

**The original documents are located in Box 7, folder “Concorde” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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12/10/75

PWB:

(1) Dave Elliott (NSC) has advised that the British (and French) require advance notice if we intend to release Nixon's letter.

(2) Tonight's Star quotes EPA sources as saying our summary of the letter is not representative of its contents.

Summary was prepared by NSC and we were advised it could not be changed if we were to release. However, I have compared it with the text of the letter and feel that it is representative of Nixon's letter.

Bury



THE WHITE HOUSE

WASHINGTON

December 9, 1975

MEMORANDUM FOR: JACK MARSH  
BRENT SCOWCROFT

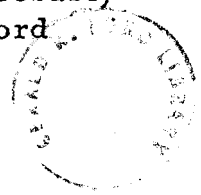
FROM: PHIL BUCHEN *P.*

SUBJECT: 1973 Presidential Correspondence  
Regarding Concorde

Russell Train testified this morning before the Subcommittee on Government Activities and Transportation of the House Government Operations Committee regarding Congressional concerns that there had been undue pressure from the White House to allow the Concorde to land in the United States. Train testified that the only action taken by EPA in that regard was to delay the release of noise regulations for several months during the previous Administration, in order to prevent the British and French from cancelling the program and blaming the U.S. for the cancellation.

The Subcommittee did request that Train provide them with President Nixon's letter to then Prime Minister Heath on the Concorde, and questioned his failure to bring it although he knew the Committee would have wanted to review it as a matter within the scope of its inquiry. Train responded that the matter of providing the letter to the Committee was being studied by the White House and that Secretary Coleman would have an answer on December 12. Train responded in favor of release when asked for his opinion. He also misspoke (and contradicted his prior testimony) by saying he understood that Secretary Coleman would provide the letter to the Committee.

Chairman Rundle indicated that he will go to the full committee and subpoena this letter if it is not otherwise provided. Jack Brooks is Chairman of the full committee and would probably support such an effort. Bella Abzug read into the record



portions of my letter of August 23 (attached) which she described as a summary of the Nixon letter. Although that is correct, we have never advised her of that fact.

Attachment







DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

0

2

3

CSA 055

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DOT479

PAGE 01 STATE 013369

72  
ORIGIN EB-11

INFO OCT-01 EUR-20 ADP-00 SS-14 NSC-10 L-03 H-02 CIAE-00

DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00 CAB-09 COME-00

INR-09 RSC-01 FAA-00 P-03 PRS-01 INRE-00 /084 R

DRAFTED BY EB/OA/AVP:CHUDLEY:DW

1/23/73 EXT. 29462

APPROVED BY S/S - MR. BARNES

EB/OA/AVP:MR. SILBERSTEIN

EB/TT - MR. MEADOWS

EUR/NE - MR. BECELIA (SUB)

DESIRED DISTRIBUTION

S,D,P,EB,EUR,S/S,S/S-S,WH

DECLASSIFIED

E.O. 12958, Sec. 3.5

State Dept. Guidelines

By 1/23/73, NARA, Date 6/29/09

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FM SECSTATE WASHDC  
TO AMEMBASSY LONDON IMMEDIATE  
INFO AMEMBASSY PARIS

LIMITED OFFICIAL USE STATE 013369

SUBJ: CIVAIR - CONCORDE: PRESIDENTS REPLY TO HEATH LETTER

1. FOR EMBASSY'S INFORMATION, FOLLOWING IS TEXT, AS  
RECEIVED FROM WHITE HOUSE, OF PRESIDENT NIXON'S REPLY OF  
JAN. 19, 1973 TO PRIME MINISTER HEATH'S LETTER OF DEC. 11,  
1972 CONCERNING THE CONCORDE:

"DEAR MR. PRIME MINISTER:

I WELCOME YOUR RECENT LETTER CONCERNING THE PROBLEMS  
WHICH THE CONCORDE MAY FACE IN CONFORMING TO PROPOSED  
FEDERAL REGULATIONS ON EXCESSIVE AIRCRAFT NOISE. THIS  
IS, AS WE BOTH RECOGNIZE, AN ISSUE OF MAJOR IMPORTANCE  
WITH BOTH DOMESTIC AND INTERNATIONAL IMPLICATIONS.

I CAN ASSURE YOU THAT MY ADMINISTRATION WILL MAKE EVERY

HDQS  
INFO.  
COPY

IA-1

N

IA-100

IA-130

GC-10

SE-1

IA-200

IA-4

FS-1

PA-1

GC-30

FS-50

AT-430

REGIO  
INFO.  
COPY

EU-1

IFO-NY

PC-1F

SO-1F

SW-1

WE-1F

175T-1

AMS-10

NPL-1

IA Form  
1770-1  
(4-72)



DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

0 1 2 3

HDQS.  
INFO.  
COPY

- IA-1
- IA-100
- IA-130
- GC-10
- SE-1
- IA-200
- IA-4
- PA-1
- GC-30
- FS-50
- AT-430

LIMITED OFFICIAL USE

PAGE 02 STATE 013369

EFFORT TO SEE THAT THE CONCORDE IS TREATED FAIRLY IN ALL ASPECTS OF UNITED STATES GOVERNMENTAL REGULATION, SO THAT IT CAN COMPETE FOR SALES IN THIS COUNTRY ON ITS MERITS. AS A CONSEQUENCE OF THIS POLICY, THE FEDERAL AVIATION ADMINISTRATION WILL ISSUE ITS PROPOSED FLEET NOISE RULE IN A FORM WHICH WILL MAKE IT INAPPLICABLE TO THE CONCORDE.

*inaccessible on to interest in*

I HAVE ALSO DIRECTED OFFICIALS OF MY ADMINISTRATION TO CONTINUE TO WORK WITH REPRESENTATIVES OF THE BRITISH AND FRENCH GOVERNMENTS IN ORDER TO DETERMINE WHETHER A UNITED STATES SUPERSONIC AIRCRAFT NOISE STANDARD CAN BE DEVELOPED THAT WILL MEET OUR DOMESTIC REQUIREMENTS WITHOUT DAMAGING THE PROSPECTS OF THE CONCORDE.

