

**The original documents are located in Box 23, folder “Justice - General (4)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

### **Copyright Notice**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

And the President rightly talks of the need to "foster a law-abiding spirit among ordinary citizens." But a greater respect for the law can neither be achieved by a lock-up philosophy that proscribes judicial flexibility, nor by courts that treat casually the most serious non-violent crimes. Respect for the law can only be won on a basis of general public recognition that justice in this country is evenly dispensed, regardless of the wrongdoer's station in life. (4/30/75)

The Cleveland Plain Dealer said President Ford, in a tough speech on crime, said what most Americans wanted to hear. He left no doubt that the law should punish severely those criminals who cause substantial injury to others or who create substantial danger to the public. Without mentioning Watergate by name, he acknowledged that crime in high places also has made law enforcement more difficult. His critics, while agreeing with that, can point out that Mr. Ford's hasty pardon of former President Nixon unfortunately had the effect of establishing a separate code for the "establishment." In its way, it was illustrative of the very leniency which the President scored in his speech.

But in calling for better guarantees for the safety of citizens, for insuring the domestic tranquility and respect for law, the President was on solid and popular ground. (4/27/75)

The Des Moines Register said mandatory imprisonment policy would prohibit judges from granting probation and would require a huge expenditure for maximum security prisons to house swelling numbers. The existing prison system has failed dismally to prevent recidivism. The President has no basis for believing that his program would accomplish anything except the waste of hundreds of millions of dollars on custodial facilities and guards.

In calling for mandatory imprisonment, President Ford is ignoring the advice of such tough law-and-order types as Chief Justice Warren Burger, who has stated that mandatory sentences for crimes do not best serve the ends of the criminal justice system.

The President said he wants to put gun-users in prison, but nowhere in his address about crime did he suggest the need for government action to curb access to guns. This omission, together with his appeal to the emotions for mandatory imprisonment, suggests that the President may be more interested in playing politics with the crime issue than in dealing realistically with the needs of the criminal justice system. (5/2/75)



COMMISSION ON CIA ACTIVITIES WITHIN THE UNITED STATES  
Washington, DC 20500

Nelson A. Rockefeller,  
Chairman

David W. Belin,  
Executive Director

John T. Connor  
C. Douglas Dillon  
Erwin N. Griswold  
Lane Kirkland  
Lyman L. Lemnitzer  
Ronald Reagan  
Edgar F. Shannon, Jr.

May 6, 1975

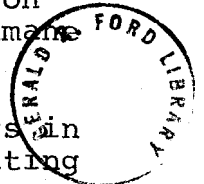
Mr. Richard B. Cheney  
Deputy Assistant to  
the President  
The White House

Dear Dick:

Thanks for the copy of the President's Yale Law School speech. You asked for my views and suggestions, and I said I would give you whatever favorable and unfavorable comments I have on any presidential speeches or policy discussions that you might send to me for my review.

A. Favorable Comments

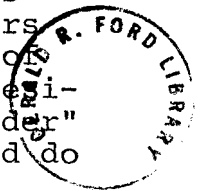
1. The issue is one of major national concern. Therefore, I think it is appropriate for the President to discuss it at Yale, and I think it would be most appropriate to discuss it elsewhere, also.
2. The treatment of the issue was excellent. I very much like the concept of concentrating on domestic tranquility instead of law and order because of the bad connotations law and order have given to many people in the country.
3. I like his sensitive treatment which occurs throughout the speech. The emphasis on victims of crime--and the fact that the majority of the victims are the poor, the old, the young, the disadvantaged minorities, and the people who live in the most crowded parts of our cities, the most defenseless. I like the emphasis on incarceration of convicted felons in prison, but humane treatment at the same time in prison.
4. I like the emphasis on the importance of leaders in all levels of government and business and labor setting good examples--the sensitivity to the fact that when people in high places break the law, it has an adverse fall-out effect over the entire population.



5. I like the emphasis on facts, particularly the non-emotional statements concerning repeat offenders and the very sobering statistics on the number of criminals who receive no prison terms whatsoever.
6. I like the philosophic quotations from people such as Madison and Burke.
7. I like the emphasis on the philosophic differences between a democratic society and a totalitarian state, and the pinpointing on how much more difficult it is to resolve problems of this kind in a free society where we must have sensitivity for the needs for freedom and constitutional rights.
8. I like the down-to-earth sense of humor in the opening portion of the speech.
9. I like the emphasis on the public policy considerations of making punishment more certain for convicted criminals of violent crimes, and the emphasis for funds for not only judges and prosecutors but also public defenders.
10. I like the suggestions for Federal financial and technical assistance to the states, which after all have the primary responsibility in law enforcement.

B. Unfavorable Comments

1. I have very few adverse comments because on the whole I think the speech is excellent. My first adverse comment relates to the need for fuller development of specific proposals to help meet the problems of crime. I think the speech did an excellent job in pinpointing major problems. The solution aspect of the speech needs more specific development. I would be happy to exchange views in this area, if you think it would be helpful.
2. There could be added to the speech a brief comment concerning some of the causes of crime, particularly with first offenders. For instance, broken homes, unemployment, inadequate and overcrowded housing, and of course the lack of certainty of punishment (which was discussed in the speech). Over the past several years the issue has been debated with two opposite points of view: "Law and Order" and "Root Cause". I think President Ford did an excellent job in moving "law and order" to "domestic tranquility". However, I think he could do an even better job in preempting part of the area of



"root cause" without taking away from his overall discussion of the problem. This is part of what I believe to be the ultimate success in politics--the preemption of the middle of the road. This preemption can be very much enhanced by bringing together valid key conclusions from competing points of view. Therefore, I suggest a brief reference to the relationship between crime and such social dislocations as unemployment, inadequate housing and broken homes.

C. Overall Evaluation

The speech was on the whole excellent. I would give it a grade of A-. (And I can assure you that if I thought the speech deserved a B or a C, I would have rated it accordingly.)

Best regards.

Sincerely,

David W. Belin

P.S. If you think I am afraid to give a president<sup>speech</sup> or a member of his staff a grade lower than A-, or even a B, I call to your attention the fact that last August and September I wrote the President and told him that I thought his "Whip Inflation Now" program would be a failure because his economic advisors did not understand the major economic issues confronting the world in the last quarter of this century. I also told Bill Seidman that I thought the economic summit would be a failure, and after the economic summit I so indicated this in very specific terms to Bill Seidman and also to Don Rumsfeld. In other words, I am not afraid to say a thing is bad when I believe it is bad--even if it involves the President of the United States or a member of his staff. However, in the case of the Yale speech, I think it was first rate, and I think the basic concept is a very important one to emphasize, as I have outlined in my evaluation. In the case of the number one issue in the country --the economy--I think the President is still getting inadequate economic and political advice.

DWB



*Justice*

THE WHITE HOUSE  
WASHINGTON

May 8, 1975

MEMORANDUM FOR:

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

Attached are:

1. Copy of a letter to the President dated April 10, 1975, from Senator John Sparkman and a copy of the President's reply to this letter dated April 25.
2. Copy of second letter from Senator Sparkman dated May 1, to which no reply has been prepared.
3. Copy of a letter of April 16 to the President from Senator John C. Stennis to which a reply similar to the President's letter to Senator Sparkman has been prepared.
4. Copy of a letter to the President from Senator James Abourezk dated May 2, 1975, to which no reply has been prepared.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

Attachments



MIKE MANVELL, MONT.  
JACOB K. JAVITS, N.Y.  
STUART SYMINGTON, MO.  
CLAIBORNE PELL, R.I.  
GALE W. MC GEE, WYO.  
GEORGE MC GOVERN, S. DAK.  
HUBERT H. HUMPHREY, MINN.  
DICK CLARK, IOWA  
JOSEPH R. BIDEN, JR., DEL.

