

The original documents are located in Box 61, folder “Special Prosecutor (7)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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*Original
By [unclear]
but not
used*

THE WHITE HOUSE
WASHINGTON

November 5, 1974

Dear Mr. Ben-Veniste:

This is in response to your letter to William E. Casselman II, dated November 2, 1974, in which you requested "notes made by Geoffrey Shepard and Richard Hauser" which were "made in connection with locating certain conversations of reels of Presidential tapes for the purpose of complying with the Watergate Special Prosecutor's trial subpoena."

I have enclosed an original document entitled "Worksheet - Inventory of Tapes in Jaworski Subpoena."

Sincerely,

Philip W. Buchen
Counsel to the President

Richard Ben-Veniste, Esquire
Assistant Special Prosecutor
Watergate Special Prosecution Force
United States Department of Justice
1425 K Street, N.W.
Washington, D. C. 20005

Attachment



MEMO FOR: DON RUMSFELD

FROM: P.W.B.

Subject: Nixon tapes and documents

Your memo of November 1, 1974 on relieving Jerry Jones of his responsibilities relative to Nixon tapes in Safe Zone 128 of F.O.B., came at a time my office was in process of exploring with the Justice Department ways to overhaul in a basic manner the access to the Nixon tapes and documents for subpoena purposes by the Special Prosecutor. Thus, I ~~am combining this~~ ^{will shortly send} memo to you with an attached proposed memo for the President on the larger problem.

~~In Jerry's case,~~ ^{Jerry's} role as guardian of the tapes began on April 9, 1974 when he replaced in that function General Bennett who had in July 1973 taken over from the Secret Service. Jerry has been working from a receipt which he gave to Bennett and has kept a detailed record of every access to ~~the~~ each tape ~~box~~ and every ~~de~~ individual transfer of possession made.

The immediate problem of changing this arrangement is that Jerry had earlier, on orders from Fred Buzhardt,



each ^{separately boxed} and labeled,

when he was the Counsel deposited all 900 tapes in ^{bulk} packing ^{cartons} boxes for shipment, where they remain in circumstances that Jerry points out ~~would~~ make it difficult to locate particular tapes at any time (which is why his burden has been greater than necessary) and would make it difficult for a successor guardian to check the existence and status of each tape to be covered by the successor's receipt.

Therefore I recommend that:

- 1) ~~At a minimum~~ The transfer be made ~~by~~ by a jointly conducted removal of tapes from ^{cartons} packing ~~boxes~~ to shelves ^{combination lock} of a ~~site~~ within the Safe Zone, where they were previously located, ^{within the Safe Zone, of which} ~~where~~ Jerry and his successor would together verify what is there and would agree upon the exact contents of the receipt to be given.
- 2) ~~The~~ Secret Service, the Special Prosecutor, and Nixon's lawyer be requested to witness the ^{observable} above process so that none can dispute the ^{and condition} identity of the items as they existed at the time of this transaction and the completeness and accuracy of the inventory ~~is~~ on the receipt.
- 3) The arrangements be worked out by Bill Casselman, as soon as he recovers



sufficiently from the flu that has temporarily disabled him, because he is the ^{only} one on the legal staff who thoroughly understands the situation and who will ~~have~~ ^{has} continuing direct responsibility for ^{White House staff} compliance with ~~the~~ Court orders affecting the tapes. ~~and~~

Whenever any tape is ~~used~~ ^{needed to be introduced} as evidence in a Court case, Jerry would continue (as is Bennett and as ~~would~~ will be Jerry's successor) to be needed to testify on "chain of custody."



THE WHITE HOUSE

WASHINGTON

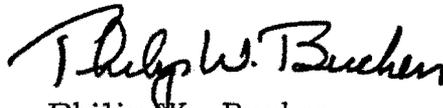
November 5, 1974

Dear Mr. Ruth:

For reasons known to the Watergate Special Prosecution Force, we are respectfully requesting an extension at this time until November 22, 1974, for Grand Jury Subpoenas served on me which are returnable on November 6, 8, 11 and 13, 1974. Each return date involves two separate subpoenas.

Within the limits of our ability, we shall try to provide materials responsive to the subpoenas during the interim before November 22nd subject to the terms and conditions imposed by the current or any future order of the United States District Court for the District of Columbia in the cases of Nixon, et al. v. Sampson, et al., C.A. Nos. 74-1518 and 74-1533.

Sincerely,



Philip W. Buchen
Counsel to the President

Honorable Henry S. Ruth, Jr.
Special Prosecutor
Watergate Special Prosecution Force
Department of Justice
1425 K Street, Northwest
Washington, D. C. 20005



cc: William E. Casselman
Laurence H. Silberman
Herbert J. Miller, Jr.