YOU HAVE NOTED, MR. PRIME MINISTER, THAT MANY ASPECTS OF THE REGULATION OF CIVIL AVIATION ARE IN THIS COUNTRY OUTSIDE THE JURISDICTION OF THE EXECUTIVE BRANCH OF OUR FEDERAL GOVERNMENT. YOU MUST ALSO KNOW THAT THE FEDERAL GOVERNMENT'S POWER TO INFLUENCE THESE ASPECTS, PARTICULARLY WITH REGARD TO STATE AND LOCAL JURISDICTIONS, IS LIMITED. ON THE OTHER HAND, MY ADMINISTRATION IS COMMITTED TO PRINCIPLES OF NON-INTERFERENCE WITH FREE AND PRIVATE COMMERCE AND NON-DISCRIMINATORY FORMULATION AND APPLICATION OF FEDERAL REGULATIONS. WE WILL ACT IN KEEPING WITH THESE PRINCIPLES TO ASSURE EQUITABLE TREATMENT FOR THE CONCORDE, BEARING IN MIND THAT IT, LIKE ALL SUPERSONIC AIRCRAFT, RAISES UNPRECEDENTED PROBLEMS OF ENVIRONMENTAL AND SOCIAL COSTS.

WITH WARM PERSONAL REGARDS, "

2. REPLY DELIVERED UK EMBASSY WASHINGTON JAN. 22. COPIES BOTH LETTERS AIRPOUCHED EMBASSY.

EXEMPT ROGERS



REGION  
INFO.  
COPY

- EU-1
- IFO-NY-
- PC-1F
- SO-1F
- SW-1
- WE-1F

IA Form  
1770-1  
(4-72)

THE WHITE HOUSE  
WASHINGTON

*Coleman*

December 11, 1975

MEMORANDUM FOR

THE HONORABLE JOHN ELY  
GENERAL COUNSEL  
DEPARTMENT OF TRANSPORTATION

Attached is a proposed statement for Secretary Coleman to use before the Committee on Government Operations when he submits the Federal Aviation Administration's copy of the State Department telegram of January 23, 1973.

Please call me after you have reviewed it.

*Phil*

Philip W. Buchen  
Counsel to the President

Attachment

THE WHITE HOUSE  
WASHINGTON

December 10, 1975

MEMORANDUM FOR: BRENT SCOWCROFT

FROM: PHIL BUCHEN *P.*

SUBJECT: Attached Statement by  
Secretary Coleman upon  
Submission of Concorde  
Document

Attached is a suggested draft of the statement  
to be used by Secretary Coleman. Please let  
me have your comments as quickly as possible.

Attachment



DRAFT STATEMENT  
FOR  
THE HONORABLE WILLIAM COLEMAN  
SECRETARY OF TRANSPORTATION

BEFORE THE COMMITTEE ON GOVERNMENT  
OPERATIONS - SUBCOMMITTEE ON GOVERNMENT  
ACTIVITIES AND TRANSPORTATION --

(At the time he presents an information  
copy of the State Department's Cable  
of June 23, 1973, to its Embassies  
on the Subject: CIVAR-CONCORDE;  
President's Reply to Heath Letter.)

At the request of this Committee, I am submitting  
a document which contains a text of former President  
Nixon's letter of June 19, 1973, to Prime Minister  
Heath of the United Kingdom. The text is given as part  
of a telegram of January 23, 1973, sent from the State  
Department to the American Embassies in London and  
Paris, with information copies to various agencies of  
the Government including the Federal Aviation Administra-  
tion. The copy you are receiving is a duplicate of the  
document in the possession of the Federal Aviation  
Administration.

Earlier requests for a copy of former President  
Nixon's letter made to the President raised the problem  
that the former President's copies of the correspondence  
are subject to the Order of the United States District  
Court for the District of Columbia, entered October 21,  
1974, as amended in Nixon v. Sampson et al., Civil



Action No. 74-1518 which enjoined the disclosure of Nixon papers without consent of counsel for the former President. It was not until later that the Federal Aviation Administration advised the Counsel to the President that the document now being submitted was in its possession. Even then, the Administration was and remains concerned about protecting the confidentiality of exchanges between Heads of State. However, in view of the wide distribution given within the Federal Government of the State Department's telegram containing the text, I have been authorized by Counsel to the President to make available to you at this time the Federal Aviation Administration's copy.



THE WHITE HOUSE  
WASHINGTON

December 9, 1975

MEMORANDUM FOR: JACK HUSHEN

FROM: PHIL BUCHEN *P-*

Attached is a series of letters involving correspondence from Congresswoman Abzug to the President and my replies. Insofar as I know, none of this correspondence has been made public and certainly not by us. However, you indicate a wire story on the subject of the Concorde ~~which~~ appears to reflect part of the contents of my letter of August 23, 1975, which is among the letters attached.

These are being furnished to you for your guidance in answering the press inquiries.

Attachments





THE WHITE HOUSE  
WASHINGTON

John Ely on  
Concord letters

House Gov't Operations Com.  
Subcommittee on  
Gov't Activities &  
Transportation  
(Randall)





THE WHITE HOUSE

WASHINGTON

December 4, 1975

MEMORANDUM FOR

THE HONORABLE EDWARD H. LEVI  
ATTORNEY GENERAL

SUBJECT: 1973 Correspondence Regarding the Concorde

The Subcommittee on Aviation of the House Committee on Public Works and Transportation has verbally requested at a recent hearing that it be provided a copy of the letters sent by former President Nixon to former Prime Minister Heath and former President Pompidou in January 1973 concerning the Concorde supersonic transport. We have denied on several occasions requests from Congresswoman Bella Abzug for this same correspondence (copies attached at Tab A). Although not a member of the Subcommittee, Ms. Abzug is a member of the full Committee.

We initially denied these requests on the belief that all copies were at the White House and were subject to the Court Orders limiting access to the Nixon papers. Jack Miller then refused permission for access to the Nixon papers for this purpose. However, we then learned that the text of the Nixon letter to Heath had been provided to the FAA in 1973. Our office advised that the document containing the text should remain at DOT, but we have since discovered that it was sent to Dave Elliott of the NSC. More recently, DOT turned up another copy in its files (Tab B).

Secretary Coleman is scheduled to testify before the House Committee on Public Works and Transportation on December 12 and would like to be able



to submit a copy of the document at Tab B. However, Brent Scowcroft and Jack Marsh are opposed to providing Secretary Coleman such a document and the question will probably have to go to the President as soon as he returns on December 9.

I would like your views on whether a continued refusal to supply the document at Tab B is legally defensible.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

Attachments



THE WHITE HOUSE  
WASHINGTON

September 25, 1975

*Abzug  
Bella  
(cong.)*

Dear Ms. Abzug:

In behalf of the President, this is in further response to your letter of August 29 requesting copies of correspondence exchanged between former President Nixon, former Prime Minister Heath and former President Pompidou concerning the Concorde supersonic air transport.

For the reasons discussed in my letter to you of August 23, I regret that we are unable to provide you with the materials you seek. Inasmuch as the expectation of representatives from other countries for confidentiality of diplomatic exchanges must be respected and can be ignored only at the risk of impairing good foreign relations, the President's constitutional responsibilities for the conduct of foreign relations are involved.