CLIFFORD P. CASE, N.J.  
JACOB K. JAVITS, N.Y.  
HUGH SCOTT, PA.  
JAMES B. PEARSON, KANS.  
CHARLES H. PEPCY, ILL.  
ROBERT P. GRIFFIN, MICH.  
HOWARD H. BAKER, JR., TENN.

# United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

PAT M. HOLT, CHIEF OF STAFF  
ARTHUR M. KUHL, CHIEF CLERK

April 10, 1975

Dear Mr. President:

As you know, there is much public interest about whether there are any secret understandings by the United States relative to the 1973 Vietnam Cease-fire Agreement.

In explaining the agreement at a press conference on January 24, 1973, Dr. Kissinger said: "There are no secret understandings." However, on Wednesday the White House issued a statement saying that there were "confidential exchanges between the Nixon Administration and President Thieu" at the time of the Paris agreement relative to both how the United States would react to a major violation of the agreement and about future economic and military assistance.

On a number of occasions members of the Committee on Foreign Relations have questioned Executive Branch witnesses about the agreement and related matters. For example, Secretary of State Rogers told the Committee on February 21, 1973, that the agreement would not "impose any further obligations on the United States." On May 8, Secretary of Defense Richardson, when questioned about whether there were any commitments "if the cease-fire accord in Vietnam should collapse," replied: "No."

In order to insure that there is no misunderstanding about any U. S. undertakings relative to the agreement, I believe that all of the pertinent documents should be made available to the Committee on Foreign Relations which has the responsibility for legislative oversight in matters relating to international agreements. I would appreciate your furnishing the Committee with the text of all understandings, undertakings or similar

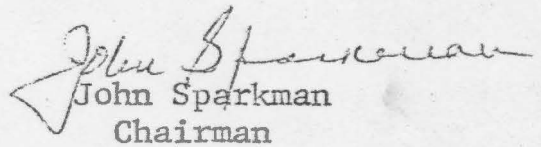


statements made by President Nixon, Dr. Kissinger, or other U. S. officials relative to the cease-fire agreement or subsequent conferences concerning that agreement.

Thank you in advance for your cooperation on this important matter.

With best wishes, I am

Sincerely,

  
John Sparkman  
Chairman

The President  
The White House





THE WHITE HOUSE

WASHINGTON

April 25, 1975

Dear Mr. Chairman:

Thank you for your letter of April 10. I welcome your desire to clear up any misunderstanding about "secret undertakings" by the United States relative to the 1973 Vietnam accords.

In light of current events in Indochina, it is worth recalling that it was the openly stated policy of the United States Government to maintain the necessary conditions for the viability of the Agreement. President Nixon and members of his Administration stated publicly and repeatedly that the United States intended to continue its aid relationship with the Republic of Vietnam and react vigorously to massive violations. I have reviewed the record of the private diplomatic communications, which naturally contained statements reflecting the same policy. Since the same policy and intentions contained in these exchanges were declared publicly, there was no secret from the Congress or the American people.

Furthermore, neither this Administration nor the previous one has ever invoked any private assurances or commitments as arguments for Congressional action. Requests for security assistance and opposition to the 1973 prohibition of the use of military force were always argued on the merits of policy. This was done in the belief that it was in our national interest to maintain the conditions essential to observance of the Vietnam Agreement. Our policy was determined by this view of our interests, not by "secret agreements" or assurances given in any secret document. Obviously, our ability to maintain this policy was subject to our own Constitutional process.



Any documents which could be construed as containing or constituting a government-to-government undertaking have been provided to the Congress.

I do not believe, therefore, that there is any basis for misunderstanding about American obligations or actions relative to the Paris Agreement; nor is this question relevant to the important policy questions we face now concerning our aid to Vietnam and, indeed, our foreign policy in the future. Inasmuch as confidentiality is an essential aspect of diplomatic intercourse, the diplomatic exchanges between the United States and the Republic of Vietnam should remain confidential within the Executive Branch. I believe our urgent task now is to face the future and leave the divisive debates over Vietnam behind us.

Sincerely,

*Gerald R. Ford*

The Honorable John Sparkman  
United States Senate  
Washington, D. C. 20510



JOHN SPARKMAN, ALA., CHAIRMAN

M.W.E. MANSFIELD, MONT.  
FRANK CHURCH, IDAHO  
STUART SYMINGTON, MO.  
CLAIBORNE PELL, R.I.  
GALE W. MC GEE, WYO.  
GEORGE MC GOVERN, S. DAK.  
HUBERT H. HUMPHREY, MINN.  
DICK CLARK, IOWA  
JOSEPH R. BIDEN, JR., DEL.

CLIFFORD P. CASE, N.J.  
JACOB K. JAVITS, N.Y.  
HUGH SCOTT, PA.  
JAMES B. PEARSON, KANS.  
CHARLES H. PERCY, ILL.  
ROBERT P. GRIFFIN, MICH.  
HOWARD H. BAKER, JR., TENN.

## United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

PAT M. HOLT, CHIEF OF STAFF  
ARTHUR M. KUHL, CHIEF CLERK

May 1, 1975

Dear Mr. President:

I appreciate your letter of April 25 concerning the request of the Committee on Foreign Relations for the texts of any United States understandings or undertakings relative to the 1973 Paris Cease-fire Agreement.

As you know, a former member of the South Vietnamese Government has released the texts of what are alleged to be letters from President Nixon to President Thieu containing assurances relative to "continued" United States aid to South Vietnam and of "swift and severe retaliatory action" in the event of North Vietnam's failure to abide by the agreement. In this connection, also, I note that Ambassador Graham Martin was quoted in this morning's Washington Post as saying, as he arrived aboard an evacuation ship, that: "If we had kept our commitments we wouldn't have had to evacuate."

I urge that you reconsider your decision to deny the Committee's request. Although I agree with your statement that we should "leave the divisive debates on Vietnam behind us," I do not view the Committee's request for these documents as a part of a "debate" but only a legitimate exercise of the Committee's responsibility for legislative oversight of international agreements.

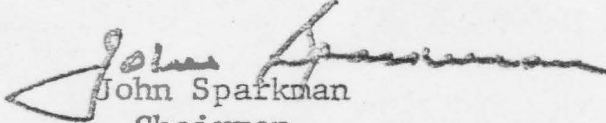
In view of the release of the alleged letters from President Nixon and the fact that the South Vietnamese Government has fallen, it seems to me that the issue of confidentiality is not a proper justification for denying the Committee access to the pertinent documents. The public interest would be served by a full disclosure of pertinent communications



relative to United States undertakings or commitments surrounding the cease-fire agreement and I hope that upon reconsideration you will furnish these documents to the Committee.

With best wishes, I am

Sincerely,

  
John Sparkman  
Chairman

The President  
The White House



JOHN C. STENNIS, MISS., CHAIRMAN  
 DONALD WYDEN, IOWA, MO.  
 HENRY M. JACKSON, WASH.  
 JAMES EASTLAND, MISS.  
 THOMAS M. CLARK, N.H.  
 HARRY F. BYRD, JR., VA.  
 STROM THURMOND, S.C.  
 JOHN TOWLER, TEX.  
 BARRY GOLDWATER, ARIZ.  
 WILLIAM L. SCOTT, VA.  
 ROBERT TAFT, JR., OHIO  
 D. WILKIE DANIELS, OKLA.

