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*Date Copied*

## THE WHITE HOUSE

WASHINGTON

July 31, 1976

MEMORANDUM FOR

THE ATTORNEY GENERAL

I have reviewed the attached 1970 memorandum by former Solicitor General Erwin Griswold on the death penalty cases which Doug Marvin sent to me. In Griswold's memorandum, he indicated that in 1976 there were over 600 persons under sentence of death within the United States and that he was very concerned about the spectre of several hundred executions taking place within a short period of time.

While Justice Powell's ruling stays executions pending a decision on rehearing, it is possible that we eventually may be faced with a large number of executions taking place within a short time frame. However, I disagree with Griswold's conclusion that the Attorney General should emphasize the "responsibility of the chief executives of the states to take account of the special situation which is presented in the exercise of executive clemency." It is my opinion that if and when all avenues of appeal to the Supreme Court have been finally concluded and rejected, the governors of the individual states should make decisions on executive clemency without public or private advice from the Federal government. Doug indicated to me in his memorandum that you did not believe that Griswold's proposal was desirable. I thought you would want to know that I agree with your assessment.

*/s/*

Philip W. Buchen  
Counsel to the President



July 30, 1976

MEMORANDUM FOR

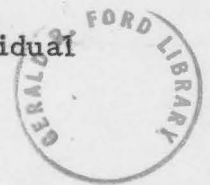
THE ATTORNEY GENERAL

FROM: PHILIP BUCHEN

*OK to  
type for  
my signature  
P*

I have reviewed the attached 1970 memorandum by former Solicitor General Erwin Griswold on the death penalty cases which Doug. Marvin sent to me. In Griswold's memorandum, he indicated that in 1976 there were over 600 persons under sentence of death within the United States and that he was very concerned about the spectre of several hundred executions taking place within a short period of time.

While Justice Powell's ruling stays executions pending a decision on rehearing, it is possible that we eventually may be faced with a large number of executions taking place within a short timeframe. However, I disagree with Griswold's conclusion that the Attorney General should emphasize the "responsibility of the chief executives of the states to take account of the special situation which is presented in the exercise of executive clemency." It is my opinion that if and when all avenues of appeal to the Supreme Court have been finally concluded and rejected, the governors of the individual



states should make decisions on executive clemency without public or private advice from the Federal government. Doug indicated to me in his memorandum that you did not believe that Griswold's proposal was desirable. I thought you would want to know that I agree with your assessment.



THE WHITE HOUSE

WASHINGTON

July 23, 1976

MEMORANDUM FOR: BOBBIE KILBERG

FROM: PHIL BUCHEN *P.*

Please review the attached memorandum from  
Doug Marvin to me.

May I have your comments?

Attachments





Office of the Attorney General  
Washington, D. C. 20530

July 19, 1976

TO: MR. BUCHEN  
FROM: DOUG MARVIN

Mr. Levi asked me to send to you the attached memorandum which was prepared by Solicitor General Erwin Griswold for the McGautha case which was decided in 1970. He thought that you should see this proposal. The view expressed in the proposal is currently shared by some people in the Department, but Mr. Levi's own view is that he does not think such a proposal is desirable.



November 2, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

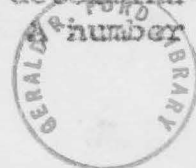
RE: McGautha v. California, No. 203  
Crampton v. Ohio, No. 204, October  
Term, 1970

There is a very difficult and important problem in connection with these cases, which I want to put before you for your consideration, and, I think, appropriate action.

These cases involve questions with respect to capital punishment, specifically: (1) whether the Constitution requires that standards be specified in legislation when the jury makes the determination between the death penalty and imprisonment, and (2) whether the Constitution requires that there be a "bifurcated" trial, with the determination of guilt in one trial, and the determination of the penalty in a separate trial.

A case involving similar questions, and other related questions, too, came to the Supreme Court in 1968. It was argued on March 4, 1969, and reargued on May 4, 1970. In June, 1970, the Court found a way to dispose of the case without deciding the ultimate questions. Maxwell v. Bishop, 398 U.S. 262. At the same time, it granted review in the McGautha and Crampton cases, and invited the Solicitor General to file a brief, and to take part in the oral argument. On that invitation, I have filed a brief. I sent a copy of it to you a while ago. The cases have been set for argument on Monday, November 9, 1970, and I will participate at that time.

As far as the question of law in the case is concerned, I have no difficulty. It may or may not be desirable for states to adopt legislation (a) specifying standards for the guidance of the jury in this determination, and (b) providing for bifurcated trials.



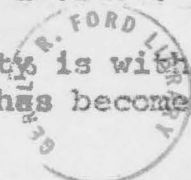
of states have already provided for the split trials, and there has been a good deal of talk about standards, but there has been no widespread legislative action. My view, which is the one presented in the brief we filed, is that these are appropriate matters for consideration and experimentation by the states and the federal government, but that they should not be regarded as required by the Constitution, and, in particular, should not be frozen into the Constitution.

This problem, and related problems, have been brewing before the courts for the past three years or so. For the more than two years that Maxwell v. Bishop was pending before the Supreme Court (and for about a year before) all executions have been stayed, either by executive or judicial action. I believe that there has not been any execution in the United States now for nearly three years, perhaps longer. I understand that there are now over six hundred persons under sentence of death in the United States.

As I have indicated, my expectation is that the Court will hold that the Constitution does not require the procedures advanced in these cases, but that they are a matter for the judgment of the legislatures of the several states. When that is decided, all of the outstanding death sentences will be available for enforcement. The spectre of several hundred executions is rather appalling.

