

The original documents are located in Box 29, folder “Nixon - Papers Congressional Requests (1)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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Access

THE WHITE HOUSE
WASHINGTON

February 4, 1975

Dear Mr. Chairman:

This is in further reference to your letter to me of January 15, 1975, requesting access to certain Presidential materials of the Nixon Administration, and my letter to you of January 25 in response thereto. Enclosed is a letter dated January 30 from Herbert J. Miller, Jr., attorney for Mr. Nixon, declining to accede to your request in the absence of further information. In view of the position taken by Mr. Miller, I recommend that you contact him directly concerning this matter.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Honorable John D. Dingell
Chairman, Subcommittee on Activities
of Regulatory Agencies
Select Committee on Small Business
House of Representatives
Washington, D.C. 20515

Enclosure

*cc: Herbert Miller
Irwin Goldblum
Ken Lazarus*



THE WHITE HOUSE
WASHINGTON

1/31/75

~~Make~~

For information of,
and combined decision
by, Ken Lazarus &
Bill Casselman



LAW OFFICES
MILLER, CASSIDY, LARROCA & LEWIN

1320 19TH STREET, N.W. - SUITE 500
WASHINGTON, D. C. 20036

AREA CODE 202
TELEPHONE 293-6400

HERBERT J. MILLER, JR.
JOHN JOSEPH CASSIDY
RAYMOND G. LARROCA
NATHAN LEWIN
MARTIN D. MINSKER
WILLIAM H. JEFFRESS, JR.
THOMAS D. ROWE, JR.
P. STAN MORTENSON
THOMAS B. CARR

JOSEPH S. MCCARTHY
COURTNEY A. EVANS
OF COUNSEL

January 30, 1975

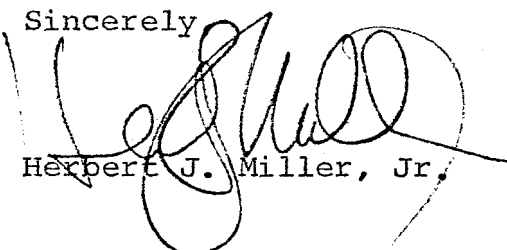
Philip W. Buchen
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

I have been informed that Congressman John D. Dingell, Chairman of the Subcommittee on Activities of Regulatory Agencies, has requested the production of certain presidential materials of the Nixon Administration which relate to Executive Order 11451.

I do not know what prompts Congressman Dingell's request nor the nature of the congressional inquiry to which the request relates. I will be pleased to entertain a request for production of these materials at such time as I am apprised of that information. Until then I must respectfully decline to accede to the request.

Sincerely


Herbert J. Miller, Jr.

HJM/sb



January 25, 1975

Dear Mr. Chairman:

This is in response to your letter of January 15, 1975, requesting certain White House documents relating to Executive Order 11451, the Presidential Executive Interchange Program, and the Presidential Commission on Personnel Interchange. As Mr. Lazarus advised you, these materials, which constitute "Presidential materials of the Nixon Administration," 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., C. A. No. 74-1518.

We know of no provisions of this Order or subsequent orders which would permit access to these materials by a Member or a Committee of the Congress solely upon the mutual consent of counsel for Mr. Nixon and Counsel to the President. However, the Order may be subject to differing interpretations. Accordingly, we have referred your request to Herbert J. Miller, Jr., Esq., counsel to former President Nixon, for further consideration. If Mr. Miller consents to your request, we will defer to the Department of Justice and the Court as to whether access can be granted to you under the terms of the outstanding orders. In the event that these orders are withdrawn or modified in such a manner as to permit access under the provisions of Public Law 93-526 and implementing regulations, I have also referred a copy of your letter to the Administrator of General Services for action at such time as may be appropriate.

Sincerely,

151 P.W.B.

Phillip W. Buchen
Counsel to the President

Honorable John D. Dingell
Chairman, Subcommittee on Activities
of Regulatory Agencies
Select Committee on Small Business
House of Representatives
Washington, D.C. 20515

bcc: Herbert J. Miller, Jr., Esq.
— Hon. Arthur F. Sampson
Irwin Goldbloom, Esq.
Kenneth A. Lazarus, Esq.



Mr. Casselman

Monday 1/20/75

10:50 Would you like copies sent to Lazarus and Casselman? *Yes*

Note to accompany?? *With request that*

proposed reply be prepared for my
signature

T



JOE L. EVINS, TENN.

