

The original documents are located in Box 2796, folder “Scalia, Antonin” of the White House Central Files Name File at the Gerald R. Ford Presidential Library.

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Remarks to Presidential Appointees

EXECUTIVE
50

8/13/74
17

GEORGE REED

JOHN REED

NAT REED

CHARLOTTE REID

HAL REYNOLDS

JOHN RHINELANDER

JOHN M. RICHARDSON

RICHARD W. ROBERTS

GLENN ROBINSON

RICHARD RODGERS

GEORGE ROEMING

RICHARD ROUDEBUSH

GEORGE ROUKIS

RICHARD ROTH

ROBERT RUDDY

ARTHUR SAMPSON

WALTER SAUER

JOHN SAWHILL

ANTONIN SCALIA

FRANK A. SCHRONTZ

JOHN SCHROTE

RICHARD SCHUBERT

THOMAS SCHWEIGERT

ANTHONY SERTSEN

CHARLES SETHNESS



SEP 10 1974

Dear Mr. Scalia:

It is with deep regret that I accept your resignation as Chairman of the Administrative Conference of the United States, effective August 22, 1974, as you requested.

In so doing, I wish to express my appreciation for the important contributions you have made to the work of the Conference as it has sought ways to improve the fairness and efficiency of administrative procedures within the agencies of the Federal Government. Under your capable leadership, the Conference has been successful in applying its collective knowledge and experience to the task of improving agency performance and thereby better serving the needs of all our fellow citizens.

You will be missed at the Conference, but my reluctance at seeing you leave that position is more than compensated by the knowledge that you are continuing to serve our Nation and this Administration as you assume your new duties as Assistant Attorney General. I am wholly confident you will bring to your challenging new tasks as head of the Office of Legal Counsel the same considerable skill and energy which have always typified your public service career.

You may be sure you have my gratitude and very best wishes for continued success and fulfillment in the years ahead.

Sincerely,

GERALD R. FORD

The Honorable Antonin Scalia
Chairman
Administrative Conference of the United States
Suite 500
2120 L Street, N. W.
Washington, D. C. 20037

GRF:RLF:mah



THE WHITE HOUSE OFFICE

EXECUTIVE

FC 65
FC 6-11-1 Baroody, Jr.
FC 17-15

REFERRAL

To: The Honorable Carla Hills
Assistant Attorney General
Civil Division
Department of Justice

Date: November 20, 1974

ACTION REQUESTED

- Draft reply for:
 - President's signature.
 - Undersigned's signature.
- Memorandum for use as enclosure to reply.
- Direct reply.
 - Furnish information copy.
- Suitable acknowledgment or other appropriate handling.
 - Furnish copy of reply, if any.
- For your information.
- For comment.

NOTE

Prompt action is essential.

If more than 72 hours' delay is encountered, please telephone the undersigned immediately, Code 1450.

Basic correspondence should be returned when draft reply, memorandum, or comment is requested.

Antonin Scalia

REMARKS:

The Office of Legal Counsel rendered an opinion on November 18, 1974 concerning the subject matter of this suit. A copy is attached.

Description:

Letter: _____ Telegram: _____ Other: COMPLAINT: Re: William J. Baroody, Jr.

To:
From:
Date:
Subject:

By direction of the President:

Dudley Chapman
Associate Counsel



NOV 20 1974

CENTRAL FILES

(White House File Copy)

B/T
MEMORANDUM

NATIONAL SECURITY COUNCIL

③
6366

EXECUTIVE

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CO100

FG17-15

January 3, 1975

MEMORANDUM FOR: WARREN RUSTAND
FROM: Jeanne W. Davis
SUBJECT: Proposed Foreign Travel
of Administration Official

The Department of State and the NSC staff have no objection to the proposed foreign travel of Mr. Antonin Scalia, Assistant Attorney General, Office of Legal Counsel, Department of Justice, to visit Mexico City January 24-28, 1975. Mr. Scalia will participate in the mid-year meeting of the American Bar Association.



dispatched 1/3/75 cel

RECEPTION - Monday, February 24, 1975 at 4:30 p.m.
(National Bicentennial Conference)

SW gate
Telegrams

Roth, Mr. Herrick S.
Denver, Colorado

Rourke, Mr. & Mrs. Russell A.
Executive Assistant to the Counsellor to the President

