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of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

(b) This order supersedes Executive Order No. 11426 of August 31, 1968.

Richard Nixon

THE WHITE HOUSE,
February 14, 1969.

Executive Order 11456

PROVIDING FOR A SPECIAL ASSISTANT TO THE PRESIDENT FOR LIAISON WITH FORMER PRESIDENTS

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. There shall be in the White House Office a Special Assistant to the President for Liaison with Former Presidents (referred to hereinafter as the Special Assistant).

SEC. 2. (a) On behalf of the President, the Special Assistant shall maintain channels of communication between the President and each former living President of the United States, to the end that (1) each former President shall be kept abreast of such developments as the President may desire; and (2) the President may avail himself of the counsel and advice of any or all of such former Presidents with respect to major matters, particularly of a national security nature, currently confronting the President.

(b) ~~The Special Assistant shall also—~~

(1) ~~Keep each former President currently informed of the major aspects of such principal international and domestic problems as the President directs;~~

(2) Arrange to secure from such former Presidents, or any of them, and convey to the President, their views on such issues as the President may designate; and

(3) Arrange to secure and convey to the President such views as any of the former Presidents may wish to communicate to the President on any issue of current interest or concern.

SEC. 3. (a) The Secretary of State, the Secretary of Defense, the Director of the Central Intelligence Agency, and the Executive Secretary of the National Security Council shall each designate a member of his staff as a point of contact for the Special Assistant. The Special Assistant may call upon such designated staff members to supply information and render such other appropriate assistance as he may require in carrying out his duties under section 2 of this Order.



(b) Upon request of the Special Assistant, the head of any department or agency of the Federal Government shall designate a member of his staff as a point of contact to supply information and assistance for the Special Assistant in the performance of his duties in the same manner as provided in subsection (a) for staff members designated pursuant to that subsection.

SEC. 4. The Special Assistant shall be appointed by the President and shall serve at the pleasure of the President. He shall receive compensation at such rate as the President, consonant with law, may prescribe.

SEC. 5. (a) The Special Assistant shall have such staff and other assistance as may be necessary to carry out his duties under this Order.

(b) The Special Assistant shall be provided with such office space as may be necessary to carry out his duties under this Order, and shall also be provided with such office space, and maintenance thereof, as may be necessary for the use of former Presidents at the seat of Government when they are engaged in any effort of interest or concern to the President.

SEC. 6. (a) The compensation and expenses of the Special Assistant and members of his staff shall be paid from the appropriation under the heading "Special Projects" in the Executive Office Appropriation Act, 1969, or any corresponding appropriation which may be made for subsequent fiscal years, or from such other appropriated funds as may be available under law.

(b) The General Services Administration shall provide, on a reimbursable basis, such administrative services and facilities for the Special Assistant as the White House Office may request.

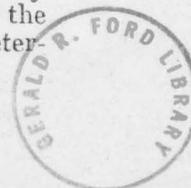
Richard Nixon

THE WHITE HOUSE,
February 14, 1969.

Executive Order 11457

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954, as amended (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1947 to 1970, inclusive, shall, during the Ninety-first Congress, be open to inspection by the Committee on Government Operations, House of Representatives, or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to deter-



modified pursuant to this Order.

SEC. 4. This Order shall be effective upon its publication in the FEDERAL REGISTER.



THE WHITE HOUSE,
March 3, 1972.

EXECUTIVE ORDER 11652

Classification and Declassification of National Security Information and Material

The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

Within the Federal Government there is some official information and material which, because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is essential that such official information and material be given only limited dissemination.

This official information or material, referred to as classified information or material in this order, is expressly exempted from public disclosure by Section 552(b)(1) of Title 5, United States Code. Wrongful disclosure of such information or material is recognized in the Federal Criminal Code as providing a basis for prosecution.

To ensure that such information and material is protected, but only to the extent and for such period as is necessary, this order identifies the information to be protected, prescribes classification, downgrading, declassification and safeguarding procedures to be followed, and establishes a monitoring system to ensure its effectiveness.



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NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, it is hereby ordered:

SECTION 1. *Security Classification Categories.* Official information or material which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States (hereinafter collectively termed "national security") shall be classified in one of three categories, namely "Top Secret," "Secret," or "Confidential," depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interest of national security, except as otherwise expressly provided by statute. These classification categories are defined as follows:

(A) "*Top Secret.*" "Top Secret" refers to that national security information or material which requires the highest degree of protection. The test for assigning "Top Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. This classification shall be used with the utmost restraint.

(B) "*Secret.*" "Secret" refers to that national security information or material which requires a substantial degree of protection. The test for assigning "Secret" classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification "Secret" shall be sparingly used.

(C) "*Confidential.*" "Confidential" refers to that national security information or material which requires protection. The test for assign-



ing "Confidential" classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

SEC. 2. *Authority to Classify.* The authority to originally classify information or material under this order shall be restricted solely to those offices within the executive branch which are concerned with matters of national security, and shall be limited to the minimum number absolutely required for efficient administration. Except as the context may otherwise indicate, the term "Department" as used in this order shall include agency or other governmental unit.

(A) The authority to originally classify information or material under this order as "Top Secret" shall be exercised only by such officials as the President may designate in writing and by:

- (1) The heads of the Departments listed below;
- (2) Such of their senior principal deputies and assistants as the heads of such Departments may designate in writing; and
- (3) Such heads and senior principal deputies and assistants of major elements of such Departments, as the heads of such Departments may designate in writing.

Such offices in the Executive Office of the President as the President may designate in writing

Central Intelligence Agency
 Atomic Energy Commission
 Department of State
 Department of the Treasury
 Department of Defense
 Department of the Army
 Department of the Navy
 Department of the Air Force
 United States Arms Control and Disarmament Agency
 Department of Justice
 National Aeronautics and Space Administration
 Agency for International Development

(B) The authority to originally classify information or material under this order as "Secret" shall be exercised only by:

- (1) Officials who have "Top Secret" classification authority;

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(2) Such subordinates as officials with "Top Secret" classification authority under (A) (1) and (2) above may designate in writing; and

(3) The heads of the following named Departments and such senior principal deputies or assistants as they may designate in writing.

Department of Transportation
 Federal Communications Commission
 Export-Import Bank of the United States
 Department of Commerce
 United States Civil Service Commission
 United States Information Agency
 General Services Administration
 Department of Health, Education, and Welfare
 Civil Aeronautics Board
 Federal Maritime Commission
 Federal Power Commission
 National Science Foundation
 Overseas Private Investment Corporation

(C) The authority to originally classify information or material under this order as "Confidential" may be exercised by officials who have "Top Secret" or "Secret" classification authority and such officials as they may designate in writing.

(D) Any Department not referred to herein and any Department or unit established hereafter shall not have authority to originally classify information or material under this order, unless specifically authorized hereafter by an Executive order.