CHAIRMAN

TOM STEED, OKLA.

JOHN C. KLUCZYNSKI, ILL.

JOHN D. DINGELL, MICH.

NEAL SMITH, IOWA

JAMES C. CORMAN, CALIF.

JOSEPH P. ADDABBO, N.Y.

WILLIAM L. HUNGATE, MO.

FERNAND J. ST GERMAIN, R.I.

CHARLES J. CARNEY, OHIO

PARREN J. MITCHELL, MD.

BOB BERGLAND, MINN.

SILVIO O. CONTE, MASS.

JAMES T. BROYHILL, N.C.

J. WILLIAM STANTON, OHIO

JOSEPH M. MCDADE, PA.

VERNON W. THOMSON, WIS.

JACK F. KEMP, N.Y.

JOHN Y. MCCOLLISTER, NEBR.

COMMITTEE OFFICE

2351 RAYBURN HOUSE OFFICE BUILDING

225-3321

AREA CODE 202

HOWARD GREENBERG

STAFF DIRECTOR

HENRY A. ROBINSON

GENERAL COUNSEL

Select Committee on Small Business
House of Representatives of the United States

Ninety-third Congress

Washington, D.C. 20515

January 15, 1975

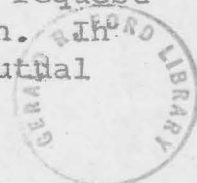
Mr. Philip W. Buchen
Counsel to the President
The White House
Washington, D. C. 20500

Dear Mr. Buchen:

In a letter dated November 7, 1974, I requested certain White House documents regarding implementation of the Executive Order 11451 and establishment, operation and/or funding of the Presidential Executive Interchange Program and the Presidential Commission on Personnel Interchange. This request specifically embraced the documents prepared by, at the request of, or received by Peter Flanigan, John Ehrlichman and/or Frederick Malek, which relate to the program. Subsequently, I was advised by Mr. Kenneth A. Lazarus that such records were subject to restraints imposed by the Court in Nixon v. Sampson, et. al., C.A. No. 74-1518.

Recently, the Congress enacted and the President signed into law legislation governing custody of these documents. My staff has been in contact with the General Services Administration regarding access to these documents under this legislation when the judicial restrictions on access to the documents have been lifted. Mr. Steve Garfinkle advised that initially access would be approved if both the Counsel to the President and Counsel to the former President consent to release the documents.

It is my understanding that such mutual consent would allow access to the documents I have requested even under existing court orders. I therefore request that you contact Mr. Miller, Counsel to the former President, regarding this request and ask for consent to release the documents in question. In the event that the existing court order is lifted and mutual

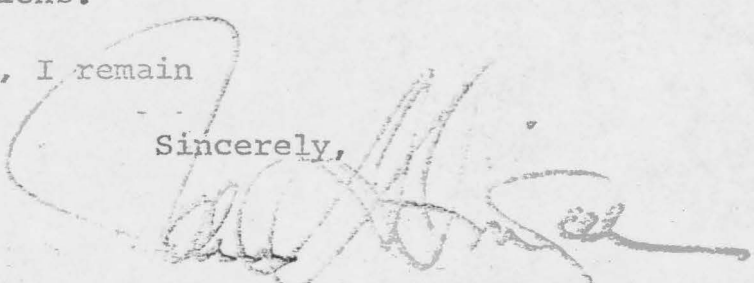


Mr. Philip W. Buchen
January 15, 1975
Page Two

consent remains a basis for release of the documents under the provisions of P.L. 93-526, please consider this request under the then applicable regulations.

With every good wish, I remain

Sincerely,



John D. Dingell, Chairman
Subcommittee on Activities
of Regulatory Agencies



3/31

LAW OFFICES
MILLER, CASSIDY, LARROCA & LEWIN
2555 M STREET, N.W. - SUITE 500
WASHINGTON, D. C. 20037

AREA CODE 202
TELEPHONE 293-6400

HERBERT J. MILLER, JR.
JOHN JOSEPH CASSIDY
RAYMOND G. LARROCA
NATHAN LEWIN
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THOMAS D. ROWE, JR.
R. STAN MORTENSON
THOMAS B. CARR

JOSEPH S. MCCARTHY
COURTNEY A. EVANS
OF COUNSEL

March 27, 1975

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

Dear Mr. Buchen:

I have received your letter of March 18, 1975 in which you refer to the Joint Committee on Internal Revenue Taxation's request for copies of certain documents which may be among the Presidential Materials of the Nixon Administration. I have reviewed the copy of the Committee's letter of March 13, 1975 which you enclosed and respond as follows:

1) With regard to the Committee's request for records showing Mr. Randolph Thrower's and Mr. Roger V. Barth's entering and leaving the Executive Office Building on June 16, 1969, I have no objection to your providing the Committee the Executive Protective Agency's access records to the Executive Office Building which I understand traditionally have not been considered "presidential materials." I do not consent to the production of any other items which might pertain to this request.

2) With regard to a memorandum from Tom Charles Huston to Mr. Roger V. Barth written in the latter part of June, 1969, dealing with the tax status of the Sierra Club and other tax matters, I do not consent to the production of the item nor to a search for the item to determine whether it exists.



Mr. Philip W. Buchen
Page Two
March 27, 1975

3) With regard to a memorandum from Mr. Patrick Buchanan to President Richard Nixon written in late Spring, 1969, and pertaining to the administration of the tax laws, I do not consent to the production of the item nor to a search for the item to determine whether it exists.

Sincerely,


Herbert J. Miller, Jr.

HJM/sb



THE WHITE HOUSE
WASHINGTON

M. Bucher

April 4, 1975

Dear Mr. Miller:

The President has received a letter from Senator Frank Church, Chairman, Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, written on behalf of the Committee, requesting access to certain records of the Executive Office of the President believed by the Committee to be relevant to its inquiry as authorized by S. Res. 21. Since part of the records sought by the Committee were received or originated during the Nixon Administration (see categorical listing attached at Tab A), we are taking the liberty of notifying you of our intention to comply promptly with the request of the Committee.

It is the opinion of this office that none of the records intended to be produced to the Committee constitute "Presidential materials of the Nixon Administration" which are subject to the outstanding orders of the United States District Court for the District of Columbia in Nixon v. Sampson, et al. (C.A. No. 74-1518). The records in question have at all times been maintained as agency records of the National Security Council. These records are separate from the Presidential materials of the NSC previously segregated in compliance with the Order of October 21, 1974, as amended, and described in my letter to you of November 5, 1974. (Attached at Tab B is a categorical listing of the records presently being held under the Order as Presidential materials of the NSC).

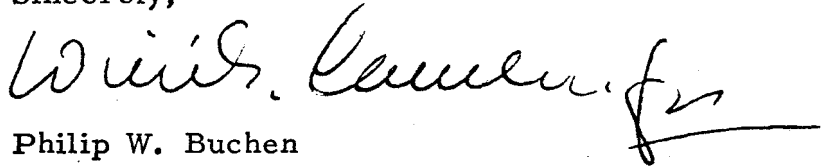
We are advised, however, that three of the documents referred to in Tab A were prepared by the staff of the NSC for issuance by the White House or signature by former President Nixon. These documents are dated November 5, 1971, and relate to the reorganization of the foreign intelligence community. Specifically, they comprise (1) a White House Press Release, (2) a classified memorandum from the President to the Secretary of State and other Federal officials, and (3) a classified letter from the President to the Director of Central Intelligence.

Nevertheless, it is our further understanding that the original Presidential memorandum and letter, and copies thereof, are maintained by the NSC



and/or other agencies as records of those agencies. Of course, the press release is in the public domain. Accordingly, it is our intention to include these specific documents, as agency records of the NSC, in the materials to be provided to the Committee.

Sincerely,



Philip W. Buchen
Counsel to the President

Herbert J. Miller, Esq.
Miller, Cassidy, Larroca & Lewin
2555 M Street, N. W. - Suite 500
Washington, D.C. 20037

Enclosures

bcc: Irwin Goldbloom - Justice
John Murphy - NSC



Categories of Nixon Administration Records of the Executive Office
of the President Requested by the Senate Select Committee to Study
Governmental Operations with Respect to Intelligence Activities

Classified memoranda of the National Security Council in the NSC
numbered series -- 11 documents

Unclassified organization charts and personnel lists prepared by the
National Security Council -- 4 documents

Classified memorandum from the Assistant to the President (National
Security Affairs) to the Secretary of State and other Federal officials --
1 document

Classified memorandum issued by the Secretary of Defense implementing
an NSC numbered directive -- 1 document

White House Press Release, classified memorandum from the President
to the Secretary of State, classified letter from the President to the
Director of Central Intelligence -- 3 documents, all dated November 5,
1971, relating to the reorganization of the foreign intelligence community.



