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**NATIONAL ARCHIVES AND RECORDS SERVICE**  
**WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)**

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
1. Memo	David Hoopes to John Marsh re Ron Ziegler's personal expenses, July 1974, and attachments	1/28/75	C
2. Memo	Jack Marsh to Philip Buchen and attachments re Ron Ziegler's personal expenses	1/31/75	C
3. Memo	copy of first two pages of item 2	1/31/75	C

## FILE LOCATION

Marsh Files  
 General Subject File  
 Nixon, Richard - General

Box 24

## RESTRICTION CODES

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 (B) Closed by statute or by the agency which originated the document.  
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WHM, 12/30/85

THE WHITE HOUSE  
WASHINGTON

October 30, 1974

*San Clemente*  

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*File*

MEMORANDUM FOR JACK MARSH  
FROM BILL GULLEY *BS.*

As you know, I was in San Clemente last week at the request of former President Nixon and saw him briefly on Wednesday, 23 October. At that time he anticipated being in his office on 24 October, he wanted to discuss the possibility of resuming the courier flights. He also wished to discuss the future of Lt. Colonel Brennan. I have no idea what he had in mind on Brennan but I do know that he has hopes that in the future there would be some courier flights.

After he was admitted to the hospital, he requested that I remain over and be available to see him, which I did. However, his medical needs prevented any further discussions and I returned to Washington on Monday.

Rose Woods arrived last Thursday and was in the process of setting up an administrative office that would be more responsive to the needs in the future. Steve Bull told me he was returning to Washington around 1 November and had plans to find employment probably outside the government. Other than speculation by staff members that Ziegler would soon be leaving, I heard of no plans for other staff members.

*[Faint circular stamp]*

OFFICE OF MANAGEMENT AND BUDGET  
ROUTE SLIP

TO Jack Marsh  
Phil Areeda  
*Sm (Clements)*  
*Fth*

- Take necessary action
- Approval or signature
- Comment
- Prepare reply
- Discuss with me
- For your information
- See remarks below

FROM Bruce Johnson, Legislative Reference Div., Ext. 4874 DATE 11-5-74

REMARKS

Stan Ebner suggested I send you for your information a copy of H.R. 16641, a bill "To amend the definition of 'former President' under the Act of August 25, 1958 (Public Law 85-745), and for other purposes." The Justice Department states that:

"This bill would amend the definition of 'former President' in the Act of August 25, 1958, 72 Stat. 838, as amended, 3 U.S.C. 103 note, to exclude from that definition one who resigned while impeachment proceedings are pending. Presumably the bill is intended to be effective immediately. If so, it would terminate the pension of former President Nixon and the survivorship rights of Mrs. Nixon, and would prevent the furnishing of Office space and staff."

We are awaiting a report on this bill from the Civil Service Commission. No movement of this legislation is anticipated.

# H. R. 16641

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 1974

Mr. DANIELSON introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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## A BILL

To amend the definition of "former President" under the Act of August 25, 1958 (Public Law 85-745), and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That subsection (2) of section (f) of Public Law 85-745  
4       (72 Stat. 838), as amended, is amended by striking "; and"  
5       and inserting in lieu thereof the following: ", or by resigna-  
6       tion while impeachment proceedings are pending against such  
7       person in either the House of Representatives or the Senate;  
8       and".



93<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 16641

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## A BILL

To amend the definition of "former President"  
under the Act of August 25, 1958 (Public  
Law 85-745), and for other purposes.

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By Mr. DANIELSON

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SEPTEMBER 12, 1974

Referred to the Committee on Post Office and Civil  
Service

December 4, 1974

TO THE PRESIDENT

THROUGH: NELL YATES

FROM: JOHN O. MARSH, JR.

Former President Nixon was driven to Camp Pendleton at 9:00 a. m. this morning for a post-surgery check-up. In the thirty minute visit, made at the request of his civilian surgeon, tests were made to determine the presence of any additional fluids in his lungs. The tests were negative. He returned directly to San Clemente following the tests.

JOM:RAR:kt



12:30p.

[Jan. 1975?]

THE WHITE HOUSE  
WASHINGTON

Russ --

JOM received a call from Sen. Cranston's office. They have been receiving alot of calls from constituents, etc. re: the former President. They would like some facts and answers to questions which they can release.

Mr. Marsh would like you to talk with Bob Bonitati, OMB Cong. Relations and have him call the Senator's office.

Thanks.

*WCB*  
donna  
*Will do!*  
*can be called*

*I spoke with Cleo - 224-3558.*



**GERALD R. FORD LIBRARY**

This form marks the file location of item number       1        
listed on the pink Withdrawal Sheet found at the front of this folder.

January 29, 1975

MEMORANDUM FOR

TOM LATIMER

FROM

WARREN L. GULLEY  
Liaison to Former Presidents

SUBJECT

REASSIGNMENT OF LTC JACK BRENNAN

In order to clear up any misunderstanding which might exist on the reassignment of LTC Jack Brennan, the Department of Defense should know that the White House does not feel it would be appropriate to recommend any specific assignment. This decision should rest with the Commandant of the Marine Corps.

This memo is written on behalf of the President.



