

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

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Nixon papers
access

THE WHITE HOUSE

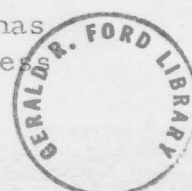
WASHINGTON

August 21, 1975

MEMORANDUM FOR: JAMES E. CONNOR
FROM: PHILIP BUCHEN *T.W.B.*
SUBJECT: Travel Vouchers for Edward Morgan

In order to respond to a request from the Office of the Special Prosecutor, will you please provide to Barry Roth of my staff copies of travel vouchers for Mr. Edward Morgan, formerly of the White House staff, for the following trips:

1. 2/13/69 to 3/3/69 Trip to Europe
2. 4/18/69 to 4/23/69 Trip to California
3. 5/29/69 to 6/6/69 Trip to California
4. 8/13/69 to 9/6/69 Trip to California (Texas?)
5. 9/24/69 Trip to California (San Diego)
6. 10/2/69 Trip to New York
7. 10/28/69 to 10/29/69 Trip to Salt Lake City
8. 11/2 - 3/69 Trip to New York
9. 2/9/70 Trip to New York
10. 2/21/70 Trip to Atlanta
11. 3/31/70 Trip to Caribbean
12. 4/18-21/70 Trip to Boston/LA/Houston
13. 4/70 Trip to Atlanta/Florida/Bahamas
(This may not be official business
and you may not have)
14. 8/14/70 Trip to New Orleans



Should you or your staff have any questions in this regard,
please contact Mr. Roth.

Thank you for your assistance.



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

August 21, 1975

*cy sent
to
Trudy
orig to
Barry*

Philip Buchen, Esquire
Counsel to the President
The White House
Washington, D. C. 20500
ATTENTION: Barry Roth

Dear Mr. Buchen:

This is to confirm my conversation of August 21, 1975, with Barry Roth concerning certain entry records and travel vouchers relevant to the now-pending cases of United States v. Frank DeMarco, Jr. and United States v. Ralph G. Newman. As I indicated to Mr. Roth, the following entry records for the specified dates and persons maintained by the security force of the Executive Office Building that reflect visits to the White House and/or Executive Office Building and/or the person(s) being visited are relevant to the trials of these two cases:

- (1) On June 8, 1973, November 15, 1973, and January 7, 1974, by Edward L. Morgan; and
- (2) From May 30, 1970, to June 5, 1970, by Hart Mankin.

In addition to the entry logs, copies of the travel vouchers for Edward L. Morgan for the following specified dates and places are requested:

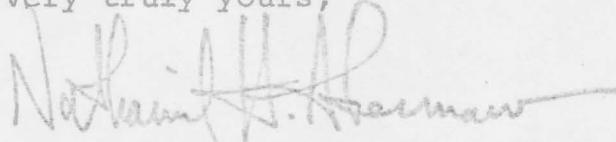
- (1) February 13, 1969, to March 3, 1969, to Europe;
- (2) April 18-23, 1969, to California and Phoenix;
- (3) May 29, 1969, to June 6, 1969, to California;

Philip Buchen, Esquire
August 21, 1975
Page Two

- (4) August 13, 1969, to California;
- (5) September 3-6, 1969, to California;
- (6) September 24, 1969, to California;
- (7) October 2, 1969, to New York;
- (8) October 28-29, 1969, to Salt Lake City, Utah;
- (9) November 2-3, 1969, to New York;
- (10) February 19, 1970, to New York;
- (11) February 21, 1970, to Atlanta;
- (12) March 31, 1970, to the Carribean;
- (13) April 18-21, 1970, to Boston, Los Angeles,
and Houston;
- (14) April 24, 1970, to May 7, 1970, to Atlanta,
Florida, and the Bahamas; and
- (15) August 14, 1970, to New Orleans.

Your assistance in this matter is most appreciated.

Very truly yours,



Nathaniel H. Akerman
Assistant Special Prosecutor



THE WHITE HOUSE

WASHINGTON

September 3, 1975

MEMORANDUM FOR THE RECORD

FROM: BARRY N. ROTH *BR*

Subject: McNellis (attorney for DeMarco) Request for
Nixon Documents

As requested, I spoke with Charles McNellis, attorney for Frank DeMarco concerning his desire to gain access to certain notes John Ehrlichman had made of conversations with former President Nixon which related to Mr. Nixon's 1969 gift of papers. Mr. McNellis knew only that the papers were subject to a court order, and was unsure of how to proceed in this matter. I explained generally the court order and that our role was that of a custodian.