SEC. 3. Authority to Downgrade and Declassify. The authority to downgrade and declassify national security information or material shall be exercised as follows:

(A) Information or material may be downgraded or declassified by the official authorizing the original classification, by a successor in capacity or by a supervisory official of either.

(B) Downgrading and declassification authority may also be exercised by an official specifically authorized under regulations issued by the head of the Department listed in Sections 2(A) or (B) hereof.

(C) In the case of classified information or material officially transferred by or pursuant to statute or Executive order in conjunction with



a transfer of function and not merely for storage purposes, the receiving Department shall be deemed to be the originating Department for all purposes under this order including downgrading and declassification.

(D) In the case of classified information or material not officially transferred within (C) above, but originated in a Department which has since ceased to exist, each Department in possession shall be deemed to be the originating Department for all purposes under this order. Such information or material may be downgraded and declassified by the Department in possession after consulting with any other Departments having an interest in the subject matter.

(E) Classified information or material transferred to the General Services Administration for accession into the Archives of the United States shall be downgraded and declassified by the Archivist of the United States in accordance with this order, directives of the President issued through the National Security Council and pertinent regulations of the Departments.

(F) Classified information or material with special markings, as described in Section 8, shall be downgraded and declassified as required by law and governing regulations.

SEC. 4. *Classification.* Each person possessing classifying authority shall be held accountable for the propriety of the classifications attributed to him. Both unnecessary classification and over-classification shall be avoided. Classification shall be solely on the basis of national security considerations. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or Department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security. The following rules shall apply to classification of information under this order:

(A) *Documents in General.* Each classified document shall show on its face its classification and whether it is subject to or exempt from the General Declassification Schedule. It shall also show the office of origin, the date of preparation and classification and, to the extent practicable, be so marked as to indicate which portions are classified, at what level, and which portions are not classified in order to facilitate excerpting and other use. Material containing references to classified materials, which references do not reveal classified information, shall not be classified.

(B) *Identification* involved shall have individual at the highest material classified under of the highest authority individual who signs or certifies authorized the classification is required.

(C) *Information International Organizations* to the United States shall either retain or declassify States classification. of protection equivalent national organizations

(D) *Classification* or material shall be by the originator. If classification, that the assignment is subject to the originator who

SEC. 5. *Declassification* material, unless declassified shall be declassified rules:

(A) *General Declassification* or material automatically downgraded to "Confidential" following the year end of the tenth full year originated.

(2) "*Secret.*" Information shall become automatically of the second full year originated, and declassified following the year



(B) *Identification of Classifying Authority.* Unless the Department involved shall have provided some other method of identifying the individual at the highest level that authorized classification in each case, material classified under this order shall indicate on its face the identity of the highest authority authorizing the classification. Where the individual who signs or otherwise authenticates a document or item has also authorized the classification, no further annotation as to his identity is required.

(C) *Information or Material Furnished by a Foreign Government or International Organization.* Classified information or material furnished to the United States by a foreign government or international organization shall either retain its original classification or be assigned a United States classification. In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization which furnished the information or material.

(D) *Classification Responsibilities.* A holder of classified information or material shall observe and respect the classification assigned by the originator. If a holder believes that there is unnecessary classification, that the assigned classification is improper, or that the document is subject to declassification under this order, he shall so inform the originator who shall thereupon re-examine the classification.

SEC. 5. *Declassification and Downgrading.* Classified information and material, unless declassified earlier by the original classifying authority, shall be declassified and downgraded in accordance with the following rules:

(A) *General Declassification Schedule.* (1) "Top Secret." Information or material originally classified "Top Secret" shall become automatically downgraded to "Secret" at the end of the second full calendar year following the year in which it was originated, downgraded to "Confidential" at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the tenth full calendar year following the year in which it was originated.

(2) "Secret." Information and material originally classified "Secret" shall become automatically downgraded to "Confidential" at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.



(3) The record can be obtained with only a reasonable amount of effort.

Information or material which no longer qualifies for exemption under (B) above shall be declassified. Information or material continuing to qualify under (B) shall be so marked and, unless impossible, a date for automatic declassification shall be set.

(D) *Applicability of the General Declassification Schedule to Previously Classified Material.* Information or material classified before the effective date of this order and which is assigned to Group 4 under Executive Order No. 10501, as amended by Executive Order No. 10964, shall be subject to the General Declassification Schedule. All other information or material classified before the effective date of this order, whether or not assigned to Groups 1, 2, or 3 of Executive Order No. 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of ten years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after the effective date of this order as set forth in (B) and (C) above.

(E) *Declassification of Classified Information or Material After Thirty Years.* All classified information or material which is thirty years old or more, whether originating before or after the effective date of this order, shall be declassified under the following conditions:

(1) All information and material classified after the effective date of this order shall, whether or not declassification has been requested, become automatically declassified at the end of thirty full calendar years after the date of its original classification except for such specifically identified information or material which the head of the originating Department personally determines in writing at that time to require continued protection because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. In such case, the head of the Department shall also specify the period of continued classification.

(2) All information and material classified before the effective date of this order and more than thirty years old shall be systematically reviewed for declassification by the Archivist of the United States by the end of the thirtieth full calendar year following the year in which it was



originated. In his review, the Archivist will separate and keep protected only such information or material as is specifically identified by the head of the Department in accordance with (E)(1) above. In such case, the head of the Department shall also specify the period of continued classification.

(F) *Departments Which Do Not Have Authority For Original Classification.* The provisions of this section relating to the declassification of national security information or material shall apply to Departments which, under the terms of this order, do not have current authority to originally classify information or material, but which formerly had such authority under previous Executive orders.

SEC. 6. *Policy Directives on Access, Marking, Safekeeping, Accountability, Transmission, Disposition and Destruction of Classified Information and Material.* The President acting through the National Security Council shall issue directives which shall be binding on all Departments to protect classified information from loss or compromise. Such directives shall conform to the following policies:

(A) No person shall be given access to classified information or material unless such person has been determined to be trustworthy and unless access to such information is necessary for the performance of his duties.

(B) All classified information and material shall be appropriately and conspicuously marked to put all persons on clear notice of its classified contents.

(C) Classified information and material shall be used, possessed, and stored only under conditions which will prevent access by unauthorized persons or dissemination to unauthorized persons.

(D) All classified information and material disseminated outside the executive branch under Executive Order No. 10865 or otherwise shall be properly protected.

(E) Appropriate accountability records for classified information shall be established and maintained and such information and material shall be protected adequately during all transmissions.

(F) Classified information and material no longer needed in current working files or for reference or record purposes shall be destroyed or

disposed of in accordance with Chapter 33 of Title 35, U.S.C. and the statutes.

(G) Classified information shall be controlled on a systematic basis for transmission, transfer, retention, and destruction.