EDWARD BRASWELL, JR., CHIEF COUNSEL AND STAFF DIRECTOR

**United States Senate**  
 COMMITTEE ON ARMED SERVICES  
 WASHINGTON, D.C. 20510

April 16, 1975

The President  
 The White House  
 Washington, D. C.

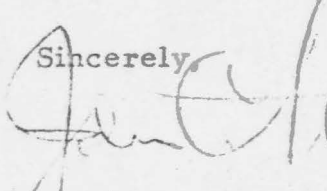
Dear Mr. President:


The Senate Armed Services Committee has been holding hearings on your urgent request for \$722 million of additional military assistance to South Vietnam. A relevant issue which has arisen in connection with this request is the nature and extent of any prior U. S. obligations, commitments, or understandings which may have been given to South Vietnam and North Vietnam.

On April 15, 1975, Secretary Schlesinger testified that there exist official, private documents which bear on the U. S. commitment to South Vietnam. Secretary Schlesinger indicated that the Defense Department did not have these documents and in any event would be unable to provide them to the Committee in the absence of Presidential approval.

The Committee respectfully requests that all documentation which has not been formally presented to the Congress and bears on the nature and extent of the U. S. commitment to South Vietnam be provided to the Committee. This request covers all written materials regarding communications between the United States Government and the governments of South Vietnam and North Vietnam, and/or their respective representatives, including but not limited to the communications themselves and any memoranda of conversations or cable traffic reflecting conversations, that passed between the parties involved relating to the 1972/1973 Paris Peace negotiations and Agreements, and their subsequent implementation.

Due to the severe time constraints associated with this request for military assistance to South Vietnam these documents should be provided promptly.

Sincerely  
  
 John C. Stennis



JAMES O. EASTLAND, MISS., CHAIRMAN  
JOHN L. MCELLEN, ARK.  
PHILIP A. HT, MICH.  
EDWARD M. KENNEDY, MASS.  
BIRCH BAYH, IND.  
COURTIN N. BURGICK, N. DAK.  
ROBERT C. BYRD, W. VA.  
JOHN V. TUNNEY, CALIF.  
JAMES ABUREZK, S. DAK.  
ROMAN L. HRUSKA, NEBR.  
HIPAM L. FONG, HAWAII  
HUGH SCOTT, PA.  
STROM THURMOND, S.C.  
CHARLES MCC. MATHIAS, JR., MD.  
WILLIAM L. SCOTT, VA.

# United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, D.C. 20510

PETER M. STOCKETT  
CHIEF COUNSEL AND STAFF DIRECTOR

May 2, 1975

The Honorable Gerald R. Ford  
The White House  
Washington, D. C.

Dear Mr. President:

MP  
For some time the Subcommittee on Separation of Powers has been examining executive-legislative relations in foreign affairs with special emphasis on executive agreements and commitments. The Subcommittee held extensive hearings on the subject in April and May of 1972. Despite congressional attempts to define the powers, duties and prerogatives of the two branches of the government in this area of foreign policy, the problem of executive agreements vis-a-vis the treaty power of the Senate has remained a matter of increasing concern.

Various legislative proposals are now pending which would prescribe a congressional role in the making of international agreements, other than treaties, that commit our national resources. The Subcommittee presently has before it two such bills requiring congressional oversight of these agreements. S. 632 introduced on February 7, 1975, by Senator Bentsen and S. 1251 introduced on March 20, 1975, by Senator Glenn. The separation of powers questions involved in such legislative proposals are vitally important; therefore, we have scheduled hearings on May 13, 14, and 15, 1975.

Obviously, the letters made public on April 30, 1975, in Washington by Nguyen Tien Hung, former Minister of Planning for South Vietnam, are of compelling relevance to these hearings and consideration of the above-referenced legislation.

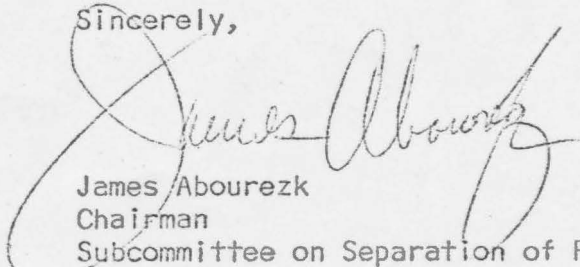
Accordingly, I respectfully request that you furnish to the Separation of Powers Subcommittee of the Senate Committee on the Judiciary, copies of the letters of November 14, 1972, and January 5, 17, and 20, 1973, sent by President Richard M. Nixon to President Nguyen Van Thieu, in which President Nixon makes commitments regarding American assistance to South Vietnam in the post-settlement period.



The Honorable Gerald R. Ford  
May 2, 1975  
Page Two

I also request that you send the Subcommittee copies of the letters of November 11 and December 20, 1972, from President Thieu to President Nixon regarding American assistance to South Vietnam in the post-settlement period. I also ask that you transmit to the Subcommittee copies of any other material or information related to this correspondence and its substance which is in your possession. Please let me hear from you regarding these requests by close of business on May 7, 1975. Your cooperation will be appreciated in view of the time constraints under which we are operating.

Sincerely,



James Abourezk  
Chairman  
Subcommittee on Separation of Powers



THE WHITE HOUSE  
WASHINGTON

May 9, 1975

*Justice*

Dear Mr. Garner:

This is to acknowledge your letter of April 18 to Attorney General Levi setting forth your dissatisfaction with certain operations of the Tennessee Valley Authority.

I have requested a review of the allegations set forth in your letter and appreciate your concern in writing.

Sincerely,

*Philip W. Buchen*  
Philip W. Buchen  
Counsel to the President

Mr. Bill Garner  
Route 4, Box 354  
Scottsboro, Alabama 35768





May 9, 1975

MEMORANDUM FOR: JIM LYNN  
FROM: PHIL BUCHEN  
SUBJECT: TVA Allegations

Attached are copies of a recent letter to the Attorney General and my letter of acknowledgment. Kindly take any action you determine appropriate.

Thank you.

KAL:dlm

THE WHITE HOUSE  
WASHINGTON

May 5, 1975

MEMORANDUM FOR: KEN LAZARUS

FROM: PHIL BUCHEN *P.W.B.*

Kindly review the attached memo from John C. Keeney at Justice and let me have your comments and suggestions. Also, please prepare a proposed acknowledgement to Mr. Garner's letter from me.

Attachment

*Keeney 1  
John C.  
Justice*

*Bill Garner*



Department of Justice  
Washington 20530

May 1 1975

MEMORANDUM FOR PHILIP BUCHEN  
COUNSEL TO THE PRESIDENT

*JCK*  
FROM: John C. Keeney  
Acting Assistant Attorney General  
Criminal Division

Attached is a letter dated April 18, 1975, which was addressed to the Attorney General by one Bill Garner of Scottsboro, Alabama. Mr. Garner requests that the Attorney General conduct a full-scale investigation of the Office of Management and Budget in connection with its relation to the Tennessee Valley Authority. Since the letter is concerned with Administration policy rather than violations of law, it is referred to your office for whatever action you deem appropriate. We have not acknowledged Mr. Garner's letter.

Attachment



DEPUTY ATTORNEY GENERAL

APR 21 8 31 AM '75

DEPT. OF JUSTICE  
RECEIVED

DEPUTY ATTORNEY GENERAL

Honorable Edward H. Levi  
Attorney General of the United States  
Department of Justice  
Constitution Avenue between 9th and 10th Streets  
Washington, D. C. 20530

Dear Mr. Levi:

As you may know, due to their lack of reliability, there has been an enormous slump in the demand for nuclear power plants. In order to keep the nuclear industry alive, the Tennessee Valley Authority continues to construct and plan nuclear power plants that it does not need.