After checking with Nick Akerman of the Special Prosecutor's Office regarding this request, I called McNellis back and explained to him in general terms how the Research Project for the Special Prosecutor had worked in terms of searching for documents at the request of the Special Prosecutor, and after Mr. Nixon, through his attorney, had had an opportunity to assert any privileges, the remaining documents were turned over to the Special Prosecutor. Akerman indicated that McNellis had been offered an opportunity to look at such documents in their possession. I indicated that I had no idea which documents may have been turned over to the Special Prosecutor, but that Ehrlichman's files would have been searched for that purpose. McNellis explained he wasn't aware that the Special Prosecutor had such notes, and would contact the Prosecutor to request access to them.

I then spoke with Stan Mortensen to explain to him the McNellis inquiry. I indicated that although McNellis now appears to be satisfied in knowing that documents were presumably turned over to the Special Prosecutor, a possibility does remain that he will subpoena us for additional documents in this regard. Mortensen advised that his office would, of course, be unable to determine



its position without knowing specifically what documents McNellis desired. I explained to Stan that I had told McNellis that he might wish to contact either he or Jack Miller if he later determined that was how he wished to proceed.



Stallert/Hukon

(H) 530-
0055

Tuesday 9/2/75

4:45 Charles McNellis (attorney with Welsh & Morgan)
is representing Frank DeMarco on the tax trial
scheduled for September 16 in Los Angeles.

296-5151

He said he has talked with John Ehrlichman and he tells
him he had many notes of conversation with then
President Nixon, some of which related to the 1969 gifts.
He finds these notes are the subject of an impounding
order and understands you are the one he has to talk
with to see if they can be released.

He is leaving tomorrow at 8 a.m. for the West Coast
and would hope to talk with someone this evening.
Will be in his office until 7 p.m.



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

September 3, 1975

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

Re: United States v. Frank DeMarco, Jr.
Criminal Nos. 75-1129, 75-1188 (C.D. Calif.)
United States v. Ralph G. Newman
Criminal Nos. 75 Cr. 443, 75 Cr. 508 (N.D. Ill.)

Dear Mr. Buchen:

As you perhaps are aware, this Office currently is preparing the above-captioned cases for trial. The case of United States v. Frank DeMarco, Jr. currently is scheduled for trial to commence on September 16, 1975. The case of United States v. Ralph G. Newman currently is scheduled for trial to commence on October 28, 1975.

In preparing for these trials, we have determined that there are certain documents among those papers claimed by former President Richard M. Nixon to constitute his personal property which might be relevant to these cases. These fall into two categories:

(1) Three memoranda in the files of former White House aide Peter Flanigan; and

(2) White House travel vouchers relating to trips made by former White House aide Edward L. Morgan in 1969 and 1970.

The documents in Mr. Flanigan's files have been described to us as follows:

(a) A memorandum dated between November 28, 1969, and December 12, 1969, from Mr. Flanigan to Mr. John Ehrlichman stating, in part, "there is one bit of information I need to know, the kind of institution to which

RECEIVED
SEP 10 1975
LIBRARY

Philip W. Buchen, Esquire
September 3, 1975
Page Two

the President is planning to give his papers" and referring, in general, to the former President Nixon's pre-Presidential papers;

(b) A memorandum dated either December 10, or 11, 1969, from Mr. Flanigan to Mr. Ehrlichman and/or Mr. Bryce Harlow referring to conversations between Mr. Flanigan and former Senator George Smathers relating to proposed legislation concerning the tax deductibility of gifts of papers; and

(c) A memorandum dated either December 3 or 4, 1969, from Mr. Flanigan to a Mr. Gene Cowen (ph.) referring, among other things, to the possible December, 1969, adjournment date of Congress.

We are informed that these memoranda should be among the chronological files maintained by Mr. Flanigan during his tenure at the White House.

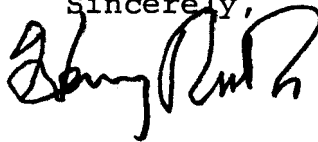
The trips by Mr. Morgan of possible relevance are as follows:

- (a) 2/13/69 to 3/3/69 (Europe)
- (b) 5/29/69 to 6/6/69 (California)
- (c) 9/24/69 (San Diego)
- (d) 10/2/69 (New York)
- (e) 11/2-3/69 (New York)
- (f) 2/9/70 (New York)
- (g) 2/21/70 (Atlanta)
- (h) 3/31/70 (Caribbean)
- (i) 4/70 (Atlanta, Florida, Bahamas)
- (j) 8/14/70 (New Orleans)

Philip W. Buchen, Esquire
September 3, 1975
Page Three

We have discussed our interest in these documents with counsel representing former President Nixon and he has advised us that he has no objection to our receiving copies of them. Accordingly, we would request that at your earliest convenience you cause a search to be made of the appropriate files for these various documents. If you have any questions concerning this matter, please contact Assistant Special Prosecutor, Jay Horowitz. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry S. Ruth, Jr.", written in a cursive style.

