

**The original documents are located in Box 30, folder “Nixon - Papers Court Cases - Sparrow v. Goodman” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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*Forfile*

THE WHITE HOUSE  
WASHINGTON

12/10/74

no action necessary by our  
office at this time - spoke with  
Dudley who has been handling this case.  
*BR*



THE WHITE HOUSE

WASHINGTON

December 3, 1974

Irving Jaffe, Esquire  
Deputy Assistant Attorney General  
United States Department of Justice  
Washington, D.C. 20530

Re: Sparrow v. Goodman

Dear Mr. Jaffe:

This will confirm recent conversations between James Wilderotter, Esq., and myself, and between you and William H. Jeffress, Jr., Esq., with regard to the above-entitled civil case now pending in the United States District Court for the Western District of North Carolina.

As you know, the case arises out of events during then-President Nixon's visit to Charlotte, North Carolina, in October of 1971. At that time, I was employed as a Staff Assistant to the President, assigned to the Advance Office. I have continued in government service since that time and am currently Associate Director of the Domestic Council for Natural Resources.

In October of this year, I was served with a Ninth Amended Complaint naming me as an additional defendant in the lawsuit. All of my activities with regard to the Charlotte visit were within the scope of my employment in the Advance Office and were in furtherance of my official duties. The Department of Justice would, therefore, normally represent me in this litigation. I understand, however, that the Department has felt itself obliged, in view of the potential conflicts among various federal defendants, to withdraw from any participation in the case, and to employ private counsel to represent those defendants.

In view of these circumstances, and the further fact that a potential conflict exists between my own position and that of other defendants now represented by private counsel, I have requested and you have agreed to retain counsel to represent me in the Charlotte suit. I understand that you have discussed the matter fully with Mr. Jeffress of the firm of



Miller, Cassidy, Larroca & Lewin, and have arranged for me to be represented by that firm upon mutually satisfactory terms.

I would appreciate a reply at your convenience confirming the above. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M. R. Duval" with a stylized flourish at the end.

Michael Raoul-Duval  
Associate Director  
Domestic Council

cc: Philip W. Buchen, Counsel to the President ✓



7640  
1/2/75

15 Treworthy Road  
Gaithersburg, Maryland 20760  
November 12, 1975

Irving Jaffe, Esq.  
Deputy Assistant Attorney General  
Department of Justice  
Room 3607  
10th & Constitution, N.W.  
Washington, D. C. 20530

Dear Mr. Jaffe:

I am writing to you to request that the Department of Justice reconsider extending assistance to me in order to defray certain legal expenses incurred in connection with my successful defense against the civil action in Charlotte, North Carolina.

As you will recall in November of 1973 the Department of Justice decided that it could not represent me and the other White House defendants in the civil action because of a feeling that a conflict of interest existed between us and the Secret Service. The Department subsequently agreed to provide us with counsel to defend against the civil suit. At the time of these occurrences, both Mr. Walker and I were represented by Robert X. Perry, Jr., of Washington, D. C. in connection with an investigation by the office of the Special Prosecutor. The investigation by the Special Prosecutor was primarily concerned with the Presidential appearance at "Billy Graham Day" in October of 1971, which was also the subject matter of the civil action in Charlotte. It was my preference that Mr. Perry represent me in the Charlotte action because of his familiarity with the subject matter and because I had come to have confidence in his abilities, but you will recall that at that time you requested that I retain counsel located in Charlotte because the costs would be less to the Department. You also requested that Mr. Walker and I, as well as Mr. H. R. Haldeman, agree on a single counsel, again, so that the Department's costs could be minimized. Though it was my preference to have Mr. Perry represent me, or failing that, to have the Department of Justice represent me, we consented to the arrangement which you suggested, although I did not fully realize, at the time, that it was going to mean added personal legal expenses for me.



Mr. Perry commenced his representation of Mr. Walker in May of 1973 and of me in October of 1973. Though his representation concerned many matters, it became increasingly focused upon the Charlotte Presidential appearance, and by January of 1974, his representation was virtually exclusively related to this incident. Because of his immersion in all aspects of the Presidential advance operations, the myriad details of the Charlotte incident and our connections with it, his familiarity with the countless documents concerning this and related incidents, and his research on the legal issues involved, it was impossible as a practical and human matter to prevent his involvement in the preparation of our defense of the civil action. In August 1974, for example, both Mr. Walker and I requested that Mr. Perry represent us at our depositions in Charlotte. Moreover, he has always been necessarily involved in any response by us to the plaintiffs' requests for production of documents and he has conferred on numerous occasions with our North Carolina counsel on matters relating to our defense of that action.

All of Mr. Perry's efforts have saved our North Carolina counsel a great deal of time. With respect to our depositions again for example, conferences with our counsel in Charlotte in advance of the depositions were avoided with a resultant legal fee savings to the Department. Also Mr. Perry's familiarity with the documents and his time in producing requested documents saved our Charlotte counsel considerable time. The resultant displacement of time and services saved the Department of Justice considerable expense.

As you pointed out in November 1973, the civil suit in Charlotte arose out of alleged conduct in which I was engaged while acting within the scope of my official duties. Because of this fact, you, on behalf of the Department, recognized an obligation either to defend me or to defray my legal expenses necessitated by the defense of this action. At your request, I agreed to minimize the Department's expenses, not fully recognizing at the time that by acceding to these requests I would substantially increase my own personal legal expenses. In the interest of fairness, I am requesting that the Department agree to reimburse me for that portion of Mr. Perry's legal fees arising out of his representation of me in connection with the defense of the civil action.



This affirmative action would be in furtherance of the objective articulated by the Counsel to the President in his March 11, 1975 memorandum to the Attorney General, which stated, "I believe it essential, however, for the morale of all Government officials that they have full confidence that they will be adequately represented at Government expense in connection with any litigation arising out of the performance of their official duties."

Sincerely,

(signed) William Henkel, Jr.

WILLIAM HENKEL, JR.

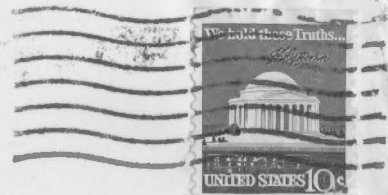
cc: Honorable Edward H. Levi  
United States Attorney General

✓ Honorable Philip W. Buchen  
Counsel to the President

Honorable Richard B. Cheney  
Assistant to the President



15 Treworthy Rd.  
Gaithersburg, Md. 20760



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