THE WHITE HOUSE

WASHINGTON

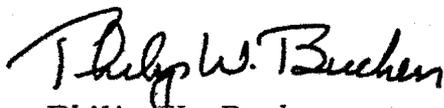
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Nixon
Materials

re

Special

Prosecutor

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November 8, 1974

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Counsel to the President**

**Richard Ben-Veniste, Esquire
Assistant Special Prosecutor
Watergate Special Prosecution Force
United States Department of Justice
1425 K Street, N. W.
Washington, D. C. 20005**

BNR:cg



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United States Department of Justice
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THE WHITE HOUSE

WASHINGTON

November 8, 1974

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Washington, D. C. 20005



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

November 6, 1974

HAND DELIVERED

William Casselman, II, Esq.
Counsel to the President
The White House
Washington, D. C. 20500

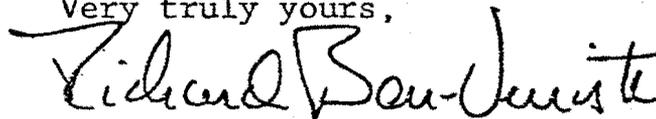
Re: United States v. Mitchell, et al.

Dear Mr. Casselman:

In connection with the ongoing trial of the Watergate cover-up case it has become important for us to determine all entries made at the Old Executive Office Building or any part of the White House complex by Paul O'Brien during the month of March 1973. This information will be relevant to testimony that the Government will be introducing in just a few days. For that reason, we would appreciate it if you would provide us at your earliest convenience with any entry cards you locate under the name Paul O'Brien for March 1973. If you have any questions about this request, please telephone me.

We appreciate your continued assistance.

Very truly yours,



Richard Ben-Veniste
Assistant Special Prosecutor

THE WHITE HOUSE

11/8/79

Bucher
Agreement
with
Special Prosecutor



WHEREAS, Gerald R. Ford, President of the United States, has determined and informed his Counsel that the due administration of justice and the public interest require that the Special Prosecutor have prompt and effective use of those Presidential materials of the Nixon Administration now located in the White House complex that are relevant and important to ongoing criminal investigations and prosecutions within the Special Prosecutor's jurisdiction; and

WHEREAS, this Agreement, if implemented, would accommodate the needs of the Special Prosecutor with respect to such materials;

NOW, THEREFORE, the undersigned have agreed as follows:

1. Upon letters from the Special Prosecutor to Counsel to the President specifying those materials that he has reason to believe are relevant to specified criminal investigations or prosecutions within the Special Prosecutor's jurisdiction and explaining why access to such materials is important to a full and fair resolution of those investigations and prosecutions, the Special Prosecutor or his designees shall be afforded access to the materials under the following procedures:

a. Documents

1. Where files are organized by subject matter, only those files may be examined which, because of their titles, may contain documents relevant to these specified investigations and prosecutions.

2. Where files are organized chronologically, only that portion of the file covering the time period relevant to the request may be examined.



3. Where no chronological or subject label is on a file, the file may be examined to determine whether the file contains relevant materials.

4. In order to assist in these searches, the Special Prosecutor may request the assistance of members of the archival staff detailed to the White House in making a list of file titles or other index.

b. Tape Recordings: Only the tape recordings of conversations specified by letters according to the above procedures may be listened to.

2. The Special Prosecutor shall be allowed to make copies of only those tapes of conversations and documents that he determines are relevant to criminal investigations or prosecutions within his jurisdiction. Prior to the Special Prosecutor receiving such copies, Counsel to the President may review the copies to determine whether they may not be disclosed for reasons of national security. The originals of any tapes and documents, copies of which are provided to the Special Prosecutor, shall be retained and, if necessary for a criminal proceeding, will be given to the Special Prosecutor for such proceeding in exchange for the copies.

3. Richard M. Nixon or his attorney or designated agent shall be given notice of, and may be present during, searches pursuant to this Agreement. Also, Mr. Nixon or his attorney or designated agent, shall be afforded access to and/or copies of those tapes of conversation and documents for which the Special Prosecutor is allowed copies. The Counsel to the President also may designate the individuals to be present during these searches.



4. No Presidential materials shall be removed to locations in Washington, D. C. other than the White House complex without the approval of the Special Prosecutor and no portions of such materials shall be removed to locations outside of the District of Columbia without an indication from the Special Prosecutor that he has no further need for such portions, except upon court order.

5. The parties to this Agreement shall move jointly to modify, if necessary, the temporary restraining order as now outstanding in Civil Action number 74-1518 and in consolidated cases in the United States District Court for the District of Columbia to permit implementation of this Agreement.

Philip W. Buchen
Counsel to the President

Arthur F. Sampson
Administrator of General Services

H. Stuart Knight
Director, United States Secret Service

Henry S. Ruth, Jr.
Special Prosecutor
Watergate Special Prosecution Force

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5. The parties to this Agreement shall move jointly to modify, if necessary, the temporary restraining order as now outstanding in Civil Action number 74-1518 in the United States District Court for the District of Columbia to permit implementation of this Agreement.

Dated: November 9, 1974

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THE WHITE HOUSE

WASHINGTON

November 8, 1974

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



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

November 6, 1974

HAND DELIVERED

William Casselman, II, Esq.
Counsel to the President
The White House
Washington, D. C. 20500

Re: United States v. Mitchell, et al.

