received, the U.S. attor-  
ney or other Department attorney desig-  
nated for the purpose shall appear with  
the employee or former employee of the  
Department upon whom the demand has  
been made, and shall furnish the court  
or other authority with a copy of the  
regulations contained in this subpart and  
inform the court or other authority that

the demand has been, or is being, as  
the case may be, referred for the  
prompt consideration of the appropriate  
Department official and shall respect-  
fully request the court or authority to  
stay the demand pending receipt of the  
requested instructions.

§ 16.26 Procedure in the event of an ad-  
verse ruling.

If the court or other authority declines  
to stay the effect of the demand in re-  
sponse to a request made in accordance  
with § 16.25 pending receipt of instruc-  
tions, or if the court or other authority  
rules that the demand must be com-  
plied with irrespective of instructions  
not to produce the material or disclose  
the information sought, in accordance  
with § 16.24, the employee or former em-  
ployee upon whom the demand has been  
made shall respectfully decline to comply  
with the demand. "United States ex rel  
Touhy v. Ragen," 340 U.S. 462.

Subpart C—Production of FBI Identifica-  
tion Records in Response to Written Re-  
quests by Subjects Thereof

Source: Order 556-73, 38 FR 32806, Nov. 28,  
1973, unless otherwise noted.

§ 16.30 Purpose and scope.

This subpart contains the regulations  
of the Federal Bureau of Investigation,  
hereafter referred to as the FBI, con-  
cerning procedures to be followed when  
the subject of an identification record  
requests production thereof. It also con-  
tains the procedures for obtaining any  
change, correction or updating of such  
record.

§ 16.31 Definition of identification  
record.

An FBI identification record, often  
referred to as a "rap sheet," is a listing  
of fingerprints submitted to and retained  
by the FBI in connection with arrests  
and, in certain instances, fingerprints  
submitted in connection with employ-  
ment, naturalization or military service.  
The identification record includes the  
name of the agency or institution which  
submitted the fingerprints to the FBI. If  
the fingerprints submitted to the FBI  
concern a criminal offense, the identifi-  
cation record includes the date arrested  
or received, arrest charge information  
and disposition data concerning the ar-  
rest if known to the FBI. All such data  
included in an identification record are  
obtained from the contributing local,  
State and Federal agencies. The FBI



(d) *Form of payment.* Payment should be made by check or money order payable to the Treasury of the United States. [Order No. 502-73, 38 FR 4391, Feb. 14, 1973, as amended by Order 502-73, 38 FR 9666, Apr. 19, 1973]

§ 16.10 Exemptions.

(a) 5 U.S.C. 552 exempts from all of its publication and disclosure requirements nine categories of records which are described in subsection (b) of that section. These categories include such matters as national defense and foreign policy information; investigatory files; internal procedures and communications; materials exempted from disclosure by other statutes; information given in confidence; and matters involving personal privacy. The scope of the exemptions is discussed generally in the Attorney General's memorandum referred to in § 16.1.

(b) The Attorney General will not withhold any records of the Department over 10 years old on the ground that they are classified pursuant to Executive Order No. 11652 or its predecessors without notification from the Department review committee established in accordance with the Executive order and Subpart G of Part 17 of this chapter, by its Chairman, that continued classification is required by the Executive order.

**Subpart B—Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities**

SOURCE: Order No. 501-73, 38 F.R. 1741, Jan. 18, 1973, unless otherwise noted.

§ 16.21 Purpose and scope.

(a) This subpart sets forth the procedures to be followed when a subpoena, order, or other demand (hereinafter referred to as a "demand") of a court or other authority is issued for the production or disclosure of (1) any material contained in the files of the Department, (2) any information relating to material contained in the files of the Department, or (3) any information or material acquired by any person while such person was an employee of the Department as a part of the performance of his official duties or because of his official status.

(b) For purposes of this subpart, the term "employee of the Department" includes all officers and employees of the United States appointed by, or subject

to the supervision, jurisdiction, or control of, the Attorney General of the United States, including U.S. attorneys, U.S. marshals, and members of the staffs of those officials.