In that letter, I provided you with the position that was taken in 1973 by officials of the United States in discussions with British and French officials on regulation of the Concorde. Thus, the information material to the concerns reiterated in your letter has already been provided.

Should you have any further questions with respect to that position, I would be pleased to request officials familiar with this subject talk to you about it.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

The Honorable Bella Abzug  
House of Representatives  
Washington, D. C. 20515



Congress of the United States  
House of Representatives  
Washington, D.C. 20515

DISTRICT OFFICES:  
252-7TH AVENUE  
NEW YORK, N.Y. 10001  
725 WEST 181ST STREET  
NEW YORK, N.Y. 10033  
720 COLUMBUS AVENUE  
NEW YORK, N.Y. 10023

August 29, 1975

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D. C.

Dear Mr. President:

Mr. I have received the response of your counsel, Mr. Philip Buchen, to my letter of August 20 requesting a copy of the letters between former President Nixon and former Prime Minister Heath, and former Premier Pompadou. Mr. Buchen's letter states that the copy of that correspondence provided to the Federal Aviation Agency is not subject to the order of the United States District Court in Nixon v. Sampson, et al. In his correspondence to me dated June 9, Mr. Buchen had stated that the letters were part of the material covered by that order, and therefore could not be released.

However, Mr. Buchen stated in his August 23 letter that The White House is still unable to respond affirmatively to my request since "the confidentiality of exchanges between heads of state" is a "cardinal principle of diplomatic intercourse."

I would submit that no such principle is embodied in our law, and that it should not be used as a method for keeping material from Congress which is necessary if we are to carry out our duties effectively. The recent release of previously confidential minutes of an inter-departmental meeting regarding the Concorde to the Environment Defense Fund, which contain evidence that executive departments have been considering waiving both environmental and mechanical requirements for the Concorde, makes it imperative that any information relating to agreements regarding the SST be made public.

I therefore ask that you comply with this request.

Sincerely,

*Bella S. Abzug*  
BELLA S. ABZUG  
Member of Congress

BSA:rm



THE WHITE HOUSE

WASHINGTON

August 23, 1975

Dear Mrs. Abzug:

This is in response to your letter of August 20, 1975, in which you requested copies of letters you understood former President Nixon wrote to then-Prime Minister Heath and then-President Pompidou in January 1973 concerning Administration support for the Concorde supersonic transport. I regret the delay in responding to you on this matter.

Mr. Herbert J. Miller, Jr., counsel for Mr. Nixon, has notified this office, in accordance with the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., C.A. No. 74-1518, that he refuses to consent to your request.

At the time of my June 9 letter to you, it was our understanding that all copies of the letters in question were subject to the above-referenced Order. However, we have since been advised by the Federal Aviation Administration that a copy of this correspondence was provided to them. Although that copy of this correspondence is not within the scope of the Order, we are unable to respond affirmatively to your request for its production.

A cardinal principle of diplomatic intercourse is the confidentiality of exchanges between heads of state. The President believes that the effectiveness of American diplomacy depends in many ways on our reliability in preserving this essential principle for all such diplomatic communications with other countries.

However, we have sought information concerning the government's position in 1973 on the Concorde. I have been advised that the following points were made at that time by officials of the United States during consultations with the British and French regarding the regulation of the Concorde:



1. Regulation of the Concorde is an important issue, both from a domestic and international viewpoint.

2. Concorde would be treated fairly and judged on its merits.

3. A draft fleet noise rule [then being considered but never promulgated] would not apply to Concorde.

4. The U.S. would work with the British and French to ascertain whether an SST noise standard could be developed that would meet our domestic requirements without undercutting Concorde.

5. Many aspects of aircraft regulation are outside the jurisdiction of the Executive Branch, and even the extent of Federal authority in this area is limited.

6. The Administration is committed to free commerce and non-discriminatory regulations.

7. The Concorde would be treated equitably, but it does raise new environmental and societal questions.

I have again requested that the appropriate officials contact you with respect to the present views of the Administration on the treatment of the Concorde.

Your inquiry is appreciated.

Sincerely,

*Philip W. Buchen*  
Philip W. Buchen  
Counsel to the President

The Honorable Bella S. Abzug  
House of Representatives  
Washington, D.C. 20515



August 20, 1975

DISTRICT OFFICE  
252-7TH AVENUE  
NEW YORK, N.Y. 10021  
725 WEST 161ST STREET  
NEW YORK, N.Y. 10033  
720 COLUMBUS AVENUE  
NEW YORK, N.Y. 10023

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D.C.

Dear Mr. President:

I am writing in reference to the letter sent to me by Mr. Phillip Buchen on June 9, 1975. In the letter, Mr. Buchen responded to my request of May 15, 1975 for copies of letters I understand President Nixon wrote to the British and French Prime Ministers, indicating Administration support for permitting the Concorde SST to operate into the United States.

Mr. Buchen stated in his letter that he would refer the matter to Mr. Herbert J. Miller, Counsel to Mr. Nixon, since he or Mr. Nixon would have to consent to any production or use of this material, as it is subject to the Order of the United States District Court for the District of Columbia, in Nixon v. Sampson, et al. In addition, Mr. Buchen assured me he would advise me of Mr. Miller's position and request that the appropriate administration official contact me directly concerning the present views of the Administration on the treatment of the Concorde.

I have not received any further correspondence on this matter either from the White House or from any other Administration officials. It is particularly important that this information be submitted to me at this time, since the Government Activities and Transportation Subcommittee of which I am the only New York City member, has initiated oversight hearings on the FAA certification of the Concorde SST for operation at JFK Airport in New York City and Dulles Airport near Washington, D.C. These hearings will be continued in September.

I therefore now restate my earlier request, and ask that you submit copies of Mr. Nixon's letters to me by August 31, 1975, to allow time to review them in preparation for the continuing Subcommittee hearings. I also request that you carry out your agreement to advise me of Mr. Miller's position and to have the appropriate officials inform me of the present views of the Administration on the Concorde.

Sincerely,

*Bella S. Aronson*  
BELLA S. ARONSON  
Member of Congress



LE8  
June 9, 1975

Dear Mrs. Abzug:

On behalf of the President, this is in response to your letter of May 15, 1975, in which you request copies of letters you believe were written by former President Nixon on January 19, 1973, to then-Prime Minister Heath and then-President Pompidou. You indicate that these letters deal with White House support for the Anglo-French Concorde supersonic transport.