Dear Mr. Casselman:

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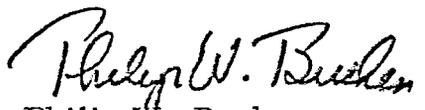
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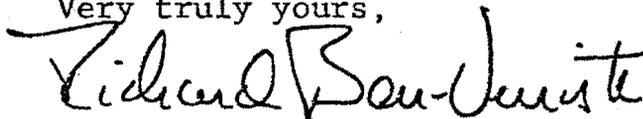
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Richard Ben-Veniste
Assistant Special Prosecutor

*Jack Thomsen
Please review
and call me
at Jerry
Sullivan's
office.
Phil*

[ca. 11/8/74]

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

November 9, 1974

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

Dear Mr. Buchen:

In light of the agreement signed yesterday and today by Messrs. Buchen, Sampson, Knight and myself, this office hereby withdraws the eight grand jury subpoenas served upon you. As you recall, we had extended the original return dates of these subpoenas until November 22, 1974.

Sincerely,


HENRY S. RUTH, JR.
Special Prosecutor

cc: Herbert J. Miller, Jr.





DEPUTY ATTORNEY GENERAL

WASHINGTON

November 9, 1974

Dear Phil:

Enclosed is a copy of the signed
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Sincerely yours,

Larry
Laurence H. Silberman

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



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Mr. Arthur F. Sampson
November 4, 1974
Page 2

cc: Honorable Charles R. Richey
United States District Judge
District of Columbia
United States Courthouse
Washington, D. C.

Jeffrey F. Axelrad, Esq.
Civil Division
U. S. Department of Justice
Room 3627
Washington, D. C. 20530

William A. Dobrovir, Esq.
2005 L Street, N.W.
Washington, D. C. 20036

Robert E. Herzstein, Esq.
Arnold & Porter
1229 19th Street, N.W.
Washington, D. C. 20036

Herbert J. Miller, Jr., Esq.
Miller, Cassidy, Larroca & Lewin
1320 19th Street, N.W.
Washington, D. C.

John H. F. Shattuck, Esq.
American Civil Liberties Union
22 East 40th Street
New York, New York 10016





DEPUTY ATTORNEY GENERAL

WASHINGTON

November 9, 1974

Dear Phil:

Enclosed is a copy of the signed
Agreement.

Sincerely yours,

A handwritten signature in cursive script that reads "Larry".

Laurence H. Silberman

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



WHEREAS, Gerald R. Ford, President of the United States, has determined and informed his Counsel that the due administration of justice and the public interest require that the Special Prosecutor have prompt and effective use of those Presidential materials of the Nixon Administration now located in the White House complex that are relevant and important to ongoing criminal investigations and prosecutions within the Special Prosecutor's jurisdiction; and

WHEREAS, this Agreement, if implemented, would accommodate the needs of the Special Prosecutor with respect to such materials;

NOW, THEREFORE, the undersigned have agreed as follows:

1. Upon letters from the Special Prosecutor to Counsel to the President specifying those materials that he has reason to believe are relevant to specified criminal investigations or prosecutions within the Special Prosecutor's jurisdiction and explaining why access to such materials is important to a full and fair resolution of those investigations and prosecutions, the Special Prosecutor or his designees shall be afforded access to the materials under the following procedures:

- a. Documents

1. Where files are organized by subject matter, only those files may be examined which, because of their titles, may contain documents relevant to these specified investigations and prosecutions.

2. Where files are organized chronologically, only that portion of the file covering the time period relevant to the request may be examined.



3. Where no chronological or subject label is on a file, the file may be examined to determine whether the file contains relevant materials.

4. In order to assist in these searches, the Special Prosecutor may request the assistance of members of the archival staff assigned to the White House in making a list of file titles or other index.

b. Tape Recordings: Only the tape recordings of conversations specified by letters according to the above procedures may be listened to.

2. The Special Prosecutor shall be allowed to make copies of only those tapes of conversations and documents that he determines are relevant to criminal investigations or prosecutions within his jurisdiction. Prior to the Special Prosecutor receiving such copies, Counsel to the President may review the copies to determine whether they may not be disclosed for reasons of national security. The originals of any tapes and documents, copies of which are provided to the Special Prosecutor, shall be retained and, if necessary for a criminal proceeding, will be given to the Special Prosecutor for such proceeding in exchange for the copies.

3. Richard M. Nixon or his attorney or designated agent shall be given notice of, and may be present during, searches pursuant to this Agreement. Also, Mr. Nixon or his attorney or designated agent, shall be afforded access to and/or copies of those tapes of conversation and documents for which the Special Prosecutor is allowed copies. The Counsel to the President also may designate individuals to be present during these searches.



4. No Presidential materials shall be removed to locations in Washington, D. C. other than the White House complex without the approval of the Special Prosecutor and no portions of such materials shall be removed to locations outside of the District of Columbia without an indication from the Special Prosecutor that he has no further need for such portions, except upon court order.

5. The parties to this Agreement shall move jointly to modify, if necessary, the temporary restraining order as now outstanding in Civil Action number 74-1518 and in consolidated cases in the United States District Court for the District of Columbia to permit implementation of this Agreement.