§ 16.22 Production or disclosure prohibited unless approved by appropriate Department official.

No employee or former employee of the Department of Justice shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department or disclose any information relating to material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without prior approval of the appropriate Department official or the Attorney General in accordance with § 16.24.

§ 16.23 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the Department for the production of material or the disclosure of information described in § 16.21(a), he shall immediately notify the U.S. attorney for the district where the issuing authority is located. The U.S. attorney shall immediately request instructions from the appropriate Department official, as designated in paragraph (b) of this section.

(b) The Department officials authorized to approve production or disclosure under this subpart are:

(1) In the event that the case or other matter which gave rise to the demanded material or information is or, if closed, was within the cognizance of a division of the Department, the Assistant Attorney General in charge of that division. This authority may be redelegated to Deputy Assistant Attorneys General.

(2) In instances of demands that are not covered by paragraph (b) (1) of this section:

(i) The Director of the Federal Bureau of Investigation, if the demand is one made on an employee or former employee of that Bureau for information or if the demand calls for the production of material from the files of that Bureau,

(ii) The Director of the Bureau of Prisons, if the demand is one made on an employee or former employee of that Bureau for information or if the de-

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(iii) The Commissioner of the Immigration and Naturalization Service, if the demand is one made on an employee or former employee of the Service for information or if the demand calls for the production of material from the files of the Service.

(3) In instances of demands that are not covered by paragraph (b) (1) or (2) of this section, the Deputy Attorney General.

(c) If oral testimony is sought by the demand, an affidavit, or, if that is not feasible, a statement by the party seeking the testimony or his attorney, setting forth a summary of the testimony desired, must be furnished for submission by the U.S. attorney to the appropriate Department official.

(Order No. 501-73, 38 F.R. 1741, Jan. 18, 1973, as amended by Order No. 503-73, 38 F.R. 4952, Feb. 23, 1973)

#### § 16.24 Final action by the appropriate Department official or the Attorney General.

(a) If the appropriate Department official, as designated in § 16.23(b), approves a demand for the production of material or disclosure of information, he shall so notify the U.S. attorney and such other persons as circumstances may warrant.

(b) If the appropriate Department official, as designated in § 16.23(b), decides not to approve a demand for the production of material or disclosure of information, he shall immediately refer the demand to the Attorney General for decision. Upon such referral, the Attorney General shall make the final decision and give notice thereof to the U.S. attorney and such other persons as circumstances may warrant.

#### § 16.25 Procedure where a Department decision concerning a demand is not made prior to the time a response to the demand is required.

If response to the demand is required before the instructions from the appropriate Department official or the Attorney General are received, the U.S. attorney or other Department attorney designated for the purpose shall appear with the employee or former employee of the Department upon whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that

the demand has been, or is being, as the case may be, referred for the prompt consideration of the appropriate Department official and shall respectfully request the court or authority to stay the demand pending receipt of the requested instructions.

#### § 16.26 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 16.25 pending receipt of instructions, or if the court or other authority rules that the demand must be complied with irrespective of instructions not to produce the material or disclose the information sought, in accordance with § 16.24, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand. "United States ex rel Touhy v. Ragen," 340 U.S. 462.

#### Subpart C—Production of FBI Identification Records in Response to Written Requests by Subjects Thereof

SOURCE: Order 556-73, 38 FR 32806, Nov. 28, 1973, unless otherwise noted.

#### § 16.30 Purpose and scope.

This subpart contains the regulations of the Federal Bureau of Investigation, hereafter referred to as the FBI, concerning procedures to be followed when the subject of an identification record requests production thereof. It also contains the procedures for obtaining any change, correction or updating of such record.

#### § 16.31 Definition of identification record.

An FBI identification record, often referred to as a "rap sheet," is a listing of fingerprints submitted to and retained by the FBI in connection with arrests and, in certain instances, fingerprints submitted in connection with employment, naturalization or military service. The identification record includes the name of the agency or institution which submitted the fingerprints to the FBI. If the fingerprints submitted to the FBI concern a criminal offense, the identification record includes the date arrested or received, arrest charge information and disposition data concerning the arrest if known to the FBI. All such data included in an identification record are obtained from the contributing local, State and Federal agencies. The FBI



### § 0.31 Designating officials to perform the functions of the Director.

(a) In case of a vacancy in the Office of the Director of the Community Relations Service, the Deputy Director of the Service shall perform the functions and duties of the Director.