Of course, many of these people are a rather bad lot, and many of their crimes have been atrocious. Nevertheless, we have never had in this country anything like mass executions. In various ways, domestic reaction might be serious. Claims of racial discrimination would surely be made. Moreover, the impact on the rest of the world if there should be five or six hundred executions within a few months would obviously be very bad. It seems to me that it would be extremely wise if, somehow or other, such an aftermath from the situation could be avoided.

Of course, the basic responsibility is with the states. Nevertheless, the United States has become





involved in the cases pending before the Court, by the Court's invitation. And the states are diverse, and may well be looking for some sort of leadership to help them out of the difficult situation with which they may be confronted if the Supreme Court decides as I rather expect it to do.

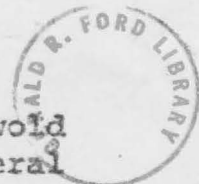
Would it not be appropriate for the Attorney General, in a statement or a public address, to emphasize the responsibility of the chief executives of the states to take account of the special situation which is presented in the exercise of executive clemency? Would it not be a national catastrophe if there were not widespread commutations in these cases? Should not a national Administration concerned with the quality and impact of state enforcement of the criminal law help the states to find ways to cushion the blow that lies ahead?

As I said at the beginning, this is a very difficult problem. However, I have felt that I must put it before you, and my own recommendation is that such a statement should be made.

The timing of a statement is a matter of further difficulty. Should it be before the cases are argued in the Supreme Court? On the whole, I think not, but I am not sure. If not then, I think that it should be done quite promptly after any decision of the Supreme Court. If that is the conclusion as to timing, it would be wise, I think, to have the statement prepared, and to be ready to issue it promptly after the Supreme Court's decision.

Of course, I will be glad to talk with you about this.

Erwin N. Griswold  
Solicitor General



THE WHITE HOUSE

WASHINGTON

August 10, 1976

*Justice  
Cec NSC*

MEMORANDUM FOR

LEON ULMAN  
DEPUTY ASSISTANT ATTORNEY GENERAL  
OFFICE OF LEGAL COUNSEL  
DEPARTMENT OF JUSTICE

Subject: Declassification of Memorandum  
to President Eisenhower

In response to your memorandum of July 22, 1976, I am returning the materials in question and can report to you that neither the NSC staff nor our office has any objection to the declassification of this document.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

THE WHITE HOUSE

WASHINGTON

August 11, 1976

MEMORANDUM FOR: DON OGILVIE

FROM: PHIL BUCHEN *P.*

Attached is a copy of a memorandum sent to me by John E. Murphy, Deputy Administrator of the Agency for International Development. I would like to arrange a meeting next week on this subject and would appreciate your being able to attend. I have also sent a copy of this to Assistant Attorney General Scalia and will ask him to participate also.

Attachment



*Justice*

THE WHITE HOUSE  
WASHINGTON

August 10, 1976

MEMORANDUM FOR

ANTONIN SCALIA  
ASSISTANT ATTORNEY GENERAL  
OFFICE OF LEGAL COUNSEL  
DEPARTMENT OF JUSTICE

Attached is a copy of a memorandum sent to me by John E. Murphy, Deputy Administrator of the Agency for International Development. Inasmuch as the issues raised relate closely to the work we have done together in trying to resist legislative encroachment on the executive function, I think it would be appropriate if you or someone else you designate could meet with Mr. Murphy and me, along with others whom he has suggested. Please call me, and I will set up the meeting.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

Attachment

cc: John E. Murphy



DEPARTMENT OF STATE  
AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON

DEPUTY ADMINISTRATOR

AUG 9 1976

MEMORANDUM FOR HONORABLE PHILIP BUCHEN  
Counsel to the President  
The White House

SUBJECT: Requirements for Appropriation Committee Approval  
of Foreign Assistance Activities

HR 12203, the Foreign Assistance and Related Programs Appropriation Act, 1976, and the Transition Quarter, contains a provision requiring the approval of the Appropriations Committees before obligations may be made for certain foreign assistance activities funded under the Act. In signing this bill into law, the President stated that he viewed this provision as being a violation of the constitutional doctrine of separation of powers. The President also stated that the Executive Branch would continue to keep the Congress fully informed regarding programs under the Act, but that he could not concur in the delegation of the powers of appropriation to two committees of Congress (full statement attached). AID concludes from the President's signing statement that pertinent departments and agencies of the Executive Branch are not to regard disapproval of a specific activity by an appropriations committee as a legal prohibition to the obligation of funds for the activity.

We are, of course, always willing to consult with the Appropriations Committees regarding specific objections they may have to a particular program or project. Further, pursuant to the President's directive, we have continued to advise the Appropriations Committees of program or project changes during the Transition Quarter. We have done this with the understanding that we are submitting these changes in an effort to keep the Congress fully informed, and not pursuant to that portion of HR 12203 that requires the approval of changes by the Appropriations Committees.

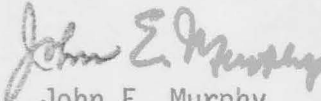
Thus far, we have not encountered any difficulty in this procedure. The Appropriations Committees have not formally objected to any of the changes we have submitted. We expect, however, that there will be programs and projects funded during the Transition Quarter that will meet with a formal disapproval by one or both of the Appropriations Committees.



A specific example of a program which we anticipate may be subject of such objection is the proposed \$10 million supporting assistance program for Mozambique. This program is currently ready for funding. We have every expectation that the House or Senate Appropriations Committee, or both, will interpose a formal disapproval pursuant to the committee approval provision in this year's appropriation act. I am alerting you to this possibility at the present time because informing the Committees of this project has the potential of resulting in a constitutional confrontation between the Executive Branch and the Congress. We believe it is extremely important that we closely coordinate this matter with you so that you will be aware of the timing of any submissions to the Congress regarding program changes which may be of a controversial nature.