Rouse, Mr. & Mrs. Parke S., Jr.
Williamsburg, Virginia

Roush, Mr. & Mrs. Larry F.
Associate Deputy Administrator, GSA

Rowe, Miss L. Julianne
National Park Service

Russell, Miss Virginia A.
Dept. of Health, Education, & Welfare

Rustand, Mr. & Mrs. Warren S.
Director, Scheduling Office, White House

Sampson, Miss Alann
Ft. Worth, Texas

Scalia, The Hon. Antonin
Assistant Attorney General, Dept. of Justice

Schneidman, Mr. & Mrs. Harold
Assistant Director, Information Centers Svc., USIA

Scholzen, Mr. & Mrs. John
American Revolution Bicentennial Administration

Schruth, Miss Susan Elliot
Boston, Massachusetts

Schwengel, The Hon. Fred
U. S. Capital Historical Society

Scott, Mr. & Mrs. Stanley S.
Special Assistant to the President for Minority Affairs

Scowcroft, Lt. Gen. & Mrs. Brent
Deputy Assistant to the President for National Security Affairs

Joh

EXECUTIVE

March 21, 1975

WE 7
JL 1
FG 17
JL 4-5
FG 23
FG 17-15

MEMORANDUM FOR

^x
The Honorable Antonin Scalia
Assistant Attorney General
Office of Legal Counsel
Department of Justice

SUBJECT: WEINBERGER ^xv. WIESENFELD
U.S. (March 19, 1975).

Would you please review the Social Security Act to determine whether in light of the above-referenced decision section 402(g) of title 42 of the U.S. Code must be amended. If an amendment is required, would your office draft the proper language.

Also, should any other sections of the Social Security Act be amended so that the entire Act will conform with the language of the Court's holding that unjustified gender-based discrimination violates the Due Process Clause of the Fifth Amendment.

Finally, would you consider whether there are any other inequities inherent in the Act which might be considered unconstitutional in light of this opinion of the Court. If there are such inequities, would you discuss any action which would remove them.

Philip W. Buchen
Counsel to the President

PWB:JTF:rg



May 22, 1975

MEMORANDUM FOR

THE HONORABLE ANTONIN SCALIA
ASSISTANT ATTORNEY GENERAL

After reading your memo to the Attorney General of April 28 on the Inflation Impact Statement, I asked for suggestions in my office as to what might be done to overcome or limit the possibility that the requirement for impact statements would enable private litigants to enjoin executive action.

The proposal I received from Dudley Chapman suggests including a new paragraph in the President's Executive Order to be inserted between the present sections 4 and 5. The language suggested is as follows:

No legislative proposal, regulation or rule shall be delayed, invalidated, or otherwise impeded by alleged or actual failure to comply with the terms of this order. Enforcement of the requirements herein shall be effected exclusively through the supervisory powers of the President and the Office of Management and Budget. No judicially enforcement duty is imposed by this order, the terms of which shall be automatically suspended as to any official or agency against whom on which a suit is filed on the basis of this order, effective on the filing of such suit.

Philip W. Buchen
Counsel to the President



MEMORANDUM

NATIONAL SECURITY COUNCIL

4864

EXECUTIVE

FO8
FG17
CO28

③

July 21, 1975

MEMORANDUM FOR: WARREN S. RUSTAND
THROUGH: SALLY QUENNEVILLE
FROM: *for* ^{*MSH*} Jeanne W. Davis
SUBJECT: Proposed Foreign Travel
of Administration Official

The NSC Staff and the Department of State concur in the proposed travel of the Honorable Antonin Scalia, Assistant Attorney General, Department of Justice, to Montreal and Quebec, Canada on August 6-12, 1975 to attend the National Conference of Commissioners on Uniform State Laws (Le Chateau Frontenac) and the American Bar Association Meetings.

RECEIVED
JUL 26 1975
CENTRAL FILES

EXECUTIVE

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July 29, 1975

MEMORANDUM FOR:

Honorable Antonin Scalia
Assistant Attorney General
Department of Justice

To confirm my office call to you of July 21, this memorandum will serve as confirmation for the official record that we did receive your trip itinerary to Montreal and Quebec August 6-12, 1975, to attend the National Conference of Commissioners on Uniform State Laws (Le Chateau Frontenac) and the American Bar Association Meetings.

I would like to take this opportunity to wish you a most successful trip.

Warren S. Rustand
Appointments Secretary to the President



August 4, 1975

MEMORANDUM FOR

THE HONORABLE ANTONIN SCALIA
ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL COUNSEL

SUBJECT: Problems of the U. S. Civil Service Commission
with Congressman John Moss and his use of
Evaluation Reports

Attached is a copy of a memorandum of June 16 from Robert Hampton to me. This is the memo I discussed with you on the telephone today.