The President has not addressed the question of the status to be given such correspondence insofar as his Administration is concerned. However, these letters, if they do exist, are part of the "Presidential materials of the Nixon Administration," presently in the custody of either the White House or the General Services Administration. These materials are subject to the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518. This Order enjoins the disclosure, transfer, or disposal of these materials, and effectively requires that President Nixon or his agent consent to any production or use of such materials for the limited purposes specified in the Order. Accordingly, we have referred your request to Mr. Herbert J. Miller, Jr., Counsel to Mr. Nixon, for his consideration.

We will advise you of the position taken by Mr. Miller. In addition, I have requested that the appropriate officials contact you directly concerning the present views of the Administration on the treatment of the Concorde.

Sincerely,

Philip W. Buchen  
Counsel to the President

The Honorable Bella S. Abzug  
House of Representatives  
Washington, D.C. 20515

bcc: Vern Loen  
General Scowcroft  
Mike Duval  
Herbert J. Miller, Jr.

PWB:BNR:st





# Congress of the United States

House of Representatives

Washington, D.C. 20515

May 15, 1975

1505 LONGWORTH OFFICE BUILDING  
WASHINGTON, D.C. 20515

DISTRICT OFFICES:  
252-7TH AVENUE  
NEW YORK, N.Y. 10001  
725 WEST 181ST STREET  
NEW YORK, N.Y. 10033  
720 COLUMBUS AVENUE  
NEW YORK, N.Y. 10025

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D. C.

Dear Mr. President:

As a member of the House Public Works and Transportation Subcommittee, and a Representative from New York City, I have a vital interest in the decision regarding the introduction of the supersonic transport into regular service. I am opposed to permitting these aircraft into regular service, and hope that the decision by the FAA is based upon unbiased considerations.

It is my understanding, however, that on January 19, 1973, former President Nixon wrote to the British and French Prime Ministers indicating that he would do all he could to insure that the Anglo-French Concorde supersonic transport be treated "equitably in the United States." I am concerned that the Administration has therefore already made its decision on the SST, and that the results of the formal proceedings and tests which have been undertaken as part of the decision-making process will not be the determining factor in deciding the issue.

I therefore request that your office make available to me a copy of this letter. I also wish to know whether the position stated in the letter regarding the treatment of the Concorde continues to be that of the Administration.

Sincerely,

BELLA S. ABZUG  
Member of Congress

BSA:csc



THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

THE WHITE HOUSE

WASHINGTON

December 5, 1975

MEMORANDUM FOR: JACK MARSH  
BRENT SCOWCROFT

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

SUBJECT: 1973 Concorde Correspondence

Russell Train, Administrator of EPA, is scheduled to appear before the Subcommittee on Government Activities and Transportation of the House Government Operations Committee on Tuesday, December 9, at 9:30 a.m. to testify on the Concorde and "improper efforts to influence landing rights." Bella Abzug is a member of the Subcommittee.

Although EPA has not been requested to bring with them a copy of the letter from former President Nixon to then Prime Minister Heath, EPA has in its files the same Department of State telegram containing the text of Mr. Nixon's reply which I brought to your attention last week. While Train will not take the letter with him to the hearing, unless Executive privilege is invoked it is his belief that he is required to respond to any questions concerning the contents of the letters.

Accordingly, a decision on how this matter is to be handled is required prior to his testimony.



THE WHITE HOUSE

WASHINGTON

December 4, 1975

MEMORANDUM FOR

THE HONORABLE EDWARD H. LEVI  
ATTORNEY GENERAL

SUBJECT: 1973 Correspondence Regarding the Concorde

The Subcommittee on Aviation of the House Committee on Public Works and Transportation has verbally requested at a recent hearing that it be provided a copy of the letters sent by former President Nixon to former Prime Minister Heath and former President Pompidou in January 1973 concerning the Concorde supersonic transport. We have denied on several occasions requests from Congresswoman Bella Abzug for this same correspondence (copies attached at Tab A). Although not a member of the Subcommittee, Ms. Abzug is a member of the full Committee.

We initially denied these requests on the belief that all copies were at the White House and were subject to the Court Orders limiting access to the Nixon papers. Jack Miller then refused permission for access to the Nixon papers for this purpose. However, we then learned that the text of the Nixon letter to Heath had been provided to the FAA in 1973. Our office advised that the document containing the text should remain at DOT, but we have since discovered that it was sent to Dave Elliott of the NSC. More recently, DOT turned up another copy in its files (Tab B).

Secretary Coleman is scheduled to testify before the House Committee on Public Works and Transportation on December 12 and would like to be able



to submit a copy of the document at Tab B. However, Brent Scowcroft and Jack Marsh are opposed to providing Secretary Coleman such a document and the question will probably have to go to the President as soon as he returns on December 9.

I would like your views on whether a continued refusal to supply the document at Tab B is legally defensible.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

Attachments



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I would like your views on whether a continued refusal to supply the document at Tab B is legally defensible.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

Attachments



Monday 12/1/75

7:15 Barry asked if your conversation with Bill Hyland earlier today resolve the DOT testimony or is there something you want Barry to undertake?



THE WHITE HOUSE  
WASHINGTON

Holding for  
views by

Monday  
afternoon —

12/1





THE WHITE HOUSE

WASHINGTON

November 29, 1975

MEMORANDUM FOR:

JACK MARSH  
BRENT SCOWCROFT

FROM:

PHIL BUCHEN *P.W.B.*

SUBJECT:

1973 Correspondence Regarding  
the Concorde

The Subcommittee on Aviation of the House Committee on Public Works and Transportation has verbally requested at a recent hearing that ~~they~~<sup>it</sup> be provided a copy of the letters sent by former President Nixon to former Prime Minister Heath and former President Pompidou in January 1973 concerning the Concorde supersonic transport. ~~As you will recall,~~ We have denied on several occasions requests from Congresswoman Bella Abzug for this same correspondence (copies attached at Tab A). Although not a member of the Subcommittee, Ms. Abzug is a member of the full Committee.

~~In brief recapitulation,~~ We initially denied these requests on the belief that all copies were at the White House and were subject to the Court Orders limiting access to the Nixon papers. Jack Miller then refused permission for access to the Nixon papers for this purpose. However, we then learned that the text of the Nixon letter to Heath had been provided to the FAA in 1973. Our office advised that the document containing the text should remain at DOT, but we have since discovered that it was sent to Dave Elliott of the NSC. More recently, DOT turned up another copy in its files (Tab B).

John Barnum is scheduled to testify before the Subcommittee on Tuesday, and DOT has requested that we reconsider our position by Monday.