We are particularly anxious that our understanding regarding the intent of the President's signing statement is correct, and that we may assume that we can obligate funds for specific projects notwithstanding a formal disapproval of such projects by one or both of the Appropriations Committees.

I propose a meeting at your earliest convenience between you or your staff and Denis M. Neill, Assistant Administrator for Legislative Affairs and Walter E. Warren, Acting General Counsel, to discuss this matter and arrive at a conclusion as to the application of the President's signing statement.

  
John E. Murphy

Attachment

Statement by the President



THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have signed H.R. 12203, the Foreign Assistance and Related Programs Appropriation Act, 1976, and the period ending September 30, 1976. The bill appropriates funds for a variety of programs in support of U.S. foreign policy objectives, most importantly our pursuit of a peaceful solution the the problems of the Middle East.

Nevertheless, I have serious reservations regarding one element of the bill, and believe it is necessary to comment on why I have signed the bill notwithstanding my objections to it.

Title I of the bill contains a provision which conditions the availability of appropriated funds, in certain instances, upon the acquiescence of the Appropriations Committees of each House of Congress. This requirement violates the fundamental constitutional doctrine of separation of powers. While similar provisions have been included in congressional enactments, and have been found objectionable on these grounds, this particular requirement is especially onerous in that it intrudes upon the execution of programs in nineteen different appropriation categories.

Since I view this provision as severable from what is an otherwise valid exercise of legislative authority, and because it is presented for my signature in the last week of the fiscal year, I am not withholding my approval. We shall continue to work with the Appropriations Committees, as with all Committees of the Congress, in a spirit of cooperation. We shall continue to keep the Congress fully informed on a current basis on the execution of the laws. However, we shall not concur in a delegation of the powers of appropriation to two Committees of Congress.



THE WHITE HOUSE  
WASHINGTON

*Justice*

September 2, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP W. BUCHEN *P.*

SUBJECT: Director Kelley of the FBI

Attached in the sealed envelope is the Attorney General's report to you on the above subject.

Attachment





THE WHITE HOUSE  
WASHINGTON

5/10/76

September 28, 1976

MEMORANDUM FOR THE PRESIDENT

THROUGH: RICHARD CHENEY

FROM: PHILIP W. BUCHEN *P.*

For some time, the Attorney General has been wanting to appoint an Advisory Committee to the FBI consisting of seven distinguished members. He has already talked to the persons he wants to serve on the Committee, but he held up activating the Committee until the publicity concerning Director Kelley had died down.

Now the Attorney General believes it is appropriate for him to announce the Committee and to have it start functioning, but he wanted clearance from you before doing so.

The names of the persons who would serve on the Committee are attached at TAB A.

Attachment





Office of the Attorney General  
Washington, D. C. 20530

September 24, 1976

TO: PHILIP W. BUCHEN  
FROM: EDWARD H. LEVI

The seven-member advisory committee to the FBI would report to the Director of the FBI and to the Attorney General on policy questions facing the Bureau. It would include the following:

Frank Remington, as Chairman, who is a professor of law at the University of Wisconsin and a well-known authority on criminal law;

Hanna Gray, who is the Provost at Yale University and therefore has one of the most outstanding positions of any woman in the academic world;

Rita Hauser, who is well known to you;

Edward Rothschild, who is one of the leading lawyers in Illinois;

Gaylord Freeman, who is well known to you, I am sure;

Clarence Ferguson, who is one of the leading law professors and, as his biography indicates, makes the group more representative; and

Dallin Oaks, who is President of Brigham Young University and of course well known to you.



EDWARD I. ROTHSCHILD

Born: November 6, 1921, in Chicago, Illinois

Attorney in Private practice in Chicago.

A.B., Harvard University, 1942; Harvard Law School, 1948.  
Phi Beta Kappa. Member of Board of Editors, Harvard Law Review, 1947-48.

Chairman, Committee on Character and Fitness, Supreme Court of Illinois, 1959-1960.

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GAYLORD FREEMAN

Born: January 19, 1910, in Chicago, Illinois

Retired Chairman, First National Bank of Chicago

A.B., Dartmouth, 1931; LL.D., 1962, and LL.B., 1934, both from Harvard.

Joined First National Bank as an attorney, 1940, and served the bank in executive posts, including chairman and chief executive officer.

Admitted to Bar, 1934.

Married, four children.

---

CLARENCE CLYDE FERGUSON, JR.

Born: November 4, 1924, in Wilmington, North Carolina

Visiting professor of Law, Harvard University

A.B., Ohio State, 1948; LL.B., Harvard, 1951; LL.D., Rutgers, 1966.

Has served variously as a law professor, a Federal prosecutor in New York City, as general counsel of the U.S. Civil Rights Commission, Dean of the Howard Law School, Ambassador to Uganda, Deputy Assistant Secretary of State for African Affairs, and as U.S. representative to the Economic and Social Council of the United Nations.

Married, three children.

RITA HAUSER

Born: July 12, 1934, in New York, New York

Attorney in private practice in New York City with the firm of Strock & Strock & Lavan.

A.B., Hunter College, 1954; LL.B., Harvard University and New York University Law School, 1958; LL.D. University of Miami.

In addition, holds Doctorate in Political Economy, University of Strasbourg, France, 1955; License en droit (French LL.B.), University of Paris Law Faculty, 1958.

Has served variously as U.S. Representative to the United Nations Commission on Human Rights, 1969-1972, the United States Delegation to the 24th United Nations General Assembly, Vice Chairman, U.S. Advisory Commission on International Educational and Cultural Affairs, and Co-Chairman, '76 Presidential Debates, Project of League of Women Voters Educational Fund, as well as a representative to numerous international and cultural conferences throughout the world.

Married, two children.