Philip W. Bucher
Counsel to the President

Attachment



gah

Department of Justice
Washington, D.C. 20530

EXECUTIVE *CD*

UT 1-1

PR 16

FG 17

FG 118

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AUG 5 1975

Scalia, Antonin

MEMORANDUM FOR HONORABLE JAMES M. CANNON
Assistant to the President for Domestic Affairs

Re: Washington Star-WMAL FCC Proceeding

Rod Hills asked me to provide you with a statement of the options available to the Federal Communications Commission (FCC) for providing expedited action with respect to the Washington Star-WMAL proceeding now pending.

Unfortunately, the major remediable delay in this case has already occurred--that is, the delay from November, 1974 when the application was filed, to July, 1975, to set it for hearing. (A hearing, by the way, was in our view probably necessary, since it could only have been dispensed with if there were no "substantial and material questions of fact." 47 U.S.C. 309(d)(a).) From this point on, the procedure to be followed is largely not within the control of the Commission, but provided with relative specificity by statute.

The matter arises under statutory provisions which require FCC approval for transfer of ownership of broadcast properties, 47 U.S.C. 310(b). The proceeding is an "adjudication" within the meaning of the Administrative Procedure Act, since it involves licensing. See 5 U.S.C. 551(6), (7), & (9), 554(a); 47 U.S.C. 309(e). This requires



December 30, 1975

MEMORANDUM FOR

THE HONORABLE ANTONIN SCALIA
ASSISTANT ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

SUBJECT: Fund Raising by the National Republican
Congressional Committee

Regarding a subject which we discussed the other day, I am enclosing a duplicate of a letter sent to me by Chairman Guy Vander Jagt.

Philip W. Buchen
Counsel to the President

Enclosure

cc: Barry Roth



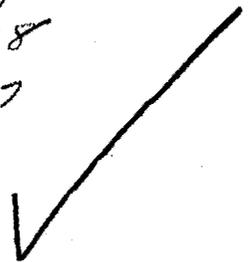
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④

EXECUTIVE

*UT 1-1
FG 118
FG 17*

THE WHITE HOUSE
WASHINGTON



August 5, 1975

MEMORANDUM FOR:

JIM CANNON

FROM:

RODERICK HILLS *R.H. Hills*

~~Antonin Scalia~~^x, Assistant Attorney General, Office of Legal Counsel, will be giving you a paper promised by 10:00 today with respect to the Washington Star problem. I believe his memorandum will include:

1. An analysis of the procedural problem that is delaying a decision in the Washington Star case.
2. An analysis of the modification of the order that the FCC has made with respect to the matter; and
3. The form of Presidential statement that could be made if it is decided to make one.

The uncertain fact is what position the Antitrust Division has on the merit of the Washington Star case. The Division has not appeared in the case and I suspect it has somewhat ambivalent views. On the one hand the Division has favored the splitting up of media interest in the same city while on the other it certainly has tried to promote competition between newspapers. You may wish to have Dick Parsons discuss the matter a bit on the merits with Antonin Scalia and Tom Kauper.

Dictated but not read



6/3/76

MEMORANDUM OF INFORMATION FOR THE FILE

DATE 4/20/76

EXECUTIVE

PL2

JL3

PE

FG17

FB23

LETTER, MEMO, ETC.

TO: Dick Cheney

FROM: Ed Schmults

SUBJECT: Republican Congressional Committee's
Fund Raising Letter signed by
The President

Scalia, Antonin

Tyler, Harold

Nandor Jagt, Guy

National Republican Congressional
Committee



May 18, 1976

Mr. Antonin Scalia
Assistant Attorney General
Department of Justice
Room 5214
Washington, D.C. 20530

Dear Mr. Scalia:

I have taken over the post of Kathleen Ryan and am now responsible for Consumer Affairs on the Domestic Council. I am in the process of learning the intricacies of the consumer area so that I can more effectively do my job of keeping the President up-to-date.

In an effort to make the President more aware of the consumer field, I would like to reorganize my side of it and work very closely with others who have responsibilities in this area. Since my job is to stay on top of everything that's happening in "consumerism," for the President, the more meaningful contact I have with others in the field, the better.

I hope that you and your office will aid me (and I will certainly do all that I can to aid you) by keeping me informed of any major cases filed, pending, in progress or otherwise, which you feel may have a consumer impact. In this way I would be able to keep abreast of legal consumer trends in the judicial circles directly rather than through indirect means. All of which helps make our responsibilities to consumers more meaningful. I have already contacted your agency's consumer shop and also hope to work closely with them.

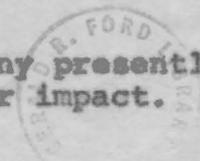
Thank you in advance, and if I can be of any assistance, ring me up at 456-2954.