Philip W. Buchen, Nov. 8, 1974
Philip W. Buchen
Counsel to the President

Arthur F. Sampson 11/9/74
Arthur F. Sampson
Administrator of General Services

H. Stuart Knight 11-9-74
H. Stuart Knight
Director, United States Secret Service

Henry S. Ruth, Jr. Nov. 8, 1974
Henry S. Ruth, Jr.
Special Prosecutor
Watergate Special Prosecution Force



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

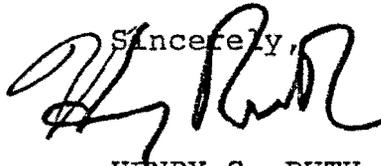
November 9, 1974

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

Dear Mr. Buchen:

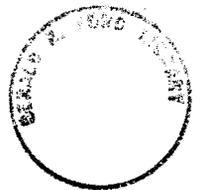
In light of the agreement signed yesterday and today by Messrs. Buchen, Sampson, Knight and myself, this office hereby withdraws the eight grand jury subpoenas served upon you. As you recall, we had extended the original return dates of these subpoenas until November 22, 1974.

Sincerely,



HENRY S. RUTH, JR.
Special Prosecutor

cc: Herbert J. Miller, Jr.



DRAFT 11/11/74

PRESS STATEMENT

The Department of Justice in behalf of the Federal defendants and the Special Prosecutor have today filed a joint motion in October 17, 1974, the case brought by former President Richard M. Nixon before Judge Charles R. Richey in the United States District Court for the District of Columbia. The Federal defendants who have been sued by the former President are Arthur F. Sampson as Administrator of General Services Administration, Philip W. Buchen as Counsel to the President, and H. Stuart Knight as Director of the Secret Service.

The joint motion discloses that these defendants have entered^{into}/an agreement with the Special Prosecutor and that it was made following a determination by President Ford that the due administration of justice and the public interest require that the Special Prosecutor have prompt and effective use of those Presidential materials of the Nixon Administration now located in the White House complex that are relevant and important to ongoing criminal investigations and prosecutions within the Special Prosecutor's jurisdiction.



The Agreement further states that, if implemented, it would accommodate the needs of the Special Prosecutor with respect to such materials. The Agreement has no effect on any of the Nixon materials which are not needed for that purpose, and it does not purport to resolve the issues raised by the former President in his complaint or by other parties claiming an interest in the materials for other purposes.

Under the present Administration, the Special Prosecutor has heretofore been provided with portions of the materials as he has needed them for ongoing criminal prosecutions by the United States, and searches of the materials have been underway to provide additional materials which were requested of Counsel to the President by the Special Prosecutor for his ongoing criminal investigations. These searches have since October 22, 1974, been conducted subject to the Temporary Restraining Orders of the Court which were issued after application for a Temporary Restraining Order had been made by attorneys for Plaintiff Nixon in the present suit.



The purposes and effect of the new agreement between the Federal defendants in the Nixon suit and the Special Prosecutor, if it can be implemented, are set forth in the joint motion of such parties and supporting documents as filed in the Court. Copies of the motion and documents are available to the press at the Department of Justice.

A 111111
NOVEMBER 11, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESS SECRETARY

The Department of Justice acting on behalf of Federal officials sued by former President Nixon and the Special Prosecutor, have today filed a joint motion in the case which was brought October 17, 1974 before Judge Charles R. Richey in the United States District Court for the District of Columbia. The Federal officials are Arthur F. Sampson, Administrator of General Services Administration; Philip W. Buchen, Counsel to the President; and H. Stuart Knight, Director of the Secret Service.

The joint motion states that these defendants have entered into an agreement with the Special Prosecutor and that it was made as a consequence of President Ford's determination that the due administration of justice and the public interest require that the Special Prosecutor have prompt and effective use of those Presidential materials of the Nixon Administration now located in the White House complex that are relevant and important to ongoing criminal investigations and prosecutions within the Special Prosecutor's jurisdiction.

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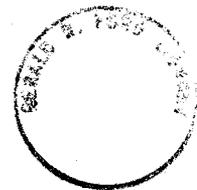
THE WHITE HOUSE
WASHINGTON

November 12, 1974

MEMORANDUM FOR: PHIL BUCHEN
FROM: KEN LAZARUS *kl*
SUBJECT: Request From Special Prosecutor

Last night I received a call from Phil Fox of Hank Ruth's office. He stated that, incident to an investigation he is conducting, it is important for him to have information possibly contained in a White House appointment record covering July 17, 1972. On that date, a White House Staff Assistant (William Maramoto) was visited around noon by two men (David Wimer and Leveo Sanchez). Fox's need is to determine which of the two visitors arrived first. I assume this information would be contained in the EPS appointment logs covering the relevant date.

Fox asked for a response to his inquiry today if possible.



EVA

THE WHITE HOUSE

WASHINGTON

November 12, 1974

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FROM: KEN LAZARUS *KL*
SUBJECT: Request From Special Prosecutor

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

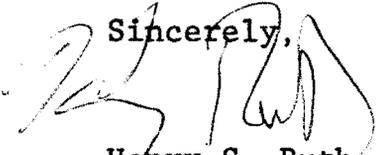
November 13, 1974

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

Dear Mr. Buchen:

The Special Prosecutor's Office requests copies of the entry records maintained by the security force at the Executive Office Building that reflect the entries in that building by Leveo Sanchez and David Wimer on July 17, 1972. These records are required for a grand jury investigation within the jurisdiction of this office.