✓ copy to Jack Marsh

**GERALD R. FORD LIBRARY**

This form marks the file location of item number 2  
listed on the pink Withdrawal Sheet found at the front of this folder.

**GERALD R. FORD LIBRARY**

This form marks the file location of item number 3  
listed on the pink Withdrawal Sheet found at the front of this folder.

2/11  
FEB 10 1975

THE WHITE HOUSE  
WASHINGTON

*completed  
2/10  
pr. JOM*

February 8, 1975

MEMORANDUM FOR:

JACK MARSH

FROM:

DONALD RUMSFELD

Ron Ziegler called me and indicated to me that Kissinger had told him that he'd talked to the President and the President had agreed that Brennan would be assigned to Camp Pendleton.

Would you please sort that out with the President and give me a report so we can put that behind us.

Thanks



17

NO

MAR 6 1974

THE WHITE HOUSE  
WASHINGTON

March 5, 1975

MEMORANDUM FOR: RUSSELL ROURKE  
FROM: WILLIAM CASSELMAN



As part of the ongoing Research Project for the Special Prosecutor, which is being conducted under the direction of this office, I am advised by Jack Miller, Counsel to the former President, that it will be necessary for his client to review, on a periodic basis, certain papers and other materials of his Administration prior to such materials being turned over to the Special Prosecutor. Since many of these materials contain security classified or other sensitive information, they cannot be sent to Mr. Nixon through the mails. The usual procedure, as I understand it, is to transport security classified materials by appropriate government courier.

Accordingly, Mr. Miller has asked whether the materials in question could be transported by government courier on military aircraft to a military air base near his client's home in San Clemente. They would then be picked up at the air base by Federal employees, on the payroll of the former President, who are authorized to carry such materials. The nature of the review to be performed by Mr. Miller and his client is such that this procedure would require utilization of only regularly scheduled military flights. Therefore, there would be little or no added cost to the government.

Please advise as to whether you wish to comply with Mr. Miller's request.

Thanks.



THE WHITE HOUSE

WASHINGTON

March 13, 1975

MEMORANDUM TO: BILL CASSELMAN

FROM: RUSS ROURKE

I have discussed with Jack Marsh the substance of your March 5 memo concerning Jack Miller's request for authorization to utilize "government courier aircraft" to transport certain security classified materials to the West Coast.

In Jack Marsh's view, we have no authority whatever to grant such a request. Despite our desire to be of assistance in this general situation, Jack Miller must treat the instant situation as he would any other case, i. e., arrange through private means the transport of the materials in question for review and examination by his client. It is necessary, therefore, for us to reject Mr. Miller's request to utilize military aircraft for the transport of the materials in question.

*J - subsequent to above memo,  
RJR discussed w/ both Caselman  
& JOM - "If Counsel's office says  
we have the authority, then its OK w/  
JOM - Caselman taking it from  
there ->*



THE WHITE HOUSE

WASHINGTON

File w/  
Memo to  
Casselman re  
courier flight  
to RVN



NSC has been sending  
documents out to NIXON - NSC  
documents - for your eyes - written  
& oral - security type of NSC didn't  
even know how -

11 March - 1. Fine - if the Council Office  
RAD advised  
Bill C. - DK - says we have the legal  
will do / auth. to do it (if by  
I have in



- He is reviewing those materials  
he is a step between the archivist & the  
Sp. Prosecutor.

Sp. Pros.

1.

1. Archivist - acting as Bushen order,
2. Nixon lawyer review - <sup>relevant</sup> (many sec-  
classified)
3. they Nixon review - can't wait
4. then to Casselmann for  
Fed Admin. review

4 - inference by pros. after he says -  
them - to take before the Grand  
Jury.

Coff. me didn't do this we would  
be denying him his 5<sup>th</sup> Amend.  
rights - C 1,000 for folders that  
would go out in false batches of  
20/30



April 9, 1975

MEMORANDUM FOR: LYNN MAY

FROM: BARRY ROTH

SUBJECT: Legislation Regarding Secret Service Protection

In response to your request, the Counsel's office recommends the following with respect to proposed legislation regarding Secret Service protection on private property and related matters:

(1) Limits on the number of private residences for which permanent protection can be provided - there is no need for the White House to be involved in this issue and we will not oppose the current proposal to protect only one residence. We have no objection to the continuance by the Secret Service of its past position that such limits may prove to be more costly than the present practice and that this would unduly limit their flexibility in providing necessary protection.

(2) Secret Service reimbursement to Federal agencies - we continue to favor reimbursement for incremental or out-of-pocket expenses incurred by Federal agencies at the request of the Secret Service. Last October or November, we brought this issue up to Phil Buchen and Jack Marsh, and a decision was made in favor of such reimbursement. Stan Ebner was going to inform Marty Hoffman that DOD could advise Jack Brooks of their opposition to non-reimbursement, and also was to implement this policy change in the FY 76 budget then under preparation. Assuming the latter has not yet been done, at a minimum, we recommend that DOD and Treasury each present their own position to Congress. However, we continue to prefer that the Administration favor reimbursement as this is the only fiscally sound procedure, and the arguments in opposition thereto simply are not at all convincing.

was such a decision made? Imp. that I know



(3) Reimbursement to state and local governments - we recommend that the Administration continue the Federal Government's long-standing opposition to such provisions. Whereas reimbursement to Federal agencies is merely a matter of bookkeeping, reimbursement to local governments would be impractical to implement, as well as excessively costly, and would eliminate the responsibility of these governmental units for the protection of persons and property within their jurisdiction.