The TVA is attempting to operate three nuclear units at Brown's Ferry, Alabama; is constructing two nuclear units at Bellefonte, Alabama; two units at Sequoyah, Tennessee and two more at Watts Bar, Tennessee. It has an application pending to construct four more nuclear units near Nashville, Tennessee.

Last week, over the protest of TVA Director Bill Jenkins, the other two directors of the TVA announced plans to construct two more nuclear plants in Tennessee and two nuclear plants in Mississippi. Director Jenkins pointed out that these plants were not needed, and also stated that he learned for the first time on April 11th, that the TVA planned to ask that its borrowing power be increased from five billion dollars to twenty billion dollars.

As to the need for TVA to produce more power, from 1970 through 1972 the peak load on the system decreased. Though the amount of electricity sold in 1973 increased slightly, 1974 sales decreased from 1973.

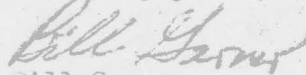
Why does TVA continue to build nuclear plants when it is obvious that they are not needed on the TVA system? Why does TVA wish its debt limit increased when it does not have a legitimate need to borrow more money? I am sure that you are aware of the fact that Gerald Ford, like his predecessor, Richard Nixon, is totally committed to help the nuclear industry stay in business. Chairman Aubrey J. Wagner of the Tennessee Valley Authority is a political appointee of Richard Nixon and a political protege of Senator Howard Baker, another advocate of nuclear power at any cost.

A Birmingham newspaper has uncovered the fact that negotiations over increasing TVA's bonding authority have been going on between TVA and the Office of Management and Budget for six to eight months. Congressman Robert E. Jones of Alabama has apparently been leading the clandestine movement.



When Gerald Ford assumed Office as President of the United States, he pledged an open administration and promised the American people that his presidency would not operate in secret. The facts given above make it clear that the Office of Management and Budget, which is apart of the Executive Office of the President, is operating in secret behind the backs of the people of the Tennessee Valley including one of the three Directors of the Tennessee Valley Authority itself. Consequently, I request that you conduct a full scale investigation of the activities of the Office of Management and Budget in connection with the above.

Sincerely yours,



Bill Garner

Route 4, Box 354

Scottsboro, Alabama 35768

CC:

Senator Jennings Randolph, Chairman  
Senate Public Works Committee

Senator Mark O. Hatfield  
Public Works Subcommittee of Senate Appropriations Committee



THE WHITE HOUSE  
WASHINGTON

*Justice*  
*LEAA*

May 13, 1975

Dear Mr. Spott:

By this letter, I acknowledge your most recent communication.

Your application for a Law Enforcement Assistance (LEAA) grant should be sent to the person whose name and address is set forth below:

Mr. H. Paul Haynes  
Acting Assistant Administrator  
Office of National Priority Programs  
LEAA  
633 Indiana Avenue NW  
Washington, D.C. 20531

Sincerely,

*Philip W. Buchen*  
Philip W. Buchen  
Counsel to the President

Mr. Joseph E. Spott  
Director  
Joseph E. Spott University  
50 Muth Drive  
Orinda, California 94563



*Justice*

THE WHITE HOUSE  
WASHINGTON

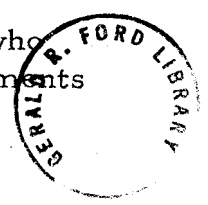
May 14, 1975

MEMORANDUM FOR: BILL SKIDMORE  
THROUGH: PHIL BUCHEN *P.W.B.*  
FROM: KEN LAZARUS *KL*  
SUBJECT: LEAA Authorization Bill

As a follow-up to our telephone conversation earlier today, set forth below are the comments of Counsel's office relative to Justice's draft bill, cited as the "Crime Control Act of 1976".

- (1) On page 2 of the draft bill, Section 5 should be corrected to reflect the decision that the Attorney General is to appoint the Director of the Institute as called for on page 2 of the section-by-section analysis.
- (2) On page 3 of the draft bill consideration should be given to modifying Section 5 (3) to indicate that Section 402(b)(9) of the LEAA statute should authorize discretionary grants for ". . . special projects pertaining to the civil justice system in its impact on the criminal justice system, . . ." (new material underlined).
- (3) On page 4 of the draft bill consideration should be given to amending Section 7(3) so as to earmark either a percentage (perhaps 10 percent) or an absolute dollar figure from the total appropriation authorization for the purposes of Section 4, i.e. grants to high crime areas. Moreover, the second paragraph of the Speaker's letter could be modified to highlight this change.

I have communicated these suggestions to Dick Parsons who has indicated that he will keep me advised of any developments in this regard.



cc: Dick Parsons

THE WHITE HOUSE

WASHINGTON

May 20, 1975

MEMORANDUM FOR: Jane Dannenhauer

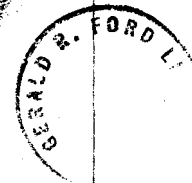
FROM: Phil Buchen *P.W.B.*

It would be appreciated if you could arrange for a White House pass for Judge Harold Russell Tyler, Jr.

In his capacity as Deputy Attorney General, Judge Tyler will be coming to meetings at the White House, and it would be most helpful if a pass could be issued for him.

Thanks very much.

*Tyler,  
Harold  
(Russell  
Judge)*





C-4

COMMENT

Argument For Lawlessness

(Editorial, Excerpted from the St. Louis Post-Dispatch)

The Justice Department, in a letter reminiscent of the lawless attitude of the Nixon Administration, has taken the incredible position that federal agents under so-called "carefully controlled" circumstances have a right to break into private homes and offices without warrants to search for evidence of foreign espionage or intelligence. But the Supreme Court has only by implication -- not directly -- upheld warrantless wire taps in cases involving foreign espionage. And, even if such wire taps had been upheld, the Justice Department is indulging in an astonishing leap in logic to infer from this that the government has the power without search warrants to break into private premises. For the U.S. Government to behave in this manner, trumping up national security reasons for its acts, would make the Fourth Amendment a virtual nullity. (5/22/75)

Another Over-Extension Of Power

(Editorial, Excerpted from the Charlotte Observer)

Quietly, the Ford Administration has affirmed its support for one of those over-extensions of presidential power that characterized the Watergate era. In a letter to a federal judge, the Justice Department has supported the President's "right" to break into private homes and rummage through the papers of American citizens any time he believes foreign espionage or intelligence information might be found there.

The question is not whether such searches should be conducted. If there is evidence of espionage, of course they should.

The question is whether a President should be the sole judge of the propriety of such searches. The Justice Department -- which is, after all, part of the executive branch -- says yes. We think that is a dangerous contention. The misuse of power by the Nixon Administration shows the danger of leaving such decisions to a president's whim. If a president has good reasons for such searches, he should have no qualms about presenting them to a federal judge and obtaining a search warrant. (5/22/75)



THE WHITE HOUSE  
WASHINGTON

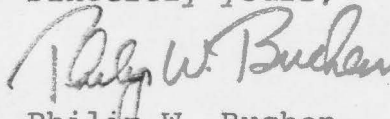
May 22, 1975

Dear Mr. Curry:

Your letter of May 7 addressed jointly to the President and me has been received.

Because the appeal you refer to appears to involve a procedural issue and not the merits of the case, it seems inappropriate for the Justice Department to take seriously your request for the filing of Amicus Curiae Briefs on the merits. Also, I do not believe that you can read into the President's comments on "Plea Bargaining" in his address to the Yale School of Law support for the point of view expressed by the writer of the article in 83 Harvard Law Review 1387.