HENRY S. RUTH, JR.
Special Prosecutor

cc: Raymond Larroca, Esquire
Thomas P. Wolf

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

AREA CODE 202
TELEPHONE 293-6400

Nixon Papers

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

JOSEPH S. MCCARTH
COURTNEY A. EVANS
OF COUNSEL

September 3, 1975

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

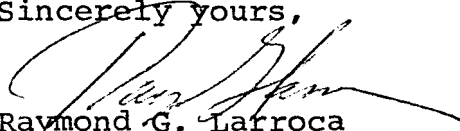
Re: United States v. Frank DeMarco, Jr.
Criminal Nos. 75-1129, 75-1188 (C.D. Calif)
United States v. Ralph G. Newman
Criminal Nos. 75 Cr. 443, 75 Cr. 508 (N.D. Ill.)

Dear Mr. Buchen:

We have received a copy of Mr. Henry S. Ruth, Jr.'s letter to you dated September 3, 1975, concerning a request for certain documents from among the Nixon presidential materials which may be related to the above-captioned cases. Although we have discussed the matter with the Special Prosecutor's office and have expressed that we probably will not object to the production of these items, we do intend to review them before they are made available to the Special Prosecutor in order to determine whether any objections should be raised.

To facilitate this matter, I will be pleased to discuss with you or your agents the joint procedure for my gaining access to these items.

Sincerely yours,


Raymond G. Larroca
Attorney for Richard M. Nixon



THE WHITE HOUSE

WASHINGTON

September 3, 1975

*Nixon
papers*

Access

MEMORANDUM FOR THE RECORD

FROM: BARRY N. ROTH *BR*

Subject: McNellis (attorney for DeMarco) Request for
Nixon Documents

As requested, I spoke with Charles McNellis, attorney for Frank DeMarco concerning his desire to gain access to certain notes John Ehrlichman had made of conversations with former President Nixon which related to Mr. Nixon's 1969 gift of papers. Mr. McNellis knew only that the papers were subject to a court order, and was unsure of how to proceed in this matter. I explained generally the court order and that our role was that of a custodian.

After checking with Nick Akerman of the Special Prosecutor's Office regarding this request, I called McNellis back and explained to him in general terms how the Research Project for the Special Prosecutor had worked in terms of searching for documents at the request of the Special Prosecutor, and after Mr. Nixon, through his attorney, had had an opportunity to assert any privileges, the remaining documents were turned over to the Special Prosecutor. Akerman indicated that McNellis had been offered an opportunity to look at such documents in their possession. I indicated that I had no idea which documents may have been turned over to the Special Prosecutor, but that Ehrlichman's files would have been searched for that purpose. McNellis explained he wasn't aware that the Special Prosecutor had such notes, and would contact the Prosecutor to request access to them.

I then spoke with Stan Mortensen to explain to him the McNellis inquiry. I indicated that although McNellis now appears to be satisfied in knowing that documents were presumably turned over to the Special Prosecutor, a possibility does remain that he will subpoena us for additional documents in this regard. Mortensen advised that his office would, of course, be unable to determine

[Circular stamp: RECORDED - 100-100000-100000]

its position without knowing specifically what documents McNellis desired. I explained to Stan that I had told McNellis that he might wish to contact either he or Jack Miller if he later determined that was how he wished to proceed.



Stallin/Hukon

(H) 530-
0055

Tuesday 9/2/75

4:45

Charles McNellis (attorney with Welsh & Morgan)
is representing Frank DeMarco on the tax trial
scheduled for September 16 in Los Angeles.

296-5151

He said he has talked with John Ehrlichman and he tells
him he had many notes of conversation with then
President Nixon, some of which related to the 1969 gifts.
He finds these notes are the subject of an impounding
order and understands you are the one he has to talk
with to see if they can be released.

He is leaving tomorrow at 8 a.m. for the West Coast
and would hope to talk with someone this evening.
Will be in his office until 7 p.m.