Jack Brooks

hearings tomorrow  
announcing for Nixon -

Roth

reimbursement -

\$80 million -

ADA / Secret Service -

we can buy it -

2 P.M. -

Tulving

DOD

Tulving

Raymond May

Barry Roth



att: Purp

Jay

THE WHITE HOUSE

WASHINGTON

APR 9 1974

April 9, 1975

MEMORANDUM FOR: LYNN MAY

FROM: BARRY ROTH *BR*

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100

APR 9 1974

Jim Purcell

Lynn May

Jim Jordan

Barry Roth ✓

William Skidmore

4/9

Attached is DOD's proposed statement  
on H.R. 1244. May I have your comments  
by noon today.

Thanks.

OFFICE OF THE SECRETARY OF DEFENSE

8 APR 75

Memo For

BILL SKIDMORE

Bill:

Rm 7202  
New 803

Attached is our position  
report. It was sent to Jim Hyde  
& Marty Hoffmann see discussed  
it with him.

Pete Kempf

**HEARINGS ON H.R. 1244, A BILL TO ESTABLISH  
PROCEDURES AND REGULATIONS FOR CERTAIN  
PROTECTIVE SERVICES PROVIDED BY THE  
UNITED STATES SECRET SERVICE**

**SUBCOMMITTEE ON LEGISLATION AND NATIONAL  
SECURITY OF THE HOUSE COMMITTEE ON  
GOVERNMENTAL OPERATIONS**

**HOUSE OF REPRESENTATIVES**

**APRIL 10, 1975**

**STATEMENT BY:  
ROBERT T. ANDREWS  
SPECIAL ASSISTANT TO THE  
GENERAL COUNSEL  
OFFICE OF THE SECRETARY  
OF DEFENSE**

Mr. Chairman and Members of the Subcommittee:

The Department of Defense appreciates your invitation to appear before the Subcommittee on Legislation and National Security to present its views on H.R. 1244 and on the amendments adopted by the House Judiciary Committee. Accompanying me is Colonel Peter Kempf, United States Air Force, who is assigned to the Office of the Secretary of Defense. In that capacity, he oversees the employment of Department of Defense resources in support of the United States Secret Service.

H.R. 1244

H.R. 1244 establishes procedures and regulations for certain protective services provided by the United States Secret Service. While a number of its provisions relate to matters outside the jurisdiction of the Defense Department, there are three provisions which have an immediate effect on the DoD-Secret Service arrangements for protective support. The first is Section 2(1) which provides that the Secret Service shall reimburse the Department of Defense and the Coast Guard for protective services rendered, subject to certain exceptions. The second provision is Section 8 which requires the Department of Defense to transmit a detailed report of expenditures made pursuant to this Bill. The third provision is Section 10 which repeals Section 2 of Public 90-331 relating to assistance provided the Secret Service by other Departments and Agencies.

The Department of Defense supports the objectives of the Bill,

specifically the provisions noted above. As the House Judiciary Report 94-105 noted, "The provisions of this Bill are intended to give force to the principle that fiscal accountability for public expenditures should reside in the agency having the authority to obligate those expenditures".

Department of Defense - Department of the Treasury Agreement

On June 6, 1968, Congress enacted Public Law 90-331, "Joint Resolution - To Authorize the United States Secret Service to Furnish Protection to Major Presidential or Vice Presidential Candidates". Section 2 of that law requires Federal Departments and Agencies to assist the Secret Service in the performance of its protective duties under Section 18 U.S.C. 3056 and in the performance of its duties to protect major Presidential and Vice Presidential candidates under Section 1 of that Act.

In recognition of these responsibilities, the Secretary of Defense and the Secretary of the Treasury entered into an agreement on June 11, 1968, for the purpose of providing procedures and delineating in more specific terms the logistical assistance and other support the Department of Defense will provide to the Secret Service. On July 15, 1968, the Department of Defense issued Department of Defense Directive 3025.13, "Employment of Department of Defense Resources in Support of the United States Secret Service". Neither the Defense-Treasury Agreement nor the Defense Directive address whether or not reimbursement would be required. The result was that Defense periodically submitted requests to the Secret Service

for reimbursement for facilities, equipment and services rendered to the Secret Service. As a general rule, Secret Service denied any responsibility to reimburse, although on occasion it did pay the operational costs of aircraft furnished to the Secret Service.

H.R. 1244 makes plain that reimbursement is intended as a general rule. It would also require Secret Service to make a detailed report of these expenditures to the Committees named in the Bill. It would likewise require the Department of Defense to submit a detailed report of its expenditures except when the support is provided to the President or the Vice President under the exception clause of Section 2(1).

It may be useful at this point to describe the categories of persons who are subject to Secret Service protection. For ease of description, I will divide the list of persons eligible for protection into four categories:

The first category includes the President and his immediate family, the President-elect, the Vice President and his immediate family and the Vice-President elect.

The second category consists of the former President and his wife, the widow of a former President and the minor children of a former President.