Sincerely yours,



Philip W. Buchen  
Counsel to the President

Mr. George L. Curry  
181 Poplar Avenue  
Hayward, California 94541

*Justice Dept.  
"Plea Bargaining"*



THE WHITE HOUSE  
WASHINGTON

May 24, 1975

MEMORANDUM FOR PHIL BUCHEN

FROM: DON RUMSFELD

Don't forget to sort out that matter between Tom Curtis of the Election Commission and the role of the Department of Justice in defending them.

I don't know what the answer is, but I think it is important that there be communication between Curtis and Levi.

*Justice*  
*(see*  
*Federal*  
*Elections*  
*Commission)*



THE WHITE HOUSE  
WASHINGTON

*Justice*

May 24, 1975

MEMORANDUM FOR:

DON RUMSFELD

FROM:

PHILIP BUCHEN

*P.W.B.*

SUBJECT:

Justice Department's Position  
in Defense of New Campaign  
Financing Law and Powers of  
Federal Election Commission

From information I have obtained from the Justice Department, it appears that the newspaper accounts are erroneous as to any decision by the Justice Department not to defend portions of the above law and the powers granted by the law to the Federal Election Commission.

The Attorney General merely asked for draft briefs on both sides of the issue, which he will take up with us before any decision is made.

I have tried to reach Tom Curtis at the number you gave me but, as yet, there is no answer.



Tuesday 5/27/75

Meeting  
5/27/75  
2:15 p. m.

9:20 You and Mr. Lazarus are invited to the meeting with the President this afternoon (Tuesday 5/27) at 2:15 p. m. in the Cabinet Room on the LEAA authorization. Those invited:

Attorney General  
Hartmann  
Marsh  
Lynn  
Cannon

Friedersdorf  
Goldwin  
Lazarus  
Parsons

The Attorney General may not be able to attend; if he can't, Richard Velde of LEAA will come.



*Justice*

THE WHITE HOUSE  
WASHINGTON

June 3, 1975

MEMORANDUM FOR: TED MARRS

FROM: PHIL BUCHEN

*P.W.B.*

In connection with the matter covered by the attached file, I suggest you send a reply which follows the Scalia draft but omits the two large paragraphs on pages 3 and 4.



*Justice*

THE WHITE HOUSE

WASHINGTON

June 2, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: TED MARRS *gm*

Would you please provide guidance as to whether to use the attached draft or not.



Department of Justice  
Washington, D.C. 20530

MAY 12 1975

MEMORANDUM FOR THE HONORABLE THEODORE C. MARRS,  
SPECIAL ASSISTANT TO THE PRESIDENT

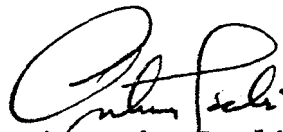
Re: Correspondence from the Reverend Arthur J.  
Maren of the Church of Scientology.

This is in further response to your memorandum to the Attorney General dated February 21, 1975, on the above subject. (This matter was discussed by telephone on March 7th between you and Robert Saloschin of this Office.)

Attached is a draft reply to the Rev. Maren's letter. Personally, I would send no reply at all, unless a routine acknowledgment of receipt of the Petition remains to be dispatched. The Maren letter neither requests a reply nor asks any questions which must be answered. I see nothing to be gained by prolonging a time-consuming exchange of correspondence which obviously can lead to no amicable conclusion. As you know, persons associated with this group have launched several broad Freedom of Information requests and lawsuits, against various government agencies, which will assure that justice is done. These are already taking a large amount of our time; we need not donate more.

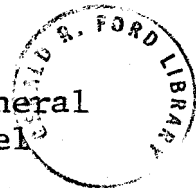
If you use the attached draft, you may wish to omit the two large paragraphs on pages 3 and 4, which express the foregoing sentiment as politely as the nature of the sentiment allows.

We are returning the folder of materials on the Church of Scientology which you sent us with your February 21, 1975 memorandum.



Antonin Scalia  
Assistant Attorney General  
Office of Legal Counsel

Attachment





As a general proposition, religious organizations are entitled under most laws to the same rights as other organizations. This is true, for example, under the Freedom of Information Act, and it means that a request from a religious organization is generally entitled to the same treatment, and is subject to the same exemptions from compulsory disclosure, as would be true in the case of other persons making the same request. Thus, a request from a religious organization for investigatory law enforcement records would presumably be treated in the same way as if the organization were of a non-religious character.

It is also worth noting that the Freedom of Information Act pertains to access to government records, not to the correction of such records. The Privacy Act of 1974 contains some provisions pertaining to the correction of records, but administration of that Act will have to await its effective date, which is late in September 1975; in the interim it is expected that the Office of Management and Budget will develop guidelines for such administration.



Pending such guidelines, however, it is probably safe to say that the Privacy Act's concern is with records pertaining to individuals rather than to organizations.

I might only add that government agencies, as a practical matter, are human institutions, and they therefore cannot absolutely guarantee that they will be free from error, either in their records or in their actions, even assuming that what constitutes error in particular matters is always clear. These agencies' public service functions are important to our society, and often require that an agency proceed as best it can on the information it is able to obtain with the time and resources available. The rights and interests of private persons and of society as a whole depend on the ongoing performance of these functions; at the same time our system provides various remedies and safeguards to redress possible mistakes in agency activities. For example, I understand that your organization has freely availed itself of recourse to the courts, and your claims will presumably be fully considered in these cases under the law.



It is probably fair to say that our laws provide more fully for judicial review (and for Freedom of Information rights of access) than those of any other nation. Persons and organizations who enjoy such rights hopefully may give some consideration to the fact that courts and government agencies are struggling under increasing burdens, and that other citizens also have claims upon their attention.

Sincerely,



THE WHITE HOUSE  
WASHINGTON

May 29, 1975

Dear Mr. Temple:

This will acknowledge receipt of your letter of April 30, 1975, to the President concerning allegations of criminal conduct within the Federal Bureau of Prisons system.

I have forwarded your letter to the Department of Justice for further review.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

Mr. J. Patrick Temple  
P. O. Box 1000  
McNeil Island 17366-149  
Steilacoom, Washington  
98388

*Justice*



DOMESTIC COUNCIL COMMITTEE  
ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

6/5

Phil - FY1

George




Mr. Buchen

DOMESTIC COUNCIL COMMITTEE ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

June 5, 1975

MEMORANDUM FOR: PETER J. WALLISON  
FROM: GEORGE B. TRUBOW   
SUBJECT: Controversy Over Department  
of Justice Policy On Law Enforcement  
Information and Communications

The June 4, New York Times story on the FBI's plan to establish the Federal government as a provider of communications services to State and local criminal justice agencies is the latest in a series of events stretching back to the 1967 recommendations of the President's Commission on Law Enforcement and Administration of Justice. Attachment A, an extract from an Office of Telecommunications Policy memorandum, summarizes key events leading up to the publication on May 20, 1975, by the Department of Justice, of regulations (included as attachment B) that surface three separable but related issues:

- (1) LEAA criminal justice information system privacy regulations;
- (2) Whether computerized State and local criminal justice information systems must be "dedicated" to law enforcement (and not shared with other State or local information systems); and
- (3) Whether the FBI's National Crime Information Center (NCIC) should take control of an interstate information system containing personal criminal histories. ("Message switching")



This is a cost factor (why buy separate computer facilities for the CJS when one is enough to handle the business? ) as well as one of control (who is in charge of the information system? ). It can be argued that this question ought not be resolved unilaterally by DOJ without more consultation with State and local government, which is where the decision has far-reaching impact.

(3) NCIC Message-Switching

The regulations, in sections 20-31, et. seq., undertake to lay the foundation for establishing NCIC message switching, and accordingly go further than the authority contemplated in the 1973 amendment to the Crime Control Act.