Categories of Nixon Administration Material Held by National Security Council.

- Memoranda to the President for his information, review, and decision, including proposed Presidential decisions and instructions.
- Memoranda of conversation between the President and foreign Heads of Government/State and other foreign dignitaries including, but not limited to Foreign Ministers and other Cabinet officers, Ambassadors and Special Emissaries.
- Records of appointments and meetings with U.S. Cabinet officers and other officials pertaining to national security matters.
- Intelligence reviews, reports and analyses pertaining to national security affairs.
- Defense-related papers associated with deployment of forces, budget, research and development, and organization/command structure.
- Telegrams originating in the White House dispatched to foreign governments, U.S. ambassadors, and force commanders relating to foreign policy and national security decisions.
- Sensitive incoming cable traffic associated with negotiations, plans, evaluations, and the impact of decisions taken on national security.



M. Bucher

THE WHITE HOUSE
WASHINGTON

April 4, 1975

Dear Mr. Miller:

The President has received a letter from Senator Frank Church, Chairman, Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, written on behalf of the Committee, requesting access to certain records of the Executive Office of the President believed by the Committee to be relevant to its inquiry as authorized by S. Res. 21. Since part of the records sought by the Committee were received or originated during the Nixon Administration (see categorical listing attached at Tab A), we are taking the liberty of notifying you of our intention to comply promptly with the request of the Committee.

It is the opinion of this office that none of the records intended to be produced to the Committee constitute "Presidential materials of the Nixon Administration" which are subject to the outstanding orders of the United States District Court for the District of Columbia in Nixon v. Sampson, et al. (C.A. No. 74-1518). The records in question have at all times been maintained as agency records of the National Security Council. These records are separate from the Presidential materials of the NSC previously segregated in compliance with the Order of October 21, 1974, as amended, and described in my letter to you of November 5, 1974. (Attached at Tab B is a categorical listing of the records presently being held under the Order as Presidential materials of the NSC).

We are advised, however, that three of the documents referred to in Tab A were prepared by the staff of the NSC for issuance by the White House or signature by former President Nixon. These documents are dated November 5, 1971, and relate to the reorganization of the foreign intelligence community. Specifically, they comprise (1) a White House Press Release, (2) a classified memorandum from the President to the Secretary of State and other Federal officials, and (3) a classified letter from the President to the Director of Central Intelligence.

Nevertheless, it is our further understanding that the original Presidential memorandum and letter, and copies thereof, are maintained by the NSC



and/or other agencies as records of those agencies. Of course, the press release is in the public domain. Accordingly, it is our intention to include these specific documents, as agency records of the NSC, in the materials to be provided to the Committee.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Herbert J. Miller, Esq.
Miller, Cassidy, Larroca & Lewin
2555 M Street, N.W. - Suite 500
Washington, D.C. 20037

Enclosures

bcc: Irwin Goldbloom - Justice
John Murphy - NSC



Categories of Nixon Administration Records of the Executive Office
of the President Requested by the Senate Select Committee to Study
Governmental Operations with Respect to Intelligence Activities

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White House Press Release, classified memorandum from the President
to the Secretary of State, classified letter from the President to the
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- Defense-related papers associated with deployment of forces, budget, research and development, and organization/command structure.
- Telegrams originating in the White House dispatched to foreign governments, U.S. ambassadors, and force commanders relating to foreign policy and national security decisions.
- Sensitive incoming cable traffic associated with negotiations, plans, evaluations, and the impact of decisions taken on national security.



THE WHITE HOUSE
WASHINGTON

April 5, 1975

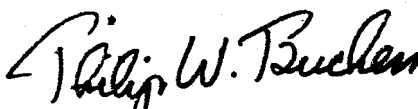
Dear Dr. Woodworth:

This is in response to your letter dated March 13, 1975, requesting copies of certain documents of the Nixon Administration in connection with investigations by the staff of the Joint Committee on Internal Revenue Taxation.