---

FRANK REMINGTON

Born: 1922

Professor of Law, University of Wisconsin.

Bachelor degree, University of Wisconsin, 1947; LL.B., 1949.

Assistant professor of law, 1949, full professor, 1955 to present.

Married.

---

HANNA HOLBORN GRAY

Born: October 25, 1930, in Germany

Provost and Professor of History, Yale University, June, 1974 to present.

Dean of College of Arts and Sciences, Northwestern University, 1972 to June, 1974; Professor of History, University of Chicago, 1961 to 1972.

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DALLIN HARRIS OAKS

Born: August 12, 1932, in Provo, Utah.

President, Brigham Young University, since 1971.

B.A., Brigham Young University, 1954; J.D., University of Chicago, 1957.

Served as law clerk to Supreme Court Justice Earl Warren from 1957-58. In 1958 he joined the law firm of Kirkland, Ellis, Hodson, Chaffetz & Masters, until 1961 when he became a member of the faculty, University of Chicago Law School. From 1964 to 1971 he served as a Professor at the University of Chicago Law School, during which time he also held the position of Assistant States Attorney for Cook County, Illinois (1965).

Admitted to Illinois Bar, 1957.

Married, five children.

\* \* \*

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

October 4, 1976

MEMORANDUM NO. 836

TO ALL UNITED STATES ATTORNEYS

Subject: Federal Election Laws and Election Day Procedures

As you are aware, on May 11, 1976, President Ford signed into law the Federal Election Campaign Act Amendments of 1976 (Public Law 94-283), which changed the substance and enforcement procedures pertaining to most of the Federal statutes dealing with unfair campaign practices and campaign finance.

Most significantly, this recent legislation prospectively repealed 18 U.S.C. 608 through 617 inclusive; transferred the substance of these statutes to the Federal Election Campaign Act, where they have been codified as 2 U.S.C. 441a-441i inclusive; amended the enforcement section governing the FECA (2 U.S.C. 437g) by adding thereto several new civil and non-judicial remedial procedures for unintentional violations of the Act; repealed the FECA's old criminal penalty (2 U.S.C. 441); and replaced it with a new criminal sanction which applies only to violations of the FECA which are aggravated in both amount and the manner in which they were committed (2 U.S.C. 441j).

18 U.S.C. 608 through 617 remain effective with respect to conduct occurring before May 11, 1976, while their reincarnation in the FECA governs violations that take place after that date. The Criminal Division and the United States Attorneys will retain prosecutive jurisdiction and the Federal Bureau of Investigation will retain investigative jurisdiction over violations of 18 U.S.C. 608 through 617 (which occurred prior to May 11, 1976) as well as over conduct occurring after May 11th which violates the Federal Election Campaign Act and its new criminal penalty section (2 U.S.C. 441j).

We are enclosing herewith a publication prepared by the Federal Election Commission setting forth a codification of the amended Federal Election Campaign Act, showing additions thereto and deletions therefrom effected through Public Law 94-283. In addition, we are presently in the process of producing a manual for your use explaining in detail all of the Federal election laws as they exist following the adoption of Public Law 94-283, as well as enforcement procedures

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which United States Attorneys should follow in these matters. This manual will be sent to you shortly.

On September 27, 1976, the Elections Unit of the Criminal Division was transferred from the Fraud Section to the Public Integrity Section, along with the three Criminal Division attorneys who have heretofore handled these statutes: Robert A. Hickey, Craig C. Donsanto and Randall B. Miller. Any question which you may have concerning enforcement of the FECA, should be directed to them at FTS telephone numbers 739-4201, 4202 and 4204.

With respect to Election Day procedures, the Public Integrity Section of the Criminal Division will remain open on Election Day, November 2, 1976, until all polls are closed. Should an election law matter arise which merits immediate consideration, the above attorneys may be dialed directly at the telephone extensions noted. An Assistant United States Attorney should be assigned by you to remain on duty until the balloting is completed in your District. A public statement to this effect, and noting the telephone where you or your representatives may be reached should be made by you prior to Election Day.

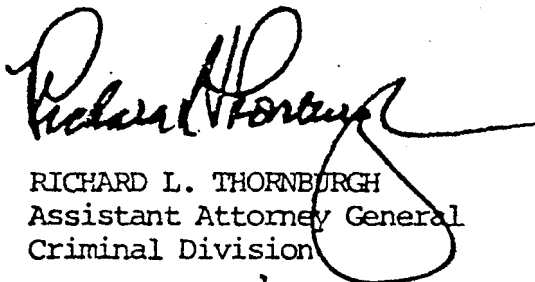
Primary responsibility for the conduct and supervision of elections rests with the States and their respective officials. There are, however, several Federal statutes dealing with corruption of the Federal franchise which are apt to give rise to Election Day complaints that are the investigative and prosecutive responsibility of the Department of Justice. Most notable among these are 18 U.S.C. 241 and 242, which prohibit among other things the corruption or deprivation of the Federal franchise through ballot box "stuffing" and illegal casting of absentee ballots. In addition, there are 18 U.S.C. 594, which specifically prohibits intimidation or coercion of voters in connection with their right to vote for a candidate for Federal office; 18 U.S.C. 597, which specifically prohibits vote-buying in connection with the exercise of their Federal franchise; and 42 U.S.C. 1973(i)(c), which, among other things, prohibits the giving of certain types of false information to voter registration officials for the purpose of securing the franchise in an election in which there are Federal candidates on the ballot. Investigative jurisdiction over these statutes rests solely with the Federal Bureau of Investigation.