As I indicated earlier the FBI's message switching implementation plan is being circulated separately from the regulations and itself raises important issues that include but also go beyond the issues raised in the regulations. These are:

- (a) Whether it is appropriate for the Federal government to become the sole provider of interstate communication services to State and local criminal justice agencies. Even leaving aside the likely impact of such a step on the relationships between Federal and State law enforcement agencies, there seems little apparent justification for it, given the existence already of a functioning, State-controlled law enforcement communications network (NLETS) and an otherwise strong Administration preference for fostering capacity building and independent initiative at the State level. LEAA has, for several years, provided substantial funds for upgrading NLETS capabilities.
- (b) Whether further expansion of the FBI's Computerized Criminal History (CCH) program can be justified in the light of countervailing concerns about its cost-effectiveness and personal privacy implications (see the enclosed GAO report, "Development of a Nationwide



Criminal Data Exchange System--Need to Determine Cost and Improve Reporting"), and indeed, whether in view of such considerations there is any warrant for continuing the program under Federal auspices and control. One alternative, for example, would be to reconstitute the program as a State-maintained computerized index ("pointer system") to State-maintained criminal history records, with the FBI participating as one user among many rather than, as now, being also a central repository for State records.

- (c) Whether in resolving points (a) and (b) the Justice Department should be allowed to ignore the protests and recommendations of other agencies it has promised but frequently failed to consult in the past, including the Office of Management and Budget, the Office of Telecommunications Policy, and the Domestic Council Privacy Committee.

Copies of pertinent correspondence between the Department and spokesmen for the Privacy Committee and the Office of Telecommunications Policy (attachment E) give you a feel for the positions and attitudes of the various parties involved. Unfortunately, however, I cannot provide you with a copy of the several reports and issue papers mentioned in the Times article because the the Department, despite repeated promises to do so, has so far refused to make them available.

I have not recommended firm policy positions at this time; the memorandum is intended to provide background for the Vice President to deal broadly with questions about the matter. These





are issues of domestic policy, however, in which I believe the Vice President should take a leadership role. The way in which the Department of Justice has proceeded in this case, (apart from the substantive issues of privacy, Federal-state relations, etc.) needs careful attention.

cc: (w/o attachments)

Richard Parsons  
Susan Schiffer  
Lynn May



THE WHITE HOUSE  
WASHINGTON

June 5, 1975

To: Attorney General Levi  
From: Phil Buchen *P.W.B.*

Attached is the memorandum from Brent Scowcroft on the subject we talked about the other day.



*Atty General*

Monday 6/9/75

3:25 The Attorney General said in case you're reading the transcript of his TV appearance yesterday -- and in order to protect his name -- he has already found mistakes in it.

In his discussion of crime, he is quoted as saying

"I am not as optimistic"

and what he really said is

"I am always optimistic"

He doesn't know where else he has been misquoted but wanted to be sure you knew of that one right away before people started sticking knives.



June 9, 1975

To: Mr. Hills

From: Eva

The Attorney General's secretary checked with him and he knows nothing about the meeting tomorrow with the Vice President and the Murphy Commission and the fact that he should have a statement on Executive Privilege.

Is quite concerned.

I told her we would check with you again and be back in touch.



DOMESTIC COUNCIL COMMITTEE  
ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

6/11

Phil - FYI

- See spec.

pg. #2.

- George



DOMESTIC COUNCIL COMMITTEE ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

June 11, 1975

MEMORANDUM FOR: PETER J. WALLISON

FROM: GEORGE B. TRUBOW

SUBJECT: Meeting with Tyler re:  
FBI/NCIC Message Switch

Yesterday, representatives of the Office of Telecommunications Policy, the Office of Management and Budget, and I met with Deputy Attorney General Tyler to raise once again the extremely important policy issues precipitated by the proposed plan for FBI/NCIC message switching discussed in my memorandum to you of June 5. Dick Parsons arranged the meeting; Lynn May attended, as did staff from Tyler's office.

The Deputy Attorney General indicated that he has so far been unable to understand the substance of concern about the potential impact of a national criminal justice information and communication system controlled by FBI/NCIC, including its potential effect on Federal-state relations. The representatives of OTP, OMB and I again reminded him that in December of last year, then Deputy Attorney General Silberman agreed to have some preliminary issue papers prepared before proceeding any further toward the establishment of FBI/NCIC message switching capability but that this had not been done.

The principal result of yesterday's meeting was that OTP, OMB and I agreed to prepare, with Lynn May coordinating, an issue paper which will be the subject of a further meeting with the Deputy Attorney General in about two weeks. Mr. Tyler indicated that the Department of Justice will not proceed with the implementation of any message-switching plan until the questions raised in the issue paper have been confronted and resolved. (Unfortunately, the Department of Justice regulations that lay a foundation for FBI authority to operate a message switch go into effect June 19.)



I emphasized the point at the meeting that there is potential for embarrassment to the Administration if the Department continues to deal with this matter in the way it has been handled in the past. I believe that you should be aware of continuing developments, since the implications regarding Federal-state relations and domestic policy formulation go far beyond issues of exchange of criminal history information that may be within the competence of the Department of Justice.

cc: Mr. Richard Parsons  
Mr. Lynn May

GBT:sgd



THE WHITE HOUSE  
WASHINGTON

June 17, 1975

MEMORANDUM FOR

John C. Keeney, Esquire  
Acting Assistant Attorney General  
Criminal Division  
Department of Justice

The enclosed tie was sent to the President as a gift by the manufacturer. A copy of the accompanying letter from Mr. Samuel Singer, dated May 28, 1975, is enclosed.

Mr. Barry Roth of my staff spoke with Mr. Singer concerning his use of the Seal of the President. Mr. Singer, prior to using the Seal, indicated that he had contacted the Secret Service in Boston to inquire whether there were any restrictions on use of the Seal and was advised that there were none.

Inasmuch as this appears to be a use of the Seal that is inconsistent with 18 U.S.C. 713 and E.O. 11649, I bring this matter to your attention for such action as you may deem appropriate. If my office can be of any additional assistance to you in this regard, please contact Mr. Roth.

P.W.B.

Philip W. Buchen  
Counsel to the President

Enclosures





SHORE & SINGER INC.

MANUFACTURERS OF DISTINCTIVE NECKWEAR

(617) 542-0998  
(617) 542-0927

EIGHTY-SIX ESSEX STREET  
BOSTON, MASSACHUSETTS 02111  
100 KINGSTON ST.  
BOSTON, MA. 02111

May 28, 1975

President Gerald Ford  
The White House  
Washington, D. C.

Dear President Ford:

As part of a series of Bi-Centennial neckwear, we  
are making the enclosed necktie.

I thought you might enjoy wearing this tie.

Best wishes.

Very truly yours,

*Samuel J. Singer*

SHORE & SINGER, INC.  
SS:HH



THE WHITE HOUSE  
WASHINGTON

June 18, 1975

*Justice*  
*Eldridge*  
*Cleaver*

MEMORANDUM FOR:

BRENT SCOWCROFT

FROM:

PHILIP BUCHEN *T.W.B*

Following my memorandum to you of June 10 on the subject of Mr. Cleaver, I attach a copy of a memo sent to me from Deputy Attorney General Tyler. I hesitate to have you pass this information on to Mr. Carl F. Salans (Attorney) because if he follows the suggestion I had proposed for inclusion in your letter, a direct contact with the State of California authorities by an emissary of Mr. Cleaver will turn up this information as well as any other that may not have been available to the Justice Department.