As was explained to Mr. Blum of your staff, 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 requires that Mr. Nixon or his counsel consent to the production of any of the "Presidential materials of the Nixon Administration." Mr. Herbert J. Miller, Jr., counsel for Mr. Nixon, has refused to consent to any search for or production of the items numbered two and three in your letter. He did indicate that he had no objection to the production of the requested EPS access records. A search of these records for June 16, 1969, has located only a record of entry (enclosed) for Mr. Thrower at 4:00 p.m. to meet with Dr. Burns. There is no record of when he may have left the building nor for any entry on that date by Mr. Barth.

I trust that this is responsive to your request.

Sincerely,



Philip W. Buchen
Counsel to the President

Dr. Laurence N. Woodworth
Chief of Staff
Joint Committee on Internal
Revenue Taxation
House of Representatives
Washington, D.C. 20515



Enclosure

FORM WH-21

UNITED STATES SECRET SERVICE APPOINTMENT RECORD
WHITE HOUSE POLICEPOST D-1

NAME		IDENTIFICATION	
<u>Thrower, Randolph</u>		Personal and Employer	<u>Internal Revenue</u>
TIME	DATE	Officer Making Ident. <u>McLain</u>	
Expected <u>4:00 PM</u>	<u>6-16-69</u>		
Arrived <u>1:50 PM</u>			
APPOINTMENT <u>Burns</u>		Room No. <u>434</u>	
SECRETARY <u>Millardi</u>		AGENCY <u>WH</u>	Tel. Ext. _____



LAW OFFICES
MILLER, CASSIDY, LARROCA & LEWIN
2335 M STREET, N.W. - SUITE 500
WASHINGTON, D. C. 20037

AREA CODE 202
TELEPHONE 293-6400

*Barry has
original*

JOSEPH S. MCCARTHY
COURTNEY A. EVANS
OF COUNSEL

April 11, 1975

HERBERT J. MILLER, JR.
JOHN JOSEPH CASSIDY
RAYMOND G. LARROCA
NATHAN LEWIN
MARTIN D. MINSKER
WILLIAM H. JEFFRESS, JR.
THOMAS D. ROWE, JR.
R. STAN MORTENSON
THOMAS B. CARR

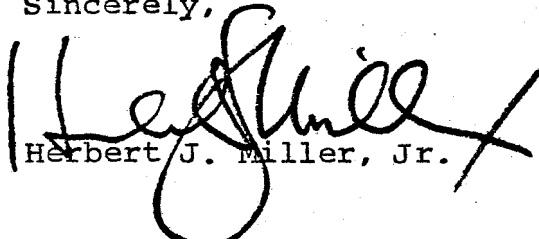
Philip W. Buchen
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

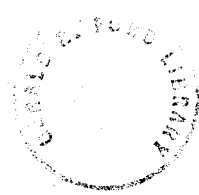
I have received your letter of April 4, 1975 in which you refer to a letter from Senator Frank Church to President Ford requesting access to certain records of the Executive Office of the President generated during Mr. Nixon's term in office. Based upon your description, it is my understanding that none of the materials requested and which you intend to make available to the Senate Committee constitute presidential materials of the Nixon Administration but are in fact N.S.C. institutional files. Accordingly, I, of course, raise no objection to the production of those items.

Thank you for the courtesy of informing me of this request and your proposed action.

Sincerely,


Herbert J. Miller, Jr.

HJM/sb



THE WHITE HOUSE
WASHINGTON

May 9, 1975

MEMORANDUM FOR:

MAX FRIEDERSDORF
WILLIAM CASSELMAN
KEN LAZARUS

FROM:

PHILIP BUCHEN

P.W.B.

Attached is a copy of a letter from Congressman John E. Moss asking for information obtainable from the White House tapes or tapes transcripts for the period September 1, 1970, to October 1, 1971.

I am asking you, Bill and Ken, to please prepare a suggested reply for me to sign.

Attachment



THE WHITE HOUSE
WASHINGTON

May 16, 1975

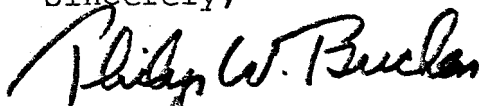
Dear Mr. Chairman:

Thank you for your letter of May 6, 1975, requesting transcripts of any conversations recorded in the White House during the period September 1, 1970, to October 1, 1971, which involve officials of the Ford Motor Company or the Chrysler Corporation and which pertain to the implementation by the Department of Transportation of safety belt or air bag standards.