It should be noted that Federal laws make no provision for enjoining illegal activities that may take place on Election Day at the polls, even if they are violative of one of the Federal laws discussed above, unless there is evidence of



racial discrimination. If racial discrimination is involved, the Voting Rights Section of the Civil Rights Division has jurisdiction. Investigations of apparent violations that are reported to you on Election Day should be prompt and impartial, with the Federal Bureau of Investigation being requested to interview complainants immediately. Investigative efforts on Election Day will, however, be for the sole purpose of determining whether or not a potential violation of Federal law has occurred, and no criminal charges should be filed, or grand jury process served, without prior approval from the Public Integrity Section of this Division.

Finally, you should be aware that under the present status of the law in every State except Illinois, Federal law enforcement officers are not permitted to enter the polls on Election Day either to observe, conduct interviews or any other type of investigation. Accordingly, the Federal Bureau of Investigation, the U. S. Marshals Service, or other Federal personnel may not serve as poll watchers or monitors on Election Day.

  
RICHARD L. THORNBURGH  
Assistant Attorney General  
Criminal Division

Enclosure





Will call again

Returned your call

Is waiting to see you

Wishes an appointment

MESSAGE

Has been called by

Has been called by

*Justice*

RECEIVED BY  
OF CITY

RECEIVED BY

DATE

TIME

STANDARD FORM 63  
REVISED AUGUST 1967  
GSA FPMR (41 CFR) 101-11.8

5010-108-02-50-0000-1 501-500

63-150

THE WHITE HOUSE  
WASHINGTON

November 22, 1976

Dear Mr. Carleton:

On behalf of the President, I acknowledge receipt of your letter of November 15 concerning the investigations of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,

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

Mr. Guy E. Carleton  
560 Lindley Terrace  
Port Charlotte, Florida 33952



THE WHITE HOUSE  
WASHINGTON


December 14, 1976

Dear Miss Bassett:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,



Philip W. Buchen  
Counsel to the President

Miss Ida L. Bassett  
Apartment 10H  
4750 North Central  
Phoenix, Arizona 85012



*Bassett,  
Ida L.*

THE WHITE HOUSE  
WASHINGTON

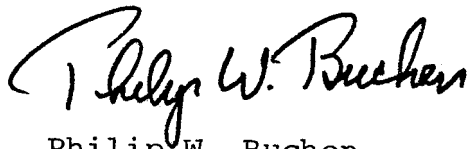
December 14, 1976

Dear Mrs. Whitehead:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mrs. T. E. Whitehead  
315 East Hathaway Drive  
San Antonio, Texas 78209

*Whitehead,  
T.E.*



THE WHITE HOUSE  
WASHINGTON

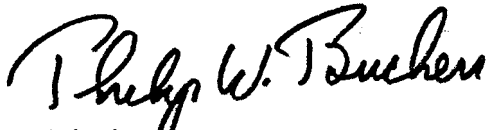
December 14, 1976

Dear Mr. Leonard:

On behalf of the President, I acknowledge receipt of your message concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mr. Frank E. Leonard  
Brier Circle  
South Yarmouth, Massachusetts 02664

*Leonard's  
Frank E.*



THE WHITE HOUSE  
WASHINGTON

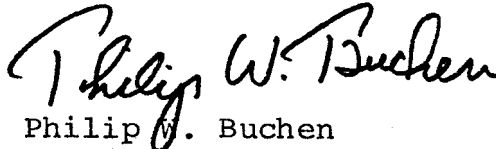
December 14, 1976

Dear Mr. Lewis:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,

  
Philip W. Buchen  
Counsel to the President

Mr. Ernest A. Lewis  
11445 Lake Wildwood Drive  
Smartville, California 95977

*Lewis  
Ernest A.*



THE WHITE HOUSE  
WASHINGTON

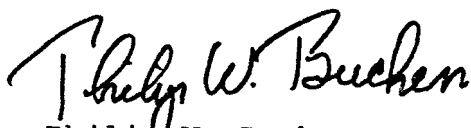
December 14, 1976

Dear Mr. and Mrs. Williams:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mr. and Mrs. Benjamin F. Williams  
146-61 Lakewood Avenue  
Jamaica, New York 11435

*Williams,  
Benjamin F.*



THE WHITE HOUSE  
WASHINGTON

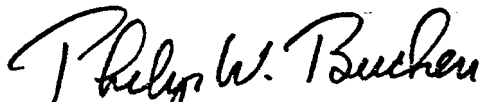
December 14, 1976

Dear Mr. McGovern:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mr. James L. McGovern  
2689 Canna Ridge Circle, NE.  
Atlanta, Georgia 30345

*McGovern,  
James L.*

NO LIES



THE WHITE HOUSE  
WASHINGTON

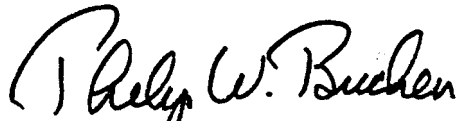
December 14, 1976

Dear Mr. Lewis:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mr. Thomas W. Lewis  
56 South Lawn Avenue  
Elmsford, New York 10523

*Lewis, W.  
Thomas W.*

LIBRARY

THE WHITE HOUSE  
WASHINGTON

December 14, 1976

Dear Mr. Robinson:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

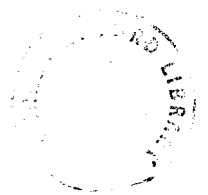
Sincerely,



Philip W. Buchen  
Counsel to the President

Mr. J. L. Robinson  
36099 Cathedral Canyon Drive  
Cathedral City, California 92234

*Robinson*



THE WHITE HOUSE  
WASHINGTON

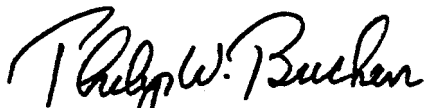
December 14, 1976

Dear Mr. Greiner:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mr. George Greiner  
125 West Main Street  
Port Jervis, New York 12771