SEC. 7. *Implementation.* The President shall direct the National Security Council to assist the National Security Council in the review of the Department of Energy Commission, the National Security Council, and the representatives of the Department of Energy Commission invited to meet with the representatives of those Departments on a continuing basis since the issuance of this order, and in

(1) The Commission shall ensure compliance with the order issued by the President.

(2) The Commission shall ensure that it, receive, consider, and disseminate the recommendations of persons within or outside the administration of this order or Departments and agencies and commissions.

(3) Upon request, the Commission shall furnish to the Commission by the Committee on

(B) To promote the Department's original shall:

(1) Prior to the Classification Review, it proposes to add



disposed of in accordance with the records disposal provisions contained in Chapter 33 of Title 44 of the United States Code and other applicable statutes.

(G) Classified information or material shall be reviewed on a systematic basis for the purpose of accomplishing downgrading, declassification, transfer, retirement and destruction at the earliest practicable date.

SEC. 7. Implementation and Review Responsibilities. (A) The National Security Council shall monitor the implementation of this order. To assist the National Security Council, an Interagency Classification Review Committee shall be established, composed of representatives of the Departments of State, Defense and Justice, the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council Staff and a Chairman designated by the President. Representatives of other Departments in the executive branch may be invited to meet with the Committee on matters of particular interest to those Departments. This Committee shall meet regularly and on a continuing basis shall review and take action to ensure compliance with this order, and in particular:

(1) The Committee shall oversee Department actions to ensure compliance with the provisions of this order and implementing directives issued by the President through the National Security Council.

(2) The Committee shall, subject to procedures to be established by it, receive, consider and take action on suggestions and complaints from persons within or without the government with respect to the administration of this order, and in consultation with the affected Department or Departments assure that appropriate action is taken on such suggestions and complaints.

(3) Upon request of the Committee Chairman, any Department shall furnish to the Committee any particular information or material needed by the Committee in carrying out its functions.

(B) To promote the basic purposes of this order, the head of each Department originating or handling classified information or material shall:

(1) Prior to the effective date of this order submit to the Interagency Classification Review Committee for approval a copy of the regulations it proposes to adopt pursuant to this order.



(2) Designate a senior member of his staff who shall ensure effective compliance with and implementation of this order and shall also chair a Departmental committee which shall have authority to act on all suggestions and complaints with respect to the Department's administration of this order.

(3) Undertake an initial program to familiarize the employees of his Department with the provisions of this order. He shall also establish and maintain active training and orientation programs for employees concerned with classified information or material. Such programs shall include, as a minimum, the briefing of new employees and periodic reorientation during employment to impress upon each individual his responsibility for exercising vigilance and care in complying with the provisions of this order. Additionally, upon termination of employment or contemplated temporary separation for a sixty-day period or more, employees shall be debriefed and each reminded of the provisions of the Criminal Code and other applicable provisions of law relating to penalties for unauthorized disclosure.

(C) The Attorney General, upon request of the head of a Department, his duly designated representative, or the Chairman of the above described Committee, shall personally or through authorized representatives of the Department of Justice render an interpretation of this order with respect to any question arising in the course of its administration.

SEC. 8. *Material Covered by the Atomic Energy Act.* Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended. "Restricted Data," and material designated as "Formerly Restricted Data," shall be handled, protected, classified, downgraded and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

SEC. 9. *Special Departmental Arrangements.* The originating Department or other appropriate authority may impose, in conformity with the provisions of this order, special requirements with respect to access, distribution and protection of classified information and material, including those which presently relate to communications intelligence, intelligence sources and methods and cryptography.



SEC. 10. *Exceptional* or Department not an information which is be. Department shall protect by this order. Such person forthwith, under app primary interest in the s tion be made as to classifi

SEC. 11. *Declassificat* United States shall have and material which has Staff or special committe the Archivist has in his Presidential Library. Suc accord with: (i) the ter tions with the Departm and (iii) the provisions

SEC. 12. *Historical I* Officials. The requirem information or material ance of one's duties sha branch who are engage previously occupied p appointed by the Presid head of the originating I

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Access granted a person policy-making position former official originated office.

SEC. 13. *Administrat* employee of the Unite classifies information or violation of the terms c

SEC. 10. *Exceptional Cases.* In an exceptional case when a person or Department not authorized to classify information originates information which is believed to require classification, such person or Department shall protect that information in the manner prescribed by this order. Such persons or Department shall transmit the information forthwith, under appropriate safeguards, to the Department having primary interest in the subject matter with a request that a determination be made as to classification.

SEC. 11. *Declassification of Presidential Papers.* The Archivist of the United States shall have authority to review and declassify information and material which has been classified by a President, his White House Staff or special committee or commission appointed by him and which the Archivist has in his custody at any archival depository, including a Presidential Library. Such declassification shall only be undertaken in accord with: (i) the terms of the donor's deed of gift, (ii) consultations with the Departments having a primary subject-matter interest, and (iii) the provisions of Section 5.

SEC. 12. *Historical Research and Access by Former Government Officials.* The requirement in Section 6(A) that access to classified information or material be granted only as is necessary for the performance of one's duties shall not apply to persons outside the executive branch who are engaged in historical research projects or who have previously occupied policy-making positions to which they were appointed by the President; *Provided*, however, that in each case the head of the originating Department shall:

(i) determine that access is clearly consistent with the interests of national security; and

(ii) take appropriate steps to assure that classified information or material is not published or otherwise compromised.

Access granted a person by reason of his having previously occupied a policy-making position shall be limited to those papers which the former official originated, reviewed, signed or received while in public office.

SEC. 13. *Administrative and Judicial Action.* (A) Any officer or employee of the United States who unnecessarily classifies or overclassifies information or material shall be notified that his actions are in violation of the terms of this order or of a directive of the President



issued through the National Security Council. Repeated abuse of the classification process shall be grounds for an administrative reprimand. In any case where the Departmental committee or the Interagency Classification Review Committee finds that unnecessary classification or overclassification has occurred, it shall make a report to the head of the Department concerned in order that corrective steps may be taken.

(B) The head of each Department is directed to take prompt and stringent administrative action against any officer or employee of the United States, at any level of employment, determined to have been responsible for any release or disclosure of national security information or material in a manner not authorized by or under this order or a directive of the President issued through the National Security Council. Where a violation of criminal statutes may be involved, Departments will refer any such case promptly to the Department of Justice.

SEC. 14. *Revocation of Executive Order No. 10501.* Executive Order No. 10501 of November 5, 1953, as amended by Executive Orders No. 10816 of May 8, 1959, No. 10901 of January 11, 1961, No. 10964 of September 20, 1961, No. 10985 of January 15, 1962, No. 11097 of March 6, 1963 and by Section 1 (a) of No. 11382 of November 28, 1967, is superseded as of the effective date of this order.