Sincerely,



Henry S. Ruth, Jr.
Special Prosecutor



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

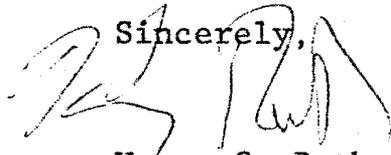
November 13, 1974

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

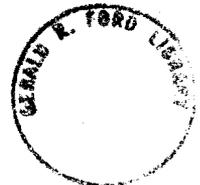
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Sincerely,



Henry S. Ruth, Jr.
Special Prosecutor



THE WHITE HOUSE
WASHINGTON

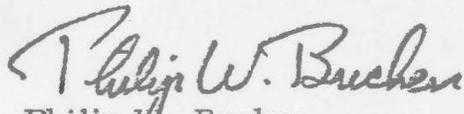
November 13, 1974

Dear Mr. Ruth:

This is in response to your letter to me of November 13, 1974, in which you requested copies of the entry records maintained by the Executive Protective Service for the White House complex reflecting entries by Leveo Sanchez and David Wimer on July 17, 1972. I have enclosed a copy of the two cards reflecting such entries.

I trust that this is responsive to your request.

Sincerely,


Philip W. Buchen
Counsel to the President

Honorable Henry S. Ruth, Jr., Esquire
Special Prosecutor
Watergate Special Prosecution Force
Department of Justice
1425 K Street, N. W.
Washington, D. C. 20005



UNITED STATES SECRET SERVICE
 APPOINTMENT RECORD
 EXECUTIVE PROTECTIVE SERVICE

EPS-21A

NAME:		LAST	FIRST	MIDDLE
WIMER, DAVID				
REQUESTED BY	ROOM NO.	DATE	TIME EXPECTED	
MOODY	351	7-17-72	1200	
APPOINTMENT WITH	AGENCY	TIME ARRIVED		
MARUMOTO	WH	1202		
IDENTIFICATION/REMARKS				
LABOR DEPT				
OFFICER MAKING I.D.		POST		
FRITZ		D-1		

UNITED STATES SECRET SERVICE
 APPOINTMENT RECORD
 EXECUTIVE PROTECTIVE SERVICE

EPS-21A

NAME:		LAST	FIRST	MIDDLE
SANCHEZ, LEVEO				
REQUESTED BY	ROOM NO.	DATE	TIME EXPECTED	
MOODY	351	7-17-72	1200	
APPOINTMENT WITH	AGENCY	TIME ARRIVED		
MARUMOTO	WH	1210		
IDENTIFICATION/REMARKS				
NA. PERMIT				
OFFICER MAKING I.D.		POST		
FRITZ		D-1		

B03504



THE WHITE HOUSE

WASHINGTON

November 13, 1974

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Counsel to the President

Honorable Henry S. Ruth, Jr., Esquire
Special Prosecutor
Watergate Special Prosecution Force
Department of Justice
1425 K Street, N.W.
Washington, D. C. 20005



UNITED STATES SECRET SERVICE
APPOINTMENT RECORD
EXECUTIVE PROTECTIVE SERVICE

EPS-21A

NAME:		LAST	FIRST	MIDDLE
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REQUESTED BY	ROOM NO.	DATE	TIME EXPECTED	
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APPOINTMENT WITH	AGENCY	TIME ARRIVED		
MARUMOTO	WH	1202		
IDENTIFICATION/REMARKS				
LABOR DEPT				
OFFICER MAKING I.D.		POST		
FRITZ		D-1		

UNITED STATES SECRET SERVICE
APPOINTMENT RECORD
EXECUTIVE PROTECTIVE SERVICE

EPS-21A

NAME:		LAST	FIRST	MIDDLE
SANCHEZ, LEVEO				
REQUESTED BY	ROOM NO.	DATE	TIME EXPECTED	
MOODY	351	7-17-72	1200	
APPOINTMENT WITH	AGENCY	TIME ARRIVED		
MARUMOTO	WH	1210		
IDENTIFICATION/REMARKS				
VA. PERMIT				
OFFICER MAKING I.D.		POST		
FRITZ		D-1		

B15594

Memorandum for the Record

From: Barry N. Roth *BR*

November 13, 1974

At the request of Peter Kreindler, Watergate Special Prosecution Force, I arranged for Jeanne Davis, Staff Secretary of the National Security Council, to speak to Rich Davis and Ken Geller of the Prosecutor's office. Additionally, Jeffrey Axelrad, Department of Justice, and I were on the phone for the conversation.

Q. (Rich Davis) Can you explain which National Security Council papers Presidents have traditionally taken with them once they have left office, and which are the so-called "institutional files" that have remained behind?

A. (Jeanne Davis) The NSC has traditionally been supervised by an assistant to the President who served two roles. One role relates specifically to the NSC as an ongoing organization, the other role is that of an assistant to the President dealing with National Security matters. Basically, the distinction is one of whether the materials involved relate to the ongoing operations of the NSC, including NSC meetings, or whether they represent advice to the President which is separate from the NSC structure. For example, in connection with NSC meetings, originals of memos prepared for the President and records of those meetings stay with the NSC in Washington while copies are frequently sent to the Library. On the other hand, a memo from the assistant to the President for National Security Affairs would be considered a Presidential material unless it relates specifically to an NSC meeting.