*Greiner  
12/14/76*



THE WHITE HOUSE  
WASHINGTON

December 14, 1976

Dear Mayor Laflin:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

The Honorable James C. Laflin  
Mayor of Clayton  
10 North Bemiston Avenue  
Clayton, Missouri 63105

*Laflin  
James C.*

GERAL

THE WHITE HOUSE  
WASHINGTON

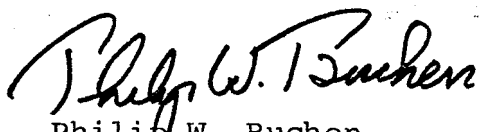
December 14, 1976

Dear Mrs. Landers:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mrs. Sterling Landers.  
451 West Hoffer Street  
Banning, California 92220

*Landers,  
Sterling*



THE WHITE HOUSE  
WASHINGTON


December 14, 1976.

Dear Mr. and Mrs. Chausse:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

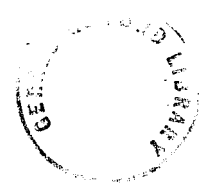
We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,

  
Philip W. Buchen  
Counsel to the President

Mr. and Mrs. V. A. Chausse  
Rural Route 1, Box 46  
Butler, Illinois 62015

*Chausse,  
V. A.  
m m*



THE WHITE HOUSE  
WASHINGTON

December 14, 1976

Dear Mr. and Mrs. Nelson:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,

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

Mr. and Mrs. Harold E. Nelson  
4838 Kaye Road  
Memphis, Tennessee 38117

*Nelson,  
Harold E.  
Mrs.*



THE WHITE HOUSE  
WASHINGTON

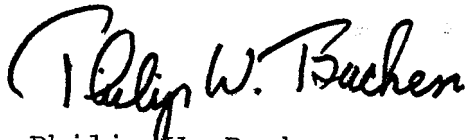
December 14, 1976

Dear Mrs. Fity:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mrs. Charles F. Fity  
30 Secatogue Lane, East  
West Islip, New York 11795

*Fity?  
Charles F.*





THE WHITE HOUSE  
WASHINGTON

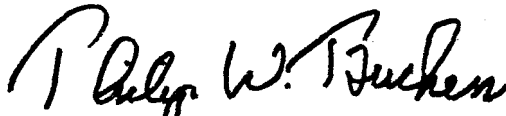
December 14, 1976

Dear Mrs. Webb:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mrs. William C. Webb  
485 East Emmett Street  
Battle Creek, Michigan 49017

*Mrs. Webb  
W.C.*

THE WHITE HOUSE  
WASHINGTON

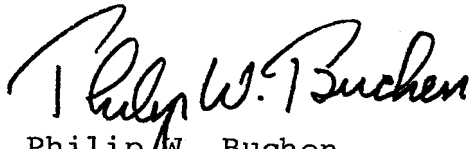
December 14, 1976

Dear Mrs. Schussler:

On behalf of the President, I acknowledge receipt of your letter concerning the investigation of the FBI and CIA agents.

We appreciate your views and will certainly take them into consideration. However, this is a matter which is primarily the concern of the Attorney General and is not one in which the President should ordinarily intercede.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mrs. Marie P. Schussler  
80 Florence Street  
Kingston, New York 12401

*Schussler,  
Marie P.*



THE WHITE HOUSE

WASHINGTON

November 26, 1976

MEMORANDUM FOR:

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

SUBJECT: Disposition of Gerald R. Ford  
papers and other materials  
of historical value

Attached is a draft of letter agreement and three annexes dealing with the above subject.

This draft was prepared for discussion purposes only and is subject to changes based upon discussions with the interested parties, including you, the National Archivist, the University of Michigan, and the Ford Commemorative Committee at Grand Rapids, Michigan.

One particular paragraph on which I would like your comments is paragraph III of Annex A. In the past, the President had writings of his published, including a book entitled "Portrait of The Assassin," based on the work of the Warren Commission. In addition, he undoubtedly will be writing for publication after his term as President ends. By the conveyance he should not give away or dilute his rights in that regard. On the other hand, both the University and the U. S. Government should have unrestricted rights for publications which draw upon the materials in the Ford Library. I am not sure that the paragraph as drafted correctly carries out these purposes.

I would appreciate having your preliminary verbal comments on Monday morning, November 29th.

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

Attachments



*Justice*

THE WHITE HOUSE  
WASHINGTON

December 6, 1976

MEMORANDUM FOR

The Honorable Edward H. Levi  
Attorney General  
Department of Justice

As you and I discussed with Jack Marsh, I replied to the November 16 letter from Chairman Flynt and Congressman Spence. Copies of both the incoming letter and of my replies are attached.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

Attachments

cc: Jack Marsh  
Max Friedersdorf  
Ron Nessen



THE WHITE HOUSE

WASHINGTON

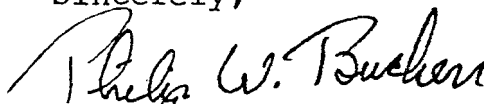
December 6, 1976

Dear Mr. Spence:

In behalf of the President, I am replying to the joint letter from you and Chairman Flynt dated November 16, 1976, which was received on November 23. In the letter you ask the President to consider directing the Attorney General to reverse a Justice Department policy that has prevailed since at least 1956 and to furnish your Committee with information developed by that Department in its law enforcement investigation of alleged activities by or in behalf of the Republic of Korea as they may have involved any Member of the House of Representatives.