Sincerely,

Dawn D. Bennett
Assistant to Associate Director and Counsel
Domestic Council

P.S. Perhaps you could send me a note outlining any presently pending cases, etc. which may have a consumer impact.

DDB:gcb



MEMORANDUM

NATIONAL SECURITY COUNCIL

2824

EXECUTIVE

GI

FG-17

GI3

FG-6

May 13, 1976

Scalia, Antonin

MEMORANDUM FOR: MARIA DOWNS

FROM: Jeanne W. Davis *JWD*

SUBJECT: Acceptance of Gifts from Private
Parties for Foreign Dignitaries

In response to your question to Denis Clift, I enclose a copy of a recent memorandum from Nino Scalia on the subject. The appropriate passages are underlined.

On the basis of this memorandum I believe you may assure Mrs. Ford concerning the legality and the appropriateness of presenting a gift to Giscard which had been donated by former U. S. Ambassadors to France.

Attachment



Dance - Presidential Appointees

- Mr. & Mrs. Russell A. Rourke
White House Staff
- Hon. & Mrs. Marcus A. Rowden
Chairman, Nuclear Regulatory Commission
- Mr. & Mrs. John P. Rowland
White House Congressional Office
- Hon. & Mrs. Frank P. Saponaro
Commissioner, Postal Rate Commission
- Mr. Harold Saunders
Director, Bureau of Intelligence & Research, Dept. of State
(Guest: Helen Kaps)
- Hon. & Mrs. Antonin Scalia
Assistant Attorney General, Dept. of Justice
- Hon. & Mrs. James F. Searce
Director-designate, Federal Mediation & Conciliation Service
- Hon. & Mrs. William E. Schauffele, Jr.
Assistant Secy. for African Affairs, Dept. of State
- Mr. & Mrs. Glenn R. Schleede
Domestic Council
- Hon. & Mrs. Edward C. Schmults
Deputy Counsel to the President
- Dr. & Mrs. Alexander Schmidt
Commissioner, Food & Drug Adm., Dept. of Health, Education & Welfare
- Mr. & Mrs. Howard Schneider
General Counsel, Commodity Futures Trading Commission
- Hon. & Mrs. John H. Schneider
Examiner-in-Chief, Patent Office, Dept. of Commerce
- Mr. & Mrs. Thomas Schweigert
Commissioner, Delaware River Basin Commission
- Hon. & Mrs. Stanley S. Scott
Assistant Administrator, Agency for Internatl. Development
- Hon. & Mrs. Brent Scowcroft
Assistant to the President for National Security Affs.
- Hon. & Mrs. Robert C. Seamans, Jr.
Administrator, Energy Research & Development Administration
- Mr. & Mrs. Joel Segall
Deputy Under Secretary for Internatl. Labor Affs., Dept. of Labor
- Hon. & Mrs. L. William Seidman
Assistant to the President for Economic Affairs
- Hon. & Mrs. Saul I. Serota
Examiner-in-Chief, Patent Office, Dept. of Commerce
- Mr. & Mrs. John B. Shlaes
White House Staff
- Hon. John A. Shaw
Inspector General of Foreign Assistance, Dept. of State
(Guest: Ida May Terry)

EXECUTIVE

FO8
FC-17-15

NSC # 3468

Ⓟ

MEMORANDUM

NATIONAL SECURITY COUNCIL

Date June 17, 1976

MEMORANDUM FOR: WILLIAM NICHOLSON

THROUGH: NANCY GEMMELL

FROM: Jeanne W. Davis *WJK*

SUBJECT: *fn* Foreign Travel of Administration Official

(X) The NSC Staff and the Department of State concur in the foreign travel of Antonin Scalia, Assistant Attorney General, Department of Justice, to London, England, June 17-20, 1976.

() Other

This confirms our telephone notification of June 16, 1976.

MICROFILM	DATA
DO	_____

ORIG)	_____
TO)	_____

dispatched 6/17/76D

7B

MEMORANDUM

NSC # 3647

NATIONAL SECURITY COUNCIL

Date July 8, 1976

MEMORANDUM FOR: WILLIAM NICHOLSON

THROUGH: NANCY GEMMELL

FROM: *fn* Jeanne W. Davis *WWT*

SUBJECT: Foreign Travel of Administration Official

(X) The NSC Staff and the Department of State concur in the foreign travel of Antonin Scalia, Assistant Attorney General, Office of Legal Counsel, Department of Justice, to Germany, July 2-11, 1976.

() Other

This confirms our telephone notification of July 1, 1976.

