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*Report —
Weekly*

THE WHITE HOUSE
WASHINGTON

Mr. Buchen:

This is our first
law report from the
Counsel's office —

Jay



March 14, 1975


RECENT SIGNIFICANT LEGAL MATTERS

1. Suits against Federal officials.

In Miller, et al., v. Saxbe, et al., Judge Gesell of the United States District Court for the District of Columbia held the doctrine of official immunity inapplicable as a bar to a suit against eleven (11) present and former Justice Department officials, including former Attorney General Saxbe, in their personal capacities, for conspiracy to deny two black U. S. Deputy Marshals equal job opportunities on the basis of race. In the past, the courts have breached this doctrine only in the most compelling and extreme cases, far beyond the facts here. In his chambers, the Judge indicated his view that these officials should retain private counsel. However, there is no court order to this effect, and the Department of Justice intends to continue to represent the officials, as well as to vigorously object to any lessening of the official immunity doctrine.

2. Individual Privacy and the rights of broadcasters.

In Cox Broadcasting Corp., et al. v. Cohn, the Supreme Court held unconstitutional a Georgia statute, grounded on the right to privacy, which prohibited disclosure by the news media of the names of rape victims when these names were part of the public court record.



This decision would seem to portend a similar result in former President Nixon's suit to block the broadcast and distribution of the recorded conversations which were played into evidence in the recent Watergate cover-up trial.

3. Presidential materials.

Nixon v. Administrator of General Services. A hearing is scheduled on Monday, March 17, before a three-judge panel of the United States District Court for the District of Columbia in former President Nixon's suit attacking the constitutionality of the Presidential Recordings and Materials Preservation Act. The hearing will deal primarily with two issues: Is it proper for a three-judge panel to sit to hear this case on its merits; and, if so, what treatment should be accorded Judge Richey's earlier opinion (now stayed) in Nixon v. Sampson, et al.