Q. (Geller) What are the so-called "PAF" papers, and which are the so-called "institutional" papers?

A. (Jeanne Davis) PAF stands for Presidential Assistant Files and they are the latter category referred to above. The institutional files are namely those dealing with the NSC as an ongoing operational entity.



Shortly after this phone call concluded, I returned to my desk and was called by Ken Geller who stated he had neglected to clarify one particular point, namely, which files are the ones that have traditionally remained behind for one year before being sent to the Library. Indicating that I was not sure of the answer myself, I agreed to check into it without necessitating another phone call to Jeanne Davis with all parties. Jack Murphy of the NSC staff explained to me that in the case of both Kennedy and Johnson, an agreement was reached by the principals concerned to leave behind for one year Presidential materials stored by the NSC. After one year they were shipped to the Library. I explained this to Geller and he appeared satisfied and had no further questions.



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November 13, 1974

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UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



NOV 15 1974

Mr. Peter M. Kreindler
Counsel to the Special Prosecutor
Watergate Special Prosecution Force
United States Department of Justice
1425 K Street, NW
Washington, DC 20005

Dear Mr. Kreindler:

This is in reply to your letter of November 4, 1974, relative to materials under the control of the General Services Administration and subject to a temporary restraining order issued by Judge Richey on October 21, 1974. You requested that, in order to facilitate searches for both tapes and documents in the custody of the Secret Service, copies of certain materials in the custody of General Services Administration be transferred to the control of the Secret Service, subject to the restrictions of the temporary restraining order. You state that the items necessary for copying would be designated by counsel for Mr. Nixon and representatives of Mr. Buchen, and that counsel for each of the parties in the action before Judge Richey have informed you that they have no objection to General Services Administration's complying with the request.

I have considered your request and find that use of the documents as you propose can properly be considered as being necessary for the purpose of timely compliance with the provisions of the order. Copying the documents and placing the copies in the control of the Secret Service, is not specifically provided for in the order; however, I have verified that the proposed procedure has been communicated to counsel to all the parties in the action before Judge Richey and each has stated no objection.

On the basis of the above, I have advised Mr. Wolf to take immediate steps to comply with your request, and to include appropriate provisions in the General Services Administration access procedures.

Sincerely,

Arthur F. Sampson
Administrator



cc: Honorable Charles R. Richey
United States District Judge
District of Columbia
United States Courthouse
Washington, DC

Jeffrey F. Axelrad, Esq.
Civil Division
U. S. Department of Justice
Room 3627
Washington, DC 20530

William A. Dobrovir, Esq.
2005 L Street, NW
Washington, DC 20036

Robert E. Herzstein, Esq.
Arnold & Porter
1229 19th Street, NW
Washington, DC 20036

Herbert J. Miller, Jr., Esq.
Miller, Cassidy, Larroca & Lewin
1320 19th Street, NW
Washington, DC 20036

John H. F. Shattuck, Esq.
American Civil Liberties Union
22 East 40th Street
New York, New York 10016



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

November 4, 1974

Mr. Arthur F. Sampson
Administrator
General Services Administration
Washington, D. C.

Attention: Mr. Thomas P. Wolf
Special Assistant to the Administrator

Dear Mr. Sampson:

As you are aware, counsel for former President Nixon and representatives of Mr. Buchen are now engaged in a search for materials relevant to investigations within the jurisdiction of the Special Prosecutor. Although most of the materials that are being searched are now in the custody of the Secret Service, some of the materials are within your custody. In particular, it is our understanding that General Services Administration, under the supervision of Thomas Wolf, has within its control the daily diaries of Mr. Nixon and other materials that may facilitate searches of both the tapes and documents in the custody of the Secret Service.

In order to increase the efficiency of searches, it would be helpful if copies of certain materials within your custody could be made and then transferred to the control of the Secret Service, subject to the restrictions of the temporary restraining order issued by Judge Richey on October 22, 1974. The items necessary for copying would be designated by counsel for Mr. Nixon and representatives of Mr. Buchen; and the copies would remain in the control of the Secret Service until such time as they were no longer needed for purposes of making searches pursuant to the temporary restraining order. They then would be returned to your custody.

I have spoken with counsel for each of the parties in the action before Judge Richey, and each has informed me that he has no objection to your complying with this request.

Your cooperation in this matter will be appreciated.

Sincerely,

Peter M. Kreindler

PETER M. KREINDLER
Counsel to the Special Prosecutor



Mr. Arthur F. Sampson

November 4, 1974

Page 2

cc: Honorable Charles R. Richey
United States District Judge
District of Columbia
United States Courthouse
Washington, D. C.

Jeffrey F. Axelrad, Esq.
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U. S. Department of Justice
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American Civil Liberties Union
22 East 40th Street
New York, New York 10016



UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



NOV 15 1974

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

November 4, 1974

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Administrator
General Services Administration
Washington, D. C.