Such recordings, if any do exist, constitute "Presidential materials of the Nixon Administration" within the meaning of 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 generally 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.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable John E. Moss
Chairman,
Oversight and Investigations
Subcommittee
U. S. House of Representatives
Washington, D. C. 20515



THE WHITE HOUSE
WASHINGTON

May 28, 1975

*not in
papers*

Dear Mr. Wolff:

On behalf of the President, this is in response to your letter of May 15, 1975, in which you request on the basis of the Freedom of Information Act, 5 U.S.C. 552, copies of letters you believe to have been 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 air transport project.

These letters, if they do exist, would be part of the "Presidential materials of the Nixon Administration," which are 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 any disclosure, transfer, or disposal of the above-referenced materials except under certain limited circumstances not present here. One issue in litigation is the availability of the papers of a former President under the Freedom of Information Act. In addition, I feel obliged to point out that the White House is not believed to be an agency for the purpose of the Freedom of Information Act, and is, therefore, not subject to its provisions for mandatory disclosure.

Accordingly, for the reasons referred to above, your request is respectfully denied.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

The Honorable Lester L. Wolff
House of Representatives
Washington, D. C. 20515



THE WHITE HOUSE

WASHINGTON

June 7, 1975

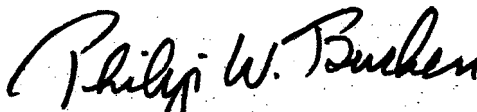
Dear Ms. Schroeder:

This is in response to your letter of May 29, 1975, to Dr. James H. Cavanaugh, Deputy Director of the Domestic Council, in which you request on the basis of the Freedom of Information Act, 5 U.S.C. 552, a copy of a "report prepared by the Office of Science and Technology in 1972 which made policy recommendations to the Executive Branch on the implementation of certain recommendations made by the President's Commission on Population and the American future."

Although neither the White House nor the Domestic Council is believed to be an agency for the purposes of the Freedom of Information Act and is, therefore, not subject to its provisions for mandatory disclosure, I did seek to determine whether this report could be located. I have been advised that it cannot be found in the current files of either the White House or the Domestic Council.

As you may be aware, the "Presidential materials of the Nixon Administration" presently in the custody of the White House 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 any disclosure, transfer, disposal or search of these materials except under certain limited circumstances not present here. However, when the Office of Science and Technology was terminated, its official files were deposited with the National Archives and Records Service. Requests with respect to these files should be directed to the Military Archives Division of the National Archives and Records Service.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable Patricia Schroeder
House of Representatives
Washington, D. C. 20515



THE WHITE HOUSE
WASHINGTON

June 9, 1975

MEMO FOR: GENERAL SCOWCROFT
MIKE DUVAL

FROM: PHIL BUCHEN

P.W.B.

I have responded to the requests of Congressman Wolff and Congresswoman Abzug for the 1973 exchange of letters between Presidents Nixon and Pompidou and Prime Minister Heath on the Concorde SST (copies attached).

I understand that you are responsible for the substantive handling of this question and am therefore referring both letters to you for response in connection with the Administration's current position on this issue. I concur in the approach that you have discussed that would have State and DOT share prime responsibility on this issue.

Attachments



THE WHITE HOUSE

WASHINGTON

June 9, 1975

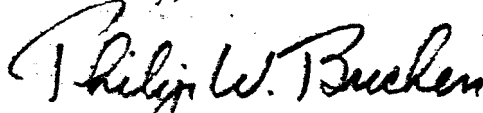
Dear Mrs. Abzug:

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

THE WHITE HOUSE
WASHINGTON

200
10/10/75

June 17, 1975

Dear Mr. Chairman:

On behalf of the President, this is in response to your letter of June 9, 1975, in which you request that the Administration make available to the Subcommittee on Separation of Powers, "any tapes or transcripts of tapes of, or any other material which in any way relates to," a meeting held on November 30, 1972, with former President Nixon, the Secretary of Defense and the Members of the Joint Chiefs of Staff.

The President has not addressed and decided the question of the status to be given any such tapes and materials insofar as his Administration is concerned, and he cannot do so without first having learned the exact nature and the contents of the materials, if they do exist. Such recordings and materials, if they do exist, are part of the "Presidential materials of the Nixon Administration," and 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 search, 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 before the matter of disclosure can be considered by this Administration.