The third category of persons eligible for protection is the visiting heads of foreign states, other distinguished foreign visitors to the United States and official United

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States representatives performing missions abroad.

The fourth category of persons qualifying for protection is major Presidential and Vice Presidential candidates as determined by the Advisory Committee established by Section 1 of Public Law 90-331.

#### Effect of Reimbursement Provision

H.R. 1244 provides that the Secret Service will reimburse the Department of Defense for all protective services rendered to categories one through four, except when the protection is provided the President or Vice President, and then only under the circumstances to be described hereafter. This provision is consistent with the Department's general policy of requiring any other Federal agency to which support is provided to reimburse for the costs incurred. The statutory authority for this policy is 31 U.S.C. 686, the so-called Economy Act, under which Defense makes available its unique capabilities to the remainder of the Federal Government when it is determined to be in the national interest and beneficial to overall governmental economy.

The Department seeks reimbursement only for incremental costs, i.e., the costs over and above the costs to the Department for maintaining a given capability in support of its military mission. The reimbursement cost would not include military salaries, purchase of military equipment or other costs normally incurred in the operation of the Military Departments. It would

include, for example, incremental aircraft operation and maintenance costs, rental cars, the services of explosive ordnance disposal personnel, and other specialized services in direct support of the Secret Service.

It should be emphasized that incremental costs are in most cases readily identifiable. Attachment A to this statement lists the kinds of services rendered to the Secret Service during the 1972 Presidential campaign pursuant to Public Law 90-331. Attachment B lists the costs incurred in providing explosive ordnance disposal services to the Secret Service in 1973 and 1974, exclusive of that provided directly to the President and Vice President.

The Department of Defense does not consider the reach of H.R. 1244, as modified by the Judiciary Committee, to extend to those services that the Department provides directly to the President as Commander-in-Chief. In that role, the President looks to the Department of Defense to provide him necessary equipment, services and facilities to fulfill certain of his national security responsibilities. These include communications, aircraft, personnel and certain types of physical security devices. These are provided directly to the President, not the Secret Service, even though the Secret Service may exercise a degree of operational control. These services are considered to be appropriate Defense Department expenditures, unlike support provided to the Secret Service for other of its protectees. This rationale also applies to the Vice President as the primary Presidential successor. Accordingly, if the temporary support is provided directly to

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the President or Vice President and that support is incidentally assisting is exempt from the requirement for reimbursement.

The mechanics of properly accounting for support provided other agencies are rather simple and straight forward. As noted earlier, the chargeable costs are incremental and in a majority of cases clearly evident, such as rental cars, aircraft support for a non-military mission, etc. In those few cases where there may be some doubt as to the proper division of costs, they are negotiated with the agency concerned. To date, except for the Secret Service, there have been no situations that could not be resolved. With the reimbursement provision language now proposed by the House Judiciary Committee, the Department of Defense anticipates no difficulty in reaching accord with the Secret Service as to the proper division of costs.

In summary, the Department of Defense supports the objectives of H.R. 1244 as being consistent with sound management and fiscal policy. Should the Committee have any questions or require any additional information for the record, Colonel Kempf and I would be pleased to respond.

PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES  
DURING  
ELECTION YEAR PERIOD, JANUARY-NOVEMBER 1972

<u>Cost Elements</u>	<u>Army</u>	<u>Navy</u>	<u>Air Force</u>	<u>DCA</u>	<u>Total</u>
<b>CATEGORY I</b>					
Military Labor:					
Personnel Services	\$ 571,806	\$ 43,291	\$ 166,244	\$ 46,099	\$ 827,440
Subsistence & Qtrs		2,600	102		2,702
Aircraft Operations		907			907
Motor Vehicle Trans			91		91
	<u>\$ 571,806</u>	<u>\$ 46,798</u>	<u>\$ 166,437</u>	<u>\$ 46,099</u>	<u>\$ 831,140</u>
<b>CATEGORY II</b>					
Incremental Costs:					
Personnel Services	\$	\$ 1,068	\$ 3,302	\$ 12,527	\$ 16,897
Subsistence & Qtrs		270			270
Travel	614,107	6,557	333,112	44,997	998,773
Trans of Things	1,029		404		1,433
Aircraft Operations	79,380	8,022			87,402
Motor Vehicle Trans			3,003	41,933	44,936
Consumable Material	4,276		798	5,420	10,494
Investment Equipment			229		229
Communications			1,497	237,504	239,001
Clothing Allowances	25,414		4,100		29,514
Other (Toll Calls, & Generator, Room & Trailer Rentals)	153	272	1,350		1,775
	<u>\$ 724,359</u>	<u>\$ 16,189</u>	<u>\$ 347,795</u>	<u>\$ 342,381</u>	<u>\$1,430,724</u>
<b>CATEGORY III</b>					
Total Costs:					
Personnel Services	\$ 571,806	\$ 44,359	\$ 169,546	\$ 58,626	\$ 844,337
Subsistence & Qtrs		2,870	102		2,972
Travel	614,107	6,557	333,112	44,997	998,773
Trans of Things	1,029		404		1,433
Aircraft Operations	79,380	8,929			88,309
Motor Vehicle Trans			3,094	41,933	45,027
Consumable Material	4,276		798	5,420	10,494
Investment Equipment			229		229
Communications			1,497	237,504	239,001
Clothing Allowances	25,414		4,100		29,514
Other (Toll Calls, & Generator, Room & Trailer Rentals)	153	272	1,350		1,775
	<u>\$1,296,165</u>	<u>\$ 62,987</u>	<u>\$ 514,232</u>	<u>\$ 388,480</u>	<u>\$2,261,864</u>

NOTE: CATEGORY II expenses are those items which the Department of Defense considers as reimbursable (see statement).