SEC. 15. *Effective date.* This order shall become effective on June 1, 1972.



THE WHITE HOUSE,
March 8, 1972.

EXECUTIVE ORDER 11653

Exemption of Jack T. Stuart from Compulsory Retirement for Age

Jack T. Stuart, United States Marshal for the Southern District of Mississippi reached the age of 70 on February 22, 1972. Under section 8335 of title 5, United States Code, he would be subject to compulsory retirement for age, after 60 days advance notice, unless exempted therefrom by Executive order.

It is my judgment
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THE WHITE HOUSE

WASHINGTON

Dear John:

Thank you for your letter of September 26 in which you contend that former President Nixon should no longer have access to classified material. The basis for your request is that the charges made against the former President, and his acceptance of a pardon with its implicit admission of guilt, would render him a security risk under all pertinent criteria. I cannot agree with that judgment.

Nothing in any of the charges against the former President that has ever come to my attention raises even the slightest question of his loyalty to the United States. However serious and tragic the charges made against the former President, they are not of a kind that raise any question as to his loyalty or reliability in protecting classified information.

The former President, of course, has already been in possession of ~~confidential~~ information for many years. There are many subjects untouched by the tragic circumstances of his leaving office on which his accomplishments are widely acknowledged and concerning which his knowledge and continued informed judgment are a ~~potential~~ resource of the United States. I believe that I would be remiss in carrying out my own responsibilities in office if I failed to preserve the availability of that resource for such use, and at such times, as the national interest may require.

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Ernst



Your very proper concern for the protection of vital national secrets is appreciated; but in this instance I must conclude that the national interest is in no way harmed, and in fact strengthened, by keeping the former President fully informed.

Best regards.

Sincerely,

The Honorable John E. Moss
House of Representatives
Washington, D.C. 20515



THE WHITE HOUSE
WASHINGTON

Cy for
Mr. Buchen

in case
Scowcroft
calls



THE WHITE HOUSE

WASHINGTON

January 14, 1975

MEMORANDUM FOR: Brent Scowcroft

FROM:

Phil Buchen

P.W.B.

Correspondent Les Kinsolving called on January 13, 1975, to advise me that Congressman Moss had raised with him the issue of how the NSC, within its responsibilities under Sec. 7 of E. O. 11652, could justify allowing former President Nixon to continue to be given access to classified information despite the requirements of Sec. 6(A) of that E. O., which imposes a test of predetermined "trustworthiness."

He also referred to E. O. 11456, which does cover the relationships between an incumbent and a former President, but he argued that the later E. O. 11652 imposes a paramount test of qualification for access to classified information.

The inquirer stated he would call me within a few days for a response. I would like to be able to refer his inquiry to you, or, if you prefer, to have a statement from you that I could relay to him.

This may prove to be a very troublesome inquiry and could result in problems for President Ford and Secretary Kissinger, so I would be glad to discuss the matter with you.

cc: Don Rumsfeld
Jack Marsh



THE WHITE HOUSE
WASHINGTON

Copies

went to

John Marsh

and

Brent

Scowcroft

(for comments &
suggestions)



Jan. 20, 1975

To: John Marsh
Gen. Scowcroft

From: Phil Buchen

For comments and
suggestions.



Jan. 20, 1975

To: Gen. Scowcroft
John Marsh

From: Phil Buchen

For comments and
suggestions.



DRAFT PWBuchen 1/20/75

Dear Congressman Moss:

It has just come to my attention that you had earlier written to the President on the subject of continued access by former President Nixon to certain classified information. I had independently begun to check into the matter, and the President has now asked me to answer your inquiry in his behalf. He also asks that I assure you of his appreciation for your long-standing concern with information policies of the Federal government and your thorough study of the problems in balancing the different interests involved.

The need of any former President for continued access to classified information as you have indicated arises out of his availability to counsel the incumbent President on major matters, particularly of a national security nature. Briefings on current developments vital to the security of our nation enable a former officeholder whenever he is consulted to understand issues of ongoing importance to the successor President, especially as they relate to experiences involving the same or similar issues as had been dealt with by the previous President while he was in office. For the purposes of formalizing the beneficial arrangement as it existed between former President Johnson and then President Nixon and to make it applicable to all succeeding former Presidents, Executive Order 11456 was issued February 14, 1969.



Against this background, you make the point that notwithstanding this basis for affording former President Nixon access to classified information he ought to be judged a security risk and therefore ineligible for further access. You make this point because of the evidence that while in office he committed certain acts for which he could be indicted if it were not for the pardon he accepted. However, you point to no evidence, and none is known to me, that he has ever made or contributed to making a wrongful disclosure of any classified information or material bearing on our national defense or conduct of our foreign relations even though he possesses vast knowledge of matters vital to the national security.

Therefore, I believe that for Mr. Nixon to be administratively adjudged no longer eligible to receive additional information in that respect would require applying a test not heretofore applied, so far as I can learn, to anyone possessed of a pre-established right to learn of classified information. Also, the Congress when it might have chosen to deny the former President access to materials from his administration which are still classified (and which by their nature could still have a very sensitive bearing on the effective conduct of our foreign relations) did not do so. I refer to the fact that by the Presidential Recordings and Materials Preservation Act passed at the end of the last session of the Congress, Mr. Nixon in Sec. 102 (c) is granted access at all times to all Presidential recordings and materials of his administration, whereas restrictions to access on national security grounds are mentioned only in Sec. 104 and they relate only to public access and not to Mr. Nixon's access.



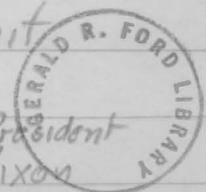
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The issue you raised appears to be resolved by:

1.) The circumstance that ~~by~~ because of ~~their~~ ^{his} election to Federal office a President or Vice President, as well as a member of Congress, is ~~permitted~~ allowed ~~to~~ access to classified ~~in~~ information while in office on a need-to-know basis without undergoing any previous security clearance;

2.) The ^{justification} ~~support~~ ~~found~~ ~~in~~ ~~tradition~~ formalized by ~~and~~ Executive Order 11456 ~~as to the~~ ~~for~~ ~~keeping~~ ~~leading~~ ~~advisory~~ ~~role~~, particularly an ~~national~~ ~~security~~ ~~advisory~~ ~~committee~~ ~~of~~ any ~~former~~ ^{sufficiently} ~~President~~ ^{after his term in office} ~~informed~~ ~~of~~ ~~current~~ ~~developments~~ ^{so as} to enable him, when called upon, to ~~consult~~ ^{from his own} with the incumbent President on matters vital to national security, especially as they relate to the former President's own prior knowledge and deliberations; and

3.) The position of the Congress implicit in the recent Presidential Recordings and Materials Preservation Act which ^{affords former President} ~~assures~~ ~~Mr.~~ ~~Nixon~~ in Sec. 102(c) ^{of} unlimited access to materials heretofore available to him, even though ^{they may be} still classified or involve very sensitive information, while restricting public ~~access~~ on national security grounds in Sec. 104,



THE WHITE HOUSE
WASHINGTON

January 22, 1975

FOR: PHIL BUCHEN

FROM: BRENT SCOWCROFT 

Here are a few suggestions for your letter
to Congressman Moss.