(b) The Director is authorized, in case of absence from his office or in case of his inability or disqualification to act, to designate the Deputy Director to act in his stead. In unusual circumstances, or in the absence of the Deputy Director, a person other than the Deputy Director may be so designated by the Director.

### § 0.32 Applicability of existing departmental regulations.

Departmental regulations which are generally applicable to units or personnel of the Department of Justice shall be applicable with respect to the Community Relations Service and to the Director and personnel thereof, except to the extent, if any, that such regulations may be inconsistent with the intent and purposes of section 1003(b) of the Civil Rights Act of 1964.

### Subpart G—Office of the Pardon Attorney

CROSS REFERENCE: For regulations pertaining to the office of Pardon Attorney, see Part 1 of this chapter.

### § 0.35 Applications for clemency.

Subject to the general supervision of the Attorney General, and under the direction of the Deputy Attorney General, the Pardon Attorney shall have charge of the receipt, investigation, and disposition of applications to the President for pardon and other forms of Executive clemency, and shall perform any other duties assigned by the Attorney General or the Deputy Attorney General.

[Order No. 543-73, 38 FR 29584, Oct. 26, 1973]

### § 0.36 Recommendations.

The Pardon Attorney shall submit all recommendations in clemency cases to the Attorney General through the Deputy Attorney General.

[Order No. 543-73, 38 FR 29584, Oct. 26, 1973]

### Subpart G-1—Office of Watergate Special Prosecution Force

### § 0.37 General functions.

The Office of Watergate Special Prosecution Force shall be under the direction of a Director who shall be the Special Prosecutor appointed by the At-

torney General. The duties and responsibilities of the Special Prosecutor are set forth in the attached appendix below which is incorporated and made a part hereof.

[Order 551-73, 38 FR 30738, Nov. 7, 1973]

### § 0.38 Specific functions.

The Special Prosecutor is assigned and delegated the following specific functions with respect to matters specified in this subpart:

(a) Pursuant to 28 U.S.C. 515(a), to conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings, which United States attorneys are authorized by law to conduct, and to designate attorneys to conduct such legal proceedings.

(b) To approve or disapprove the production or disclosure of information or files relating to matters within his cognizance in response to a subpoena, order, or other demand of a court or other authority. (See Part 16(B) of this chapter.)

(c) To apply for and to exercise the authority vested in the Attorney General under 18 U.S.C. 6005 relating to immunity of witnesses in Congressional proceedings.

### APPENDIX—DUTIES AND RESPONSIBILITIES OF THE SPECIAL PROSECUTOR

*The Special Prosecutor.* There is appointed by the Attorney General, within the Department of Justice, a Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters which he consents to have assigned to him by the Attorney General.

In particular, the Special Prosecutor shall have full authority with respect to the above matters for:

Conducting proceedings before grand juries and any other investigations he deems necessary;

Reviewing all documentary evidence available from any source, as to which he shall have full access;

Determining whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;



Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, or for warrants, subpoenas, or other court orders;

Deciding whether or not to prosecute any individual, firm, corporation or group of individuals;

Initiating and conducting prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

Coordinating and directing the activities of all Department of Justice personnel, including United States Attorneys;

Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to such committees;

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. In accordance with assurances given by the President to the Attorney General that the President will not exercise his Constitutional powers to effect the discharge of the Special Prosecutor or to limit the independence that he is hereby given, (1) the Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part and without the President's first consulting the Majority and the Minority Leaders and Chairmen and ranking Minority Members of the Judiciary Committees of the Senate and House of Representatives and ascertaining that their consensus is in accord with his proposed action, and (2) the jurisdiction of the Special Prosecutor will not be limited without the President's first consulting with such Members of Congress and ascertaining that their consensus is in accord with his proposed action.