Attachment

*Phil -*  
*many thanks. I will*  
*not pass it on to Salans.*  
*Burns*



CONFIDENTIAL

*Justice*

THE WHITE HOUSE

WASHINGTON

June 10, 1975

MEMORANDUM FOR: Brent Scowcroft

FROM:

Phil Buchen *P.W.B.*

Returned with this memorandum is the original you sent of a letter written to you on May 5 from Carl F. Salans about Eldridge Cleaver.

After consulting with Deputy Attorney General Tyler, my suggestion is that you reply to Mr. Salans substantially as follows:

"The suggestion you have made presents a very interesting prospect and one that should be explored. However, except for Federal jurisdiction arising out of flight from the applicable jurisdiction to escape prosecution, the primary jurisdiction would be with the state of California. Under these circumstances, it would be better for someone representing Mr. Cleaver to contact the prosecutor's office in California where the charges are pending to see whether that office would agree to meet Mr. Cleaver's desire that he not be incarcerated pending trial. Through the same method it could be determined whether there are any other state charges that might be brought against Mr. Cleaver should he return. Another issue that would probably have to be resolved is the matter of reimbursing the bonding company, if there was one, for any forfeiture which may have occurred.

Only after satisfactory arrangements have been made with the state authorities would we be able to consider the Federal aspects of the matter."

Administrative marking  
added per E.O. 12356, Sec. 1.2 and  
Archivist's memo of March 1975

By VR NARS 8/3/88



CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

*Cleaver  
G...*

May 23, 1975

MEMORANDUM FOR:

THE HONORABLE EDWARD H. LEVI  
ATTORNEY GENERAL

SUBJECT: Eldridge Cleaver

Attached is a copy of a letter dated May 5, 1975, to General Brent Scowcroft from an Attorney in Paris. I would appreciate your advice on how to respond to Attorney Carl F. Salans.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

Attachment

Determined to be an administrative memorandum  
Cancelled per E.O. 12356; Sec. 1.3  
Archivist's memo of March 16, 1983  
By KE NARS date 8/3/88

CONFIDENTIAL



SAMUEL PISAR

20, PLACE DE LA MADELEINE  
PARIS 8 FRANCE  
TEL. 742 23 31  
TELEX 28985 CABLE PARLAW

WASHINGTON D.C.  
1100 CONNECTICUT AVENUE  
TEL. 293.1903

LONDON  
STONE HOUSE  
128 BISHOPSGATE  
TEL. 247 56 22

SAMUEL PISAR  
LAFOREST E. PHILLIPS, JR.  
CARL F. SALANS  
MARIE-CLAIRE LACHAUD  
ELIANE HEILBRONN  
ROBERT W. HAMILTON  
JEFFREY M. HERTZFELD  
GERARD DELILE  
ELISEO GARLATTI  
MARC GIRAUD  
JEAN-CHARLES BANCAL  
IWAO SHIMIZU  
DANIEL PAYAN

May 5, 1975

Lieutenant General Brent Scowcroft  
Deputy Assistant to the President  
for National Security Affairs  
The National Security Council  
The White House  
Washington, D.C.  
U.S.A.

Re: Eldridge Cleaver

Dear Brent:

It was good to talk to you last Wednesday during my visit in Washington, although I felt terribly guilty intruding into your time at such a crisis point in Vietnam. As agreed, I am writing this letter to give you the essential points regarding Eldridge Cleaver's desire to return to the United States.

Mr. Cleaver came to see me several weeks ago with the following story. He had been indicted in 1968 by a California grand jury for assault against police officers with intent to commit murder arising out of an incident that occurred on April 6, 1968. At the time, he was on parole from a prior imprisonment. Pending trial for this new charge, he had been released from jail on a writ of habeas corpus; but when an appeals court reversed this decision and ordered him to surrender to prison officials, he jumped bail and left the United States.

Since that time, he has been living in Cuba, Algeria, and now France. He has also travelled to the Soviet Union, China, North Korea and North Vietnam, among other places, during his seven years absence from the States.

Mr. Cleaver says, in effect, that he has been all around the radical world and has become disenchanted with it. He has rejected the Marxist-Leninist world view which he formerly advocated. He no longer wants to tear down the American system; he wants to come home and live with it. Nor does he any longer want to separate black people from the system. While other political radicals are seeking to destroy our system, says Cleaver, most of them have not been exposed to the radical undemocratic



Lieutenant General Brent Scowcroft

May 5, 1975

Page Two

systems they seek to emulate as he has. He has seen them, and they are not so great after all. He has come to realize the importance of democratic institutions and processes in the life of a nation. He is optimistic about the United States, and while he still advocates change, he no longer advocates political violence.

Mr. Cleaver has already been speaking out publicly along these lines and if he is able to return to the United States, he will continue to do so.

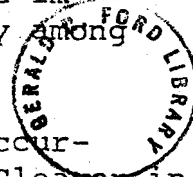
As regards his return, he says he is willing to stand trial in California for the charges pending against him. His only real condition is that he does not want to be thrown in jail pending the trial and its conclusion. He would also like to determine whether there are any other Federal or State charges that may be brought against him should he return.

The idea which I had was that it might not be bad for the United States, particularly in the current rather depressed state of affairs, for Cleaver to "come back into the fold" saying that he has been everywhere else and has concluded that the United States is still the land of opportunity. This might be particularly fitting in the bicentennial year. It also coincides with President Ford's effort to turn the American people away from recriminations and despair about the past to the hope and opportunities which America offers for the future.

I have discussed this with Elliot Richardson who reacted favorably and encouraged me to talk with you and with authorities in the State of California and in the Justice Department. At this stage, I have done nothing more than to make the preliminary contact with you; and as I understood it, you would prefer to make some discreet soundings of your own prior to my doing anything further.

I am convinced that if the proper circumstances can be created for Cleaver's return to the United States, the fact of his voluntary return and the public statements he would make as to why he was returning could, coming from him, have a significant impact in bolstering confidence in the United States not only among Americans but abroad as well.

As for my own role, while I am not a criminal lawyer, it occurred to me that it might be better for me to represent Mr. Cleaver in



SAMUEL PISAR

Lieutenant General Brent Scowcroft

May 5, 1975

Page Three

this matter rather than having the usual radical representation. I would gladly play such a role -- without publicity -- if there is any public interest in the course of action I am suggesting in this letter.

I will await word from you regarding your preliminary soundings and, if they are positive, perhaps you could suggest what next steps should be taken. The American Embassy in Paris knows how to contact me so that if you wish to use that channel of communication, please do so. I would only suggest that in that case, you slug your messages "eyes only" for Galen Stone, who is the DCM, or Bill Connett, Chief of the Consular section, in order to preserve the confidentiality of the exchanges because I don't believe publicity will be helpful.

With many thanks for your assistance and best personal regards to you.

Sincerely yours,



Carl F. Salans

CFS:tj



*Justice*

DOMESTIC COUNCIL COMMITTEE  
ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

*6/18*

*Phil -*

*FYI as per  
telecom. -*

*George*



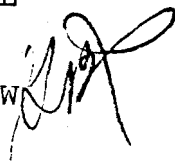


DOMESTIC COUNCIL COMMITTEE ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

June 18, 1975

MEMORANDUM FOR: LYNN MAY  
STAFF ASSISTANT  
DOMESTIC COUNCIL

FROM: GEORGE B. TRUBOW 

SUBJECT: DOJ Proposed Regulations

This brief memorandum presents what I consider to be the three main issues that must be resolved before any plan for a national criminal justice information system can be considered or even proposed. The issues are:

1. The need for a CCH message-switching system measured against its cost.
2. The configuration and management of any such system in terms of Federal-State relations.
3. How to provide for privacy and security in system design and operation.