Attachment



Dear Congressman Moss:

It has just come to my attention that you had earlier written to the President on the subject of continued access by former President Nixon to certain classified information. I had independently begun to check into the matter, and the President has now asked me to answer your inquiry in his behalf.

The need of any former President for continued access to classified information arises out of his availability to counsel the incumbent President on major matters, particularly of a national security nature. Briefings on current developments vital to the security of our nation enable a former officeholder, whenever he is consulted, to understand issues of ongoing importance to the successor President, especially as they relate to experiences involving the same or similar issues as those dealt with by the previous President while he was in office. The knowledge and continued informed judgment of a former President are a valuable resource to an incumbent President and to the United States. [For the purpose of formalizing this beneficial arrangement, as it had existed between former President Johnson and then President Nixon, and to make it applicable to all succeeding former Presidents, Executive Order 11456 was issued on February 14, 1969.]

Against this background, you express the view that the charges made against former President Nixon and his acceptance of a pardon



render him a security risk under all pertinent criteria. The evidence available to us does not support that judgment.

Mr. Nixon, of course, has been in possession of sensitive information for many years. Nothing in any of the charges against him that has ever come to our attention indicates that he has ever made or contributed to making wrongful disclosure of classified information or material bearing on our national defense or our foreign relations. In other words, the evidence raises no question as to his loyalty or reliability in protecting classified information. Therefore, I believe that for Mr. Nixon to be administratively adjudged no longer eligible to receive additional information in that respect would require applying a test not heretofore applied, so far as we can determine, to anyone possessed of a pre-established right to receive classified information.

The President very much appreciates your long-standing concern with and thorough study of the information policies of the Federal government and the problems in balancing the different interests involved. However, in this instance, we must conclude that the national interest is in no way harmed and, indeed, is strengthened by keeping the former President properly informed.



January 28, 1975

Dear Congressman Moss:

It has just come to my attention that you had earlier written to the President on the subject of continued access by former President Nixon to certain classified information. I had independently begun to check into the matter, and the President has now asked me to answer your inquiry in his behalf.

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THE WHITE HOUSE
WASHINGTON

January 29, 1975

*Access by
former
Presidents
to
classified
information*

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The issue you raised appears to be resolved by:

1) The circumstance that because of his election to Federal office a President or Vice President, as well as a member of Congress, is allowed access to classified information on a need-to-know basis without undergoing any previous security clearance;

2) The justification founded in tradition and formalized by Executive Order 11456 for keeping any President sufficiently informed after his term in office of current developments so as to enable him, when called upon, to counsel with the incumbent President on matters vital to national security, especially as they relate to the former President's own prior knowledge and deliberations; and

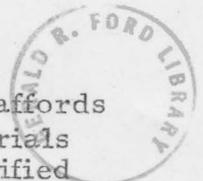
3) The position of the Congress implicit in the recent Presidential Recordings and Materials Preservation Act which affords former President Nixon in Sec. 102(c) unlimited access to materials heretofore available to him, even though they may still be classified or involve very sensitive information, while restricting public access on national security grounds in Sec. 104.

Sincerely yours,

Philip W. Buchen

Philip W. Buchen
- Counsel to the President

The Honorable John E. Moss
House of Representatives
Washington, D. C. 20515



14
JOHN E. MOSS
3RD DISTRICT
SACRAMENTO, CALIFORNIA

ADMINISTRATIVE ASSISTANT
JACK MATTESON
LEGISLATIVE ASSISTANT
TOM GREENE



WASHINGTON

DISTRICT OFFICE:
DISTRICT REPRESENTATIVE
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PHONE (916) 449-3343

Handwritten initials

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

GOVERNMENT OPERATIONS COMMITTEE;
RANKING MAJORITY MEMBER SUBCOMMITTEES ON
FOREIGN OPERATIONS & GOVERNMENT INFORMATION
CONSERVATION & NATURAL RESOURCES

INTERSTATE AND FOREIGN COMMERCE COMMITTEE
CHAIRMAN,
COMMERCE & FINANCE SUBCOMMITTEE
DEMOCRATIC STEERING AND POLICY COMMITTEE

o it
September 26, 1974

BT

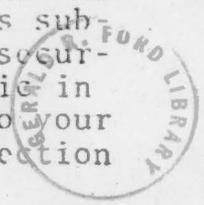
The President
The White House
Washington, D. C.

Dear Mr. President:

As you recall, during our twenty-one years of service together in the House of Representatives, I spent many of those years working upon Federal information policy matters. You may also recall that I was the author on the House side of the Freedom of Information bill.

The initial issue which directed my attention to a study of information policies of the Federal government occurred during the first year of my service. At that time, there was a great outcry against so-called "security risks" in the Federal government.

Upon the election of a Democratic majority in the 84th Congress, I was selected as the Chairman of a Special Subcommittee of the Committee on Government Operations. This was the beginning of a sixteen-year assignment in the field of governmental information policies. As a consequence, I have carefully studied the law's subtle balancing of the interests of government in security against the legitimate interests of the public in access to information. The matter I now bring to your attention is done so after the most careful reflection



on this study and a full consideration of the very serious nature of the issues implicit in the views I will express.

It is my opinion that due to the circumstances which led to the resignation of your predecessor, Richard M. Nixon, and his subsequent acceptance of a pardon, that Mr. Nixon is guilty of illegal acts. In response to a press conference question, you indicated that Mr. Nixon's acceptance of a pardon could be construed as analagous to an admission of guilt. The question and your precise words were, "Throughout your Vice Presidency you said you didn't believe that former President Nixon had ever committed an impeachable offense. Is that still your belief, or do you believe that his acceptance of a pardon implies his guilt: Or is it an admission of guilt?" Your reply was "...the acceptance of a pardon I think can be construed by many, if not all, as an admission of guilt." The Honorable Nelson Rockefeller, Vice President Designate, echoed this view when in response to questions asked of him by the United States Senate Committee taking testimony preparatory to his confirmation by the Senate wherein he characterized the acceptance of a pardon as "tantamount to admitting guilt".

I submit that under these conditions that Richard M. Nixon would be judged under all pertinent criteria as a security risk and would be denied access to the material made available to him in secret briefings. If there is not to be a two tiered system of justice in this country, these briefings should be stopped. I submit that unlike his three predecessors who were routinely briefed, the Honorable Harry Truman, the Honorable Dwight D. Eisenhower, and the Honorable Lyndon B. Johnson, that former President Nixon left office under conditions analagous to less than an honorable discharge of his responsibilities given him by the American electorate in the 1972 election. I question whether the briefing of Richard Nixon, who is no longer an employee of the government, does not in itself constitute a breach of rules, regulations or laws proscribing the publication of highly classified material.