#### STAFF AND RESOURCE SUPPORT

1. *Selection of Staff.* The Special Prosecutor shall have full authority to organize, select, and hire his own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to assign such personnel and to provide such other assistance as he may reasonably require. All personnel in

the Department of Justice, including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. *Budget.* The Special Prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.

3. *Designation and responsibility.* The personnel acting as the staff and assistants of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

*Continued responsibilities of Assistant Attorney General, Criminal Division.* Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

*Applicable departmental policies.* Except as otherwise herein specified or as mutually agreed between the Special Prosecutor and the Attorney General, the Watergate Special Prosecution Force will be subject to the administrative regulations and policies of the Department of Justice.

*Public reports.* The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assignment submit a final report to the appropriate persons or entities of the Congress.

*Duration of assignment.* The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself.

[Order 551-73, 38 FR 30738, Nov. 7, 1973, as amended by Order 554-73, 38 FR 32905, Nov. 28, 1973]

#### Subpart H—Antitrust Division

##### § 0.40 General functions.

Subject to the general supervision of the Attorney General, and under the direction of the Deputy Attorney General, the following-described matters are assigned to and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Antitrust Division:

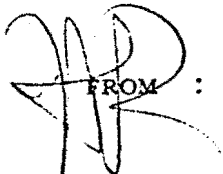
(a) General enforcement, by criminal and civil proceedings, of the Federal antitrust laws and other laws relating to the protection of competition and the prohibition of restraints of trade and monopolization, including conduct of



*Memorandum*

TO : Leon Jaworski

DATE: Sept. 3, 1974

FROM : Henry Ruth

SUBJECT: Mr. Nixon

The following matters are still under investigation in this Office and may prove to have some direct connection to activities in which Mr. Nixon is personally involved:

1. Tax deductions relating to the gift of pre-Presidential papers.
2. The Colson obstruction of justice plea in the Ellsberg matter.
3. The transfer of the national security wire tap records from the FBI to the White House.
4. The initiating of wire tapping of John Sears.
5. Misuse of IRS information.
6. Misuse of IRS through attempted initiation of audits as to "enemies."
7. The dairy industry pledge and its relationship to the price support change.
8. Filing of a challenge to the Washington Post ownership of two Florida television stations.
9. False and evasive testimony at the Kleindienst confirmation hearings as to White House participation in Department of Justice decisions about ITT.
10. The handling of campaign contributions by Mr. Rebozo for the personal benefit of Mr. Nixon.



None of these matters at the moment rises to the level of our ability to prove even a probable criminal violation by Mr. Nixon, but I thought you ought to know which of the pending investigations were even remotely connected to Mr. Nixon. Of course, the Watergate cover-up is the subject of a separate memorandum.

cc: Mr. Lacovara



WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005

September 4, 1974

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

Dear Mr. Buchen:

You have inquired as to my opinion regarding the length of delay that would follow, in the event of an indictment of former President Richard M. Nixon, before a trial could reasonably be had by a fair and impartial jury as guaranteed by the Constitution.

The factual situation regarding a trial of Richard M. Nixon within constitutional bounds, is unprecedented. It is especially unique in view of the recent House Judiciary Committee inquiry on impeachment, resulting in a unanimous adverse finding to Richard M. Nixon on the Article involving obstruction of justice. The massive publicity given the hearings and the findings that ensued, the reversal of judgment of a number of the members of the Republican Party following release of the June 23 tape recording, and their statements carried nationwide, and finally, the resignation of Richard M. Nixon, require a delay, before selection of a jury is begun, of a period from nine months to a year, and perhaps even longer. This judgment is predicated on a review of the decisions of United States Courts involving prejudicial pre-trial publicity. The Government's decision to pursue impeachment proceedings and the tremendous volume of television, radio and newspaper

*Original to  
GREF Museum  
DWD, 2/17/81*



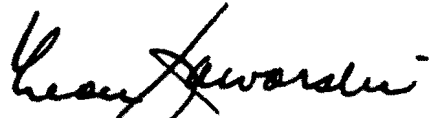
coverage given thereto, are factors emphasized by the Courts in weighing the time a trial can be had. The complexities involved in the process of selecting a jury and the time it will take to complete the process, I find difficult to estimate at this time.