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PETER M. KREINDLER

Counsel to the Special Prosecutor



Mr. Arthur F. Sampson
November 4, 1974
Page 2

cc: Honorable Charles R. Richey
United States District Judge
District of Columbia
United States Courthouse
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American Civil Liberties Union
22 East 40th Street
New York, New York 10016



J. F. terHorst:

Star-News 11/16/74

Ford's Tough Tape Deal

His personal pity for Richard Nixon, which so consumed President Ford during his first days in the White House, has now given way to a more dry-eyed attitude.

Indicative of the change is Ford's new position on the Nixon tapes and papers. Under the agreement just reached between White House lawyers and the Watergate special prosecutor, Nixon

his corollary deal with Nixon on the disposition of the tapes. The latter, engineered between Ford's legal office and Nixon's lawyers, would have put all Nixon records in safekeeping for the former president at a government storage facility near San Clemente. But, in his trusting way, Ford let the former president get the better of him on both the pardon and the records negotia-

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

THE WHITE HOUSE

WASHINGTON

November 20, 1974

Re: Hon. Ronald V. Dellums, et. al.,
v. James M. Powell, et. al.,
U.S.D.C.D.C. #2271-71

Dear Mr. Miller:

At 12:00 noon today I was ordered by Judge William B. Bryant to produce for examination by the plaintiffs in the above-captioned action, by Wednesday, November 27, 1974, the materials set forth in Judge Bryant's Order of November 14, 1974. We shall promptly begin efforts directed towards compliance and your participation is invited in accordance with the provisions of Judge Richey's Order of October 21, 1974, as amended.

The schedule in searching for and providing such materials is as follows:

1. To locate and duplicate "President Nixon's Daily Diary" for May 1 through 5, 1971, starting at 9:30 a.m., November 21, 1974.
2. To locate and duplicate the following Presidential tape recordings, starting at noon, November 21, 1974:

White House telephone for April 20, 1971, to May 10, 1971;
Oval Office for May 4, 1971, May 5, 1971, #1 & 2
Cabinet Room for April 21, 1971 through May 5, 1971

3. To listen to such tapes for purposes of locating and making copies of the conversations covered by Judge Bryant's Order, starting at 9:30 a.m., November 22, 1974, and continuing over such hours and days as may be required to complete compliance with such Order before November 27, 1974.



You are invited to participate in the foregoing as you have in other proceedings and to the extent you deem appropriate. However, on your failure to do so, we shall proceed to comply with Judge Bryant's Order.

Sincerely,



Philip W. Buchen
Counsel to the President

Herbert J. Miller, Jr., Esquire
Miller, Cassidy, Larroca & Lewin
1320 Nineteenth Street, N. W.
Washington, D. C. 20036

cc: Henry Ruth, Esquire
Arthur F. Sampson
H. S. Knight



THE WHITE HOUSE

WASHINGTON

November 20, 1974

Re: Hon. Ronald V. Dellums, et. al.,
v. James M. Powell, et. al.,
U.S.D.C.D.C. #2271-71

Dear Mr. Miller:

At 12:00 noon today I was ordered by Judge William B. Bryant to produce for examination by the plaintiffs in the above-captioned action, by Wednesday, November 27, 1974, the materials set forth in Judge Bryant's Order of November 14, 1974. We shall promptly begin efforts directed towards compliance and your participation is invited in accordance with the provisions of Judge Richey's Order of October 21, 1974, as amended.

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Philip W. Buchen
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Miller, Cassidy, Larroca & Lewin
1320 Nineteenth Street, N. W.
Washington, D. C. 20036

cc: Henry Ruth, Esquire
Arthur F. Sampson
H. S. Knight



THE WHITE HOUSE

WASHINGTON

December 24, 1974

MEMORANDUM FOR: General Lawrence E. Adams
White House Communications Agency

This will confirm your recent telephone conversation with Mr. Barry Roth of this office regarding a request from the Watergate Special Prosecution Force for any records of telephone calls in the possession of your agency made by Mr. John D. Ehrlichman, Mr. Edward L. Morgan, or Mr. Herbert Kalmbach, from September 1, 1969, through June 1, 1970.

I would appreciate your sending me copies of any records your agency might have of telephone calls for these individuals during this period in order that I can provide them to the Special Prosecutor.

Your assistance is appreciated.



William E. Casselman II
Counsel to the President



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

December 26, 1974

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

Dear Mr. Buchen:

The Special Prosecutor's Office requests copies of the entry records maintained by the security force at the Executive Office Building that reflect the entries to the White House and/or Executive Office Building and/or reflect the person(s) being visited:

(a) From July 1, 1972, to July 31, 1972, by Marjorie Neenan;

(b) On May 6, 1969, on September 3, 1969, from October 5, 1969, to October 8, 1969, from January 7, 1970, to January 10, 1970, from March 1, 1970, to March 4, 1970, from April 1, 1970, to April 3, 1970, from April 9, 1970, to April 10, 1970, from May 22, 1973, to May 24, 1973, from January 17, 1974, to January 19, 1974, from March 30, 1974, to April 1, 1974, and from July 12, 1974, to July 15, 1974, by Mr. Frank DeMarco, Jr.;