**\*U.S. ARMY INCREMENTAL EXPLOSIVE  
ORDNANCE DISPOSAL (EOD) COSTS**

<u>Reporting Commands</u>	<u>EOD Costs</u>	
	<u>1973</u>	<u>1974</u>
Military District of Washington		\$ 1,282.00
Force Command		17,094.00
Health Service	3,050.00	
Training and Doctrine Command	<u>446,823.00</u>	<u>                    </u>
<b>TOTALS:</b>	<b>\$449,873.00</b>	<b>\$ 22,376.00</b>

\* These figures are illustrative of our ability to break out detailed incremental costs and do not represent the total DoD costs in support of the U.S.S.S. These figures represent only expenditures within the continental United States.

THE WHITE HOUSE

WASHINGTON

April 17, 1975

Barry Roth advises hydrofoil is considered "public property". Final disposition must await resolution of Nixon court activity. Subsequent thereto, the Foreign Gift Act requires some affirmative action by the recipient... this is hooked in with a wide variety of foreign gifts which fall into the same general category. Barry Roth advised Heffelfinger at DOD of this entire situation, and it will not, therefore, be necessary for us to correspond with Heffelfinger further on this matter.

Chief of Protocol

- is public property

- will not check

When Nixon takes  
action foreign gifts -  
shd

Cert requires affirm.  
action by recipient -

THE WHITE HOUSE  
WASHINGTON

GAO opinion fuzzy.  
State doesn't want  
to go around  
Hoffmeyer -  
Sutcliffe -

March 25, 1975

MEMORANDUM TO: PHIL BUCHEN  
FROM: JACK MARSH

Phil, I am advised that the hydrofoil referred to in Bill Heffelfinger's letter is the subject of some continuing controversy between DOT and GSA.

Might I suggest that you forward Heffelfinger's letter directly to Bill Casselman for shepherding under the "foreign gifts" category?

For your information, Russ Rourke had called Bill Heffelfinger today to advise him that his letter had been referred directly to your Office.

RAR:cb

Done!

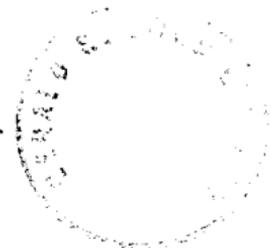


THE WHITE HOUSE

WASHINGTON

1. Send to Phil B  
w/ suggestion of  
Casselman + for Gift
2. Call Hoffpage  
& advise we're  
referring to Gen Counsel.

or





ASSISTANT SECRETARY  
FOR ADMINISTRATION

OFFICE OF THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

4-10-11-115

M

March 20, 1975

Mr. John O. Marsh, Jr.  
Counsellor to the President  
The White House  
Washington, DC 20500

Dear Mr. Marsh:

As you are aware, the hydrofoil which former President Nixon received from Premier Breshnev is still being housed at our USCG installation at Base Miami, Florida. I would appreciate being advised of the latest information regarding the possible disposition of the hydrofoil.

Sincerely,

A handwritten signature in black ink, which appears to read "William S. Heffelfinger". The signature is written in a cursive, somewhat stylized script.

William S. Heffelfinger



San Clemente

THE WHITE HOUSE  
WASHINGTON  
October 6, 1975

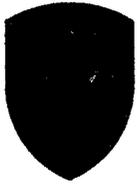
M

MEMORANDUM TO: JACK MARSH  
FROM: RUSS ROURKE R

FYI, through Jack Brennan, I was able to set up a meeting for Don Clausen with RMN.

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SUPREME ALLIED COMMANDER EUROPE  
SHAPE, BELGIUM

AUG 27 1976

23 August 1976

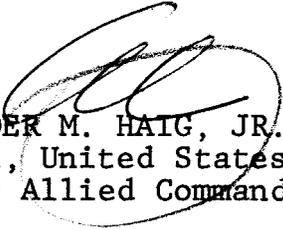
Dear Jack,

Many thanks for your prompt response on the Senate questionnaire. You may be sure I will be guided accordingly.

These have clearly been hectic days for you and yours, and I think the outcome of recent events in Kansas City was extremely constructive.

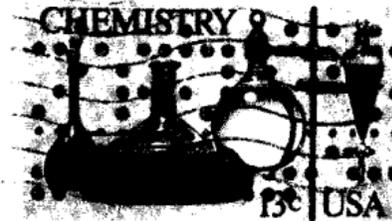
Again, thanks for your characteristic assist; and hang in there, baby.

Warm regards,



ALEXANDER M. HAIG, JR.  
General, United States Army  
Supreme Allied Commander

The Honorable John O. Marsh, Jr.  
Counsellor to the President  
The White House  
Washington, D.C.



The Honorable John O. Marsh, Jr.  
Counsellor to the President  
The White House  
Washington, D.C.