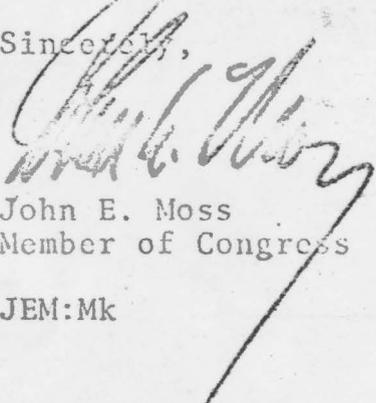


September 26, 1974

Your own action in the issuance of a pardon implicitly carried with it the assurance that violations of law would be subsequently disclosed and that they would be of an extent and nature, if spread upon the public records, to clearly bar Richard Nixon from access to classified defense or national security information.

I respectfully suggest, therefore, that it is appropriate that these briefings be discontinued and that finally a recognition be made of the obvious fact that this unprecedented act of resignation was indeed brought about because of the personal misconduct of Richard Nixon.

Sincerely,


John E. Moss
Member of Congress

JEM:Mk



THE WHITE HOUSE

WASHINGTON

January 29, 1975

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- 3) The position of the Congress implicit in the recent Presidential Recordings and Materials Preservation Act which affords former President Nixon in Sec. 102(c) unlimited access to materials heretofore available to him, even though they may still be classified or involve very sensitive information, while restricting public access on national security grounds in Sec. 104.

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Philip W. Buchen

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Counsel to the President



The Honorable John E. Moss
House of Representatives
Washington, D. C. 20515

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Bridge
CONGRESS OF THE UNITED STATES
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GOVERNMENT OPERATIONS COMMITTEE:
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The President
The White House
Washington, D. C.

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The President

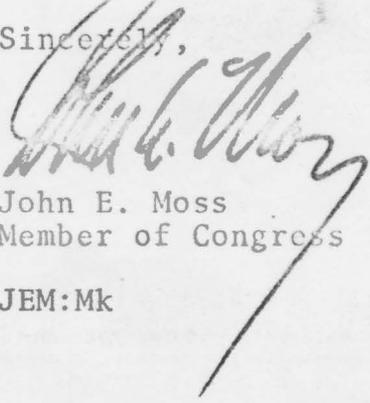
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September 26, 1974

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Sincerely,



John E. Moss
Member of Congress

JEM:Mk



NSC
Access

mtg
1/17
11:30

January 14, 1975

MEMORANDUM FOR: Brent Scowcroft
FROM: Phil Buchen

Correspondent Les Kinsolving called on January 13, 1975, to advise me that Congressman Moss had raised with him the issue of how the NSC, within its responsibilities under Sec. 7 of E. O. 11652, could justify allowing former President Nixon to continue to be given access to classified information despite the requirements of Sec. 6(A) of that E. O., which imposes a test of predetermined "trustworthiness."

He also referred to E. O. 11456, which does cover the relationships between an incumbent and a former President, but he argued that the later E. O. 11652 imposes a paramount test of qualification for access to classified information.

The inquirer stated he would call me within a few days for a response. I would like to be able to refer his inquiry to you, or, if you prefer, to have a statement from you that I could relay to him.

This may prove to be a very troublesome inquiry and could result in problems for President Ford and Secretary Kissinger, so I would be glad to discuss the matter with you.

cc: Don Rumsfeld
Jack Marsh

PWBuchen:ed



N5C

January 29, 1975

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Philip W. Buchen
Counsel to the President

The Honorable John E. Moss
House of Representatives
Washington, D. C. 20515

PWBuchen:ed



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September 26, 1974

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The President

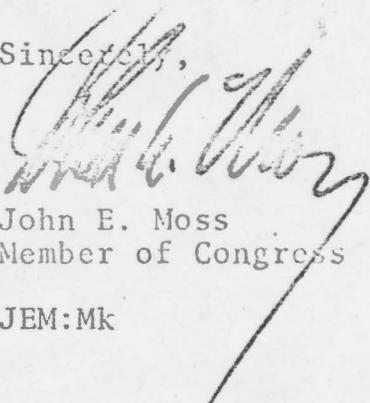
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September 26, 1974

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Sincerely,



John E. Moss
Member of Congress

JEM:Mk



*James
P. ...*

THE WHITE HOUSE
WASHINGTON

January 29, 1975

MEMORANDUM FOR: PHILIP W. BUCHEN
FROM: DAVID C. HOOPES *DCH*
SUBJECT: Economic Briefings for the
Former President

According to Richard Cheney, it has been requested that the Former President receive economic briefings in San Clemente. Attached are examples of memoranda that are sent to the President, and in most cases, involve information that is already released to the public before it is transmitted to the President.

Would you please advise whether the transmission of these memoranda to the Former President would create any problems. Specifically, Mr. Cheney inquired about whether this might create a possible conflict situation. It was not a question of whether anyone would gain from the information, but whether there might be an appearance of a "conflict". (Even this seems doubtful, however, because there is no longer a "pre-release" of this information; the President now gets it after it is released, i. e., "These data were released".)

Thank you.



THE WHITE HOUSE
WASHINGTON

Congressional

Cong. Mess

3/17/75

Rec:

see
Freedom of
Information

Would appreciate
your views on what
type of response, if any,
should be made to
letter of 2/18.

P.

↑

I suggest no
answer:

R.



JOHN E. MOSS
3RD DISTRICT
SACRAMENTO, CALIFORNIA

ADMINISTRATIVE ASSISTANT
JACK MATTESON

LEGISLATIVE ASSISTANT
TOM GREENE



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DEMOCRATIC STEERING AND POLICY COMMITTEE

February 18, 1975

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

Dear Mr. Buchen:

I appreciate your letter of January 29, but I am afraid that it misses my point entirely. I concede the three points made in your letter, but I maintain that the briefing of former President Nixon falls in an entirely different category than the three cited in your letter.

We will stipulate that he has access to classified material accumulated during his Administration, and we will concede that he is a former President of the United States, but the fact is, Mr. Buchen, that he is a unique exception among all of our former Presidents in our history. He accepted a pardon for unspecified offenses; that acceptance was characterized by President Ford as analogous to an admission of guilt. That being the case, Mr. Nixon would not be clearable by any agency, nor under the circumstances does he have a need to know regarding the ongoing policies of our government.

