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1/20/75

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THE WHITE HOUSE
WASHINGTON

THE WHITE HOUSE

WASHINGTON

January 20, 1975

[Handwritten initials]

MEMORANDUM FOR THE PRESIDENT

FROM: MAX L. FRIEDERSDORF *M. L. F.*

SUBJECT: Don Santarelli/Legal Services Corporation

Our checks on Santarelli have turned up approvals from the House and Senate GOP leadership, as well as Senator Hruska and Eastland.

However, Senator Jesse Helms has written me a detailed letter indicating several problem areas involving Santarelli (See Tab A).

He cites stories accusing Santarelli of trying to politicize the FBI; charges of abuse in the use of Federal funds, and funding of controversial prison projects.

FORD

A



United States Senate

WASHINGTON, D.C. 20510

January 15, 1975

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Mr. Max Friedersdorf
Assistant to the President
The White House
Washington, D. C.

Dear Max:

This is just a personal note to indicate why I think the proposed nomination of Mr. Donald E. Santarelli to the Legal Services Corporation Board would be unwise.

Frankly, I think that Mr. Santarelli has lost the confidence of both liberals and conservatives during his career in Washington, often for the same reasons. Thus his nomination would contrive to make everyone unhappy.

If you will recall, in November, 1972, just after the election, the Washington Post and the New York Times both carried stories indicating that Mr. Santarelli, then Associate Deputy Attorney General, was the key link in implementing the request of John Ehrlichman¹ to give advice on substantive issues in the criminal justice field¹ to provide President Nixon maximum support during campaign trips in the '72 campaign. Whether Ehrlichman intended this request to go beyond the upper levels of the Department, I do not know, but Mr. Santarelli was the one who directly involved the FBI, resulting in 14 field offices being notified for campaign help. This involved Mr. Santarelli in press charges that he was "politicizing the FBI," in violation of its long tradition. Candidly, I must admit that there is an element of merit to the charges. Nothing was done about them, but in this post-Watergate atmosphere, I am sure that partisan Democrats would seize upon the incident to make hay.

Moreover, once Mr. Santarelli became head of LEAA he set about undermining the autonomy of local police departments instead of strengthening them. For example, at one point last January he announced that States seeking Federal anti-crime funds would be



Mr. Max Friedersdorf
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officially notified that they must use some of the money to introduce certain court reforms that Mr. Santarelli thought were desirable. The reforms were unrelated to the funded projects. This was reported in the New York Times of that period, and, while I have not had time to investigate it personally, it appears on its face to be an abuse of the Federal funding process.

Similarly, about the same time, he announced a project to gather his own crime statistics to force local criminal agencies to do a better job by making them more accountable to informed citizen pressures. This is another blatant Federal intrusion into local problems, and would divide local communities by turning pressure groups against the established law enforcement agencies. It is significant that local legal services projects provide the so-called informed citizen pressures he sought to aid.

As a matter of fact, the results of his survey did tend to disparage the accuracy of local crime statistics, and the International Association of Chiefs of Police severely criticized the project in its design and intention. He was under strong attack for this by the Police Chiefs at the time of his resignation. And another controversy erupted when it was reported that FBI agents had interviewed members of an audience at which he spoke on this topic in order to ascertain exactly what he had said.

Finally, Mr. Santarelli also presided over the funding of a controversial project in "behavior modification" of prisoners, which included so-called adversative drugs and electric shocks. The program stopped short of psychosurgery, but came under heavy criticism from many Senators because of the precedent set for Federal involvement in behavior control. Again, both liberals and conservatives have strong reservations about such projects.

If the Legal Services Corporation is to be successful, it must be led by someone who has the cooperation of local law enforcement agencies. I am particularly understanding of this problem, because my father was the chief of police in my hometown, and I grew up in an atmosphere of law enforcement problems.

Sincerely,



JESSE HELMS:lk