SEARCHED	INDEXED
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Dispatched 7/8 BT

September 23, 1976

MEMORANDUM FOR

THE HONORABLE ANTONIN SCALIA
ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL COUNSEL

SUBJECT: TRADE ACT OF 1974

Attached is an analysis of the revisions in the Trade Act of 1974 that provide for Congressional "vetoes" or overrides. This memorandum was prepared for me by the Legal Office at the State Department. References to "Administration Proposal" in the memorandum refer to the form of the bill as initially proposed to Congress on April 10, 1973.

Recently the President took action under Section 203 to refuse tariff relief for the domestic producers of honey after the U. S. International Trade Commission had recommended raising the duty on honey imports over a certain quota. When the President declined to adopt the recommendation of the ITC, he reported his decision to the Congress under Section 203(b) but in doing so he indicated that he considered the provisions of Section 203(c) to be unconstitutional and mentioned that the issue of Congressional "vetoes" was in process of litigation. He, of course, had in mind the Ramsey Clark case which challenges the Congressional "veto" provisions in the Federal Election Campaign Act.

After Senator Long received the report of the President's action and his reference to the pending litigation, the Senator called the President to express his alarm over the effect on the Trade Act if all the various Congressional "veto" provisions are unconstitutional.

Ambassador Fred Dent who is the President's Special Trade Representative and I have agreed to meet with Senator Long shortly after the Congress recesses. He consented to waiting until Congress adjourns, because



he anticipates that if Congress should decide to take up the President's action in the honey tariff case, it would not occur until the Congress returns in January. When we do meet with Senator Long, we should be prepared to discuss with him the following matters:

1. Do the views of the Department of Justice as expressed to the Court in the Ramsey Clark case apply as well to all of the various "veto" provisions in the Trade Act?
2. If the Court trying the Clark case declares unconstitutional the "veto" provisions in the Federal Election Campaign Act, is it likely that such holding would be expressed in terms that would also apply to the "veto" provisions in the Trade Act?
3. Are the "veto" provisions in the Trade Act separable so as to allow the other provisions to stand even if the veto provisions are held to be invalid?
4. Because Congress would have been unlikely to grant the President all of the powers he has under the Trade Act without the veto provisions, what changes would we propose in the Trade Act that would satisfy Congress and that would still be constitutional in the view of the Justice Department?

I would appreciate your opinion on these matters as soon as convenient.

Fred Dent is very concerned that other nations which are parties to extensive negotiations going on under the terms of this Act will become uneasy and uncooperative if they should come to believe that the President's powers under the Act may be changed by Congress in reaction to the claim that the President's exercise of authority is not subject to valid control by Congress in the manner provided by the present statute. Therefore, it becomes important that we work out an accommodation with Senator Long that will avoid efforts on the part of Congress to make drastic modifications in the Trade Act.



Apparently the situation is that agreements negotiated in the tariff field by the President that depend on affirmative action by the Congress through its normal procedures are more difficult to effectuate than are agreements that become binding unless Congress acts to disapprove within a limited period of time.

Philip W. Buchen
Counsel to the President

Attachment



EF

Office of Legal Counsel



EXECUTIVE — (3)
FG 36-11
FG 17-15
FE 14-1

October 22, 1975

Mr. Buchen:

The attached is Mr. ^{Antonio} ~~Scalia's~~ proposed testimony on S. 2170, to be delivered tomorrow, October 23.

S. 2170
(Cruz. Right to Info Act)

Rose DeSimone
Secretary



D

SCHEDULE PROPOSAL

DATE: December 10, 1976

FROM: Philip W. Buchen

VIA: William Nicholson

MEETING: Request photo with the President

DATE: Any time before January 20, 1977.

PURPOSE: The following persons have requested photos with the President:

Antonin Scalia
Assistant Attorney General
Office of Legal Counsel
Department of Justice

William Kilberg
Solicitor
Department of Labor

Jamie Kabler
Office of Protocol
Department of State

FORMAT: Oval Office

**PRESS
COVERAGE:** White House Photographer

RECOMMEND: Philip Buchen

APPROVE _____

DISAPPROVE _____



1-15-77

20 Doug Bennett
RDL

EXHIBIT 10
FEB 11-15/77

Department of Justice
Washington, D.C. 20530

January 14, 1976

The President

The White House

My dear Mr. President:

I herewith resign my Commission as Assistant Attorney General, effective at noon, January 20, 1977.

I am grateful for your affording me the opportunity to serve the United States, and I am proud to have been an officer of the Department of Justice during your Administration. As you leave office, the country is more united and tranquil than it has been for many years, largely because of the personal qualities which you brought to the Presidency. May I add my own thanks to those of the nation for your steady and trustworthy leadership in difficult times.

Respectfully,

Antonin Scalia
Assistant Attorney General
Office of Legal Counsel