Certainly, Sir, it is not your contention that President Ford is going to seek the advice of this man on any matter of domestic or international policy, or perhaps it is. If so, I would be most interested



Philip W. Buchen

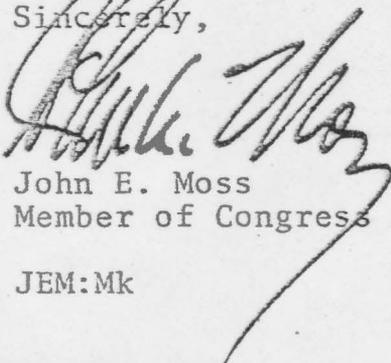
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February 18, 1975

in having that fact confirmed, because to me, it is indeed strange that any case could be made for a need to consult Mr. Nixon on future policies of this government or to make him privy to current, ongoing developments, either in domestic or international policy areas.

I think the whole idea of his having access is repugnant to the overwhelming majority of Americans who feel that he betrayed their trust in him through his misconduct of the Office of the Presidency.

Sincerely,



John E. Moss
Member of Congress

JEM:Mk



THE WHITE HOUSE
WASHINGTON

Moss,
John

Ken Lazarus:
Does the Moss
charge raise a
question about which
we should be
concerned.

P.



White House Muzzling Alleged by Congressman

By BOB USSERY

U.S. Rep. John Moss (D-Calif.) accused the White House in an interview here Friday of illegally pressuring the Consumer Products Safety Commission to conform with President Ford's proposed budget for the independent regulatory agency.

Moss, who attended the Association of Trial Lawyers of America's mid-winter convention at the Fairmont Hotel, said he will challenge the White House's alleged attempt to muzzle the commission on the budget issue through his authority as chairman of the House Oversight and Investigations Subcommittee.

Moss released a copy of a Feb. 3 letter from the White House Office of Management and Budget to Chairman Richard O. Simpson of the consumer commission.

In the letter, Paul H. O'Neill, deputy director of the budget, wrote: "The President expects each official in the commission to support actively the budget amounts set forth in this letter and its enclosures. This support should be given in testimony before congressional committees, in informal contacts with members of Congress and their staffs, and in speeches and meetings with outside groups."

Moss said the letter is in "direct contravention" of the Consumer Products Safety Act of 1972, which brought about establishment of the commission in May, 1973.

Moss was a co-sponsor of the act, which requires the commission to concurrently file with Congress a copy of budget proposals made to the White House.

Dr. Lawrence M. Kushner, vice chairman of the commission, appeared at a panel discussion with Moss at the trial lawyers' convention.

Kushner said in an interview the commission has already submitted its budget request to the White House and Congress.

Kushner, when shown a copy of the letter, said, "I disagree with that. By virtue of special provisions of our law, our chairman has no special obligation to defend the President's estimate of what we need."

"As far as I'm personally concerned, until the issue is resolved definitively, the commission should be able to present both budgets and explain the consequences of the smaller amount requested by the President in terms of the commission's being able to do its job adequately."

Kushner said the Presi-

dent's budget, which is about 25 per cent lower than the commission's request, "would seriously compromise the ability of the commission to do its job."

Moss promised to resolve the budget issue as well as a deadlock involving appointment by the commission of five persons to its senior staff.

Moss discussed the staff situation in a speech before the trial lawyers, and said later the same ideas applied to the budget issue.

New Orleans Times Picayune

Feb. 15, 1975

(page 2)



THE WHITE HOUSE
WASHINGTON

Cong

January 29, 1975

Dear Congressman Moss:

It has just come to my attention that you had earlier written to the President on the subject of continued access by former President Nixon to certain classified information. I had independently begun to check into the matter, and the President has now asked me to answer your inquiry in his behalf. He also asks that I assure you of his appreciation for your long-standing concern with information policies of the Federal government and your thorough study of the problems in balancing the different interests involved.

The issue you raised appears to be resolved by:

1) The circumstance that because of his election to Federal office a President or Vice President, as well as a member of Congress, is allowed access to classified information on a need-to-know basis without undergoing any previous security clearance;

2) The justification founded in tradition and formalized by Executive Order 11456 for keeping any President sufficiently informed after his term in office of current developments so as to enable him, when called upon, to counsel with the incumbent President on matters vital to national security, especially as they relate to the former President's own prior knowledge and deliberations; and

3) The position of the Congress implicit in the recent Presidential Recordings and Materials Preservation Act which affords former President Nixon in Sec. 102(c) unlimited access to materials heretofore available to him, even though they may still be classified or involve very sensitive information, while restricting public access on national security grounds in Sec. 104.

Sincerely yours,

Philip W. Buchen

Philip W. Buchen

- Counsel to the President

The Honorable John E. Moss
House of Representatives
Washington, D. C. 20515



THE WHITE HOUSE
WASHINGTON

Jan. 20, 1975

To: John Marsh ✓
Gen. Scowcroft

From: Phil Buchen

For comments and
suggestions.



DRAFT PWBuchen 1/20/75

*Have
Gives or Moss,
this John
or*

Dear Congressman Moss:

It has just come to my attention that you had earlier written to the President on the subject of continued access by former President Nixon to certain classified information. I had independently begun to check into the matter, and the President has now asked me to answer your inquiry in his behalf. He also asks that I assure you of his appreciation for your long-standing concern with information policies of the Federal government and your thorough study of the problems in balancing the different interests involved.

The need of any former President for continued access to classified information as you have indicated arises out of his availability to counsel the incumbent President on major matters, particularly of a national security nature. Briefings on current developments vital to the security of our nation enable a former officeholder whenever he is consulted to understand issues of ongoing importance to the successor President, especially as they relate to experiences involving the same or similar issues as had been dealt with by the previous President while he was in office. For the purposes of formalizing the beneficial arrangement as it existed between former President Johnson and then President Nixon and to make it applicable to all succeeding former Presidents, Executive Order 11456 was issued February 14, 1969.



Against this background, you make the point that notwithstanding this basis for affording former President Nixon access to classified information he ought to be judged a security risk and therefore ineligible for further access. You make this point because of the evidence that while in office he committed certain acts for which he could be indicted if it were not for the pardon he accepted. However, you point to no evidence, and none is known to me, that he has ever made or contributed to making a wrongful disclosure of any classified information or material bearing on our national defense or conduct of our foreign relations even though he possesses vast knowledge of matters vital to the national security.

Therefore, I believe that for Mr. Nixon to be administratively adjudged no longer eligible to receive additional information in that respect would require applying a test not heretofore applied, so far as I can learn, to anyone possessed of a pre-established right to learn of classified information. Also, the Congress when it might have chosen to deny the former President access to materials from his administration which are still classified (and which by their nature could still have a very sensitive bearing on the effective conduct of our foreign relations) did not do so. I refer to the fact that by the Presidential Recordings and Materials Preservation Act passed at the end of the last session of the Congress, Mr. Nixon in Sec. 102 (c) is granted access at all times to all Presidential recordings and materials of his administration, whereas restrictions to access on national security grounds are mentioned only in Sec. 104 and they relate only to public access and not to Mr. Nixon's access.