AUG 27 1976

SUPREME ALLIED COMMANDER EUROPE  
APO NEW YORK 09055

July 30, 1976

Dear Al:

It was good to see you when you were here.

Concerning the questions attached to your letter, I have asked Phil Buchen to review them and also Jerry Jones.

Phil is of the view that insofar as President Ford is concerned, there is no executive privilege question. However, it may be that President Nixon, on one or two of the questions, may wish to assert privilege. Therefore, Phil believes you may wish to have your proposed responses reviewed by President Nixon's attorney, Jack Miller.

I believe Jerry will be in touch with you as to his thoughts on answers to specific questions where you indicated he could be of help.

With kindest personal regards, I am

Sincerely,

John O. Marsh, Jr.  
Counsellor to the President

The Honorable Alexander M. Haig, Jr.  
General  
United States Army  
Supreme Allied Commander Europe  
SHAPE - Belgium

bcc: Jerry Jones

PBuchen  
JOM/dl



July 24, 1976

*Ford*

MEMORANDUM FOR: JERRY JONES  
FROM: JACK MARSH

As per our conversation.

Many thanks.

letter to Mr. Marsh from General Haig, dated July 23, 1976  
w/attachment -- list of questions

JOM/dl



JUL 22 1976



SUPREME ALLIED COMMANDER EUROPE  
SHAPE - BELGIUM

22 July 1976

Dear Jack:

Attached is the list of questions I spoke to you about yesterday from the Senate Committee on Government Operations. As I look at the questions, most of them do not appear to pose any difficulty in the Executive Privilege area. However, because the Committee will undoubtedly be involved in other inquiries and as a member of the Executive Branch, I would not wish to respond without guidance from the White House, which would take cognizance of whatever concerns you may have in the Executive Privilege area.

Additionally, many of the questions which have been asked could better be answered by Jerry Jones, who handled the personnel areas for me when I was Staff Coordinator. It is, therefore, important that anything I say should not inadvertently conflict with Jerry's own recollections. For this reason, I think it is in the best interest of accuracy that the answers to questions 2, 3, 6, 7, 8, 9, 10 and 12 be drafted by Jerry. If his input in any way would clash with my own recollections, I would then work it out with him. Also I recall an internal memo articulating my own appointment policy guidelines which I know Jerry was governed by in his recruitment and appointment policy. Any light he can shed on this subject would be appreciated. I recall giving these guidelines to the press in May or June of 1973.

Finally, I recall disseminating specific guidelines to the bureaucracy governing White House relationships with the Regulatory Agencies. These were worked out by the General Counsel's Office, probably Len Garment. I believe a copy of this



policy memo should be furnished to the Committee as well.

I will start drafting my responses but would benefit immeasurably from Jerry's own recollections and will call him separately and ask him to get in touch with you for a copy of the questions.

I would hope to be as forthcoming as possible to the Committee, being guided only by whatever reservation you, Phil Buchan and others may have on the subject of Executive Privilege.

It was good to see you. Keep up the fine work. Warm regards.

Sincerely,



ALEXANDER M. HAIG, JR.  
General, United States Army  
Supreme Allied Commander

Honorable Jack Marsh  
White House  
Washington, D.C.

Questions for General Alexander Haig

1. Please give a brief, general description of your duties, particularly as related to regulatory agency appointments, in the last year of the Nixon administration.

2. Please describe the way in which regulatory agency appointments were handled in the final year of the Nixon administration.

3. Please contrast the way the appointment process worked when you initially came to the White House and the way it worked in the period just prior to President Nixon's resignation.

4. How would you characterize former President Nixon's personal interest in regulatory appointments? What factors would cause him to take a more than normal interest in a particular appointment?

5. Did President Nixon indicate to you any general guidelines concerning the persons he was desirous of appointing to important federal office? What were those guidelines?

— 6. In your opinion, what role did partisan political considerations play in selecting nominees for appointment to regulatory commissions?



- 10. What qualities do you think are necessary and desirable for a White House advisor on appointments?
11. In May 1973, Bradford Cook resigned as Chairman of the SEC after a very brief term of service. Mr. Cook recalled that he decided to resign following a conversation with you at the White House. What is your recollection of that conversation? Did you request Mr. Cook to resign? Do you recall President Nixon's reaction to that matter?
- 12. In a letter to you dated February 25, 1974, SEC Chairman Ray Garrett thanked you for your "resolute" support in obtaining the appointment of Irving Pollack as a commissioner. Mr. Garrett also noted that the nomination of Pollack was a "difficult task". To your recollection, why was this such a "difficult" appointment?

13. After FAA Administrator Butterfield disclosed the existence of the White House taping system, it appears as though his relationship with the Secretary of Transportation and the White House disintegrated. He had considerable difficulty in getting certain key staff appointments approved, and there were other internal problems. What is your appraisal of Mr. Butterfield's working relationship with the Nixon White House after his testimony on the taping system?

Mr. Marsh is not happy with this letter.

Thinks that as a last paragraph -----

I believe Jerry will be in touch with you as to his thoughts on answers to specific questions where you indicated he could be of help.

*Yes, do insert  
such a paragraph  
T.*

THE WHITE HOUSE

WASHINGTON

December 21, 1976



MEMORANDUM FOR: JACK MARSH

FROM: PHILIP BUCHEN P.