The situation involving Richard M. Nixon is readily distinguishable from the facts involved in the case of United States v. Mitchell, et al, set for trial on September 30th. The defendants in the Mitchell case were indicted by a grand jury operating in secret session. They will be called to trial, unlike Richard M. Nixon, if indicted, without any previous adverse finding by an investigatory body holding public hearings on its conclusions. It is precisely the condemnation of Richard M. Nixon already made in the impeachment process, that would make it unfair to the defendants in the case of United States v. Mitchell, et al, for Richard M. Nixon now to be joined as a co-conspirator, should it be concluded that an indictment of him was proper.

The United States v. Mitchell, et al, trial will within itself generate new publicity, some undoubtedly prejudicial to Richard M. Nixon. I bear this in mind when I estimate the earliest time of trial of Richard M. Nixon under his constitutional guarantees, in the event of indictment, to be as indicated above.

If further information is desired, please advise me.

Sincerely,



LEON JAWORSKI  
Special Prosecutor



WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005

September 4, 1974

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

Dear Mr. Buchen:

You have inquired as to my opinion regarding the length of delay that would follow, in the event of an indictment of former President Richard M. Nixon, before a trial could reasonably be had by a fair and impartial jury as guaranteed by the Constitution.

((The factual situation regarding a trial of Richard M. Nixon within constitutional bounds, is unprecedented. It is especially unique in view of the recent House Judiciary Committee inquiry on impeachment, resulting in a unanimous adverse finding to Richard M. Nixon on the Article involving obstruction of justice. The massive publicity given the hearings and the findings that ensued, the reversal of judgment of a number of the members of the Republican Party following release of the June 23 tape recording, and their statements carried nationwide, and finally, the resignation of Richard M. Nixon, require a delay, before selection of a jury is begun, of a period from nine months to a year, and perhaps even longer. This judgment is predicated on a review of the decisions of United States Courts involving prejudicial pre-trial publicity.)) The Government's decision to pursue impeachment proceedings and the tremendous volume of television, radio and newspaper



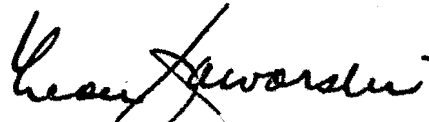
coverage given thereto, are factors emphasized by the Courts in weighing the time a trial can be had. The complexities involved in the process of selecting a jury and the time it will take to complete the process, I find difficult to estimate at this time.

“The situation involving Richard M. Nixon is readily distinguishable from the facts involved in the case of United States v. Mitchell, et al, set for trial on September 30th. The defendants in the Mitchell case were indicted by a grand jury operating in secret session. They will be called to trial, unlike Richard M. Nixon, if indicted, without any previous adverse finding by an investigatory body holding public hearings on its conclusions.” It is precisely the condemnation of Richard M. Nixon already made in the impeachment process, that would make it unfair to the defendants in the case of United States v. Mitchell, et al, for Richard M. Nixon now to be joined as a co-conspirator, should it be concluded that an indictment of him was proper.

The United States v. Mitchell, et al, trial will within itself generate new publicity, some undoubtedly prejudicial to Richard M. Nixon. I bear this in mind when I estimate the earliest time of trial of Richard M. Nixon under his constitutional guarantees, in the event of indictment, to be as indicated above.

If further information is desired, please advise me.