This matter has not been submitted to the President and Executive Privilege has not formally been claimed. Subject to your thoughts on this matter, I would favor having John Barnum provide to the Subcommittee the DOT copy of the document at Tab B. I believe we can distinguish this situation from one in which head-of-state correspondence has not been provided to an operating agency. Additionally, the document is not classified and the positions contained in former President Nixon's letter have been provided to Ms. Abzug, although without reference to their source.

For your information, Senator Humphrey and Congressman Wolff have previously requested that we disclose this correspondence.

I would appreciate having your views on this matter by Monday afternoon, December 1, 1975.

Attachments



THE WHITE HOUSE  
WASHINGTON

September 25, 1975

*Abzug,  
Bella  
(cong.)*

Dear Ms. Abzug:

In behalf of the President, this is in further response to your letter of August 29 requesting copies of correspondence exchanged between former President Nixon, former Prime Minister Heath and former President Pompidou concerning the Concorde supersonic air transport.

For the reasons discussed in my letter to you of August 23, I regret that we are unable to provide you with the materials you seek. Inasmuch as the expectation of representatives from other countries for confidentiality of diplomatic exchanges must be respected and can be ignored only at the risk of impairing good foreign relations, the President's constitutional responsibilities for the conduct of foreign relations are involved.

In that letter, I provided you with the position that was taken in 1973 by officials of the United States in discussions with British and French officials on regulation of the Concorde. Thus, the information material to the concerns reiterated in your letter has already been provided.

Should you have any further questions with respect to that position, I would be pleased to request officials familiar with this subject talk to you about it.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

The Honorable Bella Abzug  
House of Representatives  
Washington, D. C. 20515



Congress of the United States  
House of Representatives  
Washington, D.C. 20515

1505 LONGWORTH OFFICE BUILDING  
WASHINGTON, D.C. 20515

DISTRICT OFFICES:  
252-7TH AVENUE  
NEW YORK, N.Y. 10001  
725 WEST 181ST STREET  
NEW YORK, N.Y. 10033  
720 COLUMBUS AVENUE  
NEW YORK, N.Y. 10025

August 29, 1975

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D. C.

Dear Mr. President:

MP  
I have received the response of your counsel, Mr. Philip Buchen, to my letter of August 20 requesting a copy of the letters between former President Nixon and former Prime Minister Heath, and former Premier Pompadou. Mr. Buchen's letter states that the copy of that correspondence provided to the Federal Aviation Agency is not subject to the order of the United States District Court in Nixon v. Sampson, et al. In his correspondence to me dated June 9, Mr. Buchen had stated that the letters were part of the material covered by that order, and therefore could not be released.

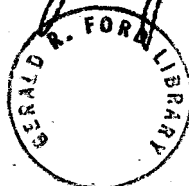
However, Mr. Buchen stated in his August 23 letter that The White House is still unable to respond affirmatively to my request since "the confidentiality of exchanges between heads of state" is a "cardinal principle of diplomatic intercourse."

I would submit that no such principle is embodied in our law, and that it should not be used as a method for keeping material from Congress which is necessary if we are to carry out our duties effectively. The recent release of previously confidential minutes of an inter-departmental meeting regarding the Concorde to the Environment Defense Fund, which contain evidence that executive departments have been considering waiving both environmental and mechanical requirements for the Concorde, makes it imperative that any information relating to agreements regarding the SST be made public.

I therefore ask that you comply with this request.

Sincerely,

*Bella S. Abzug*  
BELLA S. ABZUG  
Member of Congress



BSA:rm

THE WHITE HOUSE

WASHINGTON

August 23, 1975

Dear Mrs. Abzug:

This is in response to your letter of August 20, 1975, in which you requested copies of letters you understood former President Nixon wrote to then-Prime Minister Heath and then-President Pompidou in January 1973 concerning Administration support for the Concorde supersonic transport. I regret the delay in responding to you on this matter.

Mr. Herbert J. Miller, Jr., counsel for Mr. Nixon, has notified this office, in accordance with the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., C.A. No. 74-1518, that he refuses to consent to your request.

At the time of my June 9 letter to you, it was our understanding that all copies of the letters in question were subject to the above-referenced Order. However, we have since been advised by the Federal Aviation Administration that a copy of this correspondence was provided to them. Although that copy of this correspondence is not within the scope of the Order, we are unable to respond affirmatively to your request for its production.

A cardinal principle of diplomatic intercourse is the confidentiality of exchanges between heads of state. The President believes that the effectiveness of American diplomacy depends in many ways on our reliability in preserving this essential principle for all such diplomatic communications with other countries.

However, we have sought information concerning the government's position in 1973 on the Concorde. I have been advised that the following points were made at that time by officials of the United States during consultations with the British and French regarding the regulation of the Concorde:

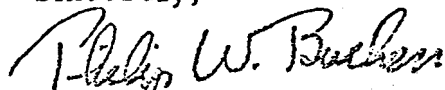


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2. Concorde would be treated fairly and judged on its merits.
3. A draft fleet noise rule [then being considered but never promulgated] would not apply to Concorde.
4. The U.S. would work with the British and French to ascertain whether an SST noise standard could be developed that would meet our domestic requirements without undercutting Concorde.
5. Many aspects of aircraft regulation are outside the jurisdiction of the Executive Branch, and even the extent of Federal authority in this area is limited.
6. The Administration is committed to free commerce and non-discriminatory regulations.
7. The Concorde would be treated equitably, but it does raise new environmental and societal questions.

I have again requested that the appropriate officials contact you with respect to the present views of the Administration on the treatment of the Concorde.

Your inquiry is appreciated.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable Bella S. Abzug  
House of Representatives  
Washington, D.C. 20515



August 20, 1975

DISTRICT OFFICE  
252-7TH AVENUE  
NEW YORK, N.Y. 10021  
725 WEST 101ST STREET  
NEW YORK, N.Y. 10033  
720 COLUMBUS AVENUE  
NEW YORK, N.Y. 10023

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D.C.

Dear Mr. President:

I am writing in reference to the letter sent to me by Mr. Phillip Buchen on June 9, 1975. In the letter, Mr. Buchen responded to my request of May 15, 1975 for copies of letters I understand President Nixon wrote to the British and French Prime Ministers, indicating Administration support for permitting the Concorde SST to operate into the United States.

Mr. Buchen stated in his letter that he would refer the matter to Mr. Herbert J. Miller, Counsel to Mr. Nixon, since he or Mr. Nixon would have to consent to any production or use of this material, as it is subject to the Order of the United States District Court for the District of Columbia, in Nixon v. Sampson, et al. In addition, Mr. Buchen assured me he would advise me of Mr. Miller's position and request that the appropriate administration official contact me directly concerning the present views of the Administration on the treatment of the Concorde.