As you have requested, I have talked to Daniel Schultz in regard to the letter which he wrote you in behalf of four of the defendants in the Watergate case.

I think I convinced him that at this time he should be dealing only with the Pardon Attorney's Office at the Department of Justice and that it would be inappropriate for us to urge expedited consideration of this particular application for a pardon when there are many other deserving applications that are also being processed by the Pardon Attorney.

December 17, 1976

MEMORANDUM FOR: PHIL BUCHER  
FROM: JACK MARSH

The attached correspondence from Daniel Schultz involves a Presidential pardon for Messrs. Barker, Sturgis, Gonzalez and Martinez.

I would greatly appreciate your contacting Mr. Schultz directly.

Many thanks.

d1



December 17, 1976

Dear Mr. Schultz:

Many thanks for your recent letter in reference to your clients Messrs. Barker, Sturgis, Gonzalez and Martinez.

The Counsel's Office here at the White House handles all matters concerning pardons. Consequently, I have forwarded your letter and the attachment to Mr. Philip Buchen, Counsel to the President. I am sure you will be hearing from Mr. Buchen's Office in the near future.

Sincerely,

John G. Marsh, Jr.  
Counsellor to the President

Mr. Daniel E. Schultz  
1980 M Street, Northwest  
Washington, D. C. 20036

cc: Phil Buchen

dl

LAW OFFICES  
DANIEL E. SCHULTZ, CHARTERED  
1990 M STREET, N.W.  
WASHINGTON, D. C. 20036  
(202) 223-4007

DANIEL E. SCHULTZ  
JOHN BENJAMIN DUNN  
MELINDA GRAY MURRAY

OF COUNSEL  
DAVID M. KANTER

December 16, 1976

Honorable John O. Marsh, Jr.  
Counselor to the President  
The White House  
Washington, D.C. 20500

Dear Mr. Marsh:

We are counsel for Messrs. Bernard L. Barker, Frank Sturgis, Virgilio Gonzalez, and Eugenio Martinez, four of the seven defendants in the original Watergate case. We are writing to advise you that Petitions for Pardon on behalf of each of our clients for their convictions in that case are being filed with the Justice Department in the hope that the President will favorably consider our clients' petitions in connection with the pardons traditionally granted by him at Christmas.

For your information, our clients do not technically meet the three-year minimum requirement established by the Justice Department for processing Petitions for Pardon. With respect to Messrs. Barker and Sturgis, the three-year period since the end of their incarceration will be met in January, 1977. Messrs. Martinez and Gonzalez will meet the three-year requirement in March, 1977.

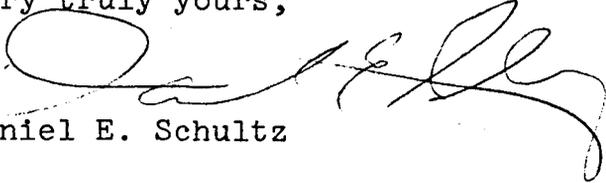
We are, however, hopeful that the President will nevertheless consider our clients' petitions at this time because they are so close to satisfying the time requirement and because of the unusual circumstances surrounding their convictions in the Watergate case. In this connection, enclosed is a copy of the supplemental statement we have submitted in support of our clients' petitions which outlines the reasons why we believe the petitions should be granted.

We are aware that the other three defendants in the original Watergate case, Messrs. Hunt, Liddy, and McCord plan to submit petitions for pardon or for commutation of their sentences. We recognize that there are a number of reasons why all seven of the petitions might be considered together. However, we strongly believe that in many respects our clients are in a completely different category than the other three defendants and that the reasons in support of their petitions, as outlined in the enclosed statement, are unique to them. Accordingly, in the event any or all of the other three petitions are not favorably considered by

Page 2

the President for action at this time, we would still respectfully urge the President to approve the petitions of Messrs. Barker, Martinez, Sturgis and Gonzalez.

Very truly yours,

  
Daniel E. Schultz

DES/kr  
Enclosure

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OF COUNSEL  
DAVID M. KANTER

SUPPLEMENTAL STATEMENT OF REASONS IN SUPPORT OF  
APPLICATION FOR PARDON BY BERNARD L. BARKER,  
EUGENIO R. MARTINEZ, VIRGILIO R. GONZALEZ, AND FRANK A. STURGIS

Our representation of Messrs. Barker, Martinez, Gonzalez and Sturgis began in January, 1973, three weeks after they entered their guilty pleas in the original Watergate case, and continued for almost four years until October, 1976 when, following reversal of Messrs. Barker and Martinez' conviction in the case of United States v. Ehrlichman, et al., the Special Prosecutor's office moved to dismiss the charges pending against those two men. We are presenting this additional statement in support of their application for a pardon in order to summarize what we consider to be the unique circumstances that strongly support granting their requests for pardons.

Our clients' defense to the criminal charges arising out of the Watergate break-in leads to the conclusion that they were not guilty of those charges. This defense, later recognized by the Court of Appeals in United States v. Barker and Martinez, consisted of the good faith, reasonable belief that they had been participating in a clandestine national security operation properly authorized by an intelligence agency of this government which negated the specific intent that was an essential element of the offenses with which they were charged. The defense was never presented at trial because as of January, 1973 our clients still adhered to the belief that the national security aspects of their involvement could not be revealed. Therefore, they pled guilty.