Sincerely,



LEON JAWORSKI  
Special Prosecutor





WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005

September 4, 1974

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

Dear Mr. Buchen:

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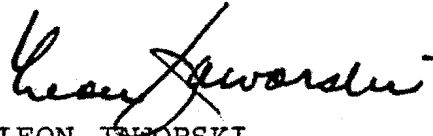
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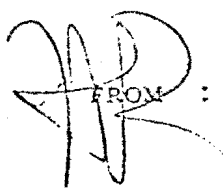
LEON JAWORSKI  
Special Prosecutor



*Memorandum*


TO : Leon Jaworski

DATE: Sept. 3, 1974

FROM : Henry Ruth

SUBJECT: Mr. Nixon

The following matters are still under investigation in this Office and may prove to have some direct connection to activities in which Mr. Nixon is personally involved:

1. Tax deductions relating to the gift of pre-Presidential papers.
  2. The Colson obstruction of justice plea in the Ellsberg matter.
  3. The transfer of the national security wire tap records from the FBI to the White House.
  4. The initiating of wire tapping of John Sears.
  5. Misuse of IRS information.
  6. Misuse of IRS through attempted initiation of audits as to "enemies."
  7. The dairy industry pledge and its relationship to the price support change.
  8. Filing of a challenge to the Washington Post ownership of two Florida television stations.
  9. False and evasive testimony at the Kleindienst confirmation hearings as to White House participation in Department of Justice decisions about ITT.
  10. The handling of campaign contributions by Mr. Rebozo for the personal benefit of Mr. Nixon.
- 

None of these matters at the moment rises to the level of our ability to prove even a probable criminal violation by Mr. Nixon, but I thought you ought to know which of the pending investigations were even remotely connected to Mr. Nixon. Of course, the Watergate cover-up is the subject of a separate memorandum.

cc: Mr. Lacovara



WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005

September 9, 1974

PRESS RELEASE

For Immediate Release

A spokesman for Special Prosecutor Leon Jaworski today issued the following statement:

"In view of the approaching trial of U.S. v Mitchell et al and the order of the court regarding pre-trial publicity entered on March 1, the Special Prosecutor will not discuss the subject of the pardon granted former President Nixon. There will be no further comment on that subject from this office."





WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005

September 9, 1974

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Tuesday 9/9/75

4:10 I called Bill Gulley.

Sgt. Booher has talked about a lot of things that he really has no knowledge of. He indicated he has knowledge of tapes, taping, etc., and he did not.

WHCA did not perform any taping functions in the Nixon years.

He has talked so much that the Special Prosecutor's Office wants to interview him.

General Adams thinks WHCA should make no comment; just let them ask him anything they want.

Therefore, they recommended to Defense that they go ahead and let him be interviewed.

*Noted  
P.*



Tuesday 9/2/75

9:50 Bill Gulley called to give you some information.

2150

Sgt. Booher, who used to be with WHCA, has talked himself into a considerable amount of trouble.

The Special Prosecutor's Office requested that this guy be interviewed by them relative to the taping system and/or systems that he has knowledge of in the White House. Mr. Gulley said that they told Defense they had notified them as a matter of courtesy, and unless they heard differently they would go ahead and let him be interviewed. Gulley said they're quite sure he knows nothing.

It was handled by the FBI. Said if they want to talk about previous administrations, he was not here at that time.

*This doesn't seem  
to make too much  
sense as I  
type it —*



WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005

September 10, 1974

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

Dear Mr. Buchen:

Although the copy of the memorandum from Henry Ruth to me, dated September 3, 1974, "Subject: Mr. Nixon", was sent you in confidence, if you are willing to assume the responsibility for its release, I shall raise no objection to your doing so.

In the event of its release, we would expect of course that it be made available in its entirety, including the first and last paragraphs of the memorandum. I emphasize this because news media references have been made to a list without pointing to other significant portions of the memorandum. The reported statement of Senator Scott this morning also falls in this category.

Sincerely yours,



LEON JAWORSKI  
Special Prosecutor



**September 10, 1974**

**To: Phil Lacovara**

**From: Phil Buchen**

**As we discussed, I am attaching  
a copy of the Ehrlichman  
subpoena.**





**United States District Court**  
**FOR THE**  
**DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

No. 74-110

v.