Because of the bearing that your request could have on a long-standing policy of the Department of Justice, I have been asked to refer your letter to Attorney General Levi for his comments.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable Floyd D. Spence  
Ranking Minority Member  
Committee on Standards of Official Conduct  
United States House of Representatives  
Washington, D. C. 20515



THE WHITE HOUSE

WASHINGTON

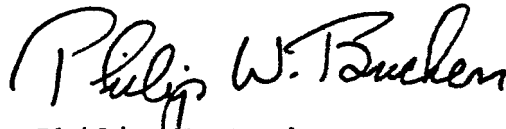
December 6, 1976

Dear Mr. Chairman:

In behalf of the President, I am replying to the joint letter from you and Mr. Spence dated November 16, 1976, which was received on November 23. In the letter you ask the President to consider directing the Attorney General to reverse a Justice Department policy that has prevailed since at least 1956 and to furnish your Committee with information developed by that Department in its law enforcement investigation of alleged activities by or in behalf of the Republic of Korea as they may have involved any Member of the House of Representatives.

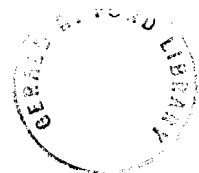
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Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable John J. Flynt, Jr.  
Chairman  
Committee on Standards of Official Conduct  
United States House of Representatives  
Washington, D. C. 20515



MELVIN PRICE, ILL.  
OLIN E. TEAGUE, TEX.  
F. EDWARD HEBERT, LA.  
THOMAS S. FOLEY, WASH.  
CHARLES E. BENNETT, FLA.

11-23  
FLOYD D. SPENCE, S.C.  
JAMES H. QUILLEN, TENN.  
EDWARD HUTCHINSON, MICH.  
ALBERT H. QUIE, MINN.  
DONALD J. MITCHELL, N.Y.  
THAD COCHRAN, MISS.

## U.S. House of Representatives

COMMITTEE ON STANDARDS OF  
OFFICIAL CONDUCT

Washington, D.C. 20515

JOHN M. SWANNER, STAFF DIRECTOR

NINETY-FOURTH CONGRESS

JOHN J. FLYNT, JR. (GA.), CHAIRMAN

16 November 1976

Honorable Gerald R. Ford  
The President  
The White House  
Washington, D. C. 20500

Dear Mr. President:

Recent news accounts attribute to unnamed sources in the Department of Justice the indication that there is underway by the Public Integrity Section of the Department of Justice, an investigation of alleged improprieties on the part of a number of persons including Members of the Congress which relate to alleged activities of the Republic of Korea or individuals acting for the Korean government. As we are sure you will appreciate, this is a cause of grave concern to this Committee.

While we are fully aware that the U. S. Constitution delegates to the executive branch the responsibility to enforce the law, and that the traditional separation of powers principle perhaps entitles the Department of Justice to withhold information relating to this alleged investigation, a much broader question of good public order is involved.

As a practical matter, the Congress is not as well equipped to pursue extensive investigations as is the Department of Justice. Even if the Congress provided itself with comparable facilities, to do so could be counter-productive at best and self-defeating at worst.

It strikes us as complete common sense for information that comes to the attention of the Department of Justice in an investigation of a Member of the House of Representatives, to be shared with this Committee. Since neither the Executive nor the Legislative branches can influence the results of any disciplinary action by the other, we see no harm whatever to sound constitutional principles and tradition.



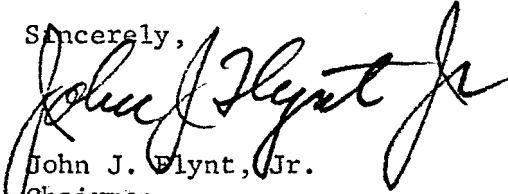
Honorable Gerald R. Ford  
Page 2  
16 November 1976

Quite on the contrary it seems clear that a far greater public benefit is served by each pursuing his respective responsibility armed with the maximum facilities available.

We are aware of the Attorney General's Order No. 116-56, May 15, 1956, which we understand remains Department policy. Notwithstanding, we believe that for the reasons set forth an exception to that Order as relates to information regarding Members of the House of Representatives is more clearly in the public interest.

Accordingly, we ask you to give thoughtful consideration to this request and direct the Attorney General to provide this Committee with all information in his Department which relates to the official conduct of Members of the House of Representatives.

Sincerely,



John J. Flynt, Jr.  
Chairman



Floyd D. Spence  
Ranking Minority Member





THE WHITE HOUSE  
WASHINGTON  
December 21, 1976

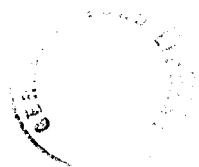
MEMORANDUM FOR: ED SCHMULTS

FROM: PHIL BUCHEN *P.*

Attached is a file on a letter from Congressmen  
Spence and Flynt concerning the Justice Department.

I leave it with you in case any follow-up is needed  
during my absence.

Attachment



THE WHITE HOUSE

WASHINGTON

December 6, 1976

MEMORANDUM FOR

The Honorable Edward H. Levi  
Attorney General  
Department of Justice

As you and I discussed with Jack Marsh, I replied to the November 16 letter from Chairman Flynt and Congressman Spence. Copies of both the incoming letter and of my replies are attached.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

Attachments

cc: Jack Marsh  
Max Friedersdorf  
Ron Nessen



THE WHITE HOUSE

WASHINGTON

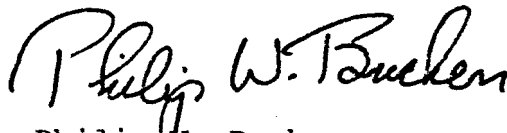
December 6, 1976

Dear Mr. Chairman:

In behalf of the President, I am replying to the joint letter from you and Mr. Spence dated November 16, 1976, which was received on November 23. In the letter you ask the President to consider directing the Attorney General to reverse a Justice Department policy that has prevailed since at least 1956 and to furnish your Committee with information developed by that Department in its law enforcement investigation of alleged activities by or in behalf of the Republic of Korea as they may have involved any Member of the House of Representatives.