The reason for their continued belief that the Watergate entries were a national security operation was due in part to the fact that the Watergate break-in was not the only entry operation they had participated in at the request of E. Howard Hunt. Nine months earlier, in 1971, Mr. Hunt had recruited Messrs. Barker and Martinez to participate in the entry operation of the offices of Dr. Lewis J. Fielding, the psychiatrist for Mr. Daniel Ellsberg. At the time our clients entered pleas of guilty in the Watergate case, Mr. Ellsberg had been under indictment for many months and was being prosecuted by the Justice Department. The Justice

Department had made no disclosure of the clandestine entry operations in Mr. Ellsberg's case. Since such a disclosure would normally result in the context of Mr. Ellsberg's prosecution and since none had been made by the government, it seemed clear to our clients that for national security reasons, they were not authorized to reveal that operation. Yet it was impossible to explain the reason for their participation in the Watergate entries without revealing their prior assistance to Mr. Hunt in connection with the Fielding entry.

The efforts to persuade the trial court and the Court of Appeals to permit our clients to withdraw their guilty pleas in the original Watergate case were unsuccessful. Both courts held that the guilty pleas were properly entered and the defense had been waived, although three judges in the Court of Appeals recognized the defense, two of them registering strong dissents. Accordingly, one can never know for certain if Messrs. Barker, Martinez, Sturgis and Gonzalez would have been acquitted by a jury if they had proceeded to trial and presented the facts in support of their defense.

However, in light of the Court of Appeals' decision in United States v. Barker and Martinez, there is every reason to believe that they would have been acquitted. That appeal resulted from the trial of Messrs. Barker and Martinez for their participation in the 1971 Fielding entry operation; the defense to those charges was the same as would have been presented in the Watergate case; and the Court of Appeals recognized it as a legally valid defense. While erroneously rejected as a matter of law by Judge Gesell, the persuasiveness of the facts in support of their defense led him to state at the conclusion of the trial that in his opinion our clients had been "duped" by high government officials and led the Special Prosecutor's Office to acknowledge during the course of the trial that they were not disputing our clients' belief that they were participating in a national security intelligence operation.

Aside from the question of whether our clients would ever have been convicted had their defense been presented to a jury in the original Watergate case, their background, their loyalty to this country, their limited role in Watergate, and their reasons for having become involved with Mr. Hunt all constitute mitigating factors which we submit lead to the conclusion that their requests should receive favorable consideration. Almost without exception these circumstances have strongly impressed all those who have come in contact with our clients or with the case itself, as illustrated by the following:

1. The extremely favorable pre-sentence reports prepared by the Probation Office for the United States District Court for the District of Columbia under the direction of Mr. Frank Saunders.

2. The dissenting opinions by Judge MacKinnon and Judge Wilkey in the appeal from the original Watergate case (514 F.2d 208).

3. The suspended sentences imposed by Judge Gesell on Messrs. Barker and Martinez in the Fielding entry case, the convictions for which were subsequently overturned by the United States Court of Appeals for the District of Columbia.

4. The U.S. Court of Appeals' opinion in the Fielding case (No. 74-1883) reversing the convictions of Messrs. Barker and Martinez.

5. The Special Prosecutor's decision to move for dismissal of the charges against Messrs. Barker and Martinez following reversal of their convictions in the Fielding entry case.

6. The Honorable John J. Sirica's decision to grant the motions by Messrs. Barker, Martinez, Sturgis and Gonzalez to reduce their sentences to time served following the denial of their petition for a writ of certiorari in the original Watergate case which thereby eliminated the necessity of Mr. Barker's returning to prison.

Finally, the length of time each of our clients was in prison compared to other participants in Watergate is another factor in favor of granting their request for pardons. Messrs. Barker and Sturgis were incarcerated for thirteen months as a result of their convictions in the original Watergate case, while Messrs. Martinez and Gonzalez were incarcerated for fourteen months. Thus, their punishment has been substantially greater than the following individuals who either served no time or minimal periods of incarceration: James W. McCord, Jr., Frederick C. LaRue, Jeb Stuart Magruder, Donald H. Segretti, Egil Krogh, Jr., Dwight D. Chapin, John W. Dean, III, Herbert L. Porter, Herbert W. Kalmbach, Charles Colson, David R. Young, Jr., and Richard Kleindienst.

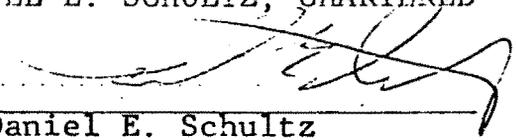
Granting our clients a pardon at this juncture would not only help to correct the disproportionate nature of the punishment in this affair, but would also serve as a

compassionate acknowledgement of the unique circumstances which led to their involvement in the Watergate affair and the possibility that they entered pleas of guilty when the law would not have otherwise imposed criminal responsibility on them for their actions.

Respectfully submitted,

DANIEL E. SCHULTZ, CHARTERED

By:

  
Daniel E. Schultz

  
Melinda Gray Murray

DES:jw  
Enclosures