I have not received any further correspondence on this matter either from the White House or from any other Administration officials. It is particularly important that this information be submitted to me at this time, since the Government Activities and Transportation Subcommittee of which I am the only New York City member, has initiated oversight hearings on the FAA certification of the Concorde SST for operation at JFK Airport in New York City and Dulles Airport near Washington, D.C. These hearings will be continued in September.

I therefore now restate my earlier request, and ask that you submit copies of Mr. Nixon's letters to me by August 31, 1975, to allow time to review them in preparation for the continuing Subcommittee hearings. I also request that you carry out your agreement to advise me of Mr. Miller's position and to have the appropriate officials inform me of the present views of the Administration on the Concorde.

Sincerely,

*Bella S. Abzug*  
BELLA S. ABZUG  
Member of Congress

THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBER



LE8  
June 9, 1975

Dear Mrs. Abzug:

On behalf of the President, this is in response to your letter of May 15, 1975, in which you request copies of letters you believe were written by former President Nixon on January 19, 1973, to then-Prime Minister Heath and then-President Pompidou. You indicate that these letters deal with White House support for the Anglo-French Concorde supersonic transport.

The President has not addressed the question of the status to be given such correspondence insofar as his Administration is concerned. However, these letters, if they do exist, are part of the "Presidential materials of the Nixon Administration," presently in the custody of either the White House or the General Services Administration. These materials are subject to the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518. This Order enjoins the disclosure, transfer, or disposal of these materials, and effectively requires that President Nixon or his agent consent to any production or use of such materials for the limited purposes specified in the Order. Accordingly, we have referred your request to Mr. Herbert J. Miller, Jr., Counsel to Mr. Nixon, for his consideration.

We will advise you of the position taken by Mr. Miller. In addition, I have requested that the appropriate officials contact you directly concerning the present views of the Administration on the treatment of the Concorde.

Sincerely,

Philip W. Buchen  
Counsel to the President

The Honorable Bella S. Abzug  
House of Representatives  
Washington, D.C. 20515

bcc: Vern Loen  
General Scowcroft  
Mike Duval  
Herbert J. Miller, Jr.

PWB:BNR:st



BELLA S. ABZUG  
20TH DISTRICT, NEW YORK

COMMITTEES:  
GOVERNMENT OPERATIONS  
PUBLIC WORKS

# Congress of the United States

House of Representatives

Washington, D.C. 20515

May 15, 1975

WASHINGTON OFFICE:  
1505 LONGWORTH OFFICE BUILDING  
WASHINGTON, D.C. 20515

DISTRICT OFFICES:  
252-7TH AVENUE  
NEW YORK, N.Y. 10001

725 WEST 181ST STREET  
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The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D. C.

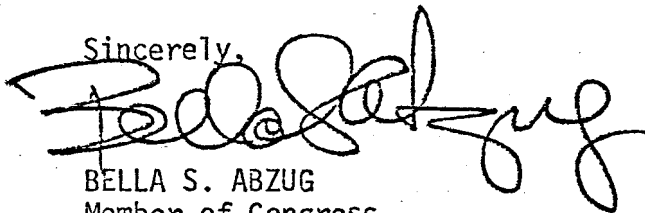
Dear Mr. President:

As a member of the House Public Works and Transportation Subcommittee, and a Representative from New York City, I have a vital interest in the decision regarding the introduction of the supersonic transport into regular service. I am opposed to permitting these aircraft into regular service, and hope that the decision by the FAA is based upon unbiased considerations.

It is my understanding, however, that on January 19, 1973, former President Nixon wrote to the British and French Prime Ministers indicating that he would do all he could to insure that the Anglo-French Concorde supersonic transport be treated "equitably in the United States." I am concerned that the Administration has therefore already made its decision on the SST, and that the results of the formal proceedings and tests which have been undertaken as part of the decision-making process will not be the determining factor in deciding the issue.

I therefore request that your office make available to me a copy of this letter. I also wish to know whether the position stated in the letter regarding the treatment of the Concorde continues to be that of the Administration.

Sincerely,



BELLA S. ABZUG  
Member of Congress

BSA:csc







DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

0

2

3

CSA 055

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DOT479

PAGE 01 STATE 013369

72

ORIGIN EB-11

INFO OCT-01 EUR-20 ADP-00 SS-14 NSC-10 L-03 H-02 CIAE-00

DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00 CAB-09 COME-00

INR-09 RSC-01 FAA-00 P-03 PRS-01 INRE-00 /084 R

DRAFTED BY EB/OA/AVP:CHUDLEY:DW

1/23/73 EXT. 29462

APPROVED BY S/S - MR. BARNES

EB/OA/AVP:MR. SILBERSTEIN

EB/TT - MR. MEADOWS

EUR/NE - MR. BECELIA (SUB)

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DECLASSIFIED  
E.O. 12958, Sec. 3.5  
State Dept. Guidelines  
By 11, NARA, Date 6/24/04

024463

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON IMMEDIATE

INFO AMEMBASSY PARIS

LIMITED OFFICIAL USE STATE 013369

SUBJ: CIVAIR - CONCORDE: PRESIDENTS REPLY TO HEATH LETTER

1. FOR EMBASSY'S INFORMATION, FOLLOWING IS TEXT, AS RECEIVED FROM WHITE HOUSE, OF PRESIDENT NIXON'S REPLY OF JAN. 19, 1973 TO PRIME MINISTER HEATH'S LETTER OF DEC. 11, 1972 CONCERNING THE CONCORDE:

"DEAR MR. PRIME MINISTER:

I WELCOME YOUR RECENT LETTER CONCERNING THE PROBLEMS WHICH THE CONCORDE MAY FACE IN CONFORMING TO PROPOSED FEDERAL REGULATIONS ON EXCESSIVE AIRCRAFT NOISE. THIS IS, AS WE BOTH RECOGNIZE, AN ISSUE OF MAJOR IMPORTANCE WITH BOTH DOMESTIC AND INTERNATIONAL RAMIFICATIONS.

I CAN ASSURE YOU THAT MY ADMINISTRATION WILL MAKE EVERY

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HDQS.  
INFO.  
COPY

IA-1

N

IA-100

IA-130

GC-10

SE-1

IA-200

IA-4

FS-1

PA-1

GC-30

FS-50

AT-430

REGIO  
INFO  
COPY

EU-1

IFO-NY

PC-1F

SO-1F

SW-1

WE-1F

17ST-1

MS-11

APL-1

IA Form  
1770-1  
(4-72)

AEQ-1



DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

0 1 2 3

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PAGE 02 STATE 013369

EFFORT TO SEE THAT THE CONCORDE IS TREATED FAIRLY IN ALL ASPECTS OF UNITED STATES GOVERNMENTAL REGULATION, SO THAT IT CAN COMPETE FOR SALES IN THIS COUNTRY ON ITS MERITS. AS A CONSEQUENCE OF THIS POLICY, THE FEDERAL AVIATION ADMINISTRATION WILL ISSUE ITS PROPOSED FLEET NOISE RULE IN A FORM WHICH WILL MAKE IT INAPPLICABLE TO THE CONCORDE.

I HAVE ALSO DIRECTED OFFICIALS OF MY ADMINISTRATION TO CONTINUE TO WORK WITH REPRESENTATIVES OF THE BRITISH AND FRENCH GOVERNMENTS IN ORDER TO DETERMINE WHETHER A UNITED STATES SUPERSONIC AIRCRAFT NOISE STANDARD CAN BE DEVELOPED THAT WILL MEET OUR DOMESTIC REQUIREMENTS WITHOUT DAMAGING THE PROSPECTS OF THE CONCORDE.

YOU HAVE NOTED, MR. PRIME MINISTER, THAT MANY ASPECTS OF THE REGULATION OF CIVIL AVIATION ARE IN THIS COUNTRY OUTSIDE THE JURISDICTION OF THE EXECUTIVE BRANCH OF OUR FEDERAL GOVERNMENT. YOU MUST ALSO KNOW THAT THE FEDERAL GOVERNMENT'S POWER TO INFLUENCE THESE ASPECTS, PARTICULARLY WITH REGARD TO STATE AND LOCAL JURISDICTIONS, IS LIMITED. ON THE OTHER HAND, MY ADMINISTRATION IS COMMITTED TO PRINCIPLES OF NON-INTERFERENCE WITH FREE AND PRIVATE COMMERCE AND NON-DISCRIMINATORY FORMULATION AND APPLICATION OF FEDERAL REGULATIONS. WE WILL ACT IN KEEPING WITH THESE PRINCIPLES TO ASSURE EQUITABLE TREATMENT FOR THE CONCORDE, BEARING IN MIND THAT IT, LIKE ALL SUPERSONIC AIRCRAFT, RAISES UNPRECEDENTED PROBLEMS OF ENVIRONMENTAL AND SOCIAL COSTS.

WITH WARM PERSONAL REGARDS, "

2. REPLY DELIVERED UK EMBASSY WASHINGTON JAN. 22. COPIES BOTH LETTERS AIRPOUCHED EMBASSY.

EXEMPT ROGERS

HDQS.  
INFO.  
COPY

IA-1

IA-100

IA-130

GC-10

SE-1

IA-200

IA-4

FS-1

PA-1

GC-30

FS-50

AT-430

REGIO  
INFO  
COPY

EU-1

IFO-NY

PC-1F

SO-1F

SW-1

WE-1F

IA Form  
1770-1

THE WHITE HOUSE  
WASHINGTON

December 1, 1975

MEMORANDUM FOR: MIKE DUVAL

FROM: RUSS ROURKE

I am sure JOM will want your views on the attached.

Thanks.

Russ -  
I am against authorizing  
DoT to give Abzug or  
the P.W.C. the text of  
Nixon's letters to Heath or  
Pompidou for the following reasons:  
① this involves head-of-state communications;  
② the former-President has declined  
to make them available; and  
③ we should treat all committee  
& sub-committee the same  
(already denied to Abzug).  
Therefore, provide substance only -  
not text.

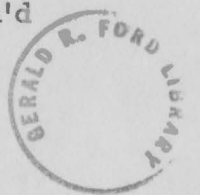
Mike



Tuesday 12/2/75

9:40 Mike Duval brought in Marsh's response to your memo on the Concorde.

Said someone should call Barnum on this -- he'd be glad to do it if you'd like -- but figured you'd want to.





Phil

Jack concurs with this.

I am against authorizing DOT to give Abzug or the PWC the text of Nixon's letters to Heath or Pompidou for the following reasons:

- 1) This involves head-of-state communications
- 2) The former President has declined to make them available, and
- 3) We should treat all Committees and Subcommittees the same (already denied to Abzug).

Therefore, provide substance only -- not text.

Mike



NOV 29 1975

THE WHITE HOUSE

WASHINGTON

November 29, 1975

MEMORANDUM FOR: JACK MARSH✓  
BRENT SCOWCROFT

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

SUBJECT: 1973 Correspondence Regarding  
the Concorde

The Subcommittee on Aviation of the House Committee on Public Works and Transportation has verbally requested at a recent hearing that they be provided a copy of the letters sent by former President Nixon to former Prime Minister Heath and former President Pompidou in January 1973 concerning the Concorde supersonic transport. As you will recall, we have denied on several occasions requests from Congresswoman Bella Abzug for this same correspondence (copies attached at Tab A). Although not a member of the Subcommittee, Ms. Abzug is a member of the full Committee.

In brief recapitulation, we initially denied these requests on the belief that all copies were at the White House and were subject to the Court Orders limiting access to the Nixon papers. Jack Miller then refused permission for access to the Nixon papers for this purpose. However, we then learned that the text of the Nixon letter to Heath had been provided to the FAA in 1973. Our office advised that the document containing the text should remain at DOT, but we have since discovered that it was sent to Dave Elliott of the NSC. More recently, DOT turned up another copy in its files (Tab B).

John Barnum is scheduled to testify before the Subcommittee on Tuesday, and DOT has requested that we reconsider our position by Monday.





This matter has not been submitted to the President and Executive Privilege has not formally been claimed. Subject to your thoughts on this matter, I would favor having John Barnum provide to the Subcommittee the DOT copy of the document at Tab B. I believe we can distinguish this situation from one in which head-of-state correspondence has not been provided to an operating agency. Additionally, the document is not classified and the positions contained in former President Nixon's letter have been provided to Ms. Abzug, although without reference to their source.

For your information, Senator Humphrey and Congressman Wolff have previously requested that we disclose this correspondence.

I would appreciate having your views on this matter by Monday afternoon, December 1, 1975.

Attachments



THE WHITE HOUSE

WASHINGTON

September 25, 1975

*Abzug,  
Bella  
(cong.)*

Dear Ms. Abzug:

In behalf of the President, this is in further response to your letter of August 29 requesting copies of correspondence exchanged between former President Nixon, former Prime Minister Heath and former President Pompidou concerning the Concorde supersonic air transport.

