

**The original documents are located in Box C1, folder “Presidential Handwriting, 8/23/1974” of the Presidential Handwriting File at the Gerald R. Ford Presidential Library.**

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OFFICE OF THE VICE PRESIDENT  
WASHINGTON, D.C.

To:

*Phil Bucher*

From:

Date:

Time

a.m.  
p.m.

*Return to him.*

ACTION

OFFICE OF THE VICE PRESIDENT

WASHINGTON, D.C.

To: Phil Bucher

From: \_\_\_\_\_

Date: \_\_\_\_\_

Time

a.m.

p.m.

*Return to him.*

INFO

OFFICE OF THE VICE PRESIDENT  
WASHINGTON, D.C.

To: Phil Bucher

From: \_\_\_\_\_

Date: \_\_\_\_\_ Time \_\_\_\_\_ a.m.  
p.m.

*Return to him.*

FILE

THE WHITE HOUSE

WASHINGTON

August 23, 1974

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: PHIL BUCHEN  
FROM: JERRY BURNES

The President asked that the attached paper be returned to you.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

DRAFT 8/22/74

DRAFT OF PROPOSED LETTER FOR PRESIDENT  
TO SEND THE ATTORNEY GENERAL

By this letter, I am requesting a legal opinion from you concerning the papers and other historical materials of or relating to former President Richard M. Nixon which are presently located in the Executive Office Building or in the White House or which have been furnished to the United States District Court for the District of Columbia pursuant to a subpoena duces tecum issued to former President Nixon originally made returnable on May 2, 1974.

The subjects of the requested opinion should include all those types of papers and other historical materials which the Administrator of General Services could accept for deposit pursuant to the Presidential Libraries Act (44 U.S.C. 2101 et seq.). Certain of the items involved, namely former President Nixon's personal notes and personal dictation belts or cassettes not heretofore transcribed, are related to the subpoena mentioned above. They are still located in the Executive Office Building but are ready for shipment to former President Nixon at San Clemente, California, where he needs to use them for the time-consuming task of completing his compliance with such subpoena as directed by the United States Supreme Court on July 24, 1974, in accordance with procedures

prescribed by the District Court Judge in the pending case of U.S. v. Mitchell, et al., which is presently set for trial as early as September 9, 1974. Such items and other items to be covered by the requested opinion are also needed by former President Nixon for other purposes related to such pending case wherein former President Nixon has been subpoenaed by one of the defendants to become a witness. Further reasons may exist or could occur which make it necessary for the former President to be able readily to review the contents of various papers and materials.

The questions which I request you to deal with in your opinion are:

- 1) What interests and rights does former President Nixon have in and to the papers and materials mentioned?
- 2) What responsibilities, if any, do persons on my staff with actual control of the papers and materials presently located in the Executive Office Building or in the White House have to the extent that any or all of such papers and materials are or become subject to subpoenas, requests court orders, or/by parties to court actions, by members of the Congress, or by others for inspection, discovery, or disclosure?

I ask that you please expedite the rendering of your opinion because of the need for prompt answers to these questions.