(c) From April 6, 1969, to April 11, 1969, from June 19, 1969, to June 22, 1969, on July 7, 1969, and on July 8, 1969, from November 3, 1969, to November 4, 1969, from November 15, 1969, to November 22, 1969, from December 8, 1969, to December 14, 1969, from January 23, 1970, to January 27, 1970, from February 22, 1970, to February 28, 1970, from May 3, 1970, to May 4, 1970, from July 19, 1970, to July 22, 1970, from August 1, 1973, to August 4, 1973, and from January 16, 1974, to January 18, 1974, by Mr. Ralph G. Newman;



(d) On May 6, 1969, on September 3, 1969, on September 25, 1969, on September 26, 1969, from January 1, 1970, to January 10, 1970, from April 1, 1970, to April 4, 1970, and from April 9, 1970, to April 12, 1970, by Mr. Herbert W. Kalmbach; and

(e) On July 16, 1969, July 17, 1969, and July 29, 1969, from August 10 to August 15, 1969, on September 25, 1969, on September 26, 1969, from October 5, 1969, to October 8, 1969, on October 27, 1969, on October 28, 1969, on November 7, 1969, from November 10, 1969, to November 12, 1969, from December 3, 1969, to December 5, 1969, from April 1, 1970, to April 15, 1970, and from May 15, 1973, to June 2, 1973, by Roger V. Barth.

Those records are required for grand jury investigations within the jurisdiction of this Office.

Sincerely,



HENRY S. RUTH, JR.
Special Prosecutor



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

*copy sent to
Henry Bell*

December 26, 1974

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

Dear Mr. Buchen:

The Special Prosecutor's Office requests copies of the entry records maintained by the security force at the Executive Office Building that reflect the entries to the White House and/or Executive Office Building and/or reflect the person(s) being visited:

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(b) On May 6, 1969, on September 3, 1969, from October 5, 1969, to October 8, 1969, from January 7, 1970, to January 10, 1970, from March 1, 1970, to March 4, 1970, from April 1, 1970, to April 3, 1970, from April 9, 1970, to April 10, 1970, from May 22, 1973, to May 24, 1973, from January 17, 1974, to January 19, 1974, from March 30, 1974, to April 1, 1974, and from July 12, 1974, to July 15, 1974, by Mr. Frank DeMarco, Jr.;

(c) From April 6, 1969, to April 11, 1969, from June 19, 1969, to June 22, 1969, on July 7, 1969, and on July 8, 1969, from November 3, 1969, to November 4, 1969, from November 15, 1969, to November 22, 1969, from December 8, 1969, to December 14, 1969, from January 23, 1970, to January 27, 1970, from February 22, 1970, to February 28, 1970, from May 3, 1970, to May 4, 1970, from July 19, 1970, to July 22, 1970, from August 1, 1973, to August 4, 1973, and from January 16, 1974, to January 18, 1974, by Mr. Ralph G. Newman;



(d) On May 6, 1969, on September 3, 1969, on September 25, 1969, on September 26, 1969, from January 1, 1970, to January 10, 1970, from April 1, 1970, to April 4, 1970, and from April 9, 1970, to April 12, 1970, by Mr. Herbert W. Kalmbach; and

(e) On July 16, 1969, July 17, 1969, and July 29, 1969, from August 10 to August 15, 1969, on September 25, 1969, on September 26, 1969, from October 5, 1969, to October 8, 1969, on October 27, 1969, on October 28, 1969, on November 7, 1969, from November 10, 1969, to November 12, 1969, from December 3, 1969, to December 5, 1969, from April 1, 1970, to April 15, 1970, and from May 15, 1973, to June 2, 1973, by Roger V. Barth.

Those records are required for grand jury investigations within the jurisdiction of this Office.

Sincerely,



HENRY S. RUTH, JR.
Special Prosecutor



THE WHITE HOUSE

WASHINGTON

December 30, 1974

Dear Mr. Horowitz:

This is in response to a telephone request by Mr. Hecht of your office to Mr. Roth of my office on December 12, 1974, for any records of telephone calls in the possession of the White House Communications Agency (WHCA) made by Messrs. Ehrlichman, Morgan, or Kalmbach for the period of September 1, 1969, to June 1, 1970. Enclosed are the telephone billing records for Mr. Ehrlichman and Mr. Morgan for the subject period.

The White House Telephone Directory for subject period lists 456-2331 for Mr. Ehrlichman and 456-2237 for Mr. Morgan. WHCA advises that there is a possibility that additional long distance calls would have been placed by these persons over their Signal or Admin (WH) manual stations. There would be no record of calls placed in this manner as they are charged to respective switchboard numbers (Signal 395-2000; Admin 456-1414).

Mr. Kalmbach had no listed White House telephone service for the subject period. However, WHCA advises that he may have had a Signal line in his Los Angeles and/or Newport Beach offices. This is still being checked by WHCA and we will advise you accordingly.

Mr. Ehrlichman had Bell System Credit Card #150-9878-032; however, no calls were placed with this card during subject period. Mr. Morgan and Mr. Kalmbach were not issued Bell System Credit Cards.



Please let me know if you require any additional information.

Sincerely,



William E. Casselman II
Counsel to the President

The Honorable Jay Horowitz
Assistant Special Prosecutor
Watergate Special Prosecution Force
Department of Justice
1425 K Street, Northwest
Washington, D.C. 20005