None of these preliminary issues is addressed in the DOJ plan currently circulating, even though resolution of these questions will help define the configuration of such a system. However, the DOJ regs, effective June 19, 1975, lay the foundation for the Department to implement its plan if it so chooses. The regs also make a decision on the question of "dedicated systems," a debate that has been raging for some time.

The focus in this memorandum is on the message switching plan and the dedication issue. The privacy guidelines in the regs (subparts A and B) are not discussed since I believe they will suffice as an interim measure until the passage of criminal justice information legislation.



1. Cost-effectiveness of a CCH system.

- a. Need. A recent GAO report, though based upon limited data, indicated very little use of CCH data by law enforcement agencies. Such a finding is not surprising, since police departments ought not to base arrest decisions on someone's prior record; the current NCIC wanted persons and stolen property data are probably sufficient for law enforcement purposes. If this is in fact so, then the questions are:
- i. Who needs CCH information for what purposes?
  - ii. What will be the system requirements from the standpoint of courts and corrections?
  - iii. Is there need for a real-time system?
- b. Cost. A further question that needs to be answered is what are the comparative costs to meet the identified needs as between various options:
- i. Upgrading NLETS;
  - ii. Upgrading NCIC;
  - iii. Establishing a new or separate system.

NOTE: If the Department desires a message-switching capability for its regional offices, something it does not now have and that would become possible through implementing its proposed plan, the capability should be established on FBI need, and not by piggybacking on CCH exchange capability.

2. Configuration and Management

- a. Federal State Relations. If at least 70% of CCH information is from State and local government, that argues persuasively, and perhaps conclusively, that a national information system should be subject to the policy control



of State and local government. Thus, whether or not the index or pointer or switch were physically within the facilities of a Federal, State, or independently established agency, policy and operation oversight should be under State-local control. The nature, composition, and authority of such an appropriate supervisory board must be carefully considered. Both NLETS and NCIC have advisory/supervisory boards comprised largely of system operators as distinguished from persons in policy-making roles.

- b. Dedication. The dedication requirement should not be mandated. There is no privacy/security benefit from a dedicated system that could not be achieved from a properly designed, shared system. Dedication cannot be justified on privacy grounds. Therefore, it ought to be within the discretion of State and local authorities whether they dedicate their own systems. The Feds should not mandate it.

3. Privacy/Security in System Design and Operation

- a. The Administration has expressed policy (witness FEDNET) against a central national data bank. Thus, any system design, whether operated by the Feds, States, or an independent entity, should not, in effect, establish a national data bank.
- b. Any system should be subject to independent audit and monitoring. System managers should not have audit control.



DOMESTIC COUNCIL COMMITTEE  
ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

Phil —

6/18

FYI as per  
telecom. —

George




DOMESTIC COUNCIL COMMITTEE ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

June 18, 1975

MEMORANDUM FOR: LYNN MAY  
STAFF ASSISTANT  
DOMESTIC COUNCIL

FROM: GEORGE B. TRUBOW 

SUBJECT: DOJ Proposed Regulations

This brief memorandum presents what I consider to be the three main issues that must be resolved before any plan for a national criminal justice information system can be considered or even proposed. The issues are:

1. The need for a CCH message-switching system measured against its cost.
2. The configuration and management of any such system in terms of Federal-State relations.
3. How to provide for privacy and security in system design and operation.

None of these preliminary issues is addressed in the DOJ plan currently circulating, even though resolution of these questions will help define the configuration of such a system. However, the DOJ regs, effective June 19, 1975, lay the foundation for the Department to implement its plan if it so chooses. The regs also make a decision on the question of "dedicated systems," a debate that has been raging for some time.

The focus in this memorandum is on the message switching plan and the dedication issue. The privacy guidelines in the regs (subparts A and B) are not discussed since I believe they will suffice as an interim measure until the passage of criminal justice information legislation.



1. Cost-effectiveness of a CCH system.

- a. Need. A recent GAO report, though based upon limited data, indicated very little use of CCH data by law enforcement agencies. Such a finding is not surprising, since police departments ought not to base arrest decisions on someone's prior record; the current NCIC wanted persons and stolen property data are probably sufficient for law enforcement purposes. If this is in fact so, then the questions are:
- i. Who needs CCH information for what purposes?
  - ii. What will be the system requirements from the standpoint of courts and corrections?
  - iii. Is there need for a real-time system?
- b. Cost. A further question that needs to be answered is what are the comparative costs to meet the identified needs as between various options:
- i. Upgrading NLETS;
  - ii. Upgrading NCIC;
  - iii. Establishing a new or separate system.

NOTE: If the Department desires a message-switching capability for its regional offices, something it does not now have and that would become possible through implementing its proposed plan, the capability should be established on FBI need, and not by piggybacking on CCH exchange capability.

2. Configuration and Management

- a. Federal State Relations. If at least 70% of CCH information is from State and local government, that argues persuasively, and perhaps conclusively, that a national information system should be subject to the policy control



of State and local government. Thus, whether or not the index or pointer or switch were physically within the facilities of a Federal, State, or independently established agency, policy and operation oversight should be under State-local control. The nature, composition, and authority of such an appropriate supervisory board must be carefully considered. Both NLETS and NCIC have advisory/supervisory boards comprised largely of system operators as distinguished from persons in policy-making roles.

- b. Dedication. The dedication requirement should not be mandated. There is no privacy/security benefit from a dedicated system that could not be achieved from a properly designed, shared system. Dedication cannot be justified on privacy grounds. Therefore, it ought to be within the discretion of State and local authorities whether they dedicate their own systems. The Feds should not mandate it.

3. Privacy/Security in System Design and Operation

- a. The Administration has expressed policy (witness FEDNET) against a central national data bank. Thus, any system design, whether operated by the Feds, States, or an independent entity, should not, in effect, establish a national data bank.
- b. Any system should be subject to independent audit and monitoring. System managers should not have audit control.



THE WHITE HOUSE

WASHINGTON

June 24, 1975

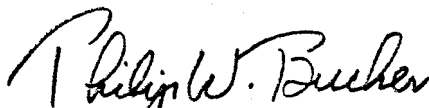
LEAA

Dear Mr. Anthony:

Thank you for your telegram concerning the Office of National Priority Programs in the Law Enforcement Assistance Administration (LEAA). We have checked with the LEAA which assures us that the program continues to have a top priority, and that while organizational changes cannot be ruled out, the substance of this program is considered important and will continue.

Thank you for your interest.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mr. Mark Anthony  
3808 Riverside Drive  
Burbank, California 91505





2  
3 445  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

The White House  
Washington

WHAD11(1245):(2-822194E171)PB 86/28/75 1245

1CS IPMRNCZ CSP

1975 JUN 20 PM 1 57

2138486646 TORN BURBANK CA 76-86-28 1245P EST

PMS PRESIDENT GERALD FORD

WHITE HOUSE DC 20500

ATTENTION PHILLIP BUCHEN COUNSEL TO THE PRESIDENT

IT HAS COME TO MY ATTENTION THAT THE ADMINISTRATOR OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION IS REORGANIZING, AND EITHER ABOLISHING OR ALTERING THE OFFICE OF NATIONAL PRIORITY PROGRAMS. THIS IS A TREMENDOUS ERROR. I WORKED WITH THAT OFFICE TO MAKE SEVERAL CITIZENS PUBLIC SERVICE ANNOUNCEMENTS WHICH ARE SUPERB. THESE PROGRAMS HOUSE YOUR PRIORITIES, AND CANNOT BE MOVED TO THE BASEMENT OF THE BUREAUCRACY

MARK ANTHONY 3898 RIVERSIDE DR BURBANK CA 91505

NNNN

GERALD R. FORD LIBRARY