For the reasons discussed in my letter to you of August 23, I regret that we are unable to provide you with the materials you seek. Inasmuch as the expectation of representatives from other countries for confidentiality of diplomatic exchanges must be respected and can be ignored only at the risk of impairing good foreign relations, the President's constitutional responsibilities for the conduct of foreign relations are involved.

In that letter, I provided you with the position that was taken in 1973 by officials of the United States in discussions with British and French officials on regulation of the Concorde. Thus, the information material to the concerns reiterated in your letter has already been provided.

Should you have any further questions with respect to that position, I would be pleased to request officials familiar with this subject talk to you about it.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

The Honorable Bella Abzug  
House of Representatives  
Washington, D. C. 20515



Congress of the United States  
House of Representatives  
Washington, D.C. 20515

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August 29, 1975

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President of the United States  
The White House  
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Dear Mr. President:

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I therefore ask that you comply with this request.

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*Bella S. Abzug*  
Bella S. ABZUG  
Member of Congress

BSA:rm



THE WHITE HOUSE

WASHINGTON

August 23, 1975

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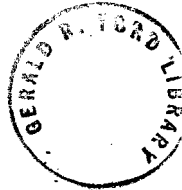
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Your inquiry is appreciated.

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Counsel to the President

The Honorable Bella S. Abzug  
House of Representatives  
Washington, D.C. 20515



Congress of the United States  
House of Representatives  
Washington, D.C. 20515

August 20, 1975

WASHINGTON, D.C. 20515  
DISTRICT OFFICE  
252-7TH AVENUE  
NEW YORK, N.Y. 10001  
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NEW YORK, N.Y. 10025

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The White House  
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Sincerely,

*Bella S. Abzug*  
BELLA S. ABZUG  
Member of Congress

THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS



LE8  
June 9, 1975

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We will advise you of the position taken by Mr. Miller. In addition, I have requested that the appropriate officials contact you directly concerning the present views of the Administration on the treatment of the Concorde.


Sincerely,

Philip W. Buchen  
Counsel to the President

The Honorable Bella S. Abzug  
House of Representatives  
Washington, D.C. 20515

bcc: Vern Loen  
General Scowcroft  
Mike Duval  
Herbert J. Miller, Jr.

PWB:BNR:st





Congress of the United States

House of Representatives

Washington, D.C. 20515

May 15, 1975

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D. C.

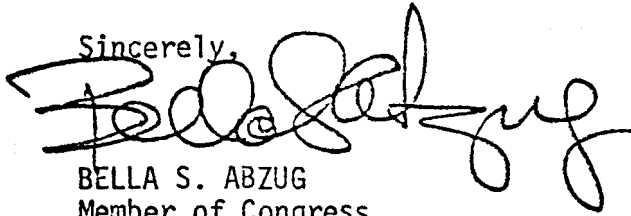
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Sincerely,



BELLA S. ABZUG  
Member of Congress

BSA:csc





DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

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PAGE 01 STATE 013369

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APPROVED BY S/S - MR. BARNES

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EB/TT - MR. MEADOWS

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TO AMEMBASSY LONDON IMMEDIATE

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SUBJ: CIVAIR - CONCORDE: PRESIDENTS REPLY TO HEATH LETTER

1. FOR EMBASSY'S INFORMATION, FOLLOWING IS TEXT, AS RECEIVED FROM WHITE HOUSE, OF PRESIDENT NIXON'S REPLY OF JAN. 19, 1973 TO PRIME MINISTER HEATH'S LETTER OF DEC. 11, 1972 CONCERNING THE CONCORDE:

"DEAR MR. PRIME MINISTER:

I WELCOME YOUR RECENT LETTER CONCERNING THE PROBLEMS WHICH THE CONCORDE MAY FACE IN CONFORMING TO PROPOSED FEDERAL REGULATIONS ON EXCESSIVE AIRCRAFT NOISE. THIS IS, AS WE BOTH RECOGNIZE, AN ISSUE OF MAJOR IMPORTANCE WITH BOTH DOMESTIC AND INTERNATIONAL RAMIFICATIONS.

I CAN ASSURE YOU THAT MY ADMINISTRATION WILL MAKE EVERY



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DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

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PAGE 02 STATE 013369

EFFORT TO SEE THAT THE CONCORDE IS TREATED FAIRLY IN ALL ASPECTS OF UNITED STATES GOVERNMENTAL REGULATION, SO THAT IT CAN COMPETE FOR SALES IN THIS COUNTRY ON ITS MERITS. AS A CONSEQUENCE OF THIS POLICY, THE FEDERAL AVIATION ADMINISTRATION WILL ISSUE ITS PROPOSED FLEET NOISE RULE IN A FORM WHICH WILL MAKE IT INAPPLICABLE TO THE CONCORDE.

I HAVE ALSO DIRECTED OFFICIALS OF MY ADMINISTRATION TO CONTINUE TO WORK WITH REPRESENTATIVES OF THE BRITISH AND FRENCH GOVERNMENTS IN ORDER TO DETERMINE WHETHER A UNITED STATES SUPERSONIC AIRCRAFT NOISE STANDARD CAN BE DEVELOPED THAT WILL MEET OUR DOMESTIC REQUIREMENTS WITHOUT DAMAGING THE PROSPECTS OF THE CONCORDE.

YOU HAVE NOTED, MR. PRIME MINISTER, THAT MANY ASPECTS OF THE REGULATION OF CIVIL AVIATION ARE IN THIS COUNTRY OUTSIDE THE JURISDICTION OF THE EXECUTIVE BRANCH OF OUR FEDERAL GOVERNMENT. YOU MUST ALSO KNOW THAT THE FEDERAL GOVERNMENT'S POWER TO INFLUENCE THESE ASPECTS, PARTICULARLY WITH REGARD TO STATE AND LOCAL JURISDICTIONS, IS LIMITED. ON THE OTHER HAND, MY ADMINISTRATION IS COMMITTED TO PRINCIPLES OF NON-INTERFERENCE WITH FREE AND PRIVATE COMMERCE AND NON-DISCRIMINATORY FORMULATION AND APPLICATION OF FEDERAL REGULATIONS. WE WILL ACT IN KEEPING WITH THESE PRINCIPLES TO ASSURE EQUITABLE TREATMENT FOR THE CONCORDE, BEARING IN MIND THAT IT, LIKE ALL SUPERSONIC AIRCRAFT, RAISES UNPRECEDENTED PROBLEMS OF ENVIRONMENTAL AND SOCIAL COSTS.

WITH WARM PERSONAL REGARDS, "

2. REPLY DELIVERED UK EMBASSY WASHINGTON JAN. 22. COPIES BOTH LETTERS AIRPOUCHED EMBASSY.

EXEMPT ROGERS