JOHN M. MITCHELL, et al,

To H. S. KNIGHT, Director, United States Secret Service,  
 as Custodian of Presidential Papers (White House Files),  
 The White House  
 Washington, D. C.  
 You are hereby commanded to appear in the United States District Court for the

District of Columbia at John Marshall and Constitution in the city of  
 Washington, D. C. on the 16th day of September 1974 at 10:00 o'clock A. M.  
 to testify in the case of United States v. Mitchell, et al and bring with you

(SEE ATTACHED)

This subpoena is issued upon application of the<sup>1</sup> Defendant, Ehrlichman.August 29, 1974.ANDREW C. HALL *A. C. Hall**Attorney for John D. Ehrlichman*

66 W. Flagler Street

Miami, Florida 33130

JAMES F. DAVEY

By *Robert L. Lane**Deputy Clerk.*<sup>1</sup> Insert "United States," or "defendant" as the case may be.

## RETURN

Received this subpoena at \_\_\_\_\_ on \_\_\_\_\_  
 and on \_\_\_\_\_ at \_\_\_\_\_  
 served it on the within named \_\_\_\_\_  
 by delivering a copy to h \_\_\_\_\_ and tendering to h \_\_\_\_\_  
 age allowed by law.<sup>2</sup> the fee for one day's attendance and the mile-

Dated: \_\_\_\_\_

By \_\_\_\_\_



\_\_\_\_\_, 19\_\_\_\_\_  
 Service Fees

ATTACHMENT TO SUBPOENA TO PRODUCE

1. Notes of Presidential conversations of John D. Ehrlichman from June 17, 1972 to and including May 1, 1973, which are stored in reddish-brown binders.
2. The chronological file of correspondence and memoranda of John D. Ehrlichman from June 17, 1972 to and including May 1, 1973.
3. All personal papers of John D. Ehrlichman prepared or received from June 17, 1972 to and including May 1, 1973 which refer to or relate to the following:
  - (a) The Watergate burglary.
  - (b) The proposal for the development of and the implementation of intelligence gathering activities for the Committee for the Re-election of the President.
  - (c) The activities of Donald Segretti.
  - (d) The investigation and activities in connection therewith of the "Watergate affair".
  - (e) All tape recordings of Presidential conversations involving a discussion of the "Watergate matter".
  - (f) The logs of telephone calls received or placed by Richard M. Nixon from June 17, 1972 to and including May 1, 1973.
  - (g) The logs of telephone calls received or placed by H. R. Haldeman from June 17, 1972 to and including May 1, 1973.
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  - (i) The visitors' logs and/or appointment logs of Richard M. Nixon from June 17, 1972 to and including May 1, 1973.
  - (j) The visitors' logs and/or appointment logs of H. R. Haldeman from June 17, 1972 to and including May 1, 1973.
  - (k) The visitors logs and/or appointment logs of John D. Ehrlichman from June 17, 1972 and including May 1, 1973.
  - (l) Any and all records of any person, maintained at the White House, which refer to or relate to the "Watergate matter" from June 17, 1972 to and including May 1, 1973.

**September 10, 1974**

**To: Phil Lacovara**

**From: Phil Buchen**

**As we discussed, I am attaching  
a copy of the Ehrlichman  
subpoena.**



United States District Court  
FOR THE  
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

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August 29, 1974ANDREW C. HALLAttorney for John D. Ehrlichman66 W. Flagler StreetMiami, Florida 33130JAMES F. DAVEYBy Robert L. Lane

Deputy Clerk.

<sup>1</sup> Insert "United States," or "defendant" as the case may be.

## RETURN

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and on \_\_\_\_\_ at \_\_\_\_\_  
served it on the within named \_\_\_\_\_  
by delivering a copy to h \_\_\_\_\_ and tendering to h \_\_\_\_\_ the fee for one day's attendance and the mile-  
age allowed by law.<sup>2</sup>

Dated: \_\_\_\_\_

By \_\_\_\_\_



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WATERGATE SPECIAL PROSECUTION FORCE  
United States Department of Justice  
1425 K Street, N.W.  
Washington, D.C. 20005

September 10, 1974

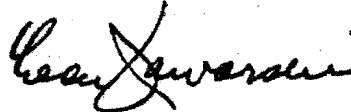
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Sincerely yours,



LEON JAWORSKI  
Special Prosecutor



*Alvino*

Tuesday 9/10/74

1:35 Leon Jaworski would appreciate a call.