Because of the bearing that your request could have on a long-standing policy of the Department of Justice, I have been asked to refer your letter to Attorney General Levi for his comments.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable John J. Flynt, Jr.  
Chairman  
Committee on Standards of Official Conduct  
United States House of Representatives  
Washington, D. C. 20515

THE WHITE HOUSE

WASHINGTON

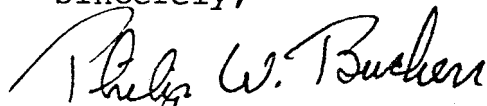
December 6, 1976

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In behalf of the President, I am replying to the joint letter from you and Chairman Flynt dated November 16, 1976, which was received on November 23. In the letter you ask the President to consider directing the Attorney General to reverse a Justice Department policy that has prevailed since at least 1956 and to furnish your Committee with information developed by that Department in its law enforcement investigation of alleged activities by or in behalf of the Republic of Korea as they may have involved any Member of the House of Representatives.

Because of the bearing that your request could have on a long-standing policy of the Department of Justice, I have been asked to refer your letter to Attorney General Levi for his comments.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable Floyd D. Spence  
Ranking Minority Member  
Committee on Standards of Official Conduct  
United States House of Representatives  
Washington, D. C. 20515



THE WHITE HOUSE

WASHINGTON

November 30, 1976

MEMORANDUM FOR: PHIL BUCHEN

FROM: JACK MARSH

There was referred to you an incoming letter to the President from the House Standards of Conduct Committee Chairman, Congressman Flynt. I believe the letter was co-signed by Congressman Spence, ranking Minority Member of this Committee.

The letter referred to certain information involving possible information in the Executive Branch relating to the conduct of Congressmen insofar as the Korean/Tongsun Park matter is concerned.

At a budget review session, the President raised a question on this letter and I think you and I should discuss this at your earliest opportunity, particularly how we should respond to the Chairman.

It occurred to me if a part of this is in the nature of a criminal investigation, you should proceed with great caution on the disclosure of information to the Committee and in all events, you should be guided by Justice.

Perhaps you, Ed Levi and I should get together to draft a response to the Flynt/Spence letter.



THE WHITE HOUSE

WASHINGTON

November 26, 1976

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

JACK MARSH *JM*

I am aware the attached has been referred to you. I think it would be helpful if we have a meeting of a small group of people to discuss this. As you are aware, it has potential for considerable difficulty.



THE WHITE HOUSE  
WASHINGTON

11/23/76

TO: Phil Buchen

FROM: Max Friedersdorf's ofc.

Attached not acknowledged.

Being sent to you for appropriate  
handling.

11-23

TEX.  
AND HERBERT, LA.  
THOMAS S. FOLEY, WASH.  
CHARLES E. BENNETT, FLA.

FLOYD D. SPENCE, S.C.  
JAMES H. GULLEN, TENN.  
EDWARD HUTCHINSON, MICH.  
ALBERT H. QUIE, MINN.  
DONALD J. MITCHELL, N.Y.  
THAD COCHRAN, MISS.

SM

# U.S. House of Representatives

COMMITTEE ON STANDARDS OF  
OFFICIAL CONDUCT

Washington, D.C. 20515

JOHN M. SWANNER, STAFF DIRECTOR

NINETY-FOURTH CONGRESS

JOHN J. FLYNT, JR. (GA.), CHAIRMAN

16 November 1976

Honorable Gerald R. Ford  
The President  
The White House  
Washington, D. C. 20500

Dear Mr. President:

Recent news accounts attribute to unnamed sources in the Department of Justice the indication that there is underway by the Public Integrity Section of the Department of Justice, an investigation of alleged improprieties on the part of a number of persons including Members of the Congress which relate to alleged activities of the Republic of Korea or individuals acting for the Korean government. As we are sure you will appreciate, this is a cause of grave concern to this Committee.

While we are fully aware that the U. S. Constitution delegates to the executive branch the responsibility to enforce the law, and that the traditional separation of powers principle perhaps entitles the Department of Justice to withhold information relating to this alleged investigation, a much broader question of good public order is involved.

As a practical matter, the Congress is not as well equipped to pursue extensive investigations as is the Department of Justice. Even if the Congress provided itself with comparable facilities, to do so could be counter-productive at best and self-defeating at worst.

It strikes us as complete common sense for information that comes to the attention of the Department of Justice in an investigation of a Member of the House of Representatives, to be shared with this Committee. Since neither the Executive nor the Legislative branches can influence the results of any disciplinary action by the other, we see no harm whatever to sound constitutional principles and tradition.





Honorable Gerald R. Ford

Page 2

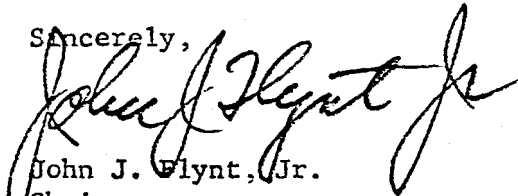
16 November 1976

Quite on the contrary it seems clear that a far greater public benefit is served by each pursuing his respective responsibility armed with the maximum facilities available.

We are aware of the Attorney General's Order No. 116-56, May 15, 1956, which we understand remains Department policy. Notwithstanding, we believe that for the reasons set forth an exception to that Order as relates to information regarding Members of the House of Representatives is more clearly in the public interest.

Accordingly, we ask you to give thoughtful consideration to this request and direct the Attorney General to provide this Committee with all information in his Department which relates to the official conduct of Members of the House of Representatives.

Sincerely,



John J. Flynt, Jr.  
Chairman



Floyd D. Spence  
Ranking Minority Member