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12/24/74

Grandson
Info

To: Mr. Buchen

From: Eva

I have checked Timmons' office and they can find no record of a reply being sent to Cong. Moss. Central Files has nothing.

Dudley said to let you know that we think it hasn't been answered; he said he thought it might just as well go unanswered -- possibly.

10/26/74

ltr from Cong Moss

11/12/74 draft

by Chapman

sent to

Timmons



Draft reply
to letter from
Cory Moss
re
Freedom of
Information

THE WHITE HOUSE
WASHINGTON

Evs:

Please route to
Wm. Timmons
right away from
me.



THE WHITE HOUSE
WASHINGTON

Date 11/12

TO: Phil Buchen

FROM: DUDLEY CHAPMAN

Per your request



Dear John:

Thank you for your letter of September 26 in which you contend that former President Nixon should no longer have access to classified material. The basis for your request is that the charges made against the former President, and his acceptance of a pardon with its implicit admission of guilt, would render him a security risk under all pertinent criteria. I cannot agree with that judgment.

Nothing in any of the charges against the former President that has ever come to my attention raises even the slightest question of his loyalty to the United States. However serious and tragic the charges made against the former President, they are not of a kind that raise any question as to his loyalty or reliability in protecting classified information.

The former President, of course, has already been in possession of confidential information for many years. There are many subjects untouched by the tragic circumstances of his leaving office on which his accomplishments are widely acknowledged and concerning which his knowledge and continued informed judgment are a potential resource of the United States. I believe that I would



be remiss in carrying out my own responsibilities in office if I failed to preserve the availability of that resource for such use, and at such times, as the national interest may require.

Your very proper concern for the protection of vital national secrets is appreciated; but in this instance I must conclude that the national interest is in no way harmed, and in fact strengthened, by keeping the former President fully informed.

Best regards.

Sincerely,



En Dudley

THE WHITE HOUSE
WASHINGTON

Date 10/30/74

TO: PHIL BUCHEN

FROM: WILLIAM TIMMONS

FOR YOUR INFORMATION _____

FOR YOUR COMMENTS _____

FOR APPROPRIATE HANDLING _____

OTHER CAN YOU DRAFT
PRESIDENTIAL REPLY +
ROUTE THRU ME FOR
CONTROL PURPOSES?
THANKS



THE WHITE HOUSE
WASHINGTON

Oct 30, 1974

SJ:

This has just come in -- would you please ask Mr. Timmons how we should handle it?

Copy sent to Ron Nessen.

ef



ADMINISTRATIVE ASSISTANT
JACK MATTESON
LEGISLATIVE ASSISTANT
TOM GREENE



RAYBURN HOUSE OFFICE BUILDING
PHONE (202) 225-7153

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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

GOVERNMENT OPERATIONS COMMITTEE:
RANKING MAJORITY MEMBER SUBCOMMITTEES ON
FOREIGN OPERATIONS & GOVERNMENT INFORMATION
CONSERVATION & NATURAL RESOURCES

INTERSTATE AND FOREIGN COMMERCE COMMITTEE:
CHAIRMAN,
COMMERCE & FINANCE SUBCOMMITTEE

DEMOCRATIC STEERING AND POLICY COMMITTEE

est
September 26, 1974

BT
The President
The White House
Washington, D. C.

Dear Mr. President:

As you recall, during our twenty-one years of service together in the House of Representatives, I spent many of those years working upon Federal information policy matters. You may also recall that I was the author on the House side of the Freedom of Information bill.

The initial issue which directed my attention to a study of information policies of the Federal government occurred during the first year of my service. At that time, there was a great outcry against so-called "security risks" in the Federal government.

Upon the election of a Democratic majority in the 84th Congress, I was selected as the Chairman of a Special Subcommittee of the Committee on Government Operations. This was the beginning of a sixteen-year assignment in the field of governmental information policies. As a consequence, I have carefully studied the law's subtle balancing of the interests of government in security against the legitimate interests of the public in access to information. The matter I now bring to your attention is done so after the most careful reflection



on this study and a full consideration of the very serious nature of the issues implicit in the views I will express.

It is my opinion that due to the circumstances which led to the resignation of your predecessor, Richard M. Nixon, and his subsequent acceptance of a pardon, that Mr. Nixon is guilty of illegal acts. In response to a press conference question, you indicated that Mr. Nixon's acceptance of a pardon could be construed as analagous to an admission of guilt. The question and your precise words were, "Throughout your Vice Presidency you said you didn't believe that former President Nixon had ever committed an impeachable offense. Is that still your belief, or do you believe that his acceptance of a pardon implies his guilt: Or is it an admission of guilt?" Your reply was "...the acceptance of a pardon I think can be construed by many, if not all, as an admission of guilt." The Honorable Nelson Rockefeller, Vice President Designate, echoed this view when in response to questions asked of him by the United States Senate Committee taking testimony preparatory to his confirmation by the Senate wherein he characterized the acceptance of a pardon as "tantamount to admitting guilt".

I submit that under these conditions that Richard M. Nixon would be judged under all pertinent criteria as a security risk and would be denied access to the material made available to him in secret briefings. If there is not to be a two tiered system of justice in this country, these briefings should be stopped. I submit that unlike his three predecessors who were routinely briefed, the Honorable Harry Truman, the Honorable Dwight D. Eisenhower, and the Honorable Lyndon B. Johnson, that former President Nixon left office under conditions analagous to less than an honorable discharge of his responsibilities given him by the American electorate in the 1972 election. I question whether the briefing of Richard Nixon, who is no longer an employée of the government, does not in itself constitute a breach of rules, regulations or laws proscribing the publication of highly classified material.

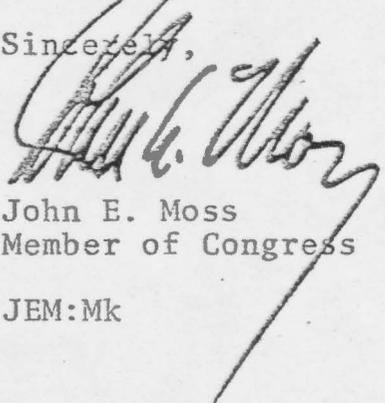


September 26, 1974

Your own action in the issuance of a pardon implicitly carried with it the assurance that violations of law would be subsequently disclosed and that they would be of an extent and nature, if spread upon the public records, to clearly bar Richard Nixon from access to classified defense or national security information.

I respectfully suggest, therefore, that it is appropriate that these briefings be discontinued and that finally a recognition be made of the obvious fact that this unprecedented act of resignation was indeed brought about because of the personal misconduct of Richard Nixon.

Sincerely,



John E. Moss
Member of Congress

JEM:Mk