We will advise you of the position taken by Mr. Miller on this request.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

The Honorable James Abourezk
Chairman, Subcommittee on Separation
of Powers Judiciary Committee
United States Senate
Washington, D. C. 20510



7/1/75

THE WHITE HOUSE
WASHINGTON

July 1, 1975

MEMORANDUM FOR:

THE PRESIDENT

FROM:

PHILIP BUCHEN *P.W.B.*

SUBJECT:

Response to Request by Senators
Sparkman and Mansfield for
Text of Nixon-Thieu Letters

Attached at Tab A is an incoming letter from Senator Sparkman of May 1 and attached at Tab B is a copy of an incoming letter from Senator Mansfield of June 2.

We have delayed preparing an answer to these two letters pending a careful review of the material requested by Monroe Leigh, General Counsel of the Department of State. This whole problem is tied up with various inquiries going on in the Congress relative to the possibility of legislation requiring the Executive Branch to file with the Congress all manner of undertakings with foreign governments, just as it is now required to do under the Case Act for formal Executive agreements.

Attached at Tab C is a proposed response for your signature, which has been approved by General Scowcroft, Monroe Leigh, Jack Marsh, and me.

Attachments

7/1/75

THE WHITE HOUSE
WASHINGTON


Dear John:

I have given careful thought to your letter of May 1 and Senator Mansfield's of June 2, asking me to reconsider the Committee's request for the texts of diplomatic exchanges with South Vietnam concerning any United States Commitments or undertaking relative to the 1973 Paris Peace Agreement.

The fact that two of these exchanges have been made public without authorization, and the fact that President Nixon and President Thieu are out of office, do not affect my obligation as a matter of principle to protect the confidentiality of exchanges between heads of government. The effectiveness of American diplomacy depends in many ways on our reliability in observing and preserving this essential principle for all our diplomatic communications with other countries.

The release of these letters could well be taken as an indication by other heads of state that they may not be candid in the future in their written communications to the President of the United States.

If the Administration had ever characterized these letters as an international agreement, I would, of course, share your concern for the prompt disclosure of them to the Committee on Foreign Relations.



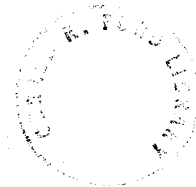
However, as I stated, the appropriate source for determining the intent and effect of President Nixon's correspondence with President Thieu is to be found in his speech of January 23, 1973, and in the subsequent Joint Communique issued by President Nixon and President Thieu at the end of their meeting in San Clemente on April 3, 1973.

I appreciate the sincerity of your Committee's interest in this matter. I hope you will understand the reasons for my decision.

Sincerely,

The Honorable John Sparkman
United States Senate
Washington, D.C. 20510

cc: Senator Mansfield



THE WHITE HOUSE

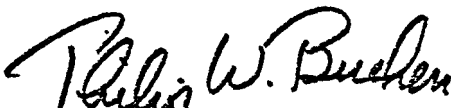
WASHINGTON

July 25, 1975

Dear Mr. Miller:

Attached is a letter from Senators Frank Church and John Tower dated July 23, 1975, requesting all White House documents and papers relating to activities conducted in Chile by the CIA and other U. S. Government agencies during the period September 15 to November 3, 1970. These materials are requested for use by the Senate Select Committee in its study of intelligence activities. I would appreciate your views on the enclosed request insofar as the material requested may be subject to the Order of the United States District Court, as supplemented, in Nixon v. Sampson, et al.

Sincerely,



Philip W. Buchen
Counsel to the President

Herbert J. Miller, Jr., Esq.
Miller, Cassidy, Larroca & Lewin
2555 M Street, N. W. - Suite 500
Washington, D. C. 20037

Enclosure

FRANK CHURCH, IDAHO, CHAIRMAN
HOWARD H. BAKER, JR., TENN.
BARRY GOLDWATER, ARIZ.
CHARLES MCC. MATHIAS, JR., MD.
RICHARD S. SCHWEIKER, PA.
WILLIAM C. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMITH, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 31, 91ST CONGRESS)

WASHINGTON, D.C. 20510

July 23, 1975

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

Dear Mr. Buchen:

On June 30, 1975, the Select Committee's Chief Counsel, Frederick A. O. Schwarz, Jr., wrote Mr. Frederick Hills and requested all White House documents and papers relating to certain activities that were conducted in Chile by the CIA, and possibly other U.S. Government agencies, during the period September 15 to November 3, 1970. These activities were initiated at the request of President Nixon and were collectively known as Track II by both the White House and the CIA.

To date, the Select Committee has received no response to the Chief Counsel's request. The Select Committee would, therefore, like to reiterate the request that all White House and NSC documents and papers (including those of White House or National Security Council officers) relating to Track II activities in Chile be made available to the Select Committee. You have provided to us similar documents relating to Cuba and other countries for earlier periods, and these requested documents are just as relevant to our inquiry.

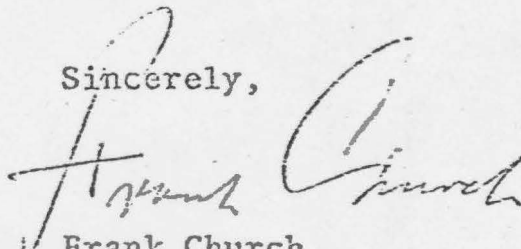
The Select Committee understands that Track II activities were not discussed in the 40 Committee and, therefore, there presumably would be no 40 Committee minutes or memoranda on Track II. However, there were a number of meetings held at the White House between September 15 and November 3, 1970 to discuss Track II. These meetings were usually attended by Dr. Kissinger, General Alexander Haig, Thomas Karamessines; and, on occasion, Richard Helms.



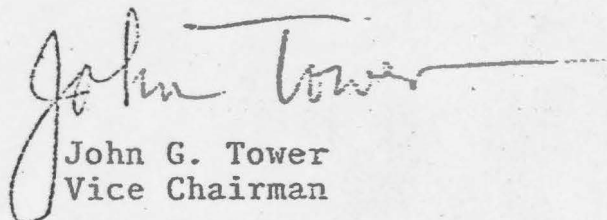
The Select Committee requests that any records of these meetings, the matters discussed, and the conclusions reached be made available to the Select Committee whether or not the materials are within, without, or handled completely outside, the normal White House or NSC documents system.

Your assistance in expediting this request will be most appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank Church".

Frank Church
Chairman

A handwritten signature in cursive script, appearing to read "John G. Tower".

John G. Tower
Vice Chairman



THE WHITE HOUSE
WASHINGTON

July 25, 1975

*Nixon
lawyers*

Dear Mr. Miller:

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

Herbert J. Miller, Jr., Esq.
Miller, Cassidy, Larroca & Lewin
2555 M Street, N. W. - Suite 500
Washington, D. C. 20037

Enclosure

RECEIVED
JUL 29 1975
U.S. DISTRICT COURT
N.D. CALIF.

FRANK CHURCH, IDAHO, CHAIRMAN
JOHN G. TOWER, TEXAS, VICE CHAIRMAN

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WILLIAM C. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 91TH CONGRESS)

WASHINGTON, D.C. 20510

July 23, 1975

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

Dear Mr. Buchen:

On June 30, 1975, the Select Committee's Chief Counsel, Frederick A. O. Schwarz, Jr., wrote Mr. Roderick Hills and requested all White House documents and papers relating to certain activities that were conducted in Chile by the CIA, and possibly other U.S. Government agencies, during the period September 15 to November 3, 1970. These activities were initiated at the request of President Nixon and were collectively known as Track II by both the White House and the CIA.

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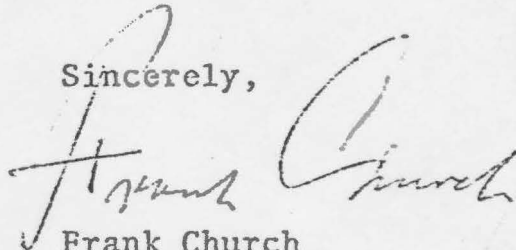
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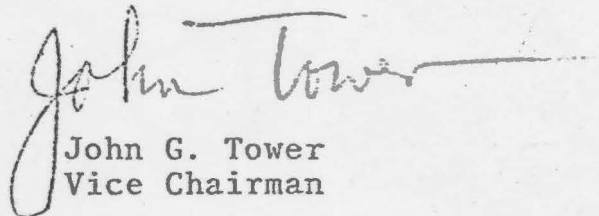
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Your assistance in expediting this request will be most appreciated.

Sincerely,



Frank Church
Chairman



John G. Tower
Vice